

INTERNATIONAL COURT OF JUSTICE

**LAND AND MARITIME DELIMITATION AND SOVEREIGNTY
OVER ISLANDS**

(GABON/EQUATORIAL GUINEA)

**MEMORIAL OF
THE REPUBLIC OF EQUATORIAL GUINEA**

VOLUME III

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Annex 1

Treaty of Amity, Guarantee, and Commerce Between Portugal and Spain, Signed at El Pardo
(11 March 1778)

TRANSLATION

APPENDIX 1

Treaty of Amity, Guarantee, and Commerce
between Portugal and Spain, signed at El Pardo
on March 11, 1778 (Treaty of El Pardo)¹⁰¹

¹⁰¹ CONSOLIDATED TREATY SERIES. 1648-1919 (Clive Parry, editor, 1969). Also reproduced in DEL CANTILLO. TRATADOS, CONVENIOS Y DECLARACIONES DE PAZ Y COMERCIO [TREATIES, AGREEMENTS AND DECLARATIONS OF PEACE AND COMMERCE], p. 547. The text of the Treaty is found in III COLECCIÓN DE LOS TRATADOS DE PAZ [III COLLECTION OF PEACE TREATIES] 254 (1801).

TRANSLATION

Treaty of Amity, Guarantee and Commerce
between Portugal and Spain,
signed at the Pardo, 11 March 1778

THE Spanish text of this Treaty is here reproduced from Del Cantillo, *Tratados, Convenios y Declaraciones de Paz y de Comercio*, p. 547. The same text is printed also in *Colección de los Tratados de Paz etc* (1801), vol. III, p. 254, and, along with a Portuguese text, by Borges de Castro, *Collecção dos Tratados etc de Portugal*, vol. III, p. 268, and also by Calvo, *Recueil complet des Traités etc. de l'Amérique Latine*, vol. III, p. 168. Borges de Castro (*op. cit.*, p. 320) prints also a Portuguese version of the Act of Accession of France, dated 16 July 1783. Davenport, *European Treaties bearing on the History of the United States*, vol. IV, p. 140, prints an extract (Arts. 1–2, 19) of the Treaty from the Spanish original, together with an English translation. The French translation reproduced here is taken from Martens, *Recueil des Principaux Traités* (2nd ed.), vol. II, p. 612, who takes it from the *Mercure Historique et Politique* for 1778, p. 616, referring also to an Italian version in *Storia dell'Anno 1778*, p. 183. This text includes the French Act of Accession derived from Bourgoine, *Voyage du Duc de Chatelet en Portugal*, vol. II, p. 182, and the ratification of the Act, dated 8 August 1783, taken from Koch, *Table des Traités etc.*, vol. II, p. 463. Martens et de Cussy, *Recueil Manuel et Pratique des Traités*, vol. I, p. 157, also have the Treaty in part (Arts. 7–17) in French.

In the name of the Most Holy Trinity.

Article 1 of the preliminary boundary treaty, successfully entered into between the crowns of Spain and Portugal and their respective plenipotentiaries in San Ildefonso on October 1 of last year, 1777, confirmed and revalidated the peace treaties entered into between the same crowns in Lisbon on February 13, 1668, in Utrecht on February 6, 1715, and in Paris on February 10, 1763, as if incorporated word for word in the aforementioned treaty of 1777

insofar as they were not thereby repealed.

The treaties of Lisbon and Utrecht cited above and renewed herein, and in particular the former, have served as the basis and foundation of the reconciliation and ties between the Spanish and Portuguese monarchies in order to attain the standing each enjoys today vis-à-vis the other, and due to their great significance both treaties were guaranteed by the kings of Great Britain, having formally stipulated such guarantee in Article 20 of the Treaty of Utrecht

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dated July 13, 1713, between the Spanish and British crowns. But just as the aforementioned Treaty of Paris of February 10, 1763, raised certain questions and difficulties based on the wording of its Article 21 and others, the diverse readings of which having been the source of many of the disagreements that have occurred in South America among the vassals of both crowns, by the same token, other articles and language in the above two treaties of Lisbon and Utrecht, and several points that have remained unresolved since then and have not been clarified to date, may in the future lead to similar or sharper disputes, or at least to forgetting and overlooking the agreed-upon terms, thereby giving rise to new grounds for discord. Thus, since Their Catholic and Most Faithful Majesties wish to prevent these risks forever, and forestall their consequences, they have resolved through this treaty to ensure strict compliance with the aforementioned Article 1 of the preliminary treaty of 1777, provide the utmost consistency and rigorous interpretation called for by the former treaties that have been ratified, thereby establishing the closest and most unbreakable union and friendship between the two crowns, as the natural consequence of their status and proximity, of the old and modern ties and relationships between their respective sovereigns, and the original identity and reciprocal interests of the two nations. Therefore, in order for such plausible, great and beneficial ideas to bear fruit, the very great, powerful and excellent prince don Carlos III, King of Spain and of the Indies, and the very great, excellent and powerful princess doña María, Queen of Portugal, of the Algarves, etc., agreed to appoint their respective plenipotentiaries, to wit: by His Catholic Majesty the King of Spain, the most excellent gentleman *don José Moñino, Count of Florida Blanca*, knight of the royal order of Carlos III, his counselor of state, his first secretary of state and of the office, superintendent general of land and maritime post, of the post relays and postal revenues of Spain and the Indies; and by Her Most Faithful Majesty the Queen of Portugal, the most excellent gentleman *don Francisco Inocencio de Souza Coutinho*, commander in the order of Christ, of her counsel and her ambassador to His Catholic Majesty. Both men, having been apprised of the intentions of their respective sovereigns, who have communicated with their plenipotentiaries and issued their appointments in due form, agreed on behalf of

the two monarchs to the following articles.

Article 1

Pursuant to the agreement between the two crowns in the aforesaid treaty renewed on February 13, 1668, and specifically its Articles 3, 7, 10, and 11, and in further interpretation thereof, following other old treaties referenced by said articles, which were used during the time of King don Sebastian, and in the treaties entered into between Spain and England on November 15, 1630, and May 23, 1667, which were also transmitted to Portugal, the two esteemed royal parties, acting on their own behalf and on behalf of their heirs and successors, declare that the peace and friendship that they have established and that must be observed among their respective subjects throughout their vast dominions in both worlds, shall and must be pursuant to the alliance and beneficial communications that prevailed between the two crowns during the aforesaid times of Kings don Carlos I and don Felipe II of Spain, Kings don Manuel and don Sebastian of Portugal, with Their Catholic and Most Faithful Majesties and their vassals providing all assistance and services that characterize true and loyal allies and friends, such that each seeks the welfare and profit of the other and they reciprocally set aside or forestall any harm or injury as soon as they may learn and hear of it.

Article 2

In accordance with the matters agreed upon and declared in the preceding article and those others set forth in the old treaties that have been renewed and those referenced therein, insofar as they have not been repealed by any subsequent articles, Their Catholic and Most Faithful Majesties promise to refrain from acting to the detriment of each other, or each other's states in any part of the world, in war, alliances, treaties or councils, or admit through their ports and lands any direct or indirect assistance or subsidy of any nature whatsoever for such action, and shall not permit such action on the part of their respective vassals. Instead, they shall notify each other of any matter of which they learn, hear, or presume that may be detrimental to either of the two sovereigns, their dominions, rights, and possessions, whether outside of or within their kingdoms, from rebels or persons with ill intent and discontent with their glorious governments, by mediating, negotiating, and assisting each other in mutual agreement

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for the reciprocal prevention or remedy of any harm or injury caused to either of the two crowns, to which end they shall correspond with each other and shall impart to their ministers to other courts, and to their viceroys and governors of their provinces, all orders and instructions they deem appropriate to issue on this matter.

Article 3

For the very purpose of satisfying the commitments assumed in the old treaties, and any others referenced therein and that remain in force between the two crowns, Their Catholic and Most Faithful Majesties have agreed to clarify their meaning and effect, and to be bound, as they are so bound, to reciprocally guarantee, in all their dominions in Europe and adjacent islands, the royalties, privileges, and rights presently enjoyed therein, as well as to renew and revalidate the guarantee and remaining points established in Article 25 of the boundary treaty of January 13, 1750, which will be copied below this treaty, with an understanding of the boundaries established therein with regard to South America under the terms most recently stipulated and clarified in the preliminary treaty of October 1, 1777. Said Article 25 begins as follows: "For greater security etc." (cf. p. 408).

Article 4

Should either of the two esteemed parties wage war with another power without having suffered the invasion of the lands, possessions, and rights covered by the guarantee of the preceding article, the party not involved in such war shall only be required to guard and enforce the observance of the strictest and most scrupulous neutrality in its lands, ports, coastlines, and seas, reserving only for cases of invasion or preparations for invasion, in the dominions subject to the guarantee, the reciprocal defense incumbent upon both sovereigns pursuant to their commitments that they wish and promise to carry out religiously, without thereby failing to observe the treaties in force between the esteemed parties and other European powers.

Article 5

In keeping with the meaning of the two preceding articles, although it was agreed in

Article 22 of the Treaty of San Ildefonso of October 1, 1777, that on the island and in the port of Santa Catalina and its immediate coastline, no consent would be given to entry by foreign squadrons or vessels of war or commerce in the manner set forth therein, it was not the aim of such article to refuse to provide hospitality in cases of absolute necessity and forced arrival, refraining from the abuses of smuggling, hostility, or invasion against the friendly power, nor was it to prevent Spanish vessels from arriving at such port, or to the shores of Brazil, whenever necessary, nor was the objective to refrain from providing assistance and refreshment in the manner due to good friends and allies, observing the laws and prohibitions of the country of arrival. Their Catholic and Most Faithful Majesties have deemed it appropriate to declare that this statement shall be used to interpret and regulate all matters stipulated in any other location in this regard.

Article 6

The stipulations of Article 18 of the Treaty of Utrecht entered into by the two crowns on February 6, 1715, shall be strictly observed, and to provide greater clarification of this article and of the old treaties and concords of the time of King don Sebastian, the two esteemed royal parties declare that in addition to the crimes specified in those concords, which are and must be encompassed in the general references thereto as if individually listed, are the crimes of counterfeit currency, smuggling in or out materials that are strictly prohibited in either of the two kingdoms, and desertion of military units on land or sea; criminals and deserters are to be surrendered to each other, and any punishments to be imposed upon these persons must exclude the death penalty, to which they may not be sentenced, and both monarchs shall offer to commute such sentence to a non-capital punishment. To facilitate the prompt arrest and surrender of such persons, the two esteemed parties have resolved to do so, without any other prerequisite, at the request of the minister or secretary of state for foreign affairs of either of the two powers, by issuing correspondence to that effect, either directly or through the respective ambassadors of the two sovereigns; however, if it is the courts that request the surrender of a prisoner, the formalities of style shall be observed in the request pursuant to the terms established at the time the

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aforementioned concords were entered into. Finally, should Their Catholic and Most Faithful Majesties deem it appropriate at a later date to issue further clarification of the specifics addressed in this article, specifying any other particular contingency, they offer to notify each other and reach a friendly agreement, promising to observe all terms arranged between them, as well as everything stipulated herein, to which end they will subsequently issue the pertinent orders.

Article 7

Article 17 of the aforementioned Treaty of Utrecht of February 6, 1715, established that the Spanish and Portuguese nations would, in all their respective dominions in Europe, reciprocally enjoy all the advantages of commerce, and all privileges, liberties, and exemptions granted up to that date, and each would thenceforth grant the other nation the status of most favored and most privileged among all those trading therein; and in addition to the terms of that article, So as to not leave any room from uncertainty regarding the agreed-upon terms, another article was agreed to providing that where commerce between the two nations re-commenced and continued as it had been before the war that preceded the same treaty, trade would continue on those bases until the conditions that such commerce had to comply with was declared. Thus, as a consequence of those articles, and having renewed, revalidated and ratified the entire Treaty of Utrecht by Article 1 of the preliminary boundary treaty, Their Catholic and Most Faithful Majesties have promised each other strict and specific compliance with and observance of the terms of the aforementioned Article 17 and separate article, as literally set forth.

Article 8

In order to issue the declaration set forth in that separate article, regarding agreement to engage in commerce between the two nations or the manner in which such commerce is to take place, Their Catholic and Most Faithful Majesties have agreed to adopt the terms of Articles 3 and 4 of the treaty entered into between the two crowns on February 13, 1668, guaranteed by Great Britain, and renewed or ratified as well in Article 1 of the preliminary boundary treaty, to the extent adaptable. These articles literally

state the following: —Article 3: "The vassals and inhabitants of the lands possessed by each king shall have good correspondence and friendship without any display of past offense or harm, and may communicate with each other, enter into and visit within the boundaries of the other, and utilize and engage in commerce with full security by land or by sea, in the form and manner customary during the time of King don Sebastian. —Article 4: Said vassals and inhabitants of each party shall reciprocally enjoy the same security, liberties, and privileges granted to the subjects of the Most Serene King of Great Britain through the treaty of May 23, 1667, and another of the year 1630 insofar as it was not repealed, in the same form and manner as if all those articles addressing commerce and its pertinent immunities were expressly restated herein, excluding no article whatsoever, merely changing the name to Portugal. And those same privileges shall be enjoyed by the Portuguese nation in the realms of His Catholic Majesty, in the form and manner customary during the time of King don Sebastian."

Article 9

As a consequence of the terms agreed upon in the preceding article, the two nations, Spain and Portugal, shall hold in common all of the aforementioned treaty of May 23, 1687, with Great Britain, with no modifications or clarifications other than those that may have already been made between the Spanish and British crowns; the two nations, Spain and Portugal, reserve the right to expand thereupon based on the old privileges that the respective monarchs may have granted each other and that they may have enjoyed during the reign of King don Sebastian.

Article 10

To complement the two preceding articles and those treaties, and for greater precision and clarity in their implementation, the lists and tariffs of October 23, 1668, shall be recognized, together with any others established to collect duties on fruits and merchandise that may enter and exit from Spain to Portugal and from Portugal to Spain through their land and sea ports of entry, and by mutual agreement these shall be adjusted, expanded or modified in accordance with said treaties, preserving their proportions in any variations that time may have caused to the names and prices of such

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fruits and merchandise, increasing or decreasing their categories and types and other specifics.

Article 11

These lists or tariffs shall also specify any prohibitions that must remain regarding the introduction of certain categories and fruits from either of the two monarchies into the dominions of the other. From the beginning, Their Catholic and Most Faithful Majesties have agreed that those prohibitions shall be limited to those that are absolutely necessary for beneficial governance within the same two monarchies; and on this point both nations shall reciprocally exercise the same consideration enjoyed and observed by others with most-favored status, thereby setting aside any specific animosities and complying strictly with the articles of the aforementioned treaties of 1667, 1668, and 1715 in the manner set forth and guaranteed therein.

Article 12

Furthermore, a collection shall be created of the privileges enjoyed by the two nations during the time of King don Sebastian, and such collection, authorized with all due solemnity, shall be considered and made part of this treaty in the same fashion as such list or tariff of duties set forth in the preceding article shall be considered and made part hereof.

Article 13

As Their Catholic and Most Faithful Majesties wish to promote the advantages of commerce among their respective subjects, which may be verified by their reciprocal purchase and sale of Blacks, without being bound by harmful contracts and treaties such as those entered into in earlier times with Portuguese, French and English companies, which needed to be terminated or annulled, the two High Contracting Parties have agreed that, in order to achieve these and other ends and to compensate in some fashion for all assignments, restitutions and waivers made by the Spanish crown in the first preliminary boundary treaty of October 1, 1777, Her Most Faithful Majesty, on her own behalf and on behalf of her heirs and successors, would cede, as in fact she has ceded and now cedes to His Catholic Majesty and his heirs and successors of the

Spanish crown, the island of *Annobon*, on the coast of Africa, with all rights, possessions, and shares associated with said island, in order that it may henceforth be part of the Spanish dominions in the same manner in which it has to date belonged to those of the Portuguese crown; and also all rights and shares that she possesses or may possess to the island of *Fernando del Pó* in the Gulf of Guinea, in order that the vassals of the Spanish crown may establish themselves therein, and engage in trade in the ports and coastlines opposite said island, such as the ports of the *Gabon* River, the *Cameroons*, *Santo Domingo*, *Cabo feroso* and others of that district, without thereby preventing or hindering commerce by the vassals of Portugal, particularly those of the islands of *Príncipe* and *São Tomé*, who to date and in the future engage in commerce on that coast and in those ports, with the Spanish and Portuguese vassals conducting themselves in the most perfect harmony, neither harming or hindering the other for any reason or on any pretext.

Article 14

All Spanish vessels, whether of war or of commerce from that nation, which may stop at the islands of *Príncipe* and *São Tomé*, which belong to the Portuguese crown, in order to refresh their crews or supply themselves with foodstuffs or other necessary items, shall be welcomed and treated by those islands as the most favored nation; the same practice shall prevail with regard to Portuguese war or commercial vessels that may stop at the islands of *Annobon* or *Fernando del Pó*, which belong to His Catholic Majesty.

Article 15

In addition to the reciprocal assistance that must be exercised between the two nations, Spain and Portugal, on those islands of *Annobon* and *Fernando del Pó*, and on those of *São Tomé* and *Príncipe*, Their Catholic and Most Faithful Majesties have agreed that on those islands, the subjects of both sovereigns may engage in

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the open and free trafficking and commerce of Blacks; and in the event the Portuguese nation brings them to the aforementioned islands of *Annobon* and *Fernando del Pó*, they shall be purchased and paid for promptly and accurately, as long as the prices are customary and proportional to the quality of the slaves, and without any of the excesses that other nations in similar sales and locations have or may have customarily practiced.

Article 16

His Catholic Majesty also offers the continuation, for a term of four years, of the consumption of leaf tobacco produced by the dominions of Brazil that are involved in such commerce on the aforementioned islands and immediate coasts of Africa; to that end, a formal contract shall be drawn up with the person or persons designated by the court of Lisbon, specifying the amounts of tobacco, prices, and other conditions that may pertain to this point. Once the four years have elapsed, after obtaining greater knowledge thereof, the contract drawn up for that purpose may or may not be renewed, and its terms and conditions expanded, modified, or clarified.

Article 17

As the articles of this treaty or any one of them may be adaptable to other powers that the two esteemed parties may deem appropriate to invite to join it, Their Catholic and Most Faithful Majesties reserve

the right to reach an agreement on this point, and negotiate all aspects of the manner in which it must be done with regard to the reciprocal interests of the two crowns, and of any power or powers that are to be invited or that wish to join it.

Article 18

Both royal parties shall ensure that the agreements and obligations assumed under this treaty are published in their dominions and notified to all their vassals, ordering the utmost precision in the observance and implementation thereof and ensuring strict punishment of all offenders.

Article 19

This treaty must be ratified in the precise term of fifteen days from signature thereof, or earlier if possible. In witness whereof, we, the undersigned plenipotentiary ministers, affix our signatures, on behalf of our august rulers, and by virtue of the full powers vested in us for this purpose, to this treaty and have the seals of our coats of arms affixed thereto. Done at the royal palace of El Pardo on March 11, 1778. — *The Count of Florida Blanca*. — *Don Francisco Inocencio de Souza Coutinho*.

His Catholic Majesty ratified the above treaty by an instrument issued at the same palace of El Pardo on the 24th of that month and year, endorsed by the secretary of state and of the office of the Indies, *don José de Gálvez*.



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CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Christina Courtright, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

A handwritten signature in black ink, appearing to read 'Kent G. Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

09/13/21

Date



APÉNDICE 1

Tratado de amistad, garantía y comercio
entre Portugal y España, firmado en El Pardo
el 11 de marzo de 1778 (Tratado de El Pardo)¹⁰¹

¹⁰¹ CONSOLIDATED TREATY SERIES, 1648-1919 (Clive Parry, editor, 1969). Reproducido también en DEL CANTILLO, TRATADOS, CONVENIOS Y DECLARACIONES DE PAZ Y DE COMERCIO, p 547. El texto del Tratado se encuentra en III COLECCIÓN DE LOS TRATADOS DE PAZ 254 (1801).

