

EXCHANGE OF NOTES

(July 30 and August 7, 1937)

RELATIVE TO THE

CONVENTION

BETWEEN

HIS MAJESTY IN RESPECT OF THE
UNITED KINGDOM

AND

THE PRESIDENT OF THE FRENCH REPUBLIC

FOR THE

ABOLITION OF CAPITULATIONS IN
MOROCCO AND ZANZIBAR

Signed at London July 29, 1937

IN FORCE JANUARY 1, 1938



OTTAWA

J. O. PATENAUDE, I.S.O.

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

1938

32 756 142

6 1629463

CONVENTION BETWEEN HIS MAJESTY IN RESPECT OF THE UNITED KINGDOM AND THE PRESIDENT OF THE FRENCH REPUBLIC

EXCHANGE OF NOTES (JULY 30 AND AUGUST 7, 1937) RELATIVE TO THE CONVENTION BETWEEN HIS MAJESTY IN RESPECT OF THE UNITED KINGDOM AND THE PRESIDENT OF THE FRENCH REPUBLIC

(Translation)

From the Canadian Minister at Paris to the French Minister for Foreign Affairs

CANADIAN LEGATION

PARIS, July 30, 1937.

No. 57

EXCELLENCY,

With reference to the Convention which has just been concluded at London, on July 29, 1937, between His Majesty in respect of the United Kingdom and the President of the French Republic, relating to the termination of British extra-territorial rights in Morocco, I have the honour, on behalf of my Government, to inform you that His Majesty's Government in Canada accepts the terms of this Convention concerning Morocco, it being understood that it will have the privilege of availing itself of the same rights as this Convention confers on His Majesty's Government in the United Kingdom.

I avail myself, etc.,

PHILIPPE ROY

(Translation)

From the French Minister for Foreign Affairs to the Canadian Minister at Paris

MINISTRY FOR FOREIGN AFFAIRS,

PARIS, August 7, 1937.

SIR,

By letter No. 57 dated last July 30th, you were good enough to inform me that the Government of Canada accepts the provisions of the Convention signed at London on the 29th of the same month, relative to the abolition of rights of a capitulatory nature in Morocco, it being understood that this Government will have the privilege of availing itself of the rights which the said Convention confers on the Government of the United Kingdom of Great Britain and Northern Ireland.

I have the honour to acknowledge receipt of this communication, with which the Government of the Republic concurs.

I avail myself, etc.,

C. CHAITEMPS

CONVENTION BETWEEN HIS MAJESTY IN RESPECT OF THE UNITED KINGDOM AND THE PRESIDENT OF THE FRENCH REPUBLIC FOR THE ABOLITION OF CAPITULATIONS IN MOROCCO AND ZANZIBAR

His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and the President of the French Republic, acting in his own name and on behalf of His Majesty the Sultan of Morocco;

Whereas the present special régime applicable in the French Zone of the Shereefian Empire to British consuls, nationals, and institutions is no longer in accordance with the present state of that zone;

And whereas His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, in view of the convention signed at Montreaux on the 8th day of May, 1937, relating to the abolition of the Capitulations in Egypt, desires to give effect as regards the French Zone of Morocco to the Declaration of the 8th April, 1904, relating to Egypt and Morocco;

And whereas both High Contracting Parties are also desirous of modifying certain treaties applicable to Zanzibar so as to render them more in conformity with existing conditions;

Have accordingly decided to conclude a convention for this purpose and have appointed as their plenipotentiaries:

His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India (hereinafter referred to as His Majesty The King):

For Great Britain and Northern Ireland:

The Right Honourable Anthony Eden, M.C., M.P., His Majesty's Principal Secretary of State for Foreign Affairs;

The President of the French Republic:

His Excellency Monsieur Charles Corbin, Ambassador Extraordinary and Plenipotentiary of the French Republic in London;

Who, having deposited their full powers, found in good and due form, have agreed as follows:—

ARTICLE 1

His Majesty The King renounces all rights and privileges of a capitulatory character in the French Zone of the Shereefian Empire.

