BELGIUM

NEGOTIATIONS TO ENSURE BY TREATY THE RIGHTS OF THE
UNITED STATES IN TERRITORIES UNDER BELGIAN MANDATE

8628.01/5: Telegram

The Secretary of State to the Ambassador in Belgium (Whitlock)

WASHINGTON, September 7, 1921—5 p.m.

39. Herrick has been instructed to repeat to you Department’s memorandum on A and B mandates. On receipt of his telegram please transmit immediately to Foreign Office for its information text of memorandum.

HUGHES

8628.01/7

The Chargé in Belgium (Wadsworth) to the Secretary of State

No. 1442 Brussels, February 15, 1922.

[Received March 4.]

Sir: Referring to the Department’s telegram No. 39, September 7th, 5 p.m., relative to the Memorandum on “A” and “B” mandates, instructing the Embassy to transmit the text of the Memorandum to the Minister of Foreign Affairs, I have the honor to inform the Department that I am advised by the Minister of Foreign Affairs that the Belgian government entirely shares the views of the French government with regard to the Mandates as expressed in a note handed on December 22, 1921, to the American Ambassador in Paris by the French government, and in consequence submit the proposals contained in a note from the Foreign Office, a copy of which I beg to enclose herewith, together with a translation in triplicate and also triplicate copies of the text of the Belgian draft of the mandate on Ruanda and Urundi.

I have [etc.]

CRAIG W. WADSWORTH

1 Text of the draft of the Belgian mandate for East Africa (League of Nations Document No. 125 regarding “B” Mandates) is printed in Foreign Relations, 1921, vol. i, p. 183. See also under France, “Negotiations to ensure recognition of the rights of the United States in territories under mandate”, ibid., pp. 922 ff. Cf. also correspondence with Great Britain relative to mandates, ibid., vol. ii, pp. 106 ff.

2 For text of memorandum, see telegram no. 377, Aug. 7, 1921, to the Ambassador in France, ibid., vol. i, p. 922.

3 Ibid., p. 925.
The Belgian Minister for Foreign Affairs (Jaspar) to the American Chargé (Wadsworth)

BRUSSELS, February 11, 1922.

Mr. Chargé d'Affaires: The Honourable Brand Whitlock was kind enough to communicate to the Government of the King, through my intermediary, a copy of a memorandum setting forth the American Government’s views with regard to the draft mandates for Togoland and the Cameroons. The Government of the King has taken note of it with great interest.

The reply which the British Secretary of State for Foreign Affairs handed, under the date of December 22, 1921, to the Ambassador of the United States of America at London, and which is, I believe, identical to the one remitted, on the same day, to the United States Ambassador at Paris by the French Government, was also communicated to the Government of the King.

The latter entirely shares the views expressed in that document. In consequence, I have the honour to inform you of the following:

(1) The Government of the King is disposed, in order to meet the wish expressed in the American note regarding the extension to American citizens of the benefit of Article 7 of the Belgian mandate for Ruanda and Urundi, to give to the United States Government the guaranty that its nationals will enjoy, in every respect, within the mandate territory, the same rights and privileges as the states members of the League of Nations, on condition of course that they be subjected to the same obligations.

(2) The Government of the King is also ready to insert, after paragraph 3 of Article 7, a new paragraph reading as follows:

“Concessions having the character of a general monopoly will not be granted. This provision does not prejudice the mandatory’s right to create fiscal monopolies, or, in certain cases, to carry out the development of the natural resources, either directly by the state or through the intermediary of an agency placed under its control, on condition that this will not result in the creation of a monopoly of the natural resources in favour of the mandatory.”

(3) The Government of the King is also disposed to grant to the United States a guaranty similar to the one mentioned with respect to Article 7 with a view to ensuring to the United States missionaries in Ruanda and Urundi the same treatment as that of the missionaries of nations members of the League of Nations. Neither does it object to the following wording of Article 8:

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*File translation revised.
“On condition of conforming to the provisions of any local law relative to the maintenance of public order and good morals, the mandatory will ensure, throughout the whole territory, liberty of conscience and the free exercise of all forms of worship, and he will permit all missionaries, nationals of any state member of the League of Nations, to enter the territory, to travel and reside therein to the end that they may accomplish their mission, to acquire and possess property, to erect buildings for purposes of worship, and to open schools, provided that they conform to local laws.”

(4) The Government of the United States has requested that the following words be added to paragraph 2 of Article 9 of the mandate for Togoland and the Cameroons, “provided that the measures adopted to that end do not infringe the provisions of this mandate”, which appear in Article 10 of the British mandate for Tanganyika. The Government of the King will introduce the same modification in Article 9 of its mandate.

(5) Finally, the Government of the United States has expressed the desire that any modification made in the text of the mandates be subject to the previous consent of the United States. The Government of the King readily consents to take such an engagement.

If the Government of the United States will be kind enough to signify its agreement on these various points, it will perhaps consider that the present letter and the reply to be made thereto will be sufficient to establish the respective will of the two Governments, and that the Government of the King will thus be able to pursue, in full agreement with the United States, the delivery to Belgium of the mandate for Ruanda and Urundi.

In order to facilitate the exchange of views on this subject, I think it proper to append to the present despatch the precise text of the Belgian draft of a mandate for Ruanda and Urundi. It is to that text that the numbers of the articles alluded to in the present note refer.

Please accept [etc.]

HENRI JASPAR

[Enclosure 2—Translation ]

Draft Mandate for Ruanda and Urundi

PREAMBLE

THE COUNCIL OF THE LEAGUE OF NATIONS:
WHEREAS by Article 119 of the treaty of peace with Germany, signed at Versailles on June 28, 1919, Germany renounced in favor of the Principal Allied and Associated Powers all her rights over her overseas possessions, including German East Africa;

*Art. 10 in the accompanying draft mandate for Ruanda and Urundi.
*Supplied by the editor.
WHEREAS by an accord dated May 30, 1919, concluded between the British Empire and Belgium, it was agreed that Belgium shall exercise an administrative mandate over the part of German East Africa indicated below;

WHEREAS on August 21, 1919, the Principal Allied and Associated Powers unanimously accepted the accord concluded between the British Empire and Belgium;

WHEREAS His Majesty the King of the Belgians has accepted the mandate over the said territory and has undertaken to exercise it in the name of the League of Nations, in accordance with the following provisions:

THE COUNCIL OF THE LEAGUE OF NATIONS APPROVES THE FOLLOWING TERMS OF THE MANDATE:

 ARTICLE 1

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 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 southeasterly direction to the hill (point 1640) about 15 kilometers south-southwest 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 2.5 kilometers west of the confluence of the River Msilala;

If the route of the railway on the west of the River Kagera between Bugufi and Uganda approaches within 16 kilometers of the line defined above, the boundary will be carried to the west, following a minimum distance of 16 kilometers from the route, 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 kilometers southwest of the point where the River Mavumba cuts this frontier;

Thence a line southeastwards to meet the southern shore of Lake Mohazi;

Thence the watershed between the Taruka and the Mkarange Rivers and continuing southwards to the northeastern 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 new Anglo-Belgian boundary, as described above, is indicated on the annexed English map, on a scale of 1:1,000,000 G.S.G.S. 2982.
The boundaries of Bugufi and Urundi are traced as indicated in the Deutscher Kolonialatlas (Dietrich Reimer), scale 1:1,000,000, dated 1906.
In view of the insufficient geographical knowledge of this district, a definitive description of its boundaries shall be made by a boundary commission after they have been delimited on the ground.

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 boundary 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 determined on the ground; the maps signed by the Commission shall be annexed thereto. The report with its annexes shall be made in triplicate. One of the originals 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 promote to the utmost the material and moral well-being as well as the social progress of the inhabitants.

ARTICLE 4

The mandatory undertakes not to establish in the territory any military or naval bases, nor to erect any fortification, nor to organize any native military force, except for local police purposes and for the defense of the territory.

ARTICLE 5

The mandatory:
(1) shall provide for the eventual emancipation of all slaves and

*Not found in Department files.
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 labor, except for public works and essential services and then only in return for adequate remuneration;

(4) shall protect the natives against fraud and force by careful supervision of labor contracts and the recruiting of labor;

(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 and transfer of land, the mandatory undertakes to take into consideration native laws and customs, and to 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 may be created except with the same consent.

The mandatory will promulgate strict regulations against usury.