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THE Spanish text of this Treaty is here reproduced from Del Cantillo, *Tratados, Convenios y Declaraciones de Paz y de Comercio*, p. 547. The same text is printed also in *Colección de los Tratados de Paz etc* (1801), vol. III, p. 254, and, along with a Portuguese text, by Borges de Castro, *Collecção dos Tratados etc de Portugal*, vol. III, p. 268, and also by Calvo, *Recueil complet des Traités etc. de l'Amérique Latine*, vol. III, p. 168. Borges de Castro (*op. cit.*, p. 320) prints also a Portuguese version of the Act of Accession of France, dated 16 July 1783. Davenport, *European Treaties bearing on the History of the United States*, vol. IV, p. 140, prints an extract (Arts. 1-2, 19) of the Treaty from the Spanish original, together with an English translation. The French translation reproduced here is taken from Martens, *Recueil des Principaux Traités* (2nd ed.), vol. II, p. 612, who takes it from the *Mercurie Historique et Politique* for 1778, p. 616, referring also to an Italian version in *Storia dell'Anno 1778*, p. 183. This text includes the French Act of Accession derived from Bourgoine, *Voyage du Duc de Chatelet en Portugal*, vol. II, p. 182, and the ratification of the Act, dated 8 August 1783, taken from Koch, *Table des Traités etc.*, vol. II, p. 463. Martens et de Cussy, *Recueil Manuel et Pratique des Traités*, vol. I, p. 157, also have the Treaty in part (Arts. 7-17) in French.

En el nombre de la Santísima Trinidad.

Por el artículo 1.º del tratado preliminar de límites felizmente concluido entre las dos coronas de España y Portugal y sus respectivos plenipotenciarios en San Ildefonso á 1.º de octubre del año próximo pasado de 1777, se confirmaron y revalidaron los tratados de paz celebrados entre las mismas coronas en Lisboa á 13 de febrero de 1668, en Utrech á 6 tambien de febrero de 1715, y en Paris á 10 del propio mes de febrero de 1763, como si se hallasen insertos palabra por palabra en el mencionado trata-

do de 1777 en cuanto no fuesen derogados por él.

Los dos tratados de Lisboa y Utrech que van citados y se han renovado ahora, han sido, y especialmente el primero, la base y fundamento de la reconciliacion y enlaces de las dos monarquias española y portuguesa para llegar al estado en que se hallan hoy una respecto de otra; y por causa tan relevante fueron ambos tratados garantidos por los reyes de la Gran Bretaña, estipulándose formalmente esta garantia en el artículo 20 del tratado de Utrech de 13 de julio de 1713, celebrado entre la corona de España y

la de Inglaterra. Pero así como el ya citado de Paris de 10 de febrero de 1763 suscitó por las espresiones de su artículo 21 y otras, algunas dudas y dificultades, en cuya diversa intelijencia se han podido fundar muchas de las desavenencias ocurridas en América meridional entre los vasallos de ambas coronas; del propio modo otros artículos y espresiones de los dos tratados anteriores de Lisboa y de Utrech, y varios puntos que desde entonces quedaron pendientes y no se han explicado hasta ahora, podrian producir en lo sucesivo iguales ó mayores disputas, ó á lo menos el olvido é inobservancia de lo pactado, orijinándose motivos de nuevas discordias. Deseando, pues, sus Majestades católica y fidelísima precaver para siempre aquellos riesgos, é impedir sus consecuencias, han resuelto por medio del presente tratado, para cumplir religiosamente el citado artículo 1.º del tratado preliminar de 1777, dar toda la consistencia y esplicacion que piden los tratados antiguos que se han confirmado, estableciendo así la mas íntima é indisoluble union y amistad entre ambas coronas, á que naturalmente las conducen la situacion y vecindad de ellas, los antiguos y modernos enlaces y parentescos de sus respectivos soberanos, la identidad de orijen y el reciproco interés de las dos naciones. A fin, pues, de llevar á efecto tan plausibles, grandes y provechosas ideas, el muy alto, muy poderoso y muy excelente príncipe don Carlos III, rey de España y de las Indias, y la muy alta, muy excelente y muy poderosa princesa doña María, reina de Portugal, de los Algarbes, etc. acordaron nombrar sus respectivos plenipotenciarios; es á saber, su Majestad católica el rey de España al excelentísimo señor *don José Moñino, conde de Florida Blanca*, caballero de la real orden de Carlos III, su consejero de estado, su primer secretario de estado y del despacho, superintendente general de correos terrestres y marítimos, y de las postas y renta de estafetas en España y las Indias; y su Majestad fidelísima la reina de Portugal al excelentísimo señor *don Francisco Inocencio de Souza Coutinho*, comendador en la orden de Cristo, de su consejo y su embajador cerca de su Majestad católica; quienes enterados de las intenciones de sus respectivos soberanos, despues de haberse comunicado sus plenipotencias, y hallándolas estendidas en debida forma, han convenido en nombre

de ambos monarcas en los artículos siguientes.

Artículo 1.º

Conforme á lo pactado entre las dos coronas en dicho tratado renovado de 13 de febrero de 1668, y señaladamente en sus artículos 3.º, 7.º, 10.º y 11.º, y en mayor esplicacion de ellos, siguiendo otros tratados antiguos, á que se refieren dichos artículos, que se usaban en tiempo del rey don Sebastian, y los celebrados entre España é Inglaterra en 15 de noviembre de 1630, y 23 de mayo de 1667, que tambien se comunicaron á Portugal, declaran los dos altos príncipes contrayentes por si y en nombre de sus herederos y sucesores, que la paz y amistad que han establecido y que deberá observarse entre sus respectivos súbditos en toda la estension de sus vastos dominios en ambos mundos, haya de ser y sea conforme á la alianza y buena correspondencia que habia entre las dos coronas en el referido tiempo de los reyes don Carlos I y don Felipe II de España, don Manuel y don Sebastian de Portugal, prestándose sus Majestades católica y fidelísima y sus vasallos los auxilios y oficios que correponden á verdaderos y fieles aliados y amigos, de modo que los unos procuren el bien y utilidad de los otros, y aparten é impidan recíprocamente su daño y perjuicio en cuanto supieren y entendieren.

Artículo 2.º

En consecuencia de lo pactado y declarado en el artículo antecedente y de lo demas que espresan los tratados antiguos que se han renovado y otros á que ellos se refieren, que no fuesen derogados por algunos posteriores, prometen sus Majestades católica y fidelísima no entrar el uno contra el otro, ni contra sus estados en cualquier parte del mundo en guerra, alianza, tratado ni consejo, ni dar paso por sus puertos y tierras, auxilios directos ó indirectos, ni subsidios para ello de cualquiera clase que sean, ni permitir que los den sus respectivos vasallos: antes bien se avisarán recíprocamente cualquiera cosa que supieren, entendieren ó presumieren que se trata contra cualquiera de ambos soberanos, sus dominios, derechos y posesiones, ya sea fuera de sus reinos ó ya en ellos, por rebeldes ó personas mal intencionadas y descontentas de sus gloriosos gobiernos; mediando, negociando y auxiliándose de comun acuerdo

para impedir ó reparar reciprocamente el daño ó perjuicio de cualquiera de las dos coronas, á cuyo fin se comunicarán y darán á sus ministros en otras córtés, como á los vireyes y gobernadores de sus provincias las órdenes é instrucciones que tengan por conveniente formar sobre este asunto.

Artículo 3.º

Con el propio objeto de satisfacer á los empeños contraídos en los antiguos tratados, y demas á que se refirieron aquellos y que subsisten entre las dos coronas, se han convenido sus Majestades católica y fidelísima en aclarar el sentido y vigor de ellos; y en obligarse, como se obligan, á una garantía recíproca de todos sus dominios en Europa é islas adyacentes, regalías, privilegios y derechos de que gozan actualmente en ellos; como también á renovar y revalidar la garantía y demas puntos establecidos en el artículo 25 del tratado de límites de 13 de enero de 1750, el cual se copiará á continuacion de este, entendiéndose los límites que allí se establecieron con respecto á la América meridional, en los términos estipulados y esplicados últimamente en el tratado preliminar de 1.º de octubre de 1777, y siendo el tenor de dicho artículo 25 como se sigue: «Para mas plena seguridad etc. (v. pág. 408.)

Artículo 4.º

Si cualquiera de los dos altos contrayentes sin hallarse en el caso de ser invadido en las tierras, posesiones y derechos que comprende la garantía del artículo antecedente, entrare en guerra con otra potencia, únicamente estará obligado el que no tuviere parte en la tal guerra á guardar y hacer observar en sus tierras, puertos, costas y mares la mas exacta y escrupulosa neutralidad; reservándose para los casos de invasion ó disposiciones para ella en los dominios garantidos, la defensa recíproca á que estarán obligados ambos soberanos en consecuencia de sus empeños que desean y prometen cumplir religiosamente, sin faltar á los tratados que subsisten entre los altos contrayentes y otras potencias de Europa.

Artículo 5.º

Siguiendo el concepto de los dos artículos inmediatos antecedentes, aunque por el artículo

22 de dicho tratado de San Ildefonso de 1.º de octubre de 1777 se pactó que en la isla y puerto de Santa Catalina y su costa inmediata, no se consentiria la entrada de escuadras ó embarcaciones extranjeras de guerra ó de comercio en la forma que allí se contiene, asi como el fin no fue faltar á la hospitalidad en los casos de necesidad absoluta y de arribadas forzadas, evitando los abusos de contrabando, de hostilidad ó de invasion contra la potencia amiga, tampoco lo fue impedir á las naves españolas el tocar en aquel puerto, ni en la costa del Brasil, cuando lo necesitasen, ni dejar de darlas los auxilios y refrescos que corresponden á buenos amigos y aliados, guardando las leyes y prohibiciones del pais á que arribasen: lo cual han tenido por conveniente declarar sus Majestades católica y fidelísima, para que por esta declaracion se entienda y regule todo lo estipulado en cualquiera otra parte sobre este punto.

Artículo 6.º

Se observará exactamente lo estipulado en el artículo 18 del tratado de Utrech de 6 de febrero de 1715, celebrado entre las dos coronas: y en mayor esplicacion de él, y de los tratados y concordias antiguas del tiempo del rey don Sebastian, declaran los dos altos principes contrayentes, que ademas de los crímenes especificados en dichas concordias, se comprenden y han de comprender en las espresiones generales de ellas como si individualmente se hubiesen nombrado, los delitos de moneda falsa, contrabandos de estraccion ó introduccion de materias absolutamente prohibidas en cualquiera de los dos reinos, y desercion de los cuerpos militares de mar ó tierra, entregándose los delincuentes y desertores; bien que de los castigos que se hayan de imponer á estos últimos se esceptua la pena de muerte á que no podrá condenárseles, ofreciendo ambos monarcas conmutarla en otra que no sea capital. Para facilitar la pronta aprehension y entrega de unos y otros, han resuelto los dos altos contrayentes se ejecute, sin exijir otro requisito, todas las veces que los reclamase el ministro ó secretario de estado de los negocios extranjeros de cualquiera de las dos potencias, mediante oficio que pase para ello, ya sea directamente, ó ya por los respectivos embajadores de ambos soberanos; pero cuando sean los tribunales quienes soliciten la entrega de algun

reo se observarán las formalidades de estilo en las requisitorias establecidas desde el tiempo en que se ajustaron las mencionadas concordias. Finalmente, si sus Majestades católica y fidelísima tuviesen por conveniente hacer en lo sucesivo alguna nueva esplicacion sobre los particulares de que trata este artículo, especificando algun otro caso determinado, ofrecen comunicárselo y ponerse de acuerdo amistosamente, mandando se observe lo que arreglen entre sí, como todo lo que aquí va estipulado, para cuyo cumplimiento espedirán desde luego las órdenes conducentes.

Artículo 7.º

Por el artículo 17 del tratado de Utrech ya referido de 6 de febrero de 1715 se capituló que las dos naciones española y portuguesa gozarian reciprocamente en sus respectivos dominios de Europa de todas las ventajas en el comercio, y de todos los privilegios, libertades y exenciones que se habian concedido hasta entonces, y concederian en adelante á la nacion mas favorecida y la mas privilegiada de todas las que traficaban en ellos: y ademas de lo contenido en dicho artículo, para no dejar incertidumbre alguna en lo convenido, se pactó por otro artículo separado que restableciéndose el comercio entre las dos naciones, y continuando en el estado que se hacia antes de la guerra que precedió al mismo tratado, subsistiria así hasta que se declarase la conformidad en que debia correr dicho comercio. En consecuencia, pues, de dichos artículos, y de haberse renovado, revalidado y ratificado en el artículo 1.º del tratado preliminar de limites todo el tratado de Utrech, se han prometido sus Majestades católica y fidelísima cumplir y observar exactamente y en forma específica el contesto de los citados artículos 17 y separado, como literalmente consta de ellos.

Artículo 8.º

Para hacer la declaracion reservada en dicho artículo separado, de la conformidad ó del modo en que deberia correr el comercio entre las dos naciones se han convenido sus Majestades católica y fidelísima en que se tomen por norma los artículos 3.º y 4.º del tratado celebrado entre las dos coronas en 13 de febrero de 1668, garantido por la gran Bretaña, y renovado ó ratificado igualmente en el artículo 1.º del tra-

tado preliminar de limites, en cuanto fueren adaptables; los cuales artículos son á la letra como se sigue:— Artículo 3.º « Los vasallos y moradores de las tierras poseidas por uno y otro rey, tendrán toda buena correspondencia y amistad sin mostrar sentimiento de las ofensas y daños pasados, y podrán comunicar, entrar y frecuentar los limites de uno y otro; y usar y ejercer el comercio con toda seguridad por tierra y por mar, en la forma y manera que se usaba en tiempo del rey don Sebastian. — Artículo 4.º Los dichos vasallos y moradores de una y otra parte tendrán reciprocamente la misma seguridad, libertades y privilegios que estan concedidos á los súbditos del serenísimo rey de la Gran Bretaña por el tratado de 23 de mayo de 1667, y otro del año de 1630, en lo que no se deroga por este, de la misma forma y manera que si todos aquellos artículos en razon del comercio é inmundidades tocantes á él fuesen aquí espresamente declarados, sin escepcion de artículo alguno, mudando solamente el nombre en favor de Portugal. Y de estos mismos privilegios usará la nacion portuguesa en los reinos de su Majestad católica, segun y como lo practicaba en tiempo del rey don Sebastian. »

Artículo 9.º

En consecuencia de lo pactado en el artículo antecedente será comun á las dos naciones española y portuguesa todo el referido tratado de 23 de mayo de 1667, celebrado con la Gran Bretaña, sin mas modificaciones ó esplicaciones que aquellas mismas que hayan ocurrido entre las dos coronas de España é Inglaterra, reservándose á las dos naciones española y portuguesa las ampliaciones que por privilegios antiguos de sus respectivos monarcas se las hayan concedido, y hayan gozado en el reinado del rey don Sebastian.

Artículo 10.º

Para complemento de los artículos antecedentes y de dichos tratados, y para que haya la mayor exactitud y claridad en su ejecucion, se reconocerán las listas y aranceles de 23 de octubre de 1668 y demas que se hubiesen formado para el cobro de derechos de los frutos y mercaderias que entrasen y saliesen de España para Portugal y de Portugal para España por

sus puertos de mar y tierra, y de comun acuerdo se arreglarán, ampliarán ó modificarán según el tenor de dichos tratados, guardando proporcion á las variaciones que puede haber causado el tiempo en los nombres y precios de dichos frutos y mercaderías, aumento ó disminución de sus géneros y especies y otras particularidades.

Artículo 11.º

En dichas listas ó aranceles se especificarán tambien las prohibiciones que deban quedar subsistentes sobre introduccion de algunos géneros y frutos de cualquiera de las dos monarquías en los dominios de la otra; y desde luego se han convenido sus Majestades católica y fidelísima en que de tales prohibiciones se alzarán todas las que no sean absolutamente necesarias para el buen gobierno interior de las mismas dos manarquías, guardándose en este punto recíprocamente ambas naciones una consideracion igual á la que tuvieren y observaren con otras de las mas favorecidas; de modo que se aparte toda odiosidad particular, y se cumplan religiosamente los artículos de dichos tratados de 1667, 1668 y 1715, en que así está capitulado y garantido.

Artículo 12.º

Asimismo se formará una coleccion de los privilegios de que han gozado las dos naciones en el tiempo del rey don Sebastian; y dicha coleccion autorizada con las debidas solemnidades se estimará y tendrá como parte de este tratado al modo que lo será tambien y se tendrá por tal lista ó arancel de derechos que se ha citado en el artículo antecedente.

Artículo 13.º

Deseando sus Majestades católica y fidelísima promover las ventajas del comercio de sus respectivos súbditos, las cuales pueden verificarse en el que recíprocamente hicieren de compra y venta de negros, sin ligarse á contratas y asientos perjudiciales, como los que en otro tiempo se hicieron con las compañías portuguesa, francesa é inglesa, las cuales fue preciso cortar ó anular, se han convenido los dos altos principes contrayentes en que para lograr aquellos y otros fines y compensar de algun modo las cesiones, restituciones y renunciaciones hechas

por la corona de España en el tratado preliminar de límites de 1.º de octubre de 1777 cedería su Majestad fidelísima, como de hecho ha cedido y cede, por sí y en nombre de sus herederos y sucesores, á su Majestad católica y los suyos en la corona de España, la isla de *Annobon*, en la costa de Africa, con todos los derechos, posesiones y acciones que tiene á la misma isla, para que desde luego pertenezca á los dominios españoles del propio modo que hasta ahora ha pertenecido á los de la corona de Portugal; y asimismo todo el derecho y accion que tiene ó puede tener á la isla de *Fernando del Pó* en el golfo de Guinea, para que los vasallos de la corona de España se puedan establecer en ella, y negociar en los puertos y costas opuestas á la dicha isla, como son los puertos del río *Gabaon*, de los *Camarones*, de *Santo Domingo de Cabo feroso* y otros de aquel distrito, sin que por eso se impida ó estorbe el comercio de los vasallos de Portugal, particularmente de los de las islas del *Príncipe* y de *Santo Tomé*, que al presente van, y que en lo futuro fueren á negociar en dicha costa y puertos, comportándose en ellos los vasallos españoles y portugueses con la mas perfecta armonía, sin que por algun motivo ó pretexto se perjudiquen ó estorben unos á otros.

Artículo 14.º

Todas las embarcaciones españolas, sean de guerra ó de comercio de dicha nacion que hicieren escala por las islas del *Príncipe* y de *Santo Tomé*, pertenecientes á la corona de Portugal, para refrescar sus tripulaciones, ó proveerse de víveres ú otros efectos necesarios serán recibidas y tratadas en las dichas islas como la nacion mas favorecida: y lo mismo se practicará con las embarcaciones portuguesas de guerra ó de comercio que fueren á la isla de *Annobon* ó á la de *Fernando del Pó*, pertenecientes á su Majestad católica.

Artículo 15.º

Ademas de los auxilios que recíprocamente se habrán de dar las dos naciones española y portuguesa en dichas islas de *Annobon* y *Fernando del Pó*, y en las de *Santo Tomé* y del *Príncipe*, se han convenido sus Majestades católica y fidelísima en que en las mismas pueda haber entre los súbditos de ambos soberanos un tráfi-

co y comercio franco y libre de negros; y en caso de traerlos la nacion portuguesa á las referidas islas de Annobon y de Fernando del Pó, serán comprados y pagados pronta y exactamente, con tal que los precios sean convencionales y proporcionados á la calidad de los esclavos, y sin esceso á los que acostumbren suministrar ó suministraren otras naciones en iguales ventas y parajes.

