

Agreement between Great Britain and the Independent State of the Congo, modifying the Agreement signed at Brussels, May 12, 1894, relating to the Spheres of Influence of Great Britain and the Independent State of the Congo in East and Central Africa.- Signed at London, May 9, 1906.

The Undersigned, the Right Honorable Sir Edward Grey, a Baronet of the United Kingdom, a Member of Parliament, His Britannic Majesty Principal Secretary of State for Foreign Affairs, on behalf of His Britannic Majesty; and Baron van Eetvelde, Commander of the Order of Leopold, a Minister of State of the Independent State of the Congo, on behalf of His Majesty King Leopold II, Sovereign of the Independent State of the Congo, duly authorized thereto by their respective Sovereigns, have agreed as follows:-

- ART. I. The lease of the territories granted by Great Britain to His Majesty King Leopold II, Sovereign of the Independent State of the Congo, by Article II of the Agreement signed at Brussels on the 12th May, 1894, is hereby annulled. No claims shall be put forward by either Party in connection with this lease, or with any right derived therefrom. His Majesty King Leopold shall, however, continue during his reign to occupy, on the same conditions as at present, the territory now held by him, and known as the Lado Enclave. Within six months of the termination of His Majesty's occupation the Enclave shall be handed over to the Soudanese Government. Officials shall be appointed by the Soudanese and Congo State Governments to assess the value of such houses, stores, and other material improvements as may, by common agreement, be handed over with the Enclave, the amount agreed upon being paid to the Congo State by the Soudanese Government. The Enclave comprises the territory bounded by a line drawn from a point situated on the west shore of Lake Albert, immediately to the south of Mahagi, to the nearest point of the watershed between the Nile and Congo basins; thence the boundary follows that watershed up to its intersection from the north with the 30th meridian east of Greenwich, and that meridian up to its intersection with the parallel 5° 30' of north latitude, whence it runs along that parallel to the Nile; thence it follows the Nile southward to Lake Albert and the western shore of Lake Albert down to the point above indicated south of Mahagi.
- II. The boundary between the Independent State of the Congo on the one hand and the Anglo-Egyptian Soudan on the other, starting from the point of intersection from the south of the meridian of 30° longitude east of Greenwich with the watershed between the Nile and the Congo, shall follow the line of that watershed in a general north-westerly direction until it reaches the frontier between the Independent State of the Congo and French Congo.
- Nevertheless, the strip of territory 25 kilom. in breadth stretching from the watershed between the Nile and the Congo up to the western shore of Lake Albert and including the port of Mahagi, of which a lease was granted to the Independent State of the Congo

by Article II of the Agreement of the 12th May 1894, shall continue in the possession of that State on the conditions laid down in that Article.

- III. The Government of the Independent State of the Congo undertake not to construct, or allow to be constructed, any work on or near the Semliki or Isango River, which would diminish the volume of water entering Lake Albert, except in agreement with the Soudanese Government.
- IV. A Concession shall be given, in terms to be agreed upon between the Soudanese and Congo State Governments, to an Anglo-Belgian Company for the construction and working of a railway from the frontier of the Independent State of the Congo to the navigable channel of the Nile, near Lado, it being understood that, when His Majesty's occupation of the Enclave determines, this railway shall be wholly subject to the jurisdiction of the Soudanese Government. The actual direction of the line will be determined jointly by the Soudanese and Congo State Governments. .
In order to provide the capital expenditure required for the construction of this railway, the Egyptian Government undertake to guarantee a rate of interest of 3 per cent. on a sum which is not to exceed 800,000*l*.
- IV. A port open to general commerce, with suitable provision for the storing and transhipment of merchandise, shall be established at the terminus of the railway. When His Majesty's occupation of the Enclave determines, a Congolese or Belgian Company shall be permitted to possess a commercial depot and quays on the Nile at this port. Such depot and quays shall, however, in no case lead to the acquisition of extra-territorial rights, and all individuals in, or connected with, them in the Soudan, shall be wholly subject to Soudanese Laws and Regulations.
- VI. Trading vessels flying the Congolese or Belgian flag shall have the right of navigating and trading on the waters of the Upper Nile, no distinction as regards trading, facilities being made between them and British or Egyptian trading vessels, but such vessels in no case acquire extra-territorial rights, and shall be wholly subject to Soudanese Laws and Regulations.
- VII. Persons and merchandise passing through Soudanese or Egyptian territory from the Congo State, or going to it, will, for purposes of transit or transport on the Nile, or on the Soudanese way systems, be treated similarly to Egyptian or British persons and merchandise coming from or going to British Possessions.
- VIII. All disputes which may occur hereafter in connection with the limits of .the frontiers of the Independent State of the Congo, including the boundary laid down in the first paragraph of Article II of the present Agreement, shall, in the event of the Parties not being able to come to an amicable understanding, be submitted to the arbitration of the Hague Tribunal, whose decision shall be binding on both Parties, it being, however,

understood that this clause can, in no way whatever, be applied to any questions regarding the lease mentioned in Article II of the Agreement signed at Brussels on the 12th May, 1894, and in Article I of the present Agreement.
Done in duplicate at London, the 9th day of May, 1906.

(L.S.) EDWARD GREY.

(L.S.) BAP-0-N van EETVELDE.