

No. 1496

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**BELGIUM  
and  
UNITED KINGDOM OF GREAT BRITAIN  
AND NORTHERN IRELAND**

**Agreement (with exchange of notes) relative to the construction of a deep-water quay at the port of Dar-es-Salaam. Signed at London, on 6 April 1951**

*Official texts: English and French.*

*Registered by Belgium on 21 November 1951.*

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**BELGIQUE  
et  
ROYAUME-UNI DE GRANDE-BRETAGNE  
ET D'IRLANDE DU NORD**

**Accord (avec échange de notes) pour l'établissement d'un quai en eau profonde à Dar-es-Salam. Signé à Londres, le 6 avril 1951**

*Textes officiels anglais et français.*

*Enregistré par la Belgique le 21 novembre 1951.*

No. 1496. AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF BELGIUM AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, RELATIVE TO THE CONSTRUCTION OF A DEEP-WATER QUAY AT THE PORT OF DAR-ES-SALAAM. SIGNED AT LONDON, ON 6 APRIL 1951

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The Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "the Government of the United Kingdom") and the Government of the Kingdom of Belgium (hereinafter referred to as "the Belgian Government") :

Desiring, in accordance with the Convention of 15th March, 1921,<sup>2</sup> between the Government of the United Kingdom and the Belgian Government, to facilitate Belgian traffic through the territories of East Africa by making arrangements for the provision of a site for the construction of a deep-water berth in the Port of Dar-es-Salaam for the use of the Belgian Government;

Taking note of the discussions held in Brussels on 4th and 5th May, 1950, between the representatives of the two Governments in respect of the construction of a deep-water quay in the port of Dar-es-Salaam for the use of the Belgian Government, and having regard to the terms of the Agreed Memorandum, dated 5th May, 1950, recording the understandings reached in those discussions;

Have agreed as follows :—

*Article 1*

1. In the port of Dar-es-Salaam the Government of the United Kingdom shall provide a new site in exchange for the site at present leased to and occupied by the Belgian Government under Article 5 of the Convention of 15th March, 1921.

2. The new site shall be adjacent to the sites of the two deep-water berths which are to be constructed in that port for the use of the East African Railways and Harbours Administration.

3. The new site shall be governed by the provisions of the Convention of 15th March, 1921, and, in accordance with Article 5 of that Convention, shall be leased in perpetuity to the Belgian Government at a rent of one franc per annum.

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<sup>1</sup> Came into force on 6 April 1951, in accordance with article 8.

<sup>2</sup> League of Nations, *Treaty Series*, Vol. V, p. 319.

*Article 2*

When the Belgian Government have taken possession of the quay referred to in Article 5 of the present Agreement, the exchange of sites provided for in Article 1 herein shall be deemed to have taken place, and the old site shall be vacated by the Belgian Government. The latter shall yield and deliver up free of charge to the East African Railways and Harbours Administration all the installations in existence on the old site.

*Article 3*

By subsequent mutual consent, the site leased under Article 1 of the present Agreement may be exchanged for such other site as may be jointly selected by the Belgian Government and the Government of the United Kingdom. Such other site shall be leased to the Belgian Government on the same terms.

*Article 4*

If the volume of Belgian traffic expands to such an extent that, in the opinion of the Belgian Government and the Government of the United Kingdom, the site leased to the Belgian Government no longer meets the requirements of such traffic, and if an extension of the facilities granted to the Belgian Government for handling such traffic is desirable, the Government of the United Kingdom shall cause such further site as may be required for development, in addition to the site already leased, to be leased to the Belgian Government on the same terms. Such further site shall, if it is reasonably possible, be adjacent to the site leased to the Belgian Government.

*Article 5*

The Government of the United Kingdom shall cause to be built for the use of the Belgian Government in the port of Dar-es-Salaam a third deep-water quay of 600 feet in length (hereinafter referred to as "the third quay") on the site to be leased to the Belgian Government in accordance with Article 1 of this Agreement. Subject to any modification to meet the requirements of Belgian traffic that may be approved by the Port Authorities, the third quay shall be of design and capacity similar to the two quays at present under construction and shall be equipped in substantially the same manner.

*Article 6*

1. To the extent that the three deep-water quays at Dar-es-Salaam are or shall be of similar design and are or shall be equipped in substantially the

same manner in accordance with Article 5 of the present Agreement, the construction and equipment thereof shall be the subject of a joint contract.

2. The Government of the United Kingdom shall, after consulting and paying reasonable regard to the interests and views of the Belgian Government, cause such contract to be negotiated and concluded in such terms as it shall consider most appropriate.