Artículo 16.º

Igualmente ofrece su Majestad católica que el consumo de tabaco de hoja que hiciere para dicho comercio en las referidas islas y costas inmediatas de Africa será por espacio de cuatro años del que producen los dominios del Brasil; á cuyo fin se arreglará contrata formal con la persona ó personas que destinare la corte de Lisboa, en la que se especificarán las cantidades de tabaco, precios y demas circunstancias que correspondan á este punto: y pasados dichos cuatro años, con mayor conocimiento se podrá tratar de prorogar ó no el contrato que desde luego se hiciese, y de ampliar, modificar ó aclarar sus condiciones.

Artículo 17.º

Pudiendo los artículos de este tratado ó alguno de ellos ser adaptables á otras potencias que los dos altos contrayentes tengan por conveniente convidar á su accesion, se reservan sus Majestades católica y fidelísima poner-

se de acuerdo sobre este punto, y arreglar en todas sus partes el modo de ejecutarlo con respecto al interés reciproco de las dos coronas, y de aquella ó aquellas que hubieren de ser convidadas ó desearan acceder.

Artículo 18.º

Ambos príncipes contrayentes cuidarán de publicar en sus dominios y hacer saber á todos sus vasallos los pactos y obligaciones de este tratado, encargando la mayor exactitud en su observancia y ejecucion, y haciendo castigar rigurosamente á los contraventores.

Artículo 19.º

El presente tratado se ratificará en el preciso término de quince dias despues de firmado, ó antes si fuere posible. En fé de lo cual, nosotros los infrascritos ministros plenipotenciarios firmamos de nuestro puño, en nombre de nuestros augustos amos, y en virtud de las plenipotencias con que para ello nos autorizaron, el presente tratado, y le hicimos sellar con los sellos de nuestras armas. Fecho en el real sitio del Pardo á 11 de marzo de 1778.—*El conde de Florida Blanca. — Don Francisco Inocencio de Souza Coutinho.*

Su Majestad católica ratificó el anterior tratado por instrumento espedido en el mismo sitio del Pardo el 24 de dicho mes y año, refrendado del secretario de estado y del despacho de las Indias, *don José de Galvez.*

Annex 2

Treaty Between France and King Denis of Gabon of Senegal, signed in Gabon (9 February 1839)

TRANSLATION

Oxford Public International Law

**Treaty between France and King Denis of Gabon
(Senegal), signed at Gabon, 9 February 1839****OUP reference:** 88 CTS 311**Content type:** Bilateral treaties**Product:** Oxford Historical Treaties (OHT)**Module:** Parry's Consolidated Treaty Series (PCT)**Date signed:** 09 February 1839**Comment:**

This text is taken from De Clercq, *Recueil des Traités de la France*, vol. IV, p. 445.

TRANSLATION

312 CONSOLIDATED TREATY SERIES

FRENCH TEXT

Article 1. King Denis agrees to cede in perpetuity to France two areas of land beginning from Sandy point toward the village of the King and the entire width of the left bank, by means of the trade goods listed below.

Article 2. France shall construct all buildings, fortifications or houses it deems appropriate.

Article 3. The above-mentioned King agrees to an offensive and defensive alliance with France that, in turn, guarantees its protection.

Article 4. After this Treaty is ratified in France, possession may be taken immediately.

Done in triplicate in the village and the home of King Denis on February 9, 1839.

ED. BOUET, Commander of the *Malouine*.
BRONQUANT, captain, delegate of the
Chamber of Commerce of Bordeaux

DENIS, King. DENIS JR., son of the King.
DOLINGUA, prince.



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CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Karen Brovey, a linguist with substantial experience in the translation of documents from French into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the French text attached herewith."

Kent G. Heine
Water Street Translations, LLC

09/28/21

Date



Oxford Public International Law

Treaty between France and King Denis of Gabon (Senegal), signed at Gabon, 9 February 1839

OUP reference: 88 CTS 311

Content type: Bilateral treaties

Product: Oxford Historical Treaties [OHT]

Module: Parry's Consolidated Treaty Series [PCT]

Date signed: 09 February 1839

Comment:

This text is taken from De Clercq, *Recueil des Traités de la France*, vol. IV, p. 445.

FRENCH TEXT

ART. 1^{er}. Le Roi Denis s'engage à céder à perpétuité à la France deux lieues de terrain en partant de la pointe Sandy se dirigeant vers le village du Roi et dans toute la largeur de la rive gauche, moyennant les marchandises de traite ci-dessous dénommées.

ART. 2. La France élèvera toutes les bâtisses, fortifications ou maisons qu'elle jugera convenables.

ART. 3. Le susdit Roi s'engage à une alliance offensive et défensive avec la France qui, d'un autre côté, lui garantit sa protection.

ART. 4. La présente Convention une fois ratifiée en France la prise de possession pourra avoir lieu immédiatement.

Fait triple au village et dans la case du roi Denis, le 9 février 1839.

| | |
|-----------------------------------|----------------------------------|
| Ed. BOUET, Commandant de la | DENIS, Roi. PETIT-DENIS, fils du |
| <i>Malouine</i> . BROQUANT, capi- | Roi. DOLINGUA, prince. |
| taine, délégué de la Chambre | |
| de Commerce de Bordeaux. | |

Annex 3

Protocol No. 30, Session between The Kingdom of Spain and The French Republic
(16 September 1887) (excerpt)

TRANSLATION

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[...] with which we concern ourselves, guided as they will be by their enlightened intelligence and by the spirit of curiosity that they have always shown over the course of the discussion.

Such a decision, by the way, would conform to the principles consecrated by public opinion; even if the French Plenipotentiaries do not share our view, this opinion alone has prevailed for years, fully and uncontested. One finds it under the signature of the [illegible] and chiefs of Gabon when the question is of the fixed limits of his estuary, it is expressed by high officials, by the Director of the Colonies himself, by the authors of geographical works that are authoritative in government schools, and even in Africa. Finally, it has exercised and still exercises influence that would be decisive, if a Power possessed of the desire to have Colonies were not to be diverted by its acts, the natural course of negotiations [illegible] between two nations whose relations have been characterized by goodwill and friendship ./.

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Protocol no. 30

Session on September 16, 1887

Present:

For Spain: Mr. Romea

Fernandez Duro

Gonzalez Camayo

For France: Mr. Girard de Rialle

O'Neil

Pradier

Desbuissons

[stamp:] FOREIGN AFFAIRS R.F. ARCHIVES

The protocol of the 2nd session is adopted.

M. Romea says that before restarting the work of the conference he wishes to express the hope that this work will soon reach an end following a full agreement, as desired by the Spanish government, on the questions submitted for review by the delegates of the two nations.

Mr. Girard de Rialle shares

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the hope of the Spanish delegates and will leave no stone unturned in order to arrive at the agreement desired by each of the parties.

He adds that to follow up on the observations presented by the French Delegates over the course of the previous meetings and in order to respond to the notes sent by the Spanish Delegates, he is sending to the Commission the note attached to the present protocol; this document responds, in part, to the arguments developed by these Spanish Delegates and will be completed at the next session.

Mr. Romea says that the Spanish Delegates will carefully examine this [illegible] as well as that which Mr. Girard de Rialle is to give them at the next meeting, and he hopes that as soon as, by common agreement, the general discussion of the rights of each nation is exhausted, it will be easy to search for and find the basis for an arrangement to [sentence fragment]

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We continue the response to the 2nd annex to Protocol

no. 27.

On page 3 of this annex our colleagues tell us the following: Do they not begin by recognizing that, for all, the issue is not one of territories, "the debate having been motivated by claims for the establishment of a right of anchorage on the seas...?" And they add: "And surely it is the establishment of this tax on the Moundah that the Ministers were discussing..."

[stamp:] FOREIGN AFFAIRS R.F. ARCHIVES

After having explained the error on the subject of Cap Saint Jean, which is found in the protestations of Admiral Bosse dated May 24, 1860, we said only, "The possession of Cap Saint-Jean was not in question, and the debate having been motivated by the claims to establish a right of anchorage on the seas flowing into [...]

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12. Aside from that, the claimed rights of Chief Eolongo to the Elobey's inspired so little confidence in Lieutenant Governor Eeodosio Noëli that he preferred to obtain the adherence of the de facto chiefs who governed these islands, rather than seeking to make them recognize the authority of this Eolongo by imposing him on them as the primary chief, and he even subordinated the latter by, on May 23, 1860, naming as Alcalde of Great Elobey the chief Tbapa our Bappi, the same one whom the Spanish considered a usurper, when he made his mark under the treaty concluded with France on April 23, 1855. This was to admit, to the detriment of the claimed rights of this Eolongo, the de facto possession by the chiefs of Elobey who had for five years accepted our sovereignty.
- From the facts that we have just recalled it is clear and evidenced that there was an attempt to give the text
13. acts of 1843, 1846 and 1858 an extension that they could not contain. In effect, the act of 1843 is the one to which Spain owes the annexation of Corisco and of its natural dependencies, the islets of Laval [Leva] and Baynia [Mbañe], included in the zone of the territorial waters of that island. The proof that Corisco's dependencies did not extend to any part of the African Continent is that the letter of nationality given to [stamp:] FOREIGN AFFAIRS R.F. ARCHIVES the inhabitants on February 18, 1846, on the occasion of the confirmation of the annexation of that island, specifies that Elobey Chico is part of the dependencies of Corisco, but it does not mention any others; Elobey Chico, thus not being part of Corisco in 1843. Finally, the act of July 23, 1858, which once again confirms the annexation of Corisco, is only a copy of the letter of

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[sentence fragment] intervene. At the same time it reserves the right to respond, if necessary, to the observations contained in the documents communicated by the French Delegation when the work announced by Mr. Girard de Rialle has been completed.

The session was adjourned at 5 o'clock.

[signature] [signature]

[signature] [signature]
[stamp:] FOREIGN AFFAIRS R.F. ARCHIVES

[signature] [signature]

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CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Eve Hecht, a linguist with substantial experience in the translation of documents from French into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the French text attached herewith."

A handwritten signature in black ink, appearing to read 'Kent G. Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

09/13/21

Date



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Protocole n° 30
Séance du 26 Septembre 1887

Présents :

Pour l'Espagne : M. M. Romea
Serrano, Puno
Argüelles, Canary
Pour la France : M. M. Girard de Rielle
d'Neille



Bradier
Desbuisson

Le protocole de la 2^e séance
est adopté.

M. Romea dit qu'avant de
recommencer les travaux de la
Commission il tient à exprimer
que ces travaux prennent bientôt fin
à la suite d'un accord complet, tel
qu'il est désiré par le Gouvernement
Espagnol, sur les questions soumises
à l'examen des délégués des deux
nations.

M. Girard de Rielle partage

dont nous nous occupons, qui dès qu'ils seront
par leur intelligence éclairée et par l'esprit de
courtoisie qu'ils ont toujours montré au cours
de la discussion.

Une telle décision, s'il le faut, serait compromise
si principes consacrés par l'opinion publique, et
bien que les délégués espagnols ne partagent
pas notre manière de voir, cette opinion a seule prévalu
pendant des années, entières et incontestée. Or la teneur
sous la signature des Amiraux et chefs de Gadsou, qui
il s'agit de s'adresser les brimés de son extrême, elle est signée
par le hauts fonctionnaires, par le Directeur des Colonies
lui-même, par des autres Doyens géographes qui
font autorité dans le monde de l'Etat, et même en
Afrique. Enfin elle a exercé une influence
qui serait décisive, si une Suisse, protestée tout
du début par les Colonies, n'eût pas obtenu
par ses actes, le cours naturel des négociations, pour
entre deux nations, dont les rapports ont toujours
été empreints de bienveillance et d'amitié.

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"Nous continuerons la réponse à la 2^{ème} annexe du Staffords N: 87.

Ci la page 3 de cette annexe, nos collègues nous font dire ce qui suit: "Ne commentent-ils pas à reconnaître que pour tout il ne s'agit pas de territoires, le débat ayant été initié par des présentations à établir un droit d'anchorage sur les navires...." Et ils ajoutent: "En fait, c'est sur l'établissement de ce droit que le Mouvement que le Ministère discutait...."

MINISTRE DES ARCHIVES

Ceci nous a permis de nous rendre au site de Cap Saint-Jean, qui se trouve dans la protection de l'Amiral Basse, datée de 1870. Nous avons dit seulement la possession de Cap Saint-Jean. Il faut pas en cause, et le débat a été initié par des présentations. Les navires nous mouilleront

c'est par des délégués Espagnols et ne négocier rien pour arriver à l'entente souhaitée de part et d'autre.

Il ajoute que pour faire suite aux observations présentées par les Délégués français au cours des précédentes réunions et afin de répondre aux notes remis par les Délégués Espagnols, il remet à la Commission la note annexée au présent protocole; ce document énonce, en particulier, aux arguments développés par les Délégués Espagnols et sera complété à la prochaine séance.

M. Romea dit que les Délégués Espagnols n'ont rien dit avec son est-ce que c'est bien que celui qui M. Gians de Rialles leur remettre à la prochaine réunion, et espère qu'au lieu que, en commun avec, la discussion générale des droits de chaque nation sera épuisée, il sera facile de reprendre et se trouver les bases de l'arrangement à

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 des actes de 1846, 1846 et 1858
 une extension qu'il ne peuvent
 Compositer. En effet, l'acte de
 1843 est celui auquel l'Espagne
 doit l'annexion de Corico et de
 ses dépendances naturelles, les
 îlots Laval et Baynia, compris
 dans la zone des eaux territoriales
 de cette île. La preuve que les
 dépendances de Corico ne s'étendaient
 à aucune partie du Continent
 africain, c'est que la lettre de
 nationalité ^{LETTRE NATIONALE} aux habitants,
 le 19 février 1876, à l'occasion
 de la confirmation de l'annexion
 de cette île, spécifie que la
 lettre - Lobey fait partie des
 dépendances de Corico, mais
 elle n'en mentionne pas d'autres;
 la lettre - Lobey ne faisait donc
 pas partie de Corico en 1843.
 Enfin l'acte du 23 juillet 1858,
 qui confirme encore une fois
 l'annexion de Corico, n'est
 que la copie de la lettre de

14.
 D'ailleurs les prétendus droits du
 chef Eotongo sur les Lobey inspiraient
 si peu de confiance au lieutenant
 gouverneur Desorio Noël qu'il
 préférerait obtenir l'adhésion des chefs
 de fait qui gouvernaient ces îles,
 plutôt que de chercher à leur faire
 reconnaître l'autorité de ce Eotongo,
 en le leur important comme chef
 principal, et il subalternerait
 même ce dernier en nommant, le
 23 mai 1850, Alcade à Lobey - la Grande,
 le chef Lobey ou Pappi, celui - là
 même que le Espagnols considéraient
 comme un usurpateur, lorsqu'il mettait
 sa marque au bas du traité conclu
 avec la France, le 23 avril 1855.
 C'était admettre, au détriment des
 prétendus droits de ce Eotongo, la
 possession de fait des chefs des
 Lobey, qui avaient accepté depuis
 cinq ans notre suggestion.

Des faits que nous venons de
 rappeler, il ressort avec évidence
 qu'on a cherché à donner au texte

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intervenir. Il se réserve toutefois de
répondre, s'il y a lieu, aux observations
contenues dans les documents com-
muniés, par la Délégation française.
Langue sera compilé le travail
annoncé par M. Girard de Vigalle.
La séance est levée à 5 heures.

1. *F. R. R. R. R.*
Edouard Bonnes

A. O'Neill

*Les documents
sont*



2. *R. Robinson*

Jean-Louis Bourgeois

Annex 4

Special Convention on the Delimitation of Spanish and French Possessions in Western Africa on Coasts of the Sahara and the Gulf of Guinea, between the Kingdom of Spain and The French Republic (signed. 27 June 1900, ratified 27 March 1901)

TRANSLATION

[bilingual Spanish/French]

CDLXXXIV – (724)
FRANCE*Special Convention on the delimitation of Spanish and French possessions in
Western Africa on coasts of the Sahara and the Gulf of Guinea**Signed in Paris on June 27, 1900.**With three annexes and one declaration dated in Paris on December 11 of the same
year, extending the deadline to exchange ratifications until March 27, 1901*CDLXXXIV
1900
June 27
France

His Majesty, the King of Spain; and on her behalf,
Her Majesty, the Queen Regnant of the Kingdom; and
the President of the French Republic, wishing to
strengthen the bonds of friendship and good
neighborliness that exist between the two Nations,
have decided, to that end, to enter into a special
Convention to delimit the Spanish and French
possessions in Western Africa, on the coasts of the
Sahara and the Gulf of Guinea. They have appointed
their plenipotentiaries as follows:

The King of Spain, and on her behalf, Her Majesty,
the Queen Regnant of the Kingdom, appointed the
Honorable

EXCHANGE OF RATIFICATIONS, by virtue of the Declaration inserted, in Paris, on March 22,
1901. The King's ratification was authorized by law on December 31, 1900.

A.M. 559 – B., 1901, 228 – Documents presented to Parliament in the 1900 legislature by the Minister of State (Marqués de Aguilar de Campóo), page 67. – Martens, N.R.G., 2, XXXII, 59. – De Clercq, XXI, 660 – *Archives diplomatiques* [Diplomatic Archives], 1901-1902, vol. I, 5 – *Colección legislativa* [Legislative Collection] (new series), vol. VIII (1st of 1901), 668 – *Gaceta de Madrid* [Madrid Gazette] dated March 30, 1901 – *Journal Officiel* [Official Gazette] dated April 2, 1901. – The maps constituting appendices two and three are reproduced from those appearing in *Libro rojo* [the *Red Book*] – The Declaration dated December 11, 1900, is not in the French collections.

TRANSLATION

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1900
June 27
France

Fernando de León y Castillo, Knight of the Royal and Distinguished Spanish Order of Charles III, Grand Cross of the Legion of Honor, Full member of the School of Moral and Political Sciences of Madrid, Extraordinary and Plenipotentiary Ambassador to the President of the French Republic;

And the President of the French Republic appointed the Honorable *Th. Delcassé*, Deputy, Minister of Foreign Affairs of the French Republic, Knight of the Legion of Honor, Grand Cross of the Royal and Distinguished Spanish Order of Charles III,

Who, after communicating their full authority to each other, which were found to be in good standing, agreed to the following articles:

Article I. On the Sahara coast, the boundary between Spanish and French possessions shall follow a line beginning at the point shown on detailed map A, juxtaposed to the map attached to this Convention as appendix 2, a point on the western coast of the Cabo Blanco/Cap Blanc peninsula, between the end of this Cape and Bahía del Oeste/baie de l'Ouest, through the center of said peninsula and then dividing the peninsula in half as far as the terrain allows, then to the north up to parallel 21°20' north latitude. The boundary shall continue to the east along parallel 21°20' north latitude

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until this parallel intersects meridian 15°20' west of Paris (13° west of Greenwich). From this point, the line of demarcation shall proceed to the northwest, describing, between meridians 15°20' and 16°20' west of Paris (13° and 14° west of Greenwich) a curve traced in such a way that it leaves France the salt flats of the Idjil region and its dependencies, with the boundary remaining at a distance of at least 20 kilometers from the outside boundary of said salt flats. From the point where this curve meets meridian 15°20' west of Paris (13° west of Greenwich), the boundary shall proceed as directly as possible to the intersection of the Tropic of Cancer with meridian 14° 20' west of Paris (12° west of Greenwich) and shall extend along this latter meridian to the north.

It is understood that, in the Cabo Blanco/Cap Blanc region, the delimitation, to be applied by the Special Commission indicated in article VIII of this Convention, shall be done so that the western portion of the peninsula, including Bahía del Oeste/ baie de l'Ouest, is allocated to Spain, and that Cabo Blanco/ Cap Blanc and the eastern portion of the peninsula go to France.

