

N° 749.

**BELGIQUE
ET ROYAUME-UNI**

Echange de notes portant acceptation de l'Arrangement pour l'établissement d'une communication télégraphique directe entre le Congo belge et le Protectorat de l'Uganda, et l'Arrangement. Bruxelles, le 29 juillet 1924.

**BELGIUM
AND UNITED KINGDOM**

Exchange of Notes accepting the conditions of the Agreement providing for Direct Telegraphic Communication between the Belgian Congo and the Uganda Protectorate and the Agreement. Brussels, July 29, 1924.

No. 749. — EXCHANGE OF NOTES BETWEEN THE BELGIAN AND BRITISH GOVERNMENTS, ACCEPTING THE CONDITIONS OF THE AGREEMENT¹ PROVIDING FOR DIRECT TELEGRAPHIC COMMUNICATION BETWEEN THE BELGIAN CONGO AND THE UGANDA PROTECTORATE, AND THE AGREEMENT. BRUSSELS, JULY 29, 1924.

English and French official texts communicated by His Britannic Majesty's Foreign Office. The registration of this Exchange of Notes took place October 10, 1924.

² TRADUCTION. — TRANSLATION.

(1)

M. WINGFIELD A M. HYMANS.

BRUXELLES, le 29 juillet 1924.

MONSIEUR LE MINISTRE,

J'ai l'honneur, d'ordre du principal Secrétaire d'Etat aux Affaires étrangères de Sa Majesté britannique, d'informer Votre Excellence que le Gouvernement de Sa Majesté, étant désireux d'établir des communications directes entre le réseau télégraphique du Protectorat de l'Uganda et le réseau télégraphique du Congo belge, est disposé à accepter les conditions proposées dans l'arrangement ci-annexé, en remplacement de la Convention provisoire signée à Nairobi le 9 décembre 1921.

Si, comme je crois le comprendre, le Gouvernement belge approuve également les termes de cet arrangement, je me permets de demander à Votre Excellence de vouloir bien me confirmer cette acceptation formelle par une note qui, avec la présente, établira l'accord intervenu entre nos deux Gouvernements. L'accord entrera en vigueur à dater de cet échange de notes.

Je prie Votre Excellence, etc...

CHARLES WINGFIELD.

³ TRADUCTION. — TRANSLATION.

(2)

M. HYMANS TO MR. WINGFIELD.

MINISTRY FOR FOREIGN AFFAIRS,

BRUSSELS, July 29, 1924.

SIR,

I have the honour to acknowledge receipt of your note of the 29th July 1924, in which you were good enough to inform me that His Britannic Majesty's Government, being desirous of establishing

¹ Entered into force, July 29, 1924.

² Traduit par le Secrétariat de la Société des Nations.

³ Communiquée par le Ministère des Affaires étrangères de Sa Majesté britannique.

² Translated by the Secretariat of the League of Nations.

³ Communicated by His Britannic Majesty's Foreign Office.

des communications directes entre le Congo belge et le Protectorat de l'Uganda, est disposé à accepter les conditions proposées dans l'arrangement ci-annexé, en remplacement de la Convention provisoire signée à Nairobi le 9 décembre 1921.

J'ai l'honneur de vous informer que le Gouvernement belge, partageant le même désir, accepte les conditions dudit arrangement. Celui-ci entrera en vigueur dès ce jour.

Veuillez agréer, etc.

Pour le Ministre des Affaires étrangères, absent :

Le Ministre de la Justice,
F. MASSON.

ANNEX.

AGREEMENT BETWEEN THE UNITED KINGDOM AND BELGIUM WITH A VIEW TO PROVIDING DIRECT TELEGRAPHIC COMMUNICATION BETWEEN THE BELGIAN CONGO AND THE UGANDA PROTECTORATE.

Article 1.

The Uganda Protectorate undertakes to construct and maintain a telegraph line between Fort Portal, a telegraph station connected with its main telegraph system, and the Semliki Ferry, on the Fort Portal-Mboga road, where junction will be effected with a line which the Belgian Congo undertakes to construct and maintain between the said junction and a telegraph office on its system. Construction on both sides will be undertaken and completed without undue or unreasonable delay.

Article 2.

The exchange of telegrams over the line to be constructed will be governed by the provisions of the International Telegraph Convention¹ of Petrograd and any provisions which may for the time being be in force in place or in amendment thereof, and any service regulations thereunder which may for the time being be in force under the said provisions. The hours of working and the type of apparatus to be used will be settled by mutual agreement.

Article 3.

Terminal and transit rates are fixed as follows :

- (a) Transit rate through the Uganda Protectorate and the Colony and Protectorate of Kenya, 50 centimes per word. This transit rate is subject to a reduction of 50 per cent in the case of Belgian Government telegrams during the period of the guarantee referred to in Article 4, and is also subject to a reduction of 50 per cent in the case of deferred telegrams.

Telegrams exchanged between the " Régie des Mines ", Brussels, and the Head Office of the Régie, Belgian Congo, shall be regarded as Belgian Government telegrams.

- (b) Belgian Congo terminal rates :

(1) On international traffic : 50 centimes per word.

(2) On local traffic originating in the Kenya Colony and Protectorate and the Uganda Protectorate : 25 centimes per word.

The international rate above referred to under (1) is reduced by 50 per cent in the case of deferred telegrams.

- (c) Uganda Protectorate or the Colony and Protectorate of Kenya terminal rates : 35 centimes per word.