3. The East African Railways and Harbours Administration shall be solely responsible on behalf of the Government of the United Kingdom for the supervision of the execution of such contract.

#### *Article 7*

1. The Belgian Government shall be solely liable for the cost of the construction and equipment of the third quay and shall accordingly re-imburse the Government of the United Kingdom for all payments made in satisfaction of any liabilities incurred in respect thereof,

Provided that :

- (a) Where the construction and equipment of the third quay is carried out as part of a contract made in accordance with Article 6 of the present Agreement, the cost thereof to be borne by the Belgian Government shall be one-third of the total sum due in respect of such contract.
- (b) Where, in order to meet the special requirements of Belgian traffic, the design, construction or equipment of the third quay differs from that of the other two quays so as not to form part of such contract, the Belgian Government shall be solely liable for any increase in cost by reason of such variation in design, construction or equipment, and shall receive the benefit of any reduction in cost so occasioned.
- (c) The Belgian Government shall be solely liable for one-third of the total cost of the supervision of the execution of such contract.

2. Final payment of the amounts due under paragraph 1 of this Article shall be made by the Belgian Government to the Government of the United Kingdom, or to such other body or person as the Government of the United Kingdom may require, not later than six months after the rendering of the final statement of account.

3. The third quay shall be operated and maintained by or on behalf of and at the cost of the Belgian Government.

*Article 8*

The present Agreement shall enter into force on this day's date.

IN WITNESS WHEREOF the undersigned, duly authorised by their respective Governments, have signed the present Agreement and have affixed thereto their seals.

DONE in duplicate at London, this 6th day of April, 1951, in the English and French languages, both texts being equally authoritative.

[L.S.]      Herbert MORRISON  
[L.S.]      Obert DE THIEUSIES

## EXCHANGE OF NOTES — ÉCHANGE DE NOTES

## I

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

AMBASSADE DE BELGIQUE

BELGIAN EMBASSY

Londres, le 6 avril 1951

London, 6th April, 1951

P. C. 1-1.  
5393.P.C. 1-1.  
5393.

Monsieur le Secrétaire d'État,

Your Excellency,

Au cours des négociations entre le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et le Gouvernement belge, qui viennent d'aboutir à la signature de l'Accord du 6 avril 1951, relatif à la construction d'un quai en eau profonde à Dar-es-Salam, à l'usage du Gouvernement belge, le Gouvernement du Royaume-Uni a demandé l'assurance que la « Tanganyika Central Railway Line » continuerait à être employée pour l'acheminement des importations et des exportations à destination et en provenance du Congo oriental et du Ruanda-Urundi, dans la mesure permise par les facilités accordées dans le port de Dar-es-Salam.

J'ai l'honneur de faire savoir à Votre Excellence que le Gouvernement belge reconnaît toute la valeur de ladite ligne en ce qui concerne les transports à destination et en provenance de ces deux territoires. Je voudrais également signaler à Votre Excellence que le fait que le Gouvernement belge investit des capitaux considérables dans l'amélioration et l'extension des ports de Dar-es-Salam et de Kigoma prouve clairement qu'il

During the negotiations between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Belgium, which have resulted in the signature of the Agreement of 6th April, 1951, relating to the construction of a deep-water berth at Dar-es-Salaam for the use of the Belgian Government, the Government of the United Kingdom asked for an assurance that "the Tanganyika Central Railway Line" would continue to be used for the carriage of imports and exports to and from the Eastern Congo and Ruanda Urundi to the extent that the facilities at the Port of Dar-es-Salaam are capable of handling such traffic.

I have the honour to inform your Excellency that the Belgian Government recognise the full value of the said Railway Line for the transport of traffic to and from these two territories. I would also draw your Excellency's attention to the fact that the Belgian Government are investing considerable capital in the improvement and extension of the Ports at Dar-es-Salaam and Kigoma clearly shows their intention to make the fullest use possible of

<sup>1</sup> Translation by the Government of the United Kingdom.

<sup>2</sup> Traduction du Gouvernement du Royaume-Uni.

a l'intention d'avoir recours à cette ligne dans toute la mesure du possible et qu'il a la ferme conviction que le trafic sur cette ligne s'intensifiera à l'avenir. Le Gouvernement belge a également noté avec plaisir l'intention exprimée par le Gouvernement du Royaume-Uni d'améliorer les facilités de transport sur la « Tanganyika Central Railway Line », mesure qui conduira à une utilisation croissante de cette ligne.

Dans ces circonstances, j'ai l'honneur de Vous faire savoir, bien que le Gouvernement belge ne puisse pas donner de garantie numérique, qu'il prévoit que le volume du trafic sur cette ligne, entre le Congo oriental et le Ruanda-Urundi d'une part et le port de Dar-es-Salam de l'autre, doublera au cours des dix prochaines années.

Je saisis cette occasion pour renouveler à Votre Excellence les assurances de la plus haute considération avec laquelle j'ai l'honneur d'être Son très humble et obéissant Serviteur.

(*Signé*) Obert DE THIEUSIES

The Right Hon.

Herbert Morrison, M. P.  
Foreign Office  
London, S. W. 1

this Railway Line, and emphasises their conviction that traffic over the said Line will increase in the future. The Belgian Government have also noted with pleasure the expressed intention of the Government of the United Kingdom to improve the transport facilities available on "the Tanganyika Central Railway Line," which will lead to an increased use of this route.

In these circumstances, I have the honour to state that, though the Belgian Government are unable to give any quantitative guarantee of traffic over this line, they expect that the volume of traffic over this Line between the Eastern Congo and Ruanda Urundi and the Port of Dar-es-Salaam will double itself during the next ten years.

I avail, &c.

(*Signed*) Obert DE THIEUSIES

The Right Hon.

Herbert Morrison, M. P.  
Foreign Office  
London, S. W. 1

## II

[TRADUCTION<sup>1</sup> — TRANSLATION<sup>2</sup>]

FOREIGN OFFICE, S. W. 1

FOREIGN OFFICE, S. W. 1

6th April, 1951

Le 6 avril 1951

No. J. 1391/13.

N° J. 1391/13.

Your Excellency,

Excellence,

I have the honour to acknowledge receipt of your Note of 6th April, 1951, in which your Excellency has informed me as follows :

J'ai l'honneur d'accuser réception de Votre note n° P. C. I-I du 6 avril 1951, dans laquelle Votre Excellence m'a fait savoir ce qui suit :

[See note I]

[Voir note I]

I have the honour to inform your Excellency that His Majesty's Government in the United Kingdom have taken note of the contents of the foregoing communication.

J'ai l'honneur de porter à la connaissance de Votre Excellence que le Gouvernement de Sa Majesté dans le Royaume-Uni a pris bonne note du contenu de la communication qui précède.

I have, &amp;c.

J'ai l'honneur, etc.

(Signed) Herbert MORRISON

(Signé) Herbert MORRISON

His Excellency  
Vicomte Obert de Thieusies  
etc., etc., etc.  
103 Eaton Square, S. W. 1

A Son Excellence  
le Vicomte Obert de Thieusies  
etc., etc., etc.  
Eaton Square, 103, S. W. 1

## III

[TRADUCTION<sup>1</sup> — TRANSLATION<sup>2</sup>]

FOREIGN OFFICE, S. W. 1

FOREIGN OFFICE, S. W. 1

6th April, 1951

Le 6 avril 1951

No. J. 1391/13.

N° J. 1391/13.

Your Excellency,

Excellence,

During the negotiations between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Belgium which

Au cours des négociations entre le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et le Gouvernement belge, qui ont

<sup>1</sup> Traduction du Gouvernement belge.<sup>2</sup> Translation by the Government of Belgium.



have resulted in the signature of the Agreement of 6th April, 1951, relating to the construction of a deep-water berth at Dar-es-Salaam for the use of the Belgian Government, the Government of the United Kingdom stated that they were anxious, for practical, administrative and financial reasons, that the Belgian Government should not exercise the right conferred upon them by Article 4 of the Convention of 15th March, 1921, between their two Governments, to employ their own railway trucks for the transport of goods between the Belgian Congo and the sea over "the Tanganyika Central Railway Line."

I have the honour accordingly to enquire from your Excellency whether the Belgian Government would be prepared to refrain for a period of 20 years, or until such time as the Tanganyika Central Line has been converted to a gauge of 3 feet 6 inches, whichever is the lesser period, from exercising the right in this respect to which they are entitled under the Anglo-Belgian Convention of 15th March 1921.

I have, etc.

(Signed) Herbert MORRISON

His Excellency  
Vicomte Obert de Thieusies  
etc., etc., etc.  
103 Eaton Square, S. W. 1

abouti à la signature de l'Accord du 6 avril 1951, relatif à la construction d'un quai en eau profonde à Dar-es-Salam, à l'usage du Gouvernement belge, le Gouvernement du Royaume-Uni a exprimé le désir, fondé sur des motifs d'ordre pratique, administratif et financier, de voir le Gouvernement belge renoncer à exercer le droit qu'il détient en vertu de l'article 4 de la Convention anglo-belge du 15 mars 1921 d'utiliser ses propres wagons pour le transport des marchandises entre le Congo belge et la mer, via la « Tanganyika Central Railway Line ».

En conséquence, j'ai l'honneur de demander à Votre Excellence si le Gouvernement belge serait disposé à renoncer soit pour une durée de 20 ans, soit jusqu'à ce que la « Tanganyika Central Line » ait été doté d'un écartement de 3 pieds 6 pouces, au cas où ce changement serait opéré dans un délai plus bref, à exercer le susdit droit qu'il détient en vertu de la Convention anglo-belge du 15 mars 1921.

J'ai l'honneur, etc.

(Signé) Herbert MORRISON

A Son Excellence  
le Vicomte Obert de Thieusies  
etc., etc., etc.  
Eaton Square, 103, S. W. 1

## IV

AMBASSADE DE BELGIQUE

Londres, le 6 avril 1951

P. C. I-I.  
5392.

Monsieur le Secrétaire d'État,

J'ai l'honneur d'accuser la réception de la note n° J. 1391/13 de Votre Excellence, du 6 avril 1951, exprimant le désir de voir le Gouvernement belge renoncer à exercer le droit qu'il détient en vertu de la Convention anglo-belge du 15 mars 1921 d'utiliser ses propres wagons pour le transport des marchandises, entre le Congo belge et la mer, via la « Tanganyika Central Railway Line ».

Bien que le Gouvernement belge ne puisse souscrire un pareil engagement, il tient à faire remarquer que, durant les 29 années qui viennent de s'écouler, il n'a pas exercé le droit qu'il possède à cet égard. De plus, étant donné les améliorations projetées en ce qui concerne les « East African Railways and Harbours Administration Services », le Gouvernement belge ne prévoit pas qu'il exercera ledit droit avant vingt ans, à moins que, dans l'intervalle, la « Tanganyika Central Line » n'ait été dotée d'un écartement de 3 pieds 6 pouces.

Je saisis, etc.

(Signé) Obert DE THIEUSIES

The Right Hon.

Herbert Morrison, M. P.

Foreign Office

London, S. W. 1

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

BELGIAN EMBASSY

London, 6th April, 1951

P. C. I-I.  
5392.

Your Excellency,

I have the honour to acknowledge your Excellency's Note of 6th April, 1951, expressing the desire that the Belgian Government should not exercise the right conferred upon them under the Anglo-Belgian Convention of 15th March, 1921 to employ their own railway trucks for the transport of goods between the Belgian Congo and the sea over "the Tanganyika Central Railway Line."

Although the Belgian Government are unable to give such an undertaking, they would draw attention to the fact that they have not exercised the right they possess in this respect for the past 29 years. Moreover, having regard to the projected improvement in and re-equipment of the East African Railways and Harbours Administration Services, the Belgian Government do not foresee any likelihood that they will exercise the aforesaid right during the next twenty years, or until such time as the Tanganyika Central Line has been converted to a gauge of 3 feet 6 inches, whichever is the lesser period.

I avail, etc.

(Signed) Obert DE THIEUSIES

The Right Hon.

Herbert Morrison, M. P.

Foreign Office

London, S. W. 1

<sup>1</sup> Translation

the United Kingdom.

<sup>2</sup> Traduction du Gouvernement du Royaume-Uni.

## V

[TRADUCTION<sup>1</sup> — TRANSLATION<sup>2</sup>]

FOREIGN OFFICE, S. W. 1

FOREIGN OFFICE, S. W. 1

6th April, 1951

Le 6 avril 1951

No. J. 1391/13.

N° J. 1391/13.

Your Excellency,

Excellence,

During the negotiations between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Belgium, which resulted in the signature of the Agreement of 6th April, 1951, relating to the construction of a deep-water berth at Dar-es-Salaam for the use of the Belgian Government, there was some discussion as to the right conferred upon the Belgian Government by the Convention of the 15th March, 1921, to dispose to a third party of the said deep-water berth and the fixed assets thereon.