Article II. In the canal located between the tip of Cabo Blanco/Cap Blanc and the bank of the Bayadera and in the Bahia del Galgo/Baie du Lévrier [or Bay of Nouadhibou], bounded by a line that joins the tip of Cabo Blanco/Cap Blanc to the point called La Coquille (detailed map A juxtaposed to the map

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attached to this Convention as appendix 2), the Spanish subjects will continue, as they have thus far, to engage in the fishing industry at the same time as those subject to French jurisdiction. Spanish fishermen may, on the shore of said bay, engage in all activities incidental to the same industry, such as drying nets, assembling tools, and preparing fish. Within the same boundaries, they may erect minor constructions and establish temporary camps, but these constructions and camps must be removed every time the Spanish fishermen return to sea, subject to the express condition of not damaging public or private property under any circumstances or at any time.

Article III. Salt extracted from the Idjil region's salt flats and sent, by land, directly to Spanish territories on the coast of the Sahara is exempt from export duties.

Article IV. The boundary between the Spanish and French possessions on the Gulf of Guinea shall begin at the point where the thalweg of the Muni River intersects a straight line traced from the Coco Beach point to the Diéké point. It shall, then, proceed along the thalweg of the Muni River and of the Utamboni River up to the first point at which the first degree north latitude crosses the latter river, and

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shall proceed along this parallel until it intersects the 9° longitude east of Paris (11°20' east of Greenwich). From this point, the line of demarcation shall be formed by said meridian 9° east of Paris until it meets the southern border of the German colony of Kamerun.

Article V. For entry by sea into the Muni River, in Spanish territorial waters, French vessels shall enjoy, all the facilities that Spanish vessels enjoy. By way of reciprocity, Spanish ships in French territorial waters shall be treated in the same manner.

Navigation and fishing shall be unhindered for Spanish and French subjects in the Muni and Utamboni Rivers.

The navigation and fishing police in these rivers, in Spanish and French territorial waters, in the vicinity of the entrance to the Muni River— as well as other matters related to border relations, provisions concerning lighting, beacons, water management and use—shall be subject to conventions between the two Governments.

Article VI. Since the rights and advantages derived from articles II, III and V of this Convention have been provided for due to the border-related or common nature of the above-mentioned bays, outlets, rivers and territories;

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they shall be exclusively reserved for the subjects of both of the high contracting parties, and may not in any way be transferred or assigned to those of other nations.

Article VII. In the event that the Spanish government wishes to cede in any way, in whole or in part, its possessions recognized in articles I and IV of this Convention, as well as the Elobey Islands and the Island of Corsico, near the border with the French Congo; the French government shall have the right of first refusal under the same conditions as those proposed to the Spanish government.

Article VIII. The boundaries delimited by this Convention shall be recorded on the attached maps (appendices numbers 2 and 3) with the reservations made in appendix no. 1 to this Convention.

Both Governments agree to designate Commissioners, within four months of exchanging ratifications, who shall be responsible for tracing on the ground the demarcation lines between the Spanish and French possessions, in accordance with and in the spirit of the provisions of this Convention (a).

The two contracting powers agree that any subsequent change in the position of the thalweg of the Muni and Utamboni rivers shall not affect the

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property rights to the islands conferred to each of the two Powers in the Commissioner's report, duly approved by both Governments (*b*).

Article IX. The two Contracting Powers reciprocally agree to kindly treat the chiefs who, having signed treaties with one of them, are placed under the sovereignty of the other, by virtue of this convention.

Article X. This Convention shall be ratified and the ratifications shall be exchanged in Paris within six months or sooner, if possible.

In witness whereof, the undersigned have issued this Convention to which they have affixed their seals. Done in duplicate in Paris on June 27, 1900.

(signature) F. DE LEON Y CASTILLO

(signature) DELCASSÉ

APPENDIX NO. I

Although the lines of demarcation traced on the maps attached to this Convention (appendices numbers 2 and 3) are generally assumed to be accurate, these lines cannot be considered an absolutely correct representation until confirmed by new maps.

Therefore, it is agreed that the Commissioners or local Delegates of both Nations that are subsequently

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responsible for delimiting the boundaries on the ground of all or some of the boundaries, shall use as a basis the description of the boundaries as established in the Convention. At the same time, they may modify said lines of demarcation in order to delimit them more accurately and to rectify the position of the dividing lines of roads, rivers, cities, or villages indicated on the above-mentioned maps.

The changes or corrections proposed by mutual agreement by said Commissioners or Delegates shall be submitted to the respective Governments for approval.

(signature) F. DE LEON Y CASTILLO

(signature) DELCASSÉ

TRANSLATION

JUNE 27, 1900

CDLXXXIV
1900
June 27
France**DECLARATION**

The Government of His Majesty, the King of Spain and the Government of the French Republic, wishing to extend, by mutual agreement, the deadline to exchange ratifications of the Special Convention signed in Paris on June 27, 1900, between both countries to delimit the boundaries of Spanish and French possessions in Western Africa on the Sahara and Gulf of Guinea coasts, have agreed as follows:

The ratifications of the Special Convention signed in Paris on June 27, 1900, between Spain and France shall be exchanged on March 27, 1901, or sooner if possible.

In witness whereof, the undersigned, duly authorized for this purpose, have drafted this Declaration, to which they affix their signature and seal.

Done in duplicate in Paris on December 11, 1900.

(signature) F. DE LEON Y CASTILLO

(signature) DELCASSÉ

(a) On May 30, 1901, the Spanish Commission was named, composed of the following: Mr. Soler, Secretary of the Embassy, Royal Commissioner; Chief of Staff Mr. López Vilches; Captain Gutiérrez Sobral; Messrs. Borrajo and Nieves, Staff Captains; Mr. Ossorio, explorer; Mr. Montaldo, Army Medic; Messrs. Escalera and Criado, naturalists; Mr. Belmonte, Mining Deputy; and Mr. Vázquez de Zafra, Diplomatic Attaché and Secretary of the Commission. It embarked from Cádiz on June 9, and on August 1 it met in Punta Botika with the French Commission, primarily composed of Messrs. Albert Bonnel de Mezieres, First class colony administrator; Jean Baptiste Roche, Engineer Captain assigned to the Staff; and Albert Duboc, Lieutenant of the Colonial Infantry. The expedition lasted for eighty days; the French Commission returned to Libreville on October 28. Refer to the Conference held at the Geographic Society of Madrid by Mr. López Vilches on December 17, 1901 (Bulletin of the Society, vol. XLIII, page 273). Mr. Nieves Cosso presented a memo to the Ministry of State regarding the work of the Commission, which was published in 1902. Furthermore, in 1906, the Ministry released a map entitled *Muni, Spanish Continental Guinea*, by Mr. Enrique D'Almonte, at a scale of 1,200,000. We have no information regarding the delimitation in the Sahara coast territories (*Rio de Oro*).

(b) Said instruments were not published in Spain and we do not believe they were published in France either.

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APPENDIX NO. II

To the Convention of June 27, 1900

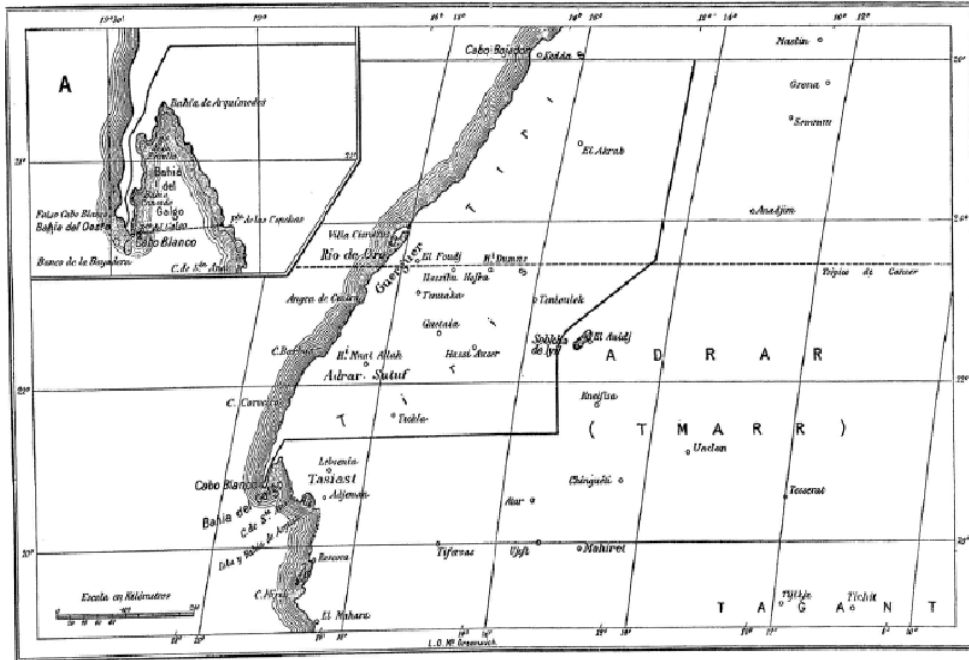
(Sahara Map)

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1900
June 27
France



[Scale in kilometers]

The thick line marks the boundaries

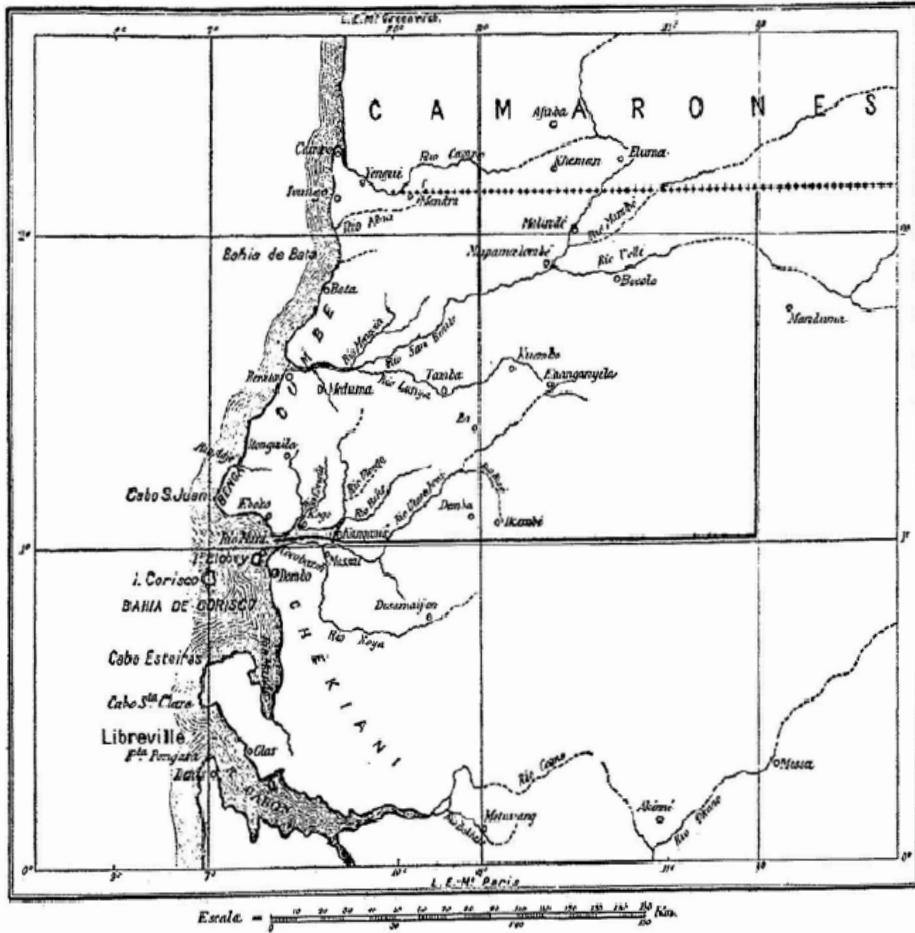
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1900
June 27
France

FRANCE – WESTERN AFRICA BORDERS

APPENDIX NO. III
To the Convention of June 27, 1900
(Gulf of Guinea)



[Scale]

The thick line marks the boundaries.

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CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Karen Brovey, a linguist with substantial experience in the translation of documents from French and Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the French and Spanish text attached herewith."

Kent G. Heine
Water Street Translations, LLC

09/13/21

Date



CDLXXXIV — (724)

FRANCIA

*Convenio especial para determinar los límites de las posesiones españolas y francesas del Africa Occidental en las costas del Sahara y del Golfo de Guinea.**Firmado en París el 27 de Junio de 1900.**Con tres anejos y una declaración fechada en París á 11 de Diciembre del mismo año prorrogando hasta el 27 de Marzo de 1901 la fecha del canje de las ratificaciones.*

Su Majestad el Rey de España, y en Su nombre, Su Majestad la Reina Regente del Reino, y el Presidente de la República Francesa, deseando estrechar los lazos de amistad y de buena vecindad que existe entre ambas Naciones, han decidido concluir con tal objeto un Convenio especial para determinar los límites de las posesiones españolas y francesas del África Occidental, en la costa de Sahara y en la del Golfo de Guinea, y han nombrado como sus Plenipotenciarios, á saber:

El Rey de España, y en Su Nombre Su Majestad la Reina Regente, al

Sa Majesté le Roi d'Espagne, et en Son Nom, Sa Majesté la Reine Régente du Royaume, et le Président de la République Française, désireux de resserrer les liens d'amitié et de bon voisinage qui existent entre les deux Pays, ont résolu de conclure, à cet effet, une Convention spéciale pour la délimitation des possessions espagnoles et françaises dans l'Afrique Occidentale, sur la Côte du Sahara et sur la côte du Golfe de Guinée, et ont nommé pour leurs Plénipotentiaires, savoir:

Sa Majesté le Roi d'Espagne, et en Son Nom, Sa Majesté la Reine

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27 Junio.
Francia.

CANJE DE RATIFICACIONES, en virtud de la Declaración que se inserta, en París á 22 de Marzo de 1901. La de Su Majestad fue autorizada por ley de 31 de Diciembre de 1900.

A. M. 559. — B., 1901, 228. — Documentos presentados á las Cortes en la legislatura de 1900 por el Ministro de Estado (Marqués de Aguilar de Campóo), pág. 67. — Martens, N. R. G., 2.ª, XXXII, 59. — De Clercq, XXI, 660. — *Archives diplomatiques*, 1901-1902, t. I, 5. — *Colección legislativa* (nueva serie), t. VIII (1.º de 1901), 668. — *Gaceta de Madrid* de 30 de Marzo de 1901. — *Journal Officiel* de 2 de Abril de 1901. — Los mapas que constituyen los anejos segundo y tercero los reproducimos de los que figuran en el *Libro rojo*. — La Declaración de 11 de Diciembre de 1900 no está en las colecciones francesas.

FRANCIA. — LÍMITES ÁFRICA OCCIDENTAL

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27 Junio.
Francia.

Excelentísimo Señor *Don Fernando de León y Castillo*, Caballero del Collar de la Real y distinguida Orden de Carlos III, Gran Cruz de la Legión de Honor, Académico de número de la de Ciencias Morales y Políticas de Madrid, Su Embajador Extraordinario y Plenipotenciario cerca del Presidente de la República Francesa;

Régente, Son Excellence, *Monsieur Fernando de Leon y Castillo*, décoré du Collier de l'Ordre Royal et distingué de Charles III, Grand-Croix de l'Ordre national de la Légion d'Honneur, Membre de l'Académie des Sciences Morales et Politiques de Madrid, Son Ambassadeur Extraordinaire et Plénipotentiaire près le Président de la République Française;

Y el Presidente de la República Francesa, al Excelentísimo Señor *Don Th. Delcassé*, Diputado, Ministro de Negocios Extranjeros de la República Francesa, Caballero de la Legión de Honor, Gran Cruz de la Real y distinguida Orden de Carlos III,

Et le Président de la République Française, Son Excellence *Monsieur Th. Delcassé*, Député, Ministre des Affaires Étrangères de la République Française, Chevalier de l'Ordre national de la Légion d'Honneur, Grand-Croix de l'Ordre Royal et distingué de Charles III,

Quienes, después de haberse comunicado sus plenos poderes y de haberlos hallado en buena y debida forma, han convenido los artículos siguientes:

Lesquels, après avoir échangé leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des articles suivants:

Artículo 1. En la costa del Sahara, el límite entre las posesiones españolas y francesas seguirá una línea que, partiendo del punto que se indica en la carta de detalle *A*, yuxtapuesta a la carta que forma el anejo 2 al presente Convenio, punto situado en la costa occidental de la península del Cabo Blanco, entre la extremidad de este Cabo y la bahía del Oeste, se dirigirá por el centro de dicha península, y después, dividiendo a ésta por mitad en cuanto el terreno lo permita, subirá hacia el Norte hasta encontrarse con el paralelo 21° 20' de latitud Norte. La frontera continuará al Este por el 21° 20' de latitud Norte

Article 1. Sur la côte du Sahara, la limite entre les possessions espagnoles et françaises suivra une ligne qui, partant du point indiqué par la carte de détail *A*, juxtaposée à la carte formant l'annexe 2 à la présente Convention, sur la côte occidentale de la péninsule du Cap Blanc, entre l'extrémité de ce Cap et la baie de l'Ouest, gagnera le milieu de ladite péninsule, puis, en divisant celle-ci par moitié autant que le permettra le terrain, remontera au Nord jusqu'au point de rencontre avec le parallèle 21° 20' de latitude Nord. La frontière se continuera à l'Est sur le 21° 20' latitude Nord jusqu'à l'inter-

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hasta la intersección de este paralelo con el meridiano 15° 20' Oeste de París (13° Oeste de Greenwich). Desde este punto, la línea de demarcación seguirá en la dirección del Noroeste describiendo, entre los meridianos 15° 20' y 16° 20' Oeste de París (13° y 14° Oeste de Greenwich), una curva trazada de modo que deje á Francia las salinas de la región de Idjil con sus dependencias, manteniéndose la frontera, por lo menos, á una distancia de 20 kilómetros del límite exterior de dichas salinas. Desde el punto de encuentro de esta curva con el meridiano 15° 20' Oeste de París (13° Oeste de Greenwich), la frontera se dirigirá lo más directamente posible hasta la intersección del Trópico de Cáncer con el meridiano 14° 20' Oeste de París (12° Oeste de Greenwich) y se prolongará por este último meridiano en la dirección del Norte.

Queda entendido que, en la región del Cabo Blanco, la delimitación que deberá practicar la Comisión especial á que se refiere el art. VIII del presente Convenio, se efectuará de manera que la parte occidental de la península, incluso la bahía del Oeste, se adjudique á España, y que el Cabo Blanco, propiamente dicho, y la parte oriental de la misma península sean para Francia.

Art. II. En el canal situado entre la punta del Cabo Blanco y el banco de la Bayadera, así como en las aguas de la bahía del Galgo, limitada por una línea que una la extremidad del Cabo Blanco á la punta llamada de la Coquille (carta de detalle

section de ce parallèle avec le méridien 15° 20' Ouest de Paris (13° Ouest de Greenwich). De ce point, la ligne de démarcation s'éleva dans la direction du Nord-Ouest en décrivant, entre les méridiens 15° 20' et 16° 20' Ouest de Paris (13° et 14° Ouest de Greenwich), une courbe qui sera tracée de façon à laisser à la France, avec leurs dépendances, les salines de la région d'Idjil, de la rive extérieure desquelles la frontière se tiendra à une distance d'au moins 20 kilomètres. Du point de rencontre de ladite courbe avec le méridien 15° 20' Ouest de Paris (13° Ouest de Greenwich), la frontière gagnera aussi directement que possible l'intersection du tropique du Cancer avec le méridien 14° 20' Ouest de Paris (12° Ouest de Greenwich) et se prolongera sur ce dernier méridien dans la direction du Nord.

Il est entendu que, dans la région du Cap Blanc, la délimitation qui devra y être effectuée par la Commission spéciale visée à l'art. VIII de la présente Convention s'opérera de façon que la partie occidentale de la péninsule, y compris la baie de l'Ouest, soit attribuée à l'Espagne, et que le Cap Blanc proprement dit et la partie orientale de la même péninsule demeurent à la France.