ARTICLE 2

British subjects, British-protected persons and British companies in the French Zone of the Shereefian Empire shall be subject to the jurisdiction of the same tribunals as French citizens and French companies.

In their recourse to such tribunals British subjects, British-protected persons and British companies shall be subject to the same conditions as French citizens and French companies.

After the expiry of ten years from the date of the coming into force of the present convention, the provisions of the second paragraph of this article cannot be invoked, unless the subjects of His Majesty the Sultan of Morocco and companies duly incorporated under the law of the French Zone of the Shereefian Empire enjoy in the United Kingdom the treatment of the most-favoured-nation as regards the matter referred to in that paragraph.

ARTICLE 3

In respect of matters occurring before the entry into force of the present convention, laws and regulations of the French Zone of the Shereefian Empire shall only be applied to British subjects, British-protected persons, British companies and British ships in cases where in accordance with the existing practice such laws and regulations were then applicable to them.

Duties and taxes, however, payable under legislation, enacted less than one year before the date of the entry into force of the present convention and not yet made applicable by regulations of the British consular authorities, may be recovered from British subjects, British-protected persons and British companies.

British subjects, British-protected persons and British companies shall not be sued in the courts of the French Zone for taxation or duties of any kind which became due more than two years before the coming into force of this convention.

ARTICLE 4

The British courts at present exercising jurisdiction in the French Zone of the Shereefian Empire shall continue to deal with the cases regularly instituted before them before the entry into force of the present convention until these cases are finally completed.

Decisions, given by the said courts within the limits of their jurisdiction and which are final, shall be recognised as having the force of *res judicata* by the authorities of the French Zone of the Shereefian Empire. Certificates given by the British consular officers to the effect that the said decisions are final will be accepted.

His Majesty The King undertakes to retain in Morocco all the judicial records of the British consular courts. These records shall be made available to the tribunals of the French Zone of the Shereefian Empire wherever these tribunals require them for the purpose of cases within their jurisdiction. Certified copies of these records will be furnished on request to the said tribunals, the competent authorities of the zone and to any other properly interested party.

ARTICLE 5

Subject to the provisions of paragraphs 2 and 3 below, no person owing allegiance to His Majesty the Sultan of Morocco can claim in the French Zone of the Shereefian Empire the protection of His Majesty The King.

Natives of the French Zone of the Shereefian Empire, who at the date of the entry into force of the present convention enjoy British protection, either as employees of a British consulate or as semsars, shall for the remainder of their life be justiciable by the French tribunals of the Shereefian Empire except as regards matters coming within the jurisdiction of the Moslem or Jewish religious courts. A list of these persons shall be drawn up within six months of the coming into force of the present convention by agreement between the French Residency-General and the British Consulate-General at Rabat. This list shall include the wives and minor children of these persons living under the same roof, and the provisions of this paragraph shall apply in the case of the wives during the lifetime of their husbands, and in the case of the children until the death of their fathers or until their majority, whichever happens earliest.

The persons enumerated in the annex to the present convention shall also enjoy the benefit of the provisions of paragraph 2 above.

ARTICLE 6

The British post offices in the French Zone of the Shereefian Empire will be closed at the date which shall be notified to the Residency-General at Rabat by the British Consulate-General and in any case not later than thirty days after the entry into force of the present convention.

ARTICLE 7

British subjects, British-protected persons and British companies will enjoy in the French Zone of the Shereefian Empire the same personal and private rights (*droits privés*) as French citizens and French companies. They shall have the same guarantees for the protection of person and property.

ARTICLE 8

British subjects and British-protected persons shall not be subject in the French Zone of the Shereefian Empire to any compulsory personal military service nor to any tax or payment in lieu of such service.

After the expiry of ten years from the date of the entry into force of the present convention, the provisions of the present article cannot be invoked unless the subjects of His Majesty the Sultan of Morocco enjoy in the United Kingdom the treatment of the most favoured nation as regards the matter referred to in this article.

ARTICLE 9

Extracts from "casier judiciaire" shall be delivered to British subjects and British-protected persons resident in the French Zone of Morocco in the same conditions as to French citizens. In order to enable the competent authorities of the zone to deliver such extracts, the British consular authorities in the zone will supply to these authorities certificates as regards convictions, if any, pronounced by the British consular courts in Morocco.