¹ De Martens, Nouveau Recueil Général de Traités, deuxième série, tome III, page 614.

direct communication between the Belgian Congo and the Uganda Protectorate, is prepared to accept the conditions set out in the annexed agreement, in substitution for the provisional Convention signed at Nairobi on the 9th December 1921.

I have the honour to inform you that the Belgian Government, animated by the same desire, accept the conditions of the said arrangement, which will come into force from this date.

Accept- etc.

For the Minister for Foreign Affairs, absent :

The Minister of Justice,
F. MASSON.

ANNEXE.

ARRANGEMENT ENTRE LE ROYAUME-UNI ET LA BELGIQUE POUR L'ÉTABLISSEMENT D'UNE COMMUNICATION TÉLÉGRAPHIQUE DIRECTE ENTRE LE CONGO BELGE ET LE PROTECTORAT DE L'UGANDA.

Article 1^{er}.

Le Protectorat de l'Uganda s'engage à construire et à entretenir une ligne télégraphique en liaison, à Fort-Portal, avec son système télégraphique principal et le « Ferry de la Semliki » sur la route de Fort-Portal-Boga, où une jonction sera effectuée avec une ligne que le Congo belge s'engage à construire et à entretenir entre ladite jonction et un office télégraphique de son réseau. La construction de part et d'autre sera entreprise et achevée sans délai anormal ou irraisonnable.

Article 2.

L'échange des télégrammes par la ligne à construire sera régi par les dispositions de la Convention¹ télégraphique internationale de Pétrograd, par les dispositions qui, à l'époque, seront en vigueur en remplacement ou en modification de ces premières dispositions et par les règlements de service pris en exécution de ces dispositions. Les heures de service et le type des appareils à utiliser seront fixés de commun accord.

Article 3.

Les taxes de transit et terminales sont fixées comme suit :

- a) Taxe de transit à travers le Protectorat de l'Uganda et la Colonie et le Protectorat du Kenya, 50 centimes par mot. Cette taxe de transit est sujette à une réduction de 50 pour cent pour les télégrammes du Gouvernement belge durant la période de la garantie dont il est question à l'article 4, et est aussi sujette à une réduction de 50 pour cent pour les télégrammes différés.
Les télégrammes échangés entre la Régie des Mines à Bruxelles et le siège de l'exploitation de la Régie au Congo belge, seront assimilés aux télégrammes du Gouvernement belge.
- b) Taxe terminale du Congo belge :
 1. En trafic international : 50 centimes par mot ;
 2. En trafic local pour les télégrammes originaires de la Colonie et du Protectorat du Kenya et du Protectorat de l'Uganda : 25 centimes par mot.
 La taxe internationale mentionnée sous (1) est réduite de 50 pour cent pour les télégrammes différés.
- c) Taxes terminales du Protectorat de l'Uganda ou de la Colonie et du Protectorat du Kenya : 35 centimes par mot.

¹ British and Foreign State Papers, Vol. 66, page 19.

No charges shall be levied on official telegrams exchanged between the Belgian Congo and the Uganda Protectorate or the Colony and Protectorate of Kenya.

The rates referred to in the present article may at any time be modified by agreement between the Administrations of the Belgian Congo and the Protectorate of Uganda.

Article 4.

In consideration of the Uganda Protectorate constructing, maintaining and working the line on its side, the Belgian Congo guarantees that the revenue accruing to the Uganda Protectorate from traffic passing over it shall not be less than 30,000 fr. (thirty thousand francs) per annum. If such revenue should be less than 30,000 fr. in any one calendar year, the Belgian Congo shall pay the Uganda Protectorate the difference between the revenue which accrued during that year and the sum of 30,000 fr., provided that the guarantee above referred to shall have effect only for a period of ten years from the 1st day of January following the opening of the line for public traffic.

Article 5.

For the purpose of determining the revenue accruing to the Uganda Protectorate from traffic passing over the line on its side, the following shall be credited as revenue so accruing :

- (a) On local traffic : 35 centimes per word ;
- (b) On transit traffic : 50 centimes per word.

These rates may be modified in accordance with the provisions of the last paragraph of Article 3.

The credit in respect of transit traffic will be reduced by 50 per cent in the case of Belgian Government and deferred telegrams.

For the purpose of this article " local traffic " means traffic received from the Belgian Congo for delivery in the Uganda Protectorate or the Kenya Colony and Protectorate or traffic originating in the latter places intended for the Belgian Congo ; and " transit traffic " means traffic between the Belgian Congo and other places passing in transit over the wires of the Uganda Protectorate or the Kenya Colony and Protectorate.

Local official traffic carried free of charge will not be taken into account in calculating the revenue accruing to Uganda in connection with the guaranteed revenue.

Article 6.

Accounts will be prepared and rendered and settlement effected in accordance with the terms of the International Telegraph Convention.

Article 7.

If a balance should be due to the Uganda Protectorate under the terms of the guarantee referred to in Article 4, an account will be prepared and rendered by the Uganda Protectorate as soon as possible after the close of the calendar year to which it refers. This account shall be based on the international accounts referred to in the preceding article. In regard to the calendar year in which the service is commenced, the account shall be prepared in respect of, and any balance payable under the guarantee referred to in Article 4 will be in proportion to, the number of months during which the service was in operation, counting from the first day of the month following the commencement of the service.

Article 8.

The franc, for the purpose of this agreement, means the theoretical gold franc as understood in connection with the settlement of international telegraph accounts.