I have the honour to state that, though, in the opinion of the Government of the United Kingdom, the Convention of 1921 provides, under Article 5, for sites at Dar-es-Salaam and Kigoma to be leased to the Belgian Government in return for a nominal rent, and, under the last paragraph of Article 6, for the Belgian Government to entrust the operation thereof to concessionaires, it does not confer any right on the Belgian Government to dispose to a third party of the deep-water berth or any part of it or any of the fixed assets thereon, or to put any of the said fixed assets to a use different from that for which they

Au cours des négociations entre le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et le Gouvernement belge, qui ont abouti à la signature de l'Accord du 6 avril 1951, relatif à la construction d'un quai en eau profonde à Dar-es-Salam, à l'usage du Gouvernement belge, il s'est élevé une discussion sur le point de savoir si la Convention du 15 mars 1921 confère au Gouvernement belge le droit de céder à des tiers ce quai en eau profonde et ses installations immobilières.

J'ai l'honneur de déclarer que si, de l'avis du Gouvernement du Royaume-Uni, la Convention de 1921 prévoit sous l'Article 5 que des emplacements à Dar-es-Salam et Kigoma seront donnés à bail au Gouvernement belge moyennant une redevance purement nominale, et, sous le dernier paragraphe de l'Article 6, que le Gouvernement belge pourra en confier l'exploitation à des concessionnaires, elle ne lui confère cependant aucun droit de céder à des tiers le quai en eau profonde ou une partie de ce quai, ou une partie des installations immobilières du quai ou d'affecter une partie des dites installations à un autre usage

<sup>1</sup> Traduction du Gouvernement belge.

<sup>2</sup> Translation by the Government of Belgium.

were intended without the consent of the Government of the United Kingdom.

I should be grateful if your Excellency would inform me whether the Belgian Government accept the foregoing interpretation of the Convention of 1921 on this point.

I have, etc.

(Signed) Herbert MORRISON

His Excellency  
Vicomte Obert de Thieusies  
etc., etc., etc.  
103 Eaton Square, S. W. 1

que celui auquel elles étaient destinées, sans le consentement du Gouvernement du Royaume-Uni.

Je serais reconnaissant à Votre Excellence de vouloir bien me faire savoir si sur ce point, le Gouvernement belge accepte l'interprétation de la Convention de 1921 qui est donnée ci-dessus.

J'ai l'honneur, etc.

(Signé) Herbert MORRISON

A Son Excellence  
le Vicomte Obert de Thieusies  
etc., etc., etc.  
Eaton Square, 103, S. W. 1

## VI

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

AMBASSADE DE BELGIQUE

Londres, le 6 avril 1951

P. C. I-I.  
5391.

Monsieur le Secrétaire d'État,

J'ai l'honneur d'accuser réception de Votre note n° J. 1391/13 du 6 avril 1951 et de Vous faire savoir que le Gouvernement belge reconnaît que si la Convention du 15 mars 1921 prévoit, sous l'article 5, que des emplacements à Dar-es-Salam et Kigoma seront donnés à bail au Gouvernement belge moyennant une redevance purement nominale, et, sous l'article 6, alinéa 6, que le Gouvernement belge pourra en confier l'exploitation à des concessionnaires, elle ne lui confère cependant aucun droit de céder à des tiers

BELGIAN EMBASSY

London, 6th April, 1951

P. C. I-I.  
5391.

Your Excellency,

I have the honour to acknowledge receipt of your Note of 6th April, 1951, and to inform your Excellency that the Belgian Government recognises that, though the Convention of 15th March, 1921 provides, under Article 5, for sites at Dar-es-Salaam and Kigoma to be leased to the Belgian Government in return for a nominal rent, and, under the last paragraph of Article 6, for the Belgian Government to entrust the operation thereof to concessionaires, it does not confer any right on them to dispose to a third party of the deep-

<sup>1</sup> Translation by the Government of the United Kingdom.

<sup>2</sup> Traduction du Gouvernement du Royaume-Uni.

le quai en eau profonde à construire à Dar-es-Salam à l'usage du Gouvernement belge ou une partie de ce quai, ou une partie des installations immobilières du quai ou d'affecter une partie des dites installations à un autre usage que celui auquel elles étaient destinées, sans le consentement du Gouvernement du Royaume-Uni.

Je saisis, etc.

(*Signé*) Obert DE THIEUSIES

The Right Hon.

Herbert Morrison, M. P.  
Foreign Office  
London, S. W. 1

water berth or any part of it to be constructed at Dar-es-Salaam for their use or any of the fixed assets thereon or to put any of the said fixed assets to a use different from that for which they were intended without the consent of the United Kingdom Government.

I avail, etc.

(*Signed*) Obert DE THIEUSIES

The Right Hon.

Herbert Morrison, M. P.  
Foreign Office  
London, S. W. 1