ARTICLE 10

His Majesty The King shall have the right to maintain consulates at any place in the French Zone of the Shereefian Empire where British consulates are at present established. The establishment of new consulates at other places in the said zone shall be subject to the agreement of the Governments of both High Contracting Parties.

British consular officers in the French Zone shall enjoy privileges and immunities not less favourable than those accorded to British consular officers in France or to the consular officers of any other Power in Morocco.

Neither this article nor article 20 of the General Treaty signed at Tangier on the 9th December, 1856, on behalf of Her late Majesty The Queen of the United Kingdom of Great Britain and Ireland and His late Majesty the Sultan of Morocco and Fez, shall, however, entitle His Majesty The King to claim jurisdictional privileges accorded on the basis of existing treaties concluded by His Majesty the Sultan of Morocco and the United States of America.

ARTICLE 11

British schools of every grade shall continue to enjoy in the French Zone, especially in regard to the teaching of English, the same liberty as hitherto. They will be subject to the laws relating to State control which are applicable to all European schools in the French Zone.

ARTICLE 12

Article 4, paragraph 1, of the General Treaty signed at Tangier on the 9th December, 1856, does not affect the right of the authorities of the French Zone of the Shereefian Empire to regulate admittance and immigration into the territory or to expel persons for reasons of police or public order or to apply immigration regulations, provided that there is no discrimination against British subjects or British-protected persons.

Nevertheless, British subjects and British-protected persons who have been resident in the French Zone of Morocco for more than five years shall not be expelled unless—

- (a) They have committed a crime or offence punishable with more than three months' imprisonment.
- (b) They have been guilty of conduct prejudicial to public safety, public order, good morals or public health.
- (c) They are in such a state of indigence as to be a burden to the State.

The provisions of paragraph 2 of this article may be terminated at any time after the expiry of twenty years from the date of the coming into force of this convention by six months' notice.

ARTICLE 13

The powers conferred on British consular officers in the French Zone of the Shereefian Empire in matter of the estates of deceased persons by article 18 of the General Treaty signed at Tangier on the 9th December, 1856, are maintained.

Any disputes arising as regards the estates referred to in the said article shall be determined by the competent tribunals of the said zone in conformity with the provisions of laws of general application.

The provisions of this article may be terminated at any time after the expiry of twenty years from the date of the entry into force of the present convention by a six months' notice.

ARTICLE 14

The High Contracting Parties agree that the French decree of the 8th November, 1921, relating to French nationality in the French Zone of the Shereefian Empire, and the Dahir of the same date, relating to Moroccan nationality, are not applicable to British subjects or protected persons born before the date of the entry into force of the present convention.

If the French or Moroccan Governments should enact measures which would result in conferring French or Moroccan nationality by reason of birth or residence in the French Zone of the Shereefian Empire in any case where the above-mentioned decree would not have conferred French nationality, British subjects and protected persons affected by these enactments shall be freed from French or Moroccan nationality if they make a request to this effect in the year which follows their majority.

ARTICLE 15

The subjects of His Majesty the Sultan of Morocco and Moroccan vessels shall enjoy the same rights as French citizens and French ships in the United Kingdom of Great Britain and Northern Ireland, British colonies and in territories under the protection of His Majesty The King, and in mandated territories administered by the Government of the United Kingdom.

The expression "Moroccan vessels" means ships duly registered as such in a port of the French Zone of the Shereefian Empire.

ARTICLE 16

The provisions of all earlier Acts, treaties and conventions which are contrary to the preceding provisions of the present convention are abrogated as between the High Contracting Parties so far as the French Zone of the Shereefian Empire is concerned.

Articles 13 and 20 of the general Treaty signed at Tangier on the 9th December, 1856, cannot be invoked by His Majesty The King to claim the jurisdictional privileges enjoyed by the United States of America under treaties at present in force.

His Majesty The King renounces all rights in the French Zone of the Shereefian Empire under the Convention of Madrid of 1880.

ARTICLE 17

The French Republic renounces all rights and privileges of a capitulatory character in the territories of His Highness the Sultan of Zanzibar.

ARTICLE 18

French nationals (citizens, subjects and protected persons) and French companies shall be subject in the territories of the Sultan of Zanzibar to the jurisdiction of the same courts as British subjects and British companies.

In their recourse to such courts French nationals and French companies shall be subject to the same conditions as British subjects and British companies for so long as British subjects, British-protected persons and British companies enjoy in the French Zone of the Shereefian Empire the benefit of paragraph 2 of Article 2 of the present convention.

ARTICLE 19

French nationals (citizens, subjects and protected persons) and French companies will enjoy in the territories of His Highness the Sultan of Zanzibar the same rights as those accorded in the French Zone of the Shereefian Empire to British subjects, British-protected persons and British companies under Articles 7, 8 and 12 above and subject to the same conditions.

ARTICLE 20

French Consuls in the territories of His Highness the Sultan of Zanzibar shall enjoy privileges and immunities not less favourable than those accorded to French consular officers in the United Kingdom or those accorded to the consuls of any other Power in the territories of His Highness the Sultan of Zanzibar.

Neither Article 2 nor Article 5 of the treaty signed at Zanzibar on the 17th November, 1844, with His Highness the Sultan of Muscat and dependencies shall entitle the French Republic to claim in the territories of His Highness the Sultan of Zanzibar jurisdictional privileges or personal privileges for French consuls or French nationals on the basis of privileges claimed or granted to other Powers in virtue of existing treaties concluded by His Highness the Sultan of Muscat.

ARTICLE 21

French schools shall continue to enjoy in the territories of the Sultan of Zanzibar the same freedom as in the past, particularly in regard to the teaching of French. They shall be subject to the laws relating to State control which are applicable to all European schools.

ARTICLE 22

The powers reserved by the Government of the French Republic as regards estates of deceased nationals for the benefit of French consuls in the territories of His Highness the Sultan of Zanzibar by the letter of the 13th May, 1904, shall be maintained.



All disputes that may arise as regards such estates shall be determined in the territories of His Highness the Sultan of Zanzibar by the competent tribunals in accordance with the provisions of laws of general application. French consuls shall not in any matter be cited before a native court in this capacity as administrator or liquidator of the estate of a French national.

The provisions of the present article may be terminated at any time after the expiry of twenty years from the date of the entry into force of the present convention by six months' notice.

ARTICLE 23

The following provisions of the Treaty signed at Zanzibar on the 17th November, 1844, with His Highness the Sultan of Muscat and dependencies, namely, Articles 3, 4, 6, 7, 8 and 9, are abrogated so far as the territories of His Highness the Sultan of Zanzibar are concerned.

ARTICLE 24

For the purposes of this convention the expression "British companies" means any company duly incorporated under the law of any territory under the sovereignty of His Majesty The King or of any territory under his protection, registered in any of the above-mentioned territories.

The expression "French companies" means any company duly incorporated under the law of France or any French colony, protectorate or territory under mandate, and the expression "French ships" means any ship duly registered in any of the above-mentioned territories.

The expression "subject of His Majesty the Sultan of Morocco" only includes those of His Majesty's subjects who enjoy French diplomatic protection abroad.

The expression "territories of His Highness the Sultan of Zanzibar" means the territories referred to in the notes exchanged on the 13th and 18th May, 1904, between the Government of the United Kingdom and the Government of the French Republic.

ARTICLE 25

Any dispute between the High Contracting Parties relating to the interpretation or application of the provisions of the present convention, which they are unable to settle by diplomatic means, shall, on the application of one of them, be submitted to the Permanent Court of International Justice unless the High Contracting Parties agree on another method of settlement.

ARTICLE 26

The present convention shall be ratified.

The instruments of ratification shall be exchanged at Paris.

The present convention shall enter into force one calendar month after the date of the exchange of ratifications.

In faith whereof the above-named plenipotentiaries have signed the present convention.

Done this 29th day of July, 1937, at London, in duplicate, in English and French, both texts being equally authentic.

ANTHONY EDEN

CHARLES CORBIN