Art. II. Dans le chenal situé entre la pointe du Cap Blanc et le banc de la Bayadère, ainsi que dans les eaux de la baie du Lévrier, limitée par une ligne reliant l'extrémité du Cap Blanc à la pointe dite de la Coquille (carte de détail A juxtaposée à la

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A, yuxtapuesta á la carta que forma el anejo 2 al presente Convenio) los súbditos españoles continuarán, como hasta ahora, ejerciendo la industria de la pesca, al mismo tiempo que los sometidos á la jurisdicción francesa. Los pescadores españoles podrán entregarse en la ribera de dicha bahía á todas las operaciones accesorias de la misma industria, tales como secar las redes, componer sus utensilios, preparar el pescado. Podrán en los mismos límites levantar construcciones de poca importancia y establecer campamentos provisionales, debiendo estas construcciones y campamentos ser deshechos por los pescadores españoles cada vez que se hagan de nuevo á alta mar; todo esto bajo la condición expresa de no causar daño en ningún caso ni en ningún tiempo á las propiedades públicas ó privadas.

Art. III. La sal extraída de las salinas de la región de Idjil y enviada directamente por tierra á los territorios españoles de la costa de Sahara no será sometida á derecho alguno de exportación.

Art. IV. El límite entre las posesiones españolas y francesas del Golfo de Guinea partirá del punto de intersección del *thalweg* del río Muni, con una línea recta trazada desde la punta Coco Beach hasta la punta Diéké. Después seguirá por el *thalweg* del río Muni y el del río Utamboni hasta el punto en que este último río es cortado por primera vez por el primer grado de latitud Norte, y se

carte formant l'annexe 2 à la présente Convention), les sujets espagnols continueront comme par le passé à exercer l'industrie de la pêche concurremment avec les ressortissants français. Sur le rivage de ladite baie, les pêcheurs espagnols pourront se livrer à toutes les opérations accessoires de la même industrie telles que séchage des filets, réparation des engins, préparation du poisson. Dans les mêmes limites, ils pourront élever des constructions légères et établir des campements provisoires, ces constructions et campements devant être enlevés par les pêcheurs espagnols toutes les fois qu'ils reprendront la haute mer, le tout à la condition expresse de ne porter atteinte, en aucun cas ni en aucun temps, aux propriétés publiques ou privées.

Art. III. Le sel extrait des salines de la région d'Idjil et acheminé directement par terre sur les possessions espagnoles de la côte du Sahara ne sera soumis à aucun droit d'exportation.

Art. IV. Le limite entre les possessions espagnoles et françaises sur la côte du Golfe de Guinée partira du point d'intersection du *thalweg* de la rivière Mouni avec une ligne droite tirée de la pointe Coco Beach à la pointe Diéké. Elle remontera ensuite le *thalweg* de la rivière Mouni et celui de la rivière Outemboni jusqu'au point où cette dernière rivière est coupée pour la première fois par le

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confundirá con este paralelo hasta su intersección con el grado 9.º de longitud Este de París (11º 20' Este de Greenwich). A partir de este punto, la línea de demarcación estará formada por dicho meridiano 9º Este de París hasta su encuentro con la frontera meridional de la colonia alemana de Camarones.

Art. V. Los buques franceses disfrutará para la entrada por mar en el río Muni, en las aguas territoriales españolas, de todas las facilidades que tengan los buques españoles. En concepto de reciprocidad los buques españoles serán objeto del mismo trato en las aguas territoriales francesas.

La navegación y la pesca serán libres para los súbditos españoles y franceses en los ríos Muni y Utamboni.

La policía de la navegación y de la pesca en estos ríos, en las aguas territoriales españolas y francesas, en las inmediaciones de la entrada del río Muni, así como las demás cuestiones relativas á las relaciones entre fronterizos, las disposiciones concernientes al alumbrado, balizaje, arreglo y aprovechamiento de las aguas, serán objeto de convenios entre los dos Gobiernos.

Art. VI. Como los derechos y ventajas que se derivan de los artículos II, III y V del presente Convenio se han estipulado por razón del carácter limítrofe ó común de las bahías, desembocaduras, ríos y territorios

premier degré de latitude Nord et se confondra avec ce parallèle jusqu'à son intersection avec le 9º degré de longitude Est de Paris (11º 20' Est de Greenwich). De ce point la ligne de démarcation sera formée par le dit méridien 9º Est de Paris jusqu'à sa rencontre avec la frontière méridionale de la colonie allemande de Cameroun.

Art. V. Les navires français jouiront pour l'accès par mer de la rivière Mouni, dans les eaux territoriales espagnoles, de toutes les facilités dont pourront bénéficier les navires espagnols. Il en sera de même, à titre de réciprocité, pour les navires espagnols dans les eaux territoriales françaises.

La navigation et la pêche seront libres pour les ressortissants espagnols et français dans les rivières Mouni et Outemboni.

La police de la navigation et de la pêche dans ces rivières, dans les eaux territoriales espagnoles et françaises aux abords de l'entrée de la rivière Mouni, ainsi que les autres questions relatives aux rapports entre frontaliers, les dispositions concernant l'éclairage, le balisage, l'aménagement et la jouissance des eaux feront l'objet d'arrangements concertés entre les deux Gouvernements.

Art. VI. Les droits et avantages qui découlent des articles II, III et V de la présente Convention, étant stipulés à raison du caractère commun ou limitrophe des baies, embouchures, rivières et territoires susmen-

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antes mencionados, quedarán exclusivamente reservados á los súbditos de ambas Altas Partes Contratantes y no podrán en manera alguna ser traspasados ó concedidos á los de otras Naciones.

Art. VII. En el caso de que el Gobierno español quisiera ceder, en cualquier concepto, en todo ó en parte, las posesiones que le son reconocidas por los artículos I y IV del presente Convenio, así como las islas Elobey y la isla de Corisco, vecinas al litoral del Congo francés, el Gobierno francés tendrá derecho de preferencia en las mismas condiciones que se propongan al Gobierno español.

Art. VIII. Las fronteras determinadas por el presente Convenio quedan inscritas en las cartas adjuntas (anejos números 2 y 3) con las reservas formuladas en el anejo núm. 1 al presente Convenio.

Ambos Gobiernos se comprometen á designar, en el plazo de cuatro meses, contando desde la fecha del canje de las ratificaciones, Comisarios que serán encargados de trazar sobre el terreno las líneas de demarcación entre las posesiones españolas y francesas, de conformidad y con arreglo al espíritu de las disposiciones del presente Convenio (a).

Queda convenido entre las dos potencias contratantes que cualquier cambio ulterior en la posición del *thalweg* de los ríos Muni y Utamboni no afectará los derechos de pro-

tionnés, seront exclusivement réservés aux ressortissants des deux Hautes Parties Contractantes et ne pourront en aucune façon être transmis ou concédés aux ressortissants d'autres Nations.

Art. VII. Dans le cas où le Gouvernement espagnol voudrait céder, à quelque titre que ce fût, en tout ou en partie, les possessions qui lui sont reconnues par les articles I et IV de la présente Convention, ainsi que les îles Elobey et l'île Corisco voisines du littoral du Congo Français, le Gouvernement français jouira d'un droit de préférence dans des conditions semblables à celles qui seraient proposées audit Gouvernement espagnol.

Art. VIII. Les frontières déterminées par la présente Convention sont inscrites sous les réserves formulées dans l'annexe numero 1 à la présente Convention, sur les cartes ci-jointes (annexes numeros 2 et 3).

Les deux Gouvernements s'engagent à désigner, dans le délai de quatre mois à compter de la date de l'échange des ratifications, des Commissaires qui seront chargés de tracer sur les lieux les lignes de démarcation entre les possessions espagnoles et françaises, en conformité et suivant l'esprit des dispositions de la présente Convention (a).

Il est entendu entre les deux Puissances Contractantes qu'aucun changement ultérieur dans la position du *thalweg* des rivières Mouni et Outemboni n'affectera les droits de

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piedad sobre las islas que se adjudiquen á cada una de las dos Potencias en el acta de los Comisarios, debidamente aprobada por ambos Gobiernos (b).

Art. IX. Las dos Potencias Contratantes se comprometen recíprocamente á tratar con benevolencia á los jefes que, habiendo celebrado tratados con una de ellas, queden en virtud del presente Convenio bajo la soberanía de la otra.

Art. X. El presente Convenio será ratificado y las ratificaciones serán canjeadas en París, en el plazo de seis meses, ó antes si es posible.

En fe de lo cual los infrascritos han extendido el presente Convenio en el que han puesto sus sellos.

Hecho por duplicado en París el 27 de Junio de 1900.

(L. S.) — F. DE LEON Y CASTILLO.

propriété sur les îles que auront été attribuées à chacune des deux Puissances par le procès-verbal des Commissaires dûment approuvé par les deux Gouvernements (b).

Art. IX. Les deux Puissances Contractantes s'engagent réciproquement à traiter avec bienveillance les chefs qui, ayant eu des traités avec l'une d'elles, se trouveront en vertu de la présente Convention passer sous la souveraineté de l'autre.

Art. X. La présente Convention sera ratifiée et les ratifications en seront échangées à Paris dans le délai de six mois et plus tôt, si faire se peut.

En foi de quoi les soussignés ont dressé la présente Convention, qu'ils ont revêtue de leur cachet.

Fait à Paris, en double exemplaire, le 27 Juin 1900.

(L. S.) — DELCASSÉ.

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ANEJO NUM. I

Aunque el trazado de las líneas de demarcación en las cartas anejas al presente Convenio (anejos números 2 y 3) se suponga generalmente exacto, no se le puede considerar como una representación absolutamente correcta de estas líneas hasta que haya sido confirmado por nuevos planos.

Queda, pues, convenido que los Comisarios ó Delegados locales de am-

ANNEXE NUM. I

Bien que le tracé des lignes de démarcation sur les cartes annexées à la présente Convention (annexes numéros 2 et 3) soit supposé être généralement exact, il ne peut être considéré comme une représentation absolue, correcte de ces lignes, jusqu'à ce qu'il ait été confirmé par de nouveaux levés.

Il est donc convenu que les Commissaires ou Délégués locaux des

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bas Naciones que sean encargados ulteriormente de determinar sobre el terreno los límites de todo ó parte de las fronteras, deberán basarse en la descripción de éstas, tal como está formulada en el Convenio. Al mismo tiempo podrán modificar dichas líneas de demarcación con objeto de determinarlas con mayor exactitud y de rectificar la posición de las líneas divisorias de los caminos ó ríos, así como de las ciudades ó pueblos indicados en las cartas antes mencionadas.

Los cambios ó correcciones propuestos de común acuerdo por dichos Comisarios ó Delegados se someterán á la aprobación de los Gobiernos respectivos.

(L. S.) — F. DE LEON Y CASTILLO.

deux Pays qui seront chargés, par la suite, de délimiter tout ou partie des frontières sur le terrain, devront se baser sur la description des frontières telle qu'elle est formulée dans la Convention. Il leur sera loisible, en même temps, de modifier les dites lignes de démarcation en vue de les déterminer avec une plus grande exactitude et de rectifier la position des lignes de partage des chemins ou rivières, ainsi que des villes ou villages indiqués dans les cartes susmentionnées.

Les changements ou corrections proposés d'un commun accord par les dits Commissaires ou Délégués seront soumis à l'approbation des Gouvernements respectifs.

(L. S.) — DELCASSÉ.

27 DE JUNIO DE 1900

DECLARACION

El Gobierno de Su Majestad el Rey de España y el Gobierno de la República francesa, deseando prorrogar, de común acuerdo, el plazo á cuya expiración debe procederse al canje de las ratificaciones sobre el Convenio especial firmado en París el 27 de Junio de 1900 entre ambos países para determinar los límites de las posesiones españolas y francesas en el Africa Occidental, en la costa del Sahara y en la del Golfo de Guinea, han convenido en lo que sigue:

Las ratificaciones del Convenio especial firmado en París el 27 de Junio de 1900 entre España y Francia, se canjearán el 27 de Marzo de 1901, ó antes si fuese posible.

En fe de lo cual, los abajo firmados, debidamente autorizados al efecto, han redactado la presente Declaración, que firman y sellan.

Hecho en doble ejemplar en París á 11 de Diciembre de 1900.

(L. S.) — F. DE LEON Y CASTILLO.

DÉCLARATION

Le Gouvernement de Sa Majesté le Roi d'Espagne et le Gouvernement de la République française désirant proroger, d'un commun accord le délai à l'expiration duquel il doit être procédé à l'échange des ratifications sur la Convention spéciale signée à Paris, le 27 Juin 1900, entre les deux pays pour la délimitation des possessions espagnoles et françaises dans l'Afrique Occidentale, sur la côte du Sahara et sur la côte du Golfe de Guinée, sont convenus de ce qui suit:

Les ratifications de la Convention spéciale signée à Paris le 27 Juin 1900 entre l'Espagne et la France, seront échangées le 27 Mars 1901, ou plus tôt si faire se peut.

En foi de quoi, les soussignés, dûment autorisés à cet effet, ont dressé la présente Déclaration et y ont apposé leur cachets.

Fait en double exemplaire à Paris le 11 Décembre 1900.

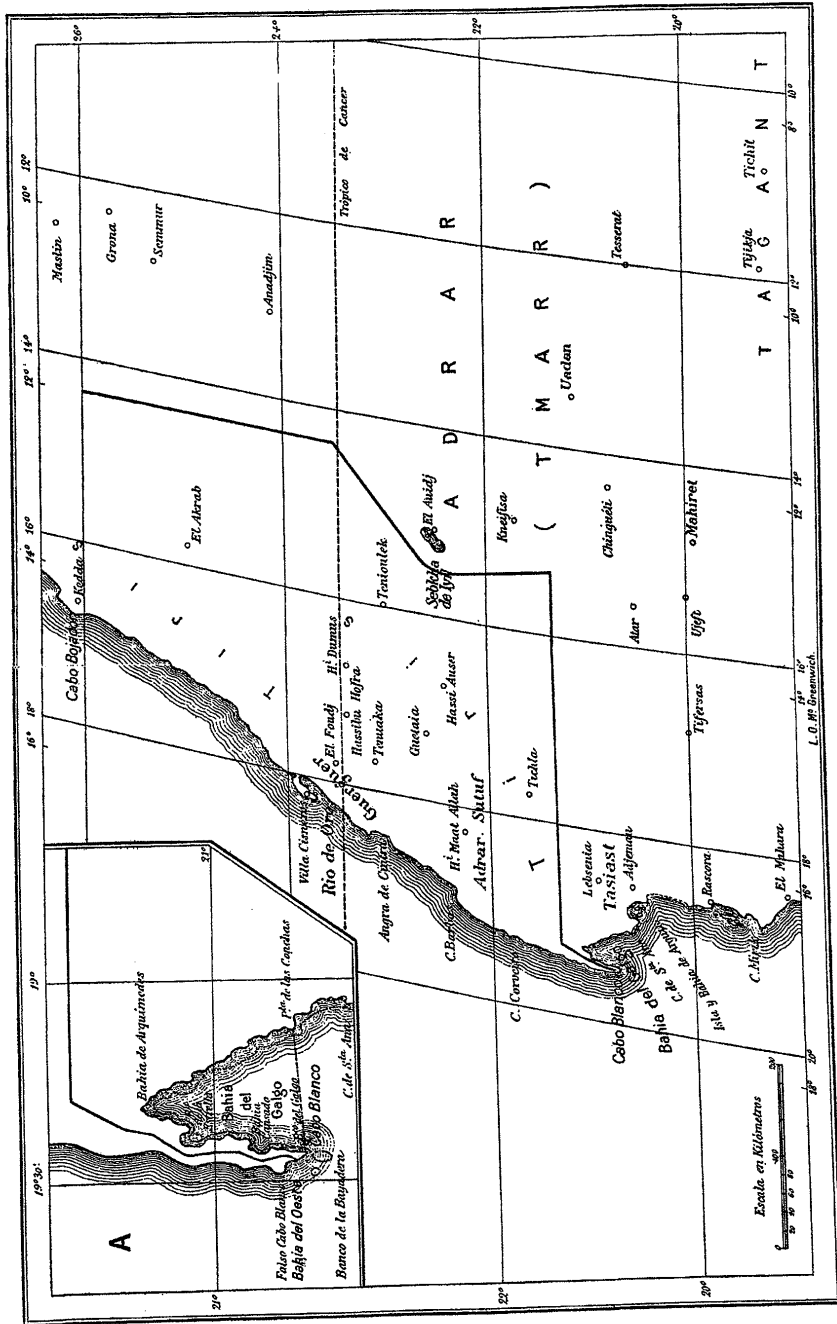
(L. S.) — DELCASSÉ.

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(a) En 30 de Mayo de 1901 se nombró la Comisión española compuesta de los señores siguientes: el Señor Soler, Secretario de Embajada, Comisario regio; el Comandante de Estado Mayor Señor López Vilches; el Capitán de fragata Señor Gutiérrez Sobral; los Capitanes de Estado Mayor Señores Borrajo y Nieves; el explorador Señor Ossorio; el Médico de la Armada Señor Montaldo; los naturalistas Señores Escalera y Criado; el Ayudante de Minas Señor Belmonte, y el Señor Vázquez de Zafra, Agregado diplomático y Secretario de la Comisión. Se embarcó en Cádiz en 9 de Junio y en 1.º de Agosto se reunió en Punta Botika con la Comisión francesa, compuesta principalmente de los Señores Albert Bonnel de Mezieres, Administrador de colonias de primera clase; Jean Baptiste Roche, Capitán de Ingenieros, afecto al Estado Mayor y Albert Duboc, Teniente de Infantería Colonial. La expedición duró ochenta días, regresando á Libreville la Comisión francesa el 28 de Octubre. Véase la Conferencia pronunciada en la Sociedad Geográfica de Madrid por el Señor López Vilches el 17 de Diciembre de 1901. (*Boletín de la Sociedad*, t. XLIII, pág. 273.) El Señor Nieves Cosso presentó al Ministerio de Estado una Memoria acerca los trabajos de la Comisión, que fué publicada en 1902. Asimismo en 1903 el Ministerio dió á luz un mapa titulado *Muni, Guinea continental española*, obra de Don Enrique D'Almonte y trazado á la escala del 1.200.000. No tenemos dato alguno acerca la delimitación en los territorios de la costa del Sahara (*Río de Oro*.)

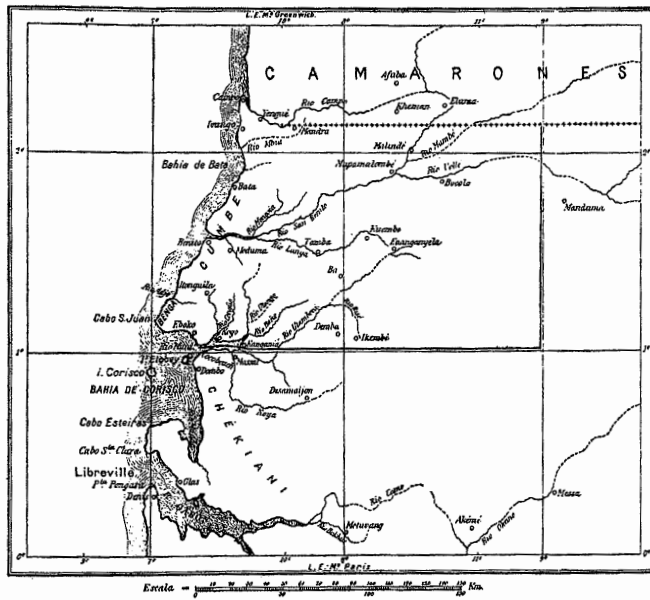
(b) Dichas Actas no han sido publicadas en España y creemos que tampoco en Francia.