Article 7

The mandatory undertakes to secure to all citizens 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 personal and real property, 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 undertakes to insure to all citizens and subjects 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 organize 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 citizens and subjects of states 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

Subject to regulations relating to the maintenance of public order and morality, the mandatory shall insure throughout the territory
freedom of conscience and the free exercise of all forms of worship and shall give to all missionaries, citizens or subjects of any member of the League, freedom to enter the territory and to travel and reside therein for the discharge of their ministry.

**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 or legislation in the area subject to the mandate; this area may be administered in accordance with the laws of the mandatory as an integral part of his territory and subject to the following 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 and administrative union or federation with the adjacent possessions under his own sovereignty or control.

**Article 11**

The mandatory shall make to the Council of the League of Nations an annual report. This report shall contain full information concerning the measures taken to fulfill the obligations mentioned in the preceding articles.

**Article 12**

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate; however, in the case of modifications proposed by the mandatory, such approval may be given by a majority vote of the Council.

**Article 13**

If any dispute should arise between the members of the League of Nations relating to the interpretation or the application of the present mandate, and if such dispute cannot be settled by negotiations, it shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations. The present copy shall be deposited in the archives of the League of Nations; certified true copies thereof shall be communicated by the Secretary-General of the League of Nations to all members of the League.
The Secretary of State to the Ambassador in Belgium (Fletcher)

WASHINGTON, April 6, 1922—1 p.m.

20. Reference to your despatch No. 1442, of February 15, 1922. Please communicate the following textually to the Minister for Foreign Affairs at the earliest possible moment.

"I have the honor to refer to Your Excellency's communication of February 11, 1922, on the subject of mandates. The suggestions of the Government of the United States regarding the terms of the various mandates were set forth in the memorandum handed to Your Excellency on (here insert date). The position of my Government must necessarily remain as thus stated since the views advanced were confined to the purpose of safeguarding the interests of the United States and the fair and equal opportunities which it was believed the United States should enjoy in common with the other Powers.

The Government of the United States is gratified to note the cordial spirit with which the Government of the King has received the views of my Government. In view of this, my Government is convinced that there will be no difficulty or delay in the negotiation of a treaty embodying the assent, upon appropriate conditions, of the United States to the terms of the draft mandate for that part of East Africa under mandate to the King of the Belgians. As was explained in the memorandum of (here insert date), the right of the United States in the territories, to which Germany has renounced her title, could not be disposed of without the assent of my Government, and, for the reasons given in the memorandum, the appropriate manner of expressing this assent would be through a treaty. Such a treaty could recite the articles of the mandate setting forth the engagements of the Mandatory and should contain appropriate undertakings on the part of the Government of the King for the suitable protection of the rights and interests of the United States. This arrangement will, it is believed, obviate any objections such as those suggested by the British and French Governments in their notes of December 22, 1921, by reason of any obligations which the Allied Powers have assumed in the Treaty of Versailles with regard to Germany and with regard to one another.

The references below are to the numbered articles in the text of the draft mandate for the Belgian part of East Africa, a copy of which accompanied Your Excellency's note of February 11, in which draft the articles, after the second, are numbered differently as compared with those in the draft to which reference was made in the memorandum of (here insert date).

In this view, taking up the various points to which Your Excellency refers, it may be observed:

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*Ante, p. 624.
* There is no record in the Department of the date on which the Department's memorandum on "A" and "B" mandates was communicated to the Belgian Foreign Office. See telegram no. 39 to the Ambassador in Belgium, Sept. 7, 1921, p. 623.
(1) Discrimination. In the memorandum of (here insert date) allusion was made to the provisions for equal commercial opportunity in Article 7 of the Belgian Mandate for East Africa and attention was called to the fact that these provisions were not extended to the nationals of the United States. My Government does not desire to insist that the terms of the mandate itself, in its reference to States, members of the League of Nations, and their nationals, should be altered. It will be sufficient to recite the terms of Article 7 in the proposed treaty, with the further undertaking that the Government of the King will guarantee to the United States and its nationals the same freedom from discrimination that Article 7 of the mandate gives to the States, members of the League of Nations, and their nationals.

The treaty should contain a general provision that the United States and its nationals should have and enjoy the benefit of all the engagements of the King of the Belgians, defined in the mandate, notwithstanding the fact that the United States is not a member of the League of Nations.

(2) Concessions. With respect to the matter of monopolistic concessions, my Government is gratified to note that the Government of the King has evidently no intention of granting concessions having the character of a general monopoly in the territory in question, or of reserving such concessions to itself.

My Government, accordingly, is prepared to approve the insertion in the mandate after the third paragraph of Article 7, of the following paragraph, with a few changes for the purpose of clarity, so that it will read as follows: '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 its nationals, directly or indirectly, or any preferential advantage which shall be inconsistent with the economic, commercial and industrial equality heretofore guaranteed.'

The changes above suggested are assumed, from the tenor of Your Excellency's note, to be in accord with the intentions entertained by the Government of the King.

It is to be understood, of course, that any existing legal rights of American citizens or companies in the Belgian mandate territory are fully respected and safeguarded and that the treaty will contain a suitable provision to this effect.

(3) Missionaries and Religious Freedom. My Government is pleased to note that the Government of the King is also ready to give to the United States, with respect to missionaries and religious freedom, a similar guarantee, as to equality of treatment, as is suggested with respect to Article 7. The Government of the King has proposed that the text of Article 8 of the mandate should read as follows: 'Subject to the provision of any local law for the maintenance of public order and public morals, the Mandatory shall insure in the territory freedom of conscience and the free exercise of all forms
of worship, and shall allow all missionaries, nationals of any State member of the League of Nations, to enter into, travel and reside in the territory for the purpose of prosecuting their calling, to acquire and possess property, to erect buildings, for religious purposes, and to open schools, provided that they conform to the local law.

Upon the assumption that the treaty will contain an appropriate provision by which the engagements of the King of the Belgians as defined in the mandate will run to the United States and its nationals, notwithstanding the fact that the United States is not a member of the League of Nations, this provision is acceptable to my Government with the following qualification. My Government suggests that the last clause of the proposed provision, 'provided that they conform to the local law', may be omitted, as it appears to be superfluous, the entire clause being qualified by the opening clause, 'Subject to the provisions of any local law for the maintenance of public order and public morals.' If it is intended, by the insertion of the additional clause, to give any broader application of the local law than is the purport of the opening clause, the addition would appear to be objectionable as the local law in this respect should appropriately be limited to the maintenance of public order and public morals.

(4) Administrative Unions, etc. It is noted that the Government of the King has no objection to the suggestion which has been made by my Government that there should be added to Article 10 of the mandate the following words, corresponding to the provision of Article 10 of the British mandate for East Africa, to wit: 'provided always that the measures adopted to that end do not infringe the provisions of this mandate.' It is assumed that the reference in Your Excellency's communication to Article 9 of the Belgian mandate is intended to be to Article 10 of the draft which you enclosed.

(5) Modification of Mandate. My Government notes with pleasure that the Government of the King agrees that any modification of the terms of the mandate shall be subject to the previous consent of the United States.

(6) Extradition. It is assumed that the Government of the King will not object to a provision by which the extradition treaties between Belgium and the United States, pending the making of special extradition agreements, shall apply to the mandated territory in question.

(7) The Japanese Government has agreed to furnish a duplicate, not a copy, of its annual report which is to be submitted to the League of Nations on the administration of mandate territories. A provision to this effect is incorporated in the treaty between the United States and Japan relating to the mandated islands in the Pacific north of the equator and it is desired that a similar provision should be included in the treaty relating to the Belgian mandate for East Africa.

If the Government of the King is willing to meet the wishes of the United States with reference to the matters upon which concurrence has not already been indicated, the Government of the United States is prepared to enter immediately upon the negotiation of the necessary treaty.

Accept [etc.]"

Hughes
The Belgian Chargé (De Selys) to the Secretary of State

[Translation 13]

WASHINGTON, July 6, 1922.

Mr. Secretary of State: The Belgian, French and British Governments have agreed on the text intended to meet the suggestions offered by the Government of the United States of America in the matter of mandates. You will find herewith:

In the first place, the text of the draft of a mandate to be granted to Belgium over the Ruanda and Urundi territories as it stands after amendment.

In the second place, a draft of a convention to be signed between Belgium and the United States conferring upon the latter country, in the African territories placed under Belgian mandate, the same advantages as are enjoyed by the States members of the League of Nations. 13 This draft, also made in perfect agreement with the French and British Governments, meets the suggestions of the American Government.

The King's Government instructs me and I have the honor:

First, to deliver to Your Excellency a copy of the draft of the said mandate with a statement that it is this text which Belgium will ask the League of Nations to approve;

Second, to ask Your Excellency kindly to designate a plenipotentiary who will sign at Brussels the convention of which the draft is enclosed, if, as the King's Government has every reason to believe, the present draft is acceptable to the Government of the United States.

It would be a great advantage to have this question decided with as little delay as possible, as the Powers concerned would like to dispose of the whole matter of African mandates at the session of the Council of the League of Nations that will open on July 11th next, and I should be particularly obliged to Your Excellency, therefore, if you would kindly let me know, if possible, before that date what course your Government will have decided upon in this matter.

I take [etc.]

Florent De Selys

[Enclosure—Translation 14]

Amended Draft Mandate for Ruanda and Urundi

The Council of the League of Nations:

Whereas by Article 119 of the treaty of peace with Germany, signed at Versailles on June 28, 1919, Germany renounced in favor

13 File translation revised.
14 Not printed; it is the same, mutatis mutandis, as the French draft of a treaty concerning the Cameroons, translation of which is printed in vol. II, p. 144.
15 Supplied by the editor.
of the Principal Allied and Associated Powers all her rights over her oversea possessions, including German East Africa;

Whereas the Principal Allied and Associated Powers agreed, in accordance with Article 22, paragraph 1 (Covenant of the League of Nations), of the above-named treaty, to confer a mandate on His Majesty the King of the Belgians to administer a part of the former colony of German East Africa, and proposed to formulate the mandate in the following terms;

Whereas His Majesty the King of the Belgians has agreed to accept the mandate over the said territory and has undertaken to exercise it in the name of the League of Nations in accordance with the following provisions;

Hereby approves the terms of the said mandate as follows:

ARTICLE 1

The territory over which a mandate is conferred upon His Majesty the King of 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.

[Here follows the same description of the frontier as in the draft printed on page 625; but here is omitted the last paragraph of article 1 which appears in that draft.]

ARTICLE 2

[The same as in the draft printed on page 627.]

ARTICLE 3

[The same as in the draft printed on page 627.]

ARTICLE 4

[The same as in the draft printed on page 627.]

ARTICLE 5

[The same as in the draft printed on page 627.]

ARTICLE 6

In the framing of laws relating to the holding and transfer of land, the mandatory undertakes to take into consideration native laws and customs, and to 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 favor of non-natives may be created except with the same consent.

The mandatory will promulgate strict regulations against usury.

ARTICLE 7

The mandatory undertakes to secure to all citizens 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 undertakes to insure to all citizens and subjects 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 organize 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 citizens and subjects of 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

Subject to the provisions of local laws relating to the maintenance of public order and morality, the mandatory shall insure, throughout the territory, freedom of conscience and the free exercise of all
forms of worship; and, subject to the control which would be necessary for the maintenance of a good administration, it shall give to all missionaries, citizens or subjects of any state member of the League of Nations, freedom to enter into the territory and to travel and reside therein for the discharge of their ministry, to acquire and possess property, to erect buildings for religious purposes and to open schools.

**Article 9**

[The same as in the draft printed on page 629.]

**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 territories 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. 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**

If any dispute should arise between the members of the League of Nations relating to the interpretation or the application of the present mandate, and if such dispute cannot be settled by negotiations, it shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present copy shall be deposited in the archives of the League of Nations. Certified true copies thereof shall be communicated by the Secretary-General of the League of Nations to all members of the League.
The Department of State to the Belgian Legation

MEMORANDUM

The Department of State has received from the Belgian Chargé d’Affaires at Washington, a note dated July 6, 1922, enclosing a draft treaty with respect to the Belgian mandate for that part of East Africa under mandate to the King of the Belgians, and the text of the proposed mandate.

It is stated in the note that the Government of the King desires the designation by the Government of the United States of a plenipotentiary to sign at Brussels the proposed Convention, and the Chargé d’Affaires calls attention to the urgency of reaching an agreement on the mandates for the territories in Africa so that these mandates may be submitted to the Council of the League of Nations at its next meeting on July 15.

[The remainder of this memorandum is the same, mutatis mutandis, as the memorandum of July 8 to the French Embassy, volume II, page 146, beginning with the second paragraph.]

WASHINGTON, July 12, 1922.

The Belgian Chargé (De Selys) to the Acting Secretary of State

[Translation 19]

WASHINGTON, September 9, 1922.

Mr. Acting Secretary of State: Referring to the memorandum dated July 12th last which His Excellency, Mr. C. E. Hughes, was pleased to hand to me in person, I have the honor to inform you that the King’s Government has concurred in all the suggestions presented to it by the Government of the United States in the matter of the draft of a treaty intended to secure the rights of the United States in the African territory placed under Belgian mandate.

Your Excellency will please find herewith in triplicate the French text of the draft accordingly remodeled,16 but as you will notice the draft does not include the English text. The King’s Government thought that the American Government would rather undertake the wording of that text itself.

However, three copies of the English text of that part of the mandate which must be given a place in the treaty are also enclosed.18

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19Translation revised.
16Not printed.
1867952—33—vol. 1—48
Article 8 of the mandate does not textually reproduce the wording advocated by the Government of the United States, but the said Government was probably informed that the text as finally approved by the Council of the League of Nations was previously submitted at the time of the session of the Council held at London in July last to an American delegate who accepted it. If in the draft submitted by France concerning Togoland and the Cameroons certain phrases should not agree in form with those in the present Belgian draft, the King's Government thinks that in order to avoid any divergence in interpretation it might be well to substitute these for its own and I am instructed to bring this to the notice of the American Government. This deals in particular with the parts that have been altered in order to meet the suggestions of the Government of the United States. Differences in the wording might indeed appear as the result of the translations made in Brussels and Paris.

When His Excellency, Mr. Hughes, handed to me the aforesaid memorandum of July 12th, he added that the text of it would also be communicated to the King's Government by the Ambassador of the United States at Brussels.

As His Excellency, Mr. Fletcher, has not yet delivered that document to the King's Government, the question arose whether the Government of the United States had desisted from that course and whether eventually this decision implied a desire that the treaty be signed in Washington rather than in Brussels.

Mr. Jaspar, Minister of Foreign Affairs, wishes me to inquire about this of Your Excellency, adding that he was at the command of the American Government. I shall be obliged to Your Excellency if you would kindly enable me to answer the inquiry.

I take [etc.]

FLORENT DE SELYS

8628. 01/15

The Belgian Chargé (De Selys) to the Secretary of State
[Translation]

WASHINGTON, October 14, 1922.

MR. SECRETARY OF STATE: Referring to my note of September 9th last addressed to the Acting Secretary of State, relative to the con-

Art. 8, which alone fails to embody completely the suggestions of the American Government, reads, in the Embassy’s translation, as follows:

“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 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.”
templated treaty for the guarantee of the rights of the United States in African territory put under Belgian mandate, I have the honor to inform Your Excellency that on September 20 last I had a conversation on the subject of the aforesaid note with the Chief of the Western Europe Division at the Department of State.

Mr. Castle called my attention to the fact that according to the reports received at the Department of State, His Excellency the Ambassador of the United States at Brussels had delivered on July 15 to the King’s Government the American Government’s memorandum of which Your Excellency was pleased to hand me a copy to give in person on July 12 last. He then brought to my attention a passage in my note dealing with an “American delegate” to the Council of the League of Nations.

The King’s Government, to whom I communicated the remarks of Mr. Castle, has instructed me and I have the honor to bring the following to you by way of reply. This communication was telegraphed to me by Mr. Jaspar:

“His Excellency, Mr. Fletcher, did deliver in good course to the Government of the King the memorandum of the American Government dated July 12. Unfortunately it did not come to the knowledge of the proper Division on account of a physical error and that accounts for the mistaken statement in the letter of August 23 from that Division (reproduced in the letter from the Embassy addressed to the Department of State on September 9 last)—Kindly tender my apologies for that mistake to the Department of State.

“The information concerning the approval at London by an American Delegate of Article VIII of the Belgian mandate is also based on a mistake and a note has been delivered in that respect to His Excellency the Ambassador of the United States at Brussels.”

I take [etc.]  

FLORENT DE SELYS