ANEJO NUM. II
al Convenio de 27 de Junio de 1900.
(Carta del Sahara).



La línea gruesa es la que marca los límites.

ANEJO NUM. III
al Convenio de 27 Junio de 1900.
(Golfo de Guinea.)



La línea gruesa es la que marca los límites.

Annex 5

Convention between Germany and France to Define Precisely the Boundary Lines between the Kamerun and the French Congo Signed at Berlin (signed 18 April 1908, ratified on 28 July 1908)

TRANSLATION**No. 1160**

[stamp:] 46075 Nov. 20, 1911

Imperial Parliament
 12th Legislative Period.
 Session II. 1909/1911

Berlin, November 11, 1911

[truncated]

The Imperial Chancellor

F.B.:

Solf

[truncated]

**Border Demarcation between Cameroon and French Congo of April
 18, 1908.**

The Government of his Majesty the Emperor of Germany and the Government of the Republic of France having resolved in a spirit of good faith to give force and validity to the agreement prepared by their respective delegates in order to demarcate the borders of the colonies of Cameroon and the French Congo, the undersigned:

His Excellency Mr. Schoen, Secretary of State for Foreign Affairs of the German Empire

and

His Excellency Mr. Jules Cambon, Extraordinary and Plenipotentiary Ambassador of the Republic of France to His Majesty the Emperor of Germany,

duly authorized for this purpose, hereby confirm the Protocol (with its Annexes) prepared in Berlin last April 9, the wording of which is as follows:

Protocol.

The undersigned:

Dr. Frédéric v. Lindequist, Undersecretary of State of the Ministry of Colonies,

Dr. Otto Gleim, Close Senior Government Advisor of the Ministry of Colonies,

Dr. Alexandre Baron de Danckelman, Professor and Close Advisor to the Ministry of Colonies,

Albert Duchêne, Directory of the African Subdirectorates of the Ministry of Colonies,

WATER STREET TRANSLATIONS

TRANSLATION

Henri Moll, Major (commissioned) and Battalion Commander in the Colonial Infantry,
Louis Hermite, Embassy Secretary,

commissioned by the Imperial German Government and the Government of the Republic of France to prepare a treaty that is intended, in implementing the Provisions of the Treaty of March 15, 1894, in particular §§ III and VII of the Annex of the Protocol of February 4, 1894, to precisely determine the border between Cameroon and French Congo and to settle certain questions in connection therewith, have agreed on the following Articles.

Article 1.

A. The border between Cameroon and the French Congo shall follow, beginning from Spanish Guinea (El Muni) (meridian 11° 20' local Greenwich, 9° local Paris):

the river Kyé (Kje), from the inlet of the Mwese (Mwezeu) until it opens into the Ntem (Campo),
the Ntem, from the mouth of the Kje to the inlet of the Kom,

the Kom, from its confluence with the Ntem to the left affluent that is closest to the basin of the Aïna (Ajene, Ivindo) and intersects the parallel 2° 15' N or runs in its vicinity,

the course of this affluent from its inlet into the Kom to its intersection with the parallel 2° 15' N,

the parallel 2° 15' N from its intersection with said affluent of the Kom to its intersection with the left affluent of the Aïna that comes closest to the basin of the Ko and is intersected by the parallel 2° 15' N or runs in its vicinity,

the course of this affluent from its intersection with the parallel 2° 15' N until it opens into the Aïna,

the course of the Aïna up to its local intersection with the parallel 2° 10' 20" N at Pillar 13,

the parallel 2° 10' 20" N from the Aïna to Pillar 4 on the route from Dongo (Ndongo) to Eta (Long) through the Jua (Djua) valley,

the watershed between the Jua and Msimbo (Masimbo) from Pillar 4 to the confluence of the two rivers (Pillar 2).

It is agreed that in the event that the watershed between the two points (Pillar no. 4 and Pillar no. 2) should intersect with the German route from the Dongo to Eta through the Msimbo valley, the border shall run at the same distance between the German and French routes—as shown on the map attached to the current Protocol.

The border further follows the course of the Jua from the inlet of the Msimbo to the Djua (Ngoko) and the course of the Djua to the Ssanga (Sangha).

The islands of the Kye, the Ntem, and the Kom shall remain German.

The islands of the Aïna and the Djua shall fall to France.

TRANSLATION

B. The border runs up the Sangha (Ssanga) from the mouth of the Ngoko to that of the Nyoué (Njue). Nevertheless, all of the islands of the Sangha situated south of a fixed point 5 km north of the position shown for the village of Balbal on the Protocol Map are French; all of the islands situated north of this point up to the mouth of the Nyoué are German.

C. The border then follows the Nyoué to a point situated about 5 km south of the location assigned to Ngombaco on the Protocol Map, then follows a straight line starting from this point and ending at a point situated 15 km south of Mauvey (Mauwei).

D. The border continues to the north as follows; it being understood that the successive points of the border mentioned in the present Treaty shall be connected among themselves by straight lines in all cases unless otherwise specified.

From the point specified in Paragraph C, situated 15 km south of Mauvey, it runs to the ford of the farthest north of the stream Boné (M'Boné) on the route from Yokodouma (Jukaduma)-Molaï (Molei) to about 7 km southwest of Molaï.

From this point, it runs to the ford of the river Batouri (Baturi) on the route Baboua (Babua)-Yanga (Benda)-Boulambo (Bulambu); it then runs down the Batouri to the Kadaï.

It runs back up the Kadaï to the confluence of the Boubmé II (Bumbe 2), then follows the Boubmé II to the ford of the route Vanda (Wanda)-Déson (Janga).

From this ford, it runs to the ford of the stream Mana on the route Nguia (Ngia)-Bagari, 16 km northwest of Nguia; then to the ford of the Guirma (Gliiba) on the route Bingué (Binge)-Aladjji about 10 km south of Aladjji; it then runs down the Guirma to its confluence with the Kadeï and runs back up the Kadeï to its source.

E. From there, it runs to the source of the Béré, runs down this river to its confluence with the Lom, goes back up the Lom to its confluence with the Bali, and then runs back up this river to the ford of the route Koundé (Kunde)-Mboné 1 (Bone) about 18 km northeast of Koundé.

It then runs to a point situated 3 km north of the source of the Mambéré as shown on the Protocol Map, then to the ford of the Bondo on the route Zaoro Coumbo (Kumbo)-Bertoua (Bertua)-Zaoro Nô (Nu) to the ford of the Bondo on the route Zaoro Coumbo-Karanga to the intersection of the watershed between the Lom and Congo with the route Garn (Belo Ngam)-Karanga about 6 km southeast of Garn, from there to the mountain located about 9 km north of the point where the river Mini cuts across the route Karanga-Nabemo, to the ford of the Midé on the route from Bougouda to Yakoundé (Jakunde), to the ford of the Ngou (Ngu) on the route from Zaoro Mboné II (Bone) to Baname, and then runs down the Ngou to its confluence with the Mbéré. It runs down the course of this river to its junction with the Mbina or Eastern Logone (Wjna).

F. It runs to a point 5 km west of Di, then to a point 5 km west of Mbé, then to the ford of the stream Ndiki on the route from Dol to Mandi (Manti) about 14 km northwest of Dol.

From there it takes the route from Bongo (Mbongo) to Manda Bossoro, halfway between ...
[truncated]

TRANSLATION

[truncated] ... route Mbongo-M'Baqueu, then to the ford of said stream on the route Samsdche (Diamdié)-M'Baqueu, then to the ford of the Sinabu (Sinambou) Samsdche-Tschimiang (Tiemeng), then goes down the Sinabu to the ford of the route Dschebo-Mileta (Djebo-Duaïlega).

Then to the ford of the Bundeta stream on the route Dari (Daré)-Meimba approximately 11 km south of Dari. Then to the ford of the stream Ginganfeu on the route Mbade-Mbere (Bagi-M'Béré), approximately 12 km southwest of Mbade. Then to the ford of the stream Njebi (Ibi) and the route bifurcation Lame-Audjali and Lame-Bibene, then up the Njebi to the route Lame-Degolguia, then to a point halfway between Dschalume (Djaloumei) and Modepane (Guessalé), then northward to the Mao-Kabi (Mano-Kabbi), then down this river to the meridian of Bipare, then in an arc with a radius of about 2.5 km westward around the middle point of Bipare to the route Biparé-Hamaïadshi (Hamajadi).

G. Then to a point about 5 km east of Figil (Figuil) and the route Figil-Djabili (Yabili). Then to the ford of a stream about 6 km south of Bidjar (Biguerh) on the route Bidjar-Bursu (M'boursou). Then to the ford of a stream about 3 km southeast of Bidjar on the route from there to Guébagné. Then to the ford of the stream More about 8 km northeast of Bidjar on the route (Bdjar-Sofeu (Sofoi)). Then to Sasaiken on the ford Bursu-Beduma (Boudouba) about 3 km northwest of Bursu.

Then to a point on the route Bipare-Subara (Soubara) about 2 km north of Bipare. Then to the ford of the stream Diro (Toucoufaï) on the route Binder-Garei (Bindéré-Garé) about 8 km northwest of Binder (astronomical observation pillar). Then to a point on the route Binder-Dumuru (Dumru), 4 km north of Binder, then to a point on the route Binder-Gidigis 5 km northeast of Binder, then to a point 5 km south of Dsigilau (Diguélaou) on the route Dsigilau-Mindissi.

Then to a point halfway from Dudula (Doubdoula) to Gouyou, then to a point halfway from Duei (Doué) to Gouyou, then to a point halfway from Soei to Boulambali, then to a point halfway from Soei-Rim to Bakri, then to a point halfway from Koumana-Rim to Bakri, then to a point halfway from Koumana to Forkuma, then to a point halfway from Sakumkeia (Soumkaia) to Forkumaï, then to a point halfway from Sakumkeia to Fornumei (Foimaï), then to a point 2 km south of Komergi (Kamargui-Frie) on the west bank of the Tubui swamp (Lake Fianga), then to a point on the east bank 2 km south of Gisei-Gibi (Guibi).

Then to a point halfway from Pia to Made, then to a point halfway from Folofoi-Goumoune, then to a point 3 km south of Karam.

H. From here to a point on the right bank of the Logone 2 km northwest of Ham (survey mark). From here to a point halfway from Gai to Tschaimbla (Gaia-Tschoymia), then to a point halfway from Tschafen to Gogodon (Tchaguen-Bouiouffou), then to the ford of the Ba-Tli on the route from Tschafen Gogodon to Maula, then to a point halfway from Mudigil-Moa 3 km east of Mudigil, then to a point 5 km west of Tauan, then to the opening of the Ba-Tli into the Chari (Schari) ...

TRANSLATION

[truncated]

J. From there, it runs down the Chari (Schari) to where it opens into Lake Chad.

K. From the mouth of the main navigable branch of the Chari in Chad, as specified on the map attached to the present Protocol, the border reaches the intersection of the meridian 14° 28' east of Greenwich (12° 08' east Paris) with the parallel 13° 05' north latitude, then continues west along this parallel to the French-English border (Franco-English Convention of May 29, 1906).

It is understood that the islands in Chad situated west and south of the border indicated above are part of the German territory; those situated to the east and south of said border are part of the French possessions.

Article 2.

Germany, with respect to the part of the waters of the Benue and its affluents located in its territory; and France, with respect to the part of the waters of the Mayo-Kebbi and the other affluents of the Benue located in its territory, recognize their respective obligations to apply the provisions relating to freedom of navigation and commerce stipulated in Articles 26, 27, 28, 29, 31, 32, and 33 of the Act of Berlin of February 26, 1885, and to ensure that said provisions are respected.

Germany and France hereby guarantee to each other the benefit of said provisions relating to navigation of the Chari, the Logone, and their affluents.

The Contracting Powers undertake the respective obligation to take all measures necessary for practically ensuring freedom of navigation on the watercourses mentioned above. For this purpose, after ratification of the present Treaty, they shall prepare joint regulations on navigation.

The provisions of said regulations shall apply equally to navigation on the Congo, the Sangha, and its affluents.

Article 3.

In their possessions included in the basins of the Benue and its affluents, the Chari, the Logone, and their affluents, as well as the part of the French territory situated south of the 13th parallel N., the nationals, subjects, and protected persons of the two countries shall be treated with full equality with respect to use of the roads or other land communication routes. In these same territories, the nationals, subjects, and protected persons of the two countries shall be subject to the same rules and shall enjoy the same advantages with respect to acquisitions and installations necessary for developing their trade and industry.

The land communication routes and roads of the costal basins of Cameroon or the coastal basins of the French Congo not included in the conventional basis of the Congo as defined by the Act of Berlin shall be exempt from these provisions.

Nevertheless, these provisions shall apply to the route Yola-Ngaoundéré-Koundé-Gaza-Bani and vice versa.

In the territories referred to in Paragraph 1 of the present Article, the tax rates or charges that could ... [truncated]

TRANSLATION

[truncated] divided from one or the other part, do not allow any different application with respect to the nationals, residents of protected areas, and protected persons of the two countries.

Article 4.

The inhabitants on both shores shall have the same rights with respect to fishing and navigation in the German and French territorial waters of Lake Chad and in the waters mentioned in the above Articles, provided that the latter form part of the border.

Article 5.

The Protocol of February 4, 1894, including its Annex, as well as the Treaty of March 15, 1894, shall be invalid.

Article 6.

In witness whereof, the delegates have drawn up and signed the present Protocol.

Done in Berlin in duplicate on April 9, 1908.

| | | | |
|----------|---------------|--------|---------------|
| (signed) | v. Lindequist | Gleim. | v. Dandelman. |
| | Duchêne. | Moll. | Hermite. |

Annex.

Article 1.

Boundary marking of the border described in the present Treaty shall begin *in situ* within a period of four months after ratification of the Treaty.

Article 2.

The commissioners to be charged with boundary marking shall be authorized, in cases in which the border connects two points of the same water course in a straight line, to replace this straight line with said water course, provided that it is not too far away from said line. In the same manner, they shall be authorized to make minor changes based on the natural terrain lines as often they consider this to be useful and appropriate based on mutual agreement, but with the proviso that the territorial affiliation of the villages mentioned in the Treaty may not be changed.

Such changes must be clearly indicated on special maps and must be submitted to the home governments for approval. Nevertheless, subject to ratification, these changes in straight line borders shall provisionally be deemed borders and shall be considered to constitute borders.

Article 3.

In cases where any land, based on the present Treaty, is removed from the jurisdiction of one of the powers and placed under that of the other, the inhabitants of said land shall be allowed to freely choose on which side of the border they wish to settle, and they shall be allowed, within a year of the date on which the ratification is concluded, to harvest any crops in the field and to take said products with them, together with all of their property.

TRANSLATION

When the year following said ratification has elapsed, each of the Contracting Powers must determine, based on its internal legislation, the conditions under which the emigration or immigration of the indigenous populations is to take place.

Article 4.

In all cases in which the border is determined by the course of a river or stream, the thalweg shall serve as a limit. If however, the thalweg *per se* cannot be determined, in the same manner as for points where there are rapids, the median line of the water course shall constitute the border.

Moreover, in the vicinity of islands, the limit shall pass halfway between the islands and the riverbank not belonging to the same power to which said islands belong.

Article 5.

Without prejudice to the general provisions of Article 4 of the Annex, which stipulates that with respect to the Kadeï, the Bounbé II, and the Chari, the thalweg of these rivers shall constitute the border, and the Contracting Powers reserve the following rights: in the event that a regulation on the status of possession of the islands of the aforementioned rivers should subsequently be recognized to be desirable in the interest of the inhabitants of either riverbank, it will be necessary to accept modifications in the attribution of said islands in accordance with proposals made in agreement by the representatives of the local administration, and with the guarantee of equitable and appropriate compensation.

If it were to become apparent in the future that the provisions set forth in Article 1 Paragraphs A and B of the present Treaty concerning the status of possession of the islands located in the Kié, Ntem Korn, Aïna, Ngoko and Sangha rivers could be disadvantageous, the Contracting Powers reserve the right to amend these provisions, but with the proviso that neither of the two Parties shall gain an advantage without granting to the other Party a corresponding advantage.

Article 6.

By mutual agreement, the German and French Sections of the Mission for Delimitation of the South hereby adopt the following values for the latitude of the benchmark pillars of the parallel 2° 10' 20" N:

[key]

[column headings, left to right]

No. of pillars – Designation – Latitude – Distance in meters from parallel 2° 10' 20" to the pillar
north – south

[2nd column, top to bottom]

Route from Ndongo to Eta via the Djua valley.

Direct route from Suangué (Suanké) to Eta

Route west from Suangué to Eta

Zoa (Sua) river

Sée river

Missoum-Missoum (Missum-Missum) river

Klaragoa river north of Maka

Nsanga river

Aina river

Article 7.

Markers Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, which mark the southern border, as well as those ... [truncated]

TRANSLATION

[truncated] ... border marking line along the east border ... border pillars to be newly established shall be under the joint protection of the German and French governments. Should it later become necessary to replace a border pillar, each government shall send a representative for this purpose. Moreover, should it become necessary to mark the border more precisely using further pillars, each government shall send a representative to construct intermediate pillars. The position of these intermediate pillars shall be determined by the course of the border specified on the Treaty Map.

Article 8.

The French government guarantees to Germany the possession of the contiguous area of 2500 square km east of the straight line running from Bomassa to the point 15 km south of Mauwei.

In the event that the area between this straight line and the border specified by Article 1, Paragraphs B and C is less than 2450 square km, it is to be extended to 2500 square km by means of an area that, starting from the confluence of the Njue with the Sfanga, is delimited in the east and west by the two rivers and in the north by a corresponding parallel.

In the event that the area in question should turn out to be larger than 2500 square km, it is to be reduced to 2500 square km by shifting further to the west the starting point of the border referred to in Article 1, Paragraph C, from which it runs to the point 15 km south of Maumei.

In the event that the area in question should have an area of between 2450 and 2550 square km, it is to be modified at the borderline described in Article 1, Paragraph C.

The villages Ngombaco and Licagota shall remain French, both if later surveys determine that there is a change in position of less than 5 km in an east-west direction relative to the Treaty Map, and this would cause the villages to be located west of the borderline, and if said change in position is greater than 5 km, provided that the villages remain east of the borderline.

In contrast, they will become German if the east-west change in position is greater than 5 km and this causes them to be west of the border.

In any case, the border shall remain at least 5 km from the middle point between the two villages, and for this purpose, if necessary, shall run in an arc having a radius of 5 km to the west or east around the middle point between the villages.

Article 9.

The provisions set forth in this Treaty shall be governed by the maps attached hereto.

Authorized as an Annex to the Protocol of April 9, 1908.

Berlin, April 9, 1908.

(L.S.) (signed) v Lindequist. Gleim. v. Dandelman.
 Duchêne Moll. Hermite.

TRANSLATION

The present Convention shall be ratified, and the ratifications shall be exchanged in Berlin on August 1st, 1908, at the latest.

Within a maximum period of four months after the exchange of these ratifications, any administrative and military posts established by each of the Contracting Powers outside the limits to their respective possessions specified by the present Treaty shall be evacuated.

By sole reason of the expiration of this period, the changes in sovereignty resulting from the changes of the border specified by the present Treaty shall be considered to have been effected.

Done in Berlin on April 18, 1908

in duplicate.

(signed) v. Schoen.

(signed) Jules Gambon.

TRANSLATION

[stamp:] 44474 Nov. 10, 1911

No. 1137

Imperial Parliament.

12th Legislative Period.

Session II. 1909/11

Berlin, November 7, 1911

[truncated]

The Imperial Chancellor

Dr. von Bethmann Hollweg.

WATER STREET TRANSLATIONS

TRANSLATION

(Translation:)

German-French Treaty on Morocco

As a result of the disturbances that occurred in Morocco, which have demonstrated the necessity of promoting the peaceful progress provided for in the general interest by the Act of Algeciras, the Imperial German Government and the Government of the Republic of France deem it necessary to clarify and expand the German-French Treaty of February 9, 1909. They have therefore agreed to a new Treaty.

Therefore,

Mr. Kiderlen-Waechter, Secretary of State for Foreign Affairs of the German Empire,

and

Mr. Jules Gambon, Extraordinary and Authorized Ambassador of the Republic of France to His Majesty the Emperor of Germany,

have communicated to each other their credentials, which have been found to be in good order, and have entered into the following Agreement:

Article 1.

The Imperial German Government hereby declares that, as it is only pursuing economic interests in Morocco, it will not hinder the action of France

TRANSLATION

in providing its assistance to the Moroccan Government for introducing all of the administrative, judicial, economic, financial, and military reforms it requires for good government of the Empire, and for all new regulations and amendments of existing regulations included in said reforms. Therefore, it agrees to all measures of financial reorganization, control, and guarantees that the French Government considers necessary for this purpose, with the proviso that the action of France shall safeguard economic equality among the nations in Morocco.

In the event that France should be led to specify and expand its control and its protection, the Imperial German Government, recognizing that France is fully at liberty to act in this regard, and with the proviso that the commercial freedom provided by prior treaties shall be maintained, will not oppose this.

It is understood that there shall be no hindrance of the rights and actions of the National Bank of Morocco as defined by the Act of Algeciras.

Article 2.

In this sense, it is understood that the Imperial Government shall not prevent France, after obtaining the agreement of the Moroccan Government, from proceeding with any military occupation of the territory of Morocco it deems necessary for maintaining the order and security of trade. The

TRANSLATION

same shall apply for all police measures in the country and in Moroccan waters.

Article 3

In the event that His Majesty the Sultan of Morocco should entrust to the diplomatic and consular officials of France the representation and protection of Moroccan subjects and interests abroad, the Imperial Government declares that it will not object to this.

On the other hand, if His Majesty the Sultan of Morocco should entrust to the representative of France with the Moroccan Government the task of acting as its intermediary with respect to foreign representatives, the German Government will not object to this.

Article 4

The French Government declares that, being resolved to firmly maintain, in an inviolable manner, the principle of free trade in Morocco, it will not allow any unequal treatment in the introduction of customs duties, taxes, and other fees, nor in the determination of transportation fees by railroad, river vessel, or any other traffic routes, nor will it allow this in all matters pertaining to through traffic.

Similarly, the French Government shall intercede with the Moroccan Government in order to oppose any differential treatment of members of the various powers; specifically, it shall oppose any measure, for example the issuing of administrative ordinances concerning weights and measures, calibration methods, hallmarking of precious metals, etc., which could adversely affect the competitiveness of a state.

TRANSLATION

The French Government undertakes to exert its influence on the National Bank to ensure that said bank will successively confer upon its directors in Tangier the posts it has available as delegates to the Commission on Customs Values and the Permanent Customs Committee.

Article 5.

The French Government shall ensure that no export duties are charged on iron ore exported from Moroccan ports. Iron ore mining companies shall not be subject to any special tax on their production or working equipment. They shall only be charged a fixed fee, calculated per hectare and per year, and a fee proportionate to the gross extraction product. These fees, which shall be assessed in accordance with Articles 35 and 49 of the Draft Mining Regulations attached to the Protocol of the Conference of Paris of June 7, 1910, shall be paid in equal amounts by all of the mining companies.

The French Government shall see to it that the mining duties are collected regularly, without any individual discounts on the entirety or a part of the duties being granted under any pretext whatsoever.

Article 6.

The Government of the Republic of France undertakes to ensure that all work and supplies necessitated by any construction of roads, railroads, ports, telegraphs, etc., are granted by the Moroccan Government in accordance with the regulations governing contracting.

TRANSLATION

It further undertakes to ensure that the tendering conditions, particularly with respect to the supply of materials and the deadlines for tender offers, do not put any country at a disadvantage.

The operation of the aforementioned large companies shall be reserved for the Moroccan State or freely transferred by said State to third parties that might be commissioned to procure the means necessary for this purpose. The French Government shall see to it that in operation of the railroads and other means of transport and in application of the ordinances intended to regulate said operation, there is no unequal treatment of the members of the various countries that make use of these means of transport.

The Government of the Republic shall exert its influence with the National Bank to induce the Bank to successively assign the government position of delegate to the members of its Board in Langer, said delegate being at its disposal in the "commission générale des adjudications et marchés" [General Commission on Tenders and Markets]. Moreover, the French Government shall intercede with the Moroccan Government in order to have it assign to a member of the powers represented in Morocco one of the three positions of Sherif Delegate to the "comité spécial des travaux publics" [Special Public Works Committee] for the effective period of Article 66 of the Algecira Act.

Article 7.

The French Government shall intercede with the Moroccan Government so that the owners of mines and industrial and agricultural enterprises, regardless ... [truncated]

TRANSLATION

[...]tionality and in accordance with the regulations that shall be issued based on French legislation on this subject may be authorized to construct railroads in order to link their centers of production to the lines of general interest or to the ports.

Article 8

A report on the operation of the railroads in Morocco shall be submitted every year and shall be drawn up in the same form and conditions as the reports submitted to the general stockholders' meetings of the French railroad companies.

The Government of the Republic shall commission one of the administrators of the National Bank to draw up this report, which shall be submitted, together with the material upon which it is based, to the censors, and if applicable, any attached comments considered necessary by the latter based on their own inquiries shall then be made public.

Article 9.

In order to avoid to the extent possible any diplomatic claims, the French Government shall make every effort to have the Moroccan Government refer to an arbitrator appointed on an *ad hoc* basis any complaints made by foreign nationals against the Moroccan authorities or agents acting in the capacity of the Moroccan authorities for each matter by joint agreement of the French Consul and that of the power concerned, or in the absence thereof, of the two Governments by their Consuls, after it has proven not to be possible to settle such complaints via the intermediary of the French Consul and the Consul of the government concerned.

TRANSLATION

This procedure shall remain in effect until such time as a legal order is issued that is in accordance with the model of the legal principles of legislation of the powers involved and will then be intended to replace the consular courts after first obtaining their consent.

Article 10.

The French Government shall see to it that foreign nationals will continue to be able to exercise the right of fishing in Moroccan waters and harbors.

Article 11.

The French Government shall intercede with the Moroccan Government to ensure that it opens new foreign trade harbors according to its needs.

Article 12.

At the request of the Moroccan Government, both governments undertake, in agreement with the other powers based on the Madrid Convention, to conduct an examination of the lists and the position of the foreign protected persons and *Mochalates* [type of protected person having fewer protective rights. – Tr.] mentioned in Articles 8 and 10 of this Convention.

They further agree to support any amendment to the Madrid Convention by the signatory powers that may become necessary due to a subsequent change in the system of wards and *Mochalates*.

Article 13.

All provisions of an understanding or an agreement, a contribution or ... [truncated]

TRANSLATION

[...] contrary to the preceding stipulations shall be and remain invalid.

Article 14.

The other signatory powers of the Act of Algeciras shall be informed of the present Treaty, and the two governments undertake to support each other in securing the compliance of said powers therewith.

Article 15.

The present Treaty shall be ratified, and ratifications shall be exchanged in Paris as soon as possible.

Done in Berlin on November 4, 1911, in duplicate.

Kiderlen.

Jules Cambon.

WATER STREET TRANSLATIONS

TRANSLATION**German-French Treaty on the Possessions of the Two Countries in Equatorial Africa**

The Imperial German Government and the Government of the Republic of France have agreed, following and as a supplement to the Treaty of Morocco of November 4, 1911, and as compensation for the protective rights that have been granted to France with respect to the Sherif Kingdom, to carry out an exchange of territory in their possessions in Equatorial Africa and to conclude a Treaty for this purpose.

Therefore,

Mr. Kiderlen-Waechter, Secretary of State of the Foreign Office of the German Empire,

and

Mr. Jules Gambon, Extraordinary and Authorized Ambassador of the Republic of France to His Majesty the Emperor of Germany,

have communicated to each other their credentials, which have been found to be in good order, and have entered into the following Treaty:

Article 1.

France shall cede to Germany the following areas, the borders of which are established as follows:

TRANSLATION

[truncated] ... coast of the Atlantic from a point to be fixed on the eastern shore of the Bay of Monda, toward the mouth of the Massolié. Running toward the northeast, the border turns off towards the southeast corner of Spanish Guinea. It intersects the Ivondo river at its confluence with the Djoua, follows this river until Madjingo (which will remain French), and from this point, it runs east and then ends at the confluence of the Ngoko and the Sangha north of Ouessou.

The border then leaves the Sangha river at a point situated south of the center of Ouessou (which will remain French) at a distance of at least 6 km and at most 12 km from this location, according to the geographic layout of the area. It turns off toward the southwest and then rejoins the Kandéko valley, continuing to its confluence with the Bokba. It then goes down this river and the Likouala up to the right bank of the Congo river. It follows the Congo river to its confluence with the Sangha, and in such a manner as to occupy on the bank of the Congo an area measuring from 6 to 12 km, which shall be determined according to geographic conditions. It goes back up the Sangha to the Liouala-aux-herbes, which it then follows until Botungo. It then continues north, following an approximately straight line, to Béra Ngoko. It then turns off in the direction of the confluence of the Bodingué and the Lobaye and continues to the Ubangi north of Mongoumba.

On the right bank of the Ubangi and according to the geographic layout of the area, the German territory shall be determined so as to extend over an area of at least 6 km and ... [truncated]

TRANSLATION

[truncated] ... point west of its junction with the Mbi, goes up the valley of the Pama and meets the East-Logone approximately where this river reaches the eighth parallel at Goré. It finally follows the course of the Logone to the north until its junction with the Schari.

Article 2.

Germany shall cede to France the areas located north of the current border of the French possessions in the area of Chad between the Schari in the east and the Logone in the west.

Article 3

Within a period of 6 months counting from the date on which the ratifications of the present Treaty are exchanged, a technical commission, the members of which are to be appointed in equal numbers by the German and French Governments, shall determine the course of the border in accordance with the general data resulting from the wording of Articles 1 and 2.

Within a period of 18 months counting from the date on which the Protocol on the work of the technical commission is signed, in accordance therewith and by joint agreement, the commission shall proceed as quickly as possible with demarcation of the borders and designation and demarcation of the territory leased to the French Government as provided for in Article 8.

Article 4.

The technical commission and the ... [truncated]

TRANSLATION

[...] tasked with the demarcation mentioned in the preceding article may take into account the configuration of the terrain and the local circumstances by common agreement; such as, for example, the ease of monitoring the border or the racial makeup of the population. To the extent possible, they shall see to it that the border follows the natural limits indicated by the water flow, and in cases in which the border cuts across the direction of the rivers, they shall see to it that the border follows the watershed.

The minutes of the technical commission and those of the officials carrying out demarcation shall not be considered final until they have been ratified by the two governments.

Article 5.

The present exchanges of territory shall be carried out under the conditions prevailing in these territories at the time of conclusion of the present Treaty, i.e., the two governments shall respect any public and private concessions that may have been granted by each of them. The two governments shall provide each other with the text of the deeds by which said concessions have been granted.

The German Government shall replace the Government of the Republic of France in all of the advantages, rights, and obligations resulting from the above deeds with respect to the concessionaire companies, which shall then come under the sovereignty, the authority, and the jurisdiction of the German state. A special agreement shall regulate the application of the above provisions.

The same shall apply for the French state with respect to any concessions ... [truncated]

TRANSLATION

[truncated] .. located in the areas that come under its sovereignty, authority, and jurisdiction.

Article 6.

The German Government shall in no way hinder the operation, maintenance, improvement, and renovation work on the French telegraph line running along the Ubangi. Said line shall remain French, including its course through German territory. The German authorities shall be free to use the line under conditions to be determined at a later date.

Article 7.

Should the French Government wish to extend a railroad through the German territory between Gabon and Middle Congo and between the latter colony and the Ubangi-Schari, the German Government shall not hinder this. The preliminary studies and work shall be carried out according to agreements to be reached between the two governments at the time in question, with the German Government reserving the right to indicate whether it wishes to participate in carrying out this work on its territory.

If the German Government wishes to further extend an existing railroad in Cameroon through French territory, the French Government shall not hinder this. The preliminary studies and work shall be carried out according to agreements to be reached between the two governments at the time in question, with the French Government reserving the right to indicate whether it wishes to participate in carrying out this work on its territory.

TRANSLATION

Article 8.

The Imperial Government shall lease to the French Government, under conditions to be determined in a special deed, parcels of land bordering the Benue, the Mayo Kébi and below in the direction of the Logone, to be selected for the purpose of establishing supply stations and warehouses intended to constitute a stage route.

Each of these parcels of land, the length of which along the river shall be no more than 500 meters at high water, shall have an area of not greater than 50 hectares. The position of the land shall be determined according to the configuration of the site.

If, in the future, the French Government wishes to construct a road or a railroad between the Benue and the Logone above or below the Mayo Kébi, the Imperial Government shall not hinder this. The German Government and the French Government shall agree on the conditions under which this work may be carried out.

Article 9.

Germany and France, wishing to confirm their friendly relations in their possessions in Central Africa, undertake not to construct any fortified structures along any rivers used for common navigation. This provision shall not apply to simple security structures intended to protect the stations against any incursions by the indigenous people.

Article 10.

The French and German Governments shall agree on the work to be carried out in order to facilitate the circulation ... [truncated]

[page 17 missing from original]

TRANSLATION

[truncated] ... German troops, their arms and ammunition, as well as their supplies, via the Congo, the Ubangi, the Benue, and the Mayo Kébi, and if applicable, the railroad to be constructed from the coast to Brazzaville.

In either case, the troops, if they are purely indigenous, shall always be accompanied by a European officer, and the government of the territory over which the troops pass shall take all measures necessary in order to prevent any difficulty from hindering their passage, and if necessary, may delegate an agent to accompany them. The local authorities shall determine the conditions under which said passage of troops takes place.

Article 14.

Equal treatment for transportation of persons and goods shall be guaranteed to the nationals of the two countries on the railroads of their possessions in the Congo and Cameroon.

Article 15.

Beginning on the date of the mutual transfer of the territory ceded to France by Germany and to Germany by France, the German Government and the French Government shall no longer exercise any type of protection of or authority over the indigenous peoples of the respective territory ceded by them.

Article 16.

In the event that the territorial status of the Congo basin as defined by the Act of Berlin of February 26, 1885, should be modified by either of the Contracting Parties, they shall consult with each other as ... [truncated]

TRANSLATION

[truncated] ... signatory powers of the aforementioned Berlin Act.

Article 17.

The present Treaty is to be ratified, and the ratification documents are to be exchanged in Paris as soon as possible.

So done in duplicate in Berlin on November 4, 1911.

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CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Matthew McGaughey, a linguist with substantial experience in the translation of documents from German and French into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the German and French text attached herewith."

Kent G. Heine
Water Street Translations, LLC

04/27/21

Date



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T R E A T Y .

N^o 1160.

Reichstag.
 12. Legislatur-Periode.
 II. Session 1909/1911.

46075
20 NOV 1911

Berlin, den 11. November 1911.

Dem Reichstag beehrt sich der Unterzeichnete beifolgend einen Abdruck des Protokolls des Zusammenkommens zwischen der deutschen und der französischen Delegation, betreffend die Abgrenzung zwischen Kamerun und Französisch-Congo vom 18. April 1908 zur gefälligen Kenntnisnahme vorzulegen.

Der Reichskanzler.

J. S.:

Solf.

Reichstag.

Protokoll betreffend die Abgrenzung zwischen Kamerun und Französisch-Congo vom 18. April 1908.

Seine Majestät des Deutschen Kaisers, der Französischen Republik, hat durch seinen Einvernehmens Befehl, die beiderseitigen Delegierten zu dem Protokoll über die Abgrenzung zwischen Kamerun und Französisch-Congo vom 18. April 1908 in Kraft zu setzen, bekräftigen

Le Gouvernement de Sa Majesté l'Empereur d'Allemagne et le Gouvernement de la République Française, ayant résolu, dans un esprit de bonne entente mutuelle, de donner force et vigueur à l'accord préparé par leurs délégués respectifs pour la délimitation des colonies du Cameroun et du Congo Français, les soussignés:

Monsieur de Schoen, Staatssekretär des Auswärtigen Amtes des Deutschen Reichs,

Son Excellence Monsieur de Schoen, Secrétaire d'Etat des Affaires Etrangères de l'Empire d'Allemagne

et

Monsieur Jules Cambon, außerordentlich Bevollmächtigter Botschafter der Französischen Republik bei Seiner Majestät dem Deutschen Kaiser

Son Excellence Monsieur Jules Cambon, Ambassadeur extraordinaire et plénipotentiaire de la République Française auprès de Sa Majesté l'Empereur d'Allemagne

erklären, daß am 9. April d. Js. das Protokoll nebst Anlagen, dessen Inhalt folgt,

dümmen autorisés à cet effet, confirment le Protocole (avec ses annexes), dressé à Berlin le 9 avril dernier et dont la teneur suit:

Protocole.

Les soussignés:

- Dr. Frédéric v. Lindequist, Sous-Secrétaire d'Etat au Ministère des Colonies,
- Dr. Otto Gleim, Conseiller intime supérieur du Gouvernement au Ministère des Colonies,
- Dr. Alexandre Baron de Danckelman, Professeur et Conseiller intime du Gouvernement au Ministère des Colonies,
- Albert Duchêne, chef de la sous-direction de l'Afrique au Ministère des Colonies,

Dr. Otto Gleim, Unterstaatssekretär des Reichsausschusses für die Kolonialverwaltung,
 Herr v. Danckelman, Professor für Völkerrecht an der Universität Göttingen,
 Chef der afrikanischen Subdirektion des Reichsausschusses für die Kolonialverwaltung,

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Henry Moll, Major (breveté) und Bataillonskommandeur in der Kolonialinfanterie, Louis Hermitte, Vorkaufsekretär, beauftragt von der Kaiserlich deutschen Regierung und von der Regierung der Französischen Republik ein Abkommen vorzubereiten, welches bestimmt ist, in Ausführung der Bestimmungen des Abkommens vom 15. März 1894, insbesondere der §§ III und VII des Anhangs des Protokolls vom 4. Februar 1894, die Grenze zwischen Kamerun und Französisch Congo genau festzulegen und gewisse damit zusammenhängende Fragen zu regeln, haben sich über die nachstehenden Artikel geeinigt.

Artikel 1.

A. Die Grenze zwischen Kamerun und dem Congo français folgt, von Spanisch-Guinea (El Wuni) ausgehend (Meridian: 11° 20' östlich Greenwich), 9° östlich Paris):

- dem Kje(Kje)-Flusse von der Einmündung des Mweze (Mwéze) bis zu seiner Mündung in den Ntem (Campo),
 - dem Ntem, von der Mündung des Kje bis zum Einfluß des Kom,
 - dem Kom, von seinem Zusammenfluß mit dem Ntem bis zu demjenigen linken Zufluß, welcher dem Flußgebiet des Aina (Aïne, Dumbo) am nächsten kommt und welcher den Parallel 2° 15' N. schneidet oder in seiner Nähe verläuft,
 - dem Lauf dieses Zuflusses von seiner Mündung in den Kom bis zu seinem Schnittpunkt mit dem Parallel 2° 15' N.,
 - dem Parallel 2° 15' N. von seinem Schnittpunkt mit dem erwähnten Zufluß des Kom bis zu seinem Schnittpunkt mit demjenigen linken Zufluß des Aina, der dem Flußgebiet des Kom am nächsten kommt, und der von dem Parallel 2° 15' N. geschnitten wird oder in seiner Nähe verläuft,
 - dem Lauf dieses Zuflusses von seinem Schnittpunkt mit dem Parallel 2° 15' N. bis zu seiner Mündung in den Aina,
 - dem Lauf des Aina bis zu seinem östlichen Schnittpunkt mit dem Parallel 2° 10' 20" N. bei Pfeiler 13,
 - dem Parallel 2° 10' 20" N. vom Aina bis zum Pfeiler 4 am Wege vom Dongo (Dongo) nach Eta (Long) durch das Jua(Djua)-Tal,
 - der Wasserscheide zwischen dem Jua- und Masimbo (Masimbo) vom Pfeiler 4 bis zum Zusammenfluß der beiden Gewässer (Pfeiler 2).
- Es herrscht Einverständnis, daß für den Fall, daß die Wasserscheide zwischen den beiden Punkten (Pfeiler Nr. 4 und Pfeiler Nr. 2) den deutschen Weg vom Dongo nach Eta durch das Masimbo schneiden sollte, die Grenze in gleicher Entfernung zwischen dem deutschen und dem französischen Wege — wie solche auf der dem gegenwärtigen Protokoll beigefügten Karte dargestellt sind — verlaufen würde.
- Die Grenze folgt weiter dem Laufe des Jua vom Einfluß des Masimbo bis zum Dscha (Ngoko) und dem Laufe des Dscha bis zum Sanga (Sangha).
- Die Inseln des Kje, Ntem und des Kom bleiben bei Deutschland.
- Die Inseln des Aina und des Dscha fallen an Frankreich.

Henry Moll, chef de bataillon coloniale, Louis Hermitte, Secrétaire délégué par le Gouvernement de la République française, par le Gouvernement de la République française, l'effet de préparer un accord de frontière entre le Cameroun et le Congo français, conformément aux dispositions de la convention du 15 mars 1894 et des paragraphes III et VII de l'annexe du protocole de 4 février précédent, ont réglé certaines questions connexes et ont arrêté les dispositions suivantes.

Article 1.

A. La frontière entre le Cameroun et le Congo français à partir de la Guinée (El Wuni) [Méridien 9° Est Paris, 11° 20' Est Paris):

- la rivière Kyé (Kje), depuis Mvézeu (Mwéze) jusqu'à Ntem (Campo),
 - le Ntem, du confluent de la rivière Kyé au Kom,
 - le Kom, de son confluent avec le Ntem jusqu'à son intersection avec le parallèle 2° 15' N.,
 - le cours de cet affluent, de son intersection avec le parallèle 2° 15' N. jusqu'à son intersection avec l'affluent du Kom le plus voisin du bassin du Kom,
 - le cours de cet affluent de 15' N. jusqu'à son confluent dans le Kom,
 - le cours de l'Aïna, jusqu'à son intersection avec le parallèle 2° 10' 20" N.,
 - le parallèle 2° 10' 20" N., du point où il coupe la route (Dongo) à Eta (Long) par le Jua,
 - la ligne de partage des eaux entre le bassin du Masimbo (Masimbo) et le bassin du Dongo (Dongo),
- Il est entendu que, si entre les deux points (Piliers Nos. 4 et 2) la ligne de partage des eaux coupe la route allemande qui va de Dongo à Eta, la frontière sera la vallée du Masimbo, la distance des routes allemande et française sont figurées sur la carte annexée.
- La frontière se prolonge en suivant le cours de la rivière Djaou, du confluent du Masimbo jusqu'à son confluent avec la rivière Kyé, et de là à l'Allemagne; les îles de l'Aïna restent à la France.

folgt dem Sanga (Ngoko)-Mündung in den Sanga, im Sanga südlich des Balbal, wie auf der Karte östlich, nördlich in dem Kom.

folgt weiterhin den Inseln im südlich Ngombac, die auf der Karte angegeben sind, die von diesem Punkt nach Maubei.

Verlauf der Grenze, daß, wenn die die in einzelnen Linien verbunden.

von dem in Abt. Maubei zur nördlich (Dongo) am Wege 3 ungefähr 7 km südwestlich.

zur Furt des Babua-Benda (Dongo) in den Kadei.

bis zur Mündung Dumbo 2 aufwärts (Dongo)-Bache Diana o. des Bache Diana o. 16 km nördlich von (Dongo) am Weg östlich Madiji, dann in den Kadei, dann K.

Quelle des Vere, dieser in den Kom, Kom, diesen Bach auf die Bône (Koumbé-M) Kadei.

Punkt 3 km nördlich in den Quell des Dongo am Weg zur (Dongo), dann zur (Dongo)-Karaanga, dann zur Kom und Congo Karaanga, etwa 8 km zu dem Berg etna Karaanga-Nabemo (Dja) Mibe am Weg Sang Bône (3. Bône II) in den Mbeles, in seiner Vereinigung

am Punkt 5 km westlich des Punkt 5 km westlich des östlich M'Diki am Weg von Dol.

Punkt halbwegs Mbe zur Furt des Bache

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dem Sanga (Sangha), aus-
 (Foto) Mündung bis zur Min-
 den Sanga, und zwar der
 in Sanga südlich eines Punktes
 Pafan, wie auf der Vertrags-
 sch, nördlich davon bis zur
 Mündung.
 weiterhin dem Njue bis zu
 nördlich Ngombaco, wie auf der
 Karte angegeben ist. Dann
 von diesem Punkte bis zu einem
 Punkt.
 auf der Grenze nach Norden
 ab, wenn nicht ausdrücklich
 im einzelnen hier genannten
 Sinnen verbunden werden, wie
 dem in Absatz C genannten
 Punkt zur nächststen Furt des
 Wege Zufabuma-Molei
 über 7 km südwestlich Molei.
 zur Furt des Baches Naturi
 (Natura-Benda (Yanga)-Bulambu,
 den Kadai.
 bis zur Mündung des Bumbé 2
 (Sanga (Séson).
 Baches Mana am Weg Ngia-
 am nördlichsten von Ngia,
 (Sanga) am Weg Bingue (Bingue)-
 Aladi, dann Gliba abwärts
 Kadai, dann Kadai aufwärts
 des Béré, diesen Bach abwärts
 den Lom, Lom aufwärts bis
 diesen Bach aufwärts bis zur
 (Koundé-M'Bone I), etwa
 3 km nördlich der auf der
 Quelle des Mambéré, dann
 am Weg Kumbo-Bertua (Nu
 Karanga, dann zur Furt desselben
 Karanga, dann zum Schnittpunkt
 Lom und Congo mit dem Weg
 Z., etwa 6 km südöstlich Bela
 dem Berg etwa 9 km nördlich
 (Nabemo (Nabémon). Von
 am Weg Bougouda-Jakunde,
 (3. Boné II)-Banane, Ngui-
 den Mbéré. Dann den
 der Vereinigung mit dem Wina
 5 km westlich des Dries
 km westlich des Dries M'Be,
 M'Difi am Weg Manté-Dol,
 Bon Dol.
 halbwegs Mbongo (Bongo)-
 Furt des Baches Giengié am

B. La frontière remonte la Sangha (Ssanga), de l'embouchure de la Ngoko à celle de la Nyoué (Njue). Toutefois, sont françaises toutes les îles de la Sangha situées au sud d'un point fixé à 5 kilomètres au nord de la position portée pour le village de Balbal sur la carte du protocole; sont allemandes toutes les îles situées au nord de ce point jusqu'à l'embouchure de la Nyoué.

C. La frontière suit ensuite la Nyoué jusqu'à un point situé à environ 5 kilomètres au sud de l'emplacement assigné à Ngombaco sur la carte du protocole, puis une ligne droite partant de ce point et aboutissant à un point situé à 15 kilomètres au sud de Mauvey (Mauwei).

D. La frontière se poursuit vers le nord ainsi qu'il suit; et il est entendu que les points successifs de la frontière mentionnés dans le présent accord seront reliés entre eux par des lignes droites toutes les fois qu'il n'en sera pas autrement indiqué.

Du point spécifié au paragraphe C, situé à 15 kilomètres au sud de Mauvey, elle va au gué le plus au nord du ruisseau Boné (M'Boné), sur la route de Yokoudouma (Jukaduma)-Molai (Molei), à environ 7 kilomètres sud-ouest de Molai.

De ce point, elle va au gué de la rivière Batouri (Batouri) sur le chemin Baboua (Baboua)-Yanga (Benda)-Boulambo (Bulambu); puis elle descend la Batouri jusqu'à la Kadai.

Elle remonte la Kadai jusqu'à confluent de la Boubmé II (Bumbe 2) puis la Boubmé II jusqu'au gué du chemin Vanda (Wanda)-Désou (Janga).

De ce gué, elle va au gué du ruisseau Mana, sur le chemin Ngua (Ngia)-Bagari, à 16 kilomètres au nord-est de Ngua; ensuite au gué de la Guirma (Gliba) sur le chemin Bingue (Bingue)-Aladi; à environ 10 kilomètres sud d'Aladi; puis elle descend la Guirma jusqu'à son confluent avec la Kadai et remonte la Kadai jusqu'à sa source.

E. De là, elle va à la source de la Béré, descend cette rivière jusqu'à son confluent avec le Lom, remonte le Lom jusqu'au confluent de la Bali, remonte cette rivière jusqu'au gué du chemin Koundé (Kunde)-Mboné I (Bone) à environ 18 kilomètres Nord-Est de Koundé.

Elle va ensuite à un point situé à 3 kilomètres au nord de la source de la Mambéré, telle qu'elle est indiquée sur la carte du protocole, puis au gué du Bondo sur la route Zaoro Coumbo (Kumbo)-Bertoua (Bertua)-Zaoro Nô (Nu), au gué du Bondo sur le chemin Z. Coumbo-Karanga, à l'intersection de la ligne de partage des eaux entre Lom et Congo avec le chemin Gam (Belo Ngam)-Karanga, à environ 6 kilomètres sud-est de Gam, de là à la montagne qui est à environ 9 kilomètres au Nord du point où la rivière Mini coupe le chemin Karanga-Nabemo, au gué de la Midé sur le chemin de Bougouda à Yakoundé (Jakunde), au gué de la Ngou (Ngu) sur le chemin de Zaoro Mboné II (Bone) à Banane et descend ensuite la Ngou jusqu'à son confluent dans la Mbéré. Elle descend le cours de cette rivière jusqu'à sa jonction avec la Mbina ou Logone occidentale (Wina).

F. Elle va à un point pris à 5 kilomètres à l'Ouest de Di, puis à un point pris à 5 kilomètres à l'Ouest de Mbé, puis au gué du ruisseau Niki sur la route de Dol à Mandi (Manti) à environ 14 kilomètres au Nord-Ouest de Dol.

De là elle gagne le chemin de Bongo (Mbongo) à Manda Bossoro, à mi-distance de

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T R E A

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Bege Mbongo-M'Baqueu, dann zur Furt desselben Baches am Wege Sambiche (Diambié)-M'Baqueu dann zur Furt des Sinabu (Sinambou) Sambiche-Tschimiang (Tsiemieng), dann Sinabu abwärts bis zur Furt des Weges Dschébo-Wiléfa (Djebo-Lualéga).

Dann zur Furt des Baches Bundeka am Weg Dari (Dare)-Weimba, ungefähr 11 km südlich Dari. Dann zur Furt des Baches Gingarfeu am Weg Mbade-Mbere (Badi-M'Beré), etwa 12 km südwestlich von Mbade. Dann zur Furt des Baches Njébi (Njébi) an der Wegeabteilung Same-Nadjaki und Same-Njébi, dann Njébi aufwärts zum Weg Same-Dyogoua, dann auf einen Punkt halbwegs zwischen Dschalume (Djaloumé) und Bodepore (Guefale), dann nordwärts zum Mao-Njébi (Mao-Njébi), dann diesen Fluß abwärts bis zum Meridian von Bipare, dann in einem Kreisbogen von etwa 2,5 km Radius westlich um den Mittelpunkt von Bipare herum bis zum Weg Bipare-Hamajadi (Hamajadi).

G. Dann zu einem Punkt etwa 5 km östlich Nigil (Nigil) am Wege Nigil-Djabili (Yabili). Dann zur Furt eines Baches etwa 6 km südlich Bidjar (Bigerh) am Weg Bidjar-Burju (M'bourjou). Dann zur Furt eines Baches etwa 3 km südöstlich Bidjar am Weg von dort nach Guebagne. Dann zur Furt des Baches Wore etwa 8 km nordöstlich Bidjar am Weg Bidjar-Sofou (Sofou). Dann zum Safalken am der Furt Burju-Boudouba (Boubouba), etwa 3 km nordwestlich von Burju.

Dann zu einem Punkt am Weg Bipare-Gubara (Goubara), etwa 2 km nördlich Bipare. Dann zu der Furt des Baches Diro (Toukoufal) am Weg Binder-Gare (Binde-Garé), etwa 3 km nordwestlich Binder (astronomischer Beobachtungspfeiler). Dann zu einem Punkt am Weg Binder-Dumuru (Dumuru), 4 km nördlich Binder, dann zu einem Punkt am Wege Binder-Bidigis 5 km nordöstlich von Binder, dann zu einem Punkte 5 km südlich von Dsigilau (Dsigilau) am Weg Dsigilau-Mindiffi.

Dann zu einem Punkt halbwegs Dubula (Douboula)-Gouyou, dann zu einem Punkt halbwegs Doué (Doué), Gouyou, dann zu einem Punkt halbwegs Sot-Nim Bak'ri, dann zu einem Punkt halbwegs Sot-Nim Bak'ri, dann zu einem Punkt halbwegs Koumana-Nim Bak'ri, dann zu einem Punkt halbwegs Koumana-Forkouma, dann zu einem Punkt halbwegs Taala-Forkouma, dann zu einem Punkt halbwegs Safumka (Sounfa)-Forkouma, dann zu einem Punkt halbwegs Safumka-Forkoumei (Folma'), dann zu einem Punkt 2 km südlich Komergi (Komarqui-Irle) am westlichen Ufer des Kuburi-Sumpfes (Kiangra-Sees), dann zu einem Punkt am östlichen Ufer 2 km südlich von Guei-Gibi (Guibi).

Dann zu einem Punkt halbwegs Bia-Made, dann zu einem Punkt halbwegs Fokofoi-Goumoune, dann zu einem Punkt 3 km südlich Karan.

H. Von hier aus zu einem Punkt am rechten Logone-Ufer 2 km nordwestlich von Sam (Vermessungszeichen). Von hier aus zu einem Punkt halbwegs Gaia-Tchoumbia (Gaia-Tchoumbia), dann zu einem Punkt halbwegs Tschafan Gogodon (Tschafan-Bouloufou), dann zur Furt des Ba-Nii am Weg von Tschafan Gogodon nach Maula, dann zu einem Punkt halbwegs Mudigil-Moa 3 km östlich Mudigil, dann zu einem Punkt 5 km westlich Luan, dann zur Mündung des Ba-Nii in den Schari (Schari)

ces deux villages. Elle va la rivière Guiengué (Giemgué) Bongo-Mbaqueu, au gué de le chemin Diambié (Sandsche) Sinabou (Sinambou) sur le chemin (Tschimiang), puis descend le chemin Djebo (Dschébo)-Ouafé.

Elle gagne ensuite le gué (Bundeka) sur le chemin Dari (Dare)-Weimba, à 11 kilomètres au Sud de Dari. Gingarfeu sur le chemin Badi-M'Beré, à environ 12 kilomètres sud-ouest de Mbade. Elle gagne ensuite le gué (Njébi) au point de bifurcation Same-Nadjaki et Same-Njébi, puis Njébi en remontant le chemin Same-Dyogoua, puis sur un point à mi-chemin entre Dschalume (Djaloumé) et Bodepore (Guefale), puis nord-est vers le Mao-Njébi (Mao-Njébi), puis descend ce fleuve jusqu'au méridien de Bipare, puis dans un arc de cercle d'environ 2,5 km de rayon vers l'ouest autour du point central de Bipare.

G. Elle gagne ensuite le gué de Nigil (Nigil) sur le chemin Nigil-Djabili (Yabili). Elle gagne ensuite la Furt d'un ruisseau à environ 6 km au sud de Bidjar (Bigerh) sur le chemin Bidjar-Burju (M'bourjou). Elle gagne ensuite la Furt d'un ruisseau à environ 3 km au sud-est de Bidjar sur le chemin qui va de là à Guebagne. Elle gagne ensuite la Furt du ruisseau Wore à environ 8 km au nord-est de Bidjar sur le chemin Bidjar-Sofou (Sofou). Elle gagne ensuite la Furt de Burju-Boudouba (Boubouba), à environ 3 km au nord-ouest de Burju.

Elle coupe le chemin à environ 2 kilomètres au Nord de Bipare. Elle coupe le chemin à environ 3 kilomètres au Nord de Binder (astronomischer Beobachtungspfeiler). Elle coupe le chemin à environ 4 kilomètres au Nord de Binder, puis à un point à 5 km au nord-est de Binder, puis à un point 5 km au sud de Dsigilau (Dsigilau) sur le chemin Dsigilau-Mindiffi.

Elle va ensuite à mi-chemin entre Dubula (Douboula) et Gouyou, puis à mi-chemin entre Doué (Doué) et Gouyou, puis à un point à mi-chemin entre Sot-Nim Bak'ri et Sot-Nim Bak'ri, puis à un point à mi-chemin entre Koumana-Nim Bak'ri et Koumana-Nim Bak'ri, puis à un point à mi-chemin entre Koumana-Forkouma et Koumana-Forkouma, puis à un point à mi-chemin entre Taala-Forkouma et Taala-Forkouma, puis à un point à mi-chemin entre Safumka (Sounfa) et Forkouma, puis à un point à 2 km au sud de Komergi (Komarqui-Irle) sur la rive occidentale du marais de Kuburi (Kiangra-Sees), puis à un point sur la rive orientale à 2 km au sud de Guei-Gibi (Guibi).

Elle va ensuite, aux points de Bipare-Made et de Fokofoi-Goumoune, puis à 3 kilomètres au sud de Karan.

H. De là elle gagne, sur la rive droite du Logone à 2 kilomètres de Sam (point de mesure). De là elle gagne, sur la rive droite du Logone à mi-chemin entre Gaia-Tchoumbia (Gaia-Tchoumbia) et Tchafan Gogodon (Tchafan-Bouloufou), puis à la Furt du Ba-Nii sur le chemin de Tchafan Gogodon à Maula, puis à un point à mi-chemin entre Mudigil et Moa, à 3 kilomètres au sud de Mudigil, puis à un point à 5 kilomètres au sud de Luan, puis à la confluence du Ba-Nii dans le Schari.

... die Grenze Schari abwärts den Tschad (Schad)-See. ... die schiffbaren Haupt-Schari ... wie sie in der dem Vertro ... ist, geht die Grenze bis zu ... 14° 28' östlich Grenzwert ... mit dem Parallel 13° 5' N ... Parallel nach Westen bis zu ... (französisch-englisches At ...). ... östlich darüber, daß die westlich ... stehenden Maß beschriebene ... des Tschad zum deutschen Gebie ... nördlich der genannten Grenz ... zu französischem Gebiet.

Artikel 2.
Der Gewässer des Benue in ... deutschen Gebiete liegen in ... rgen Teils des Mao Kabi un ... Benue, welche im französischen ... gegenseitig ihre Verpflichtungen ... 26, 27, 28, 29, 31, 32, 33 de ... 1885 aufgeführten, an ... und des Handels begünstigen ... und ihren Geltung zu ver ...

Frankreich sichern sich beider ... nämlichen Bestimmungen ... die Schifffahrt auf dem Schari ... beziehen. ... den Mächte verpflichten sich ... icken Vorkehrungen zu treffen ... schifffahrt auf den vorerwähnten ... dern. Zu dem Zwecke werden ... erung des gegenwärtigen Ab ... dieses Schifffahrtsreglement vor ... dieses Schifffahrtsreglements ... auf dem Congo, dem Sänge ... in gleicher Weise Anwendung ...

Artikel 3.
In Bestimmungen, welche in den ... einer Anleihe, des Schari, des ... liege, sowie auch in dem ... östlich des dreizehnten Grades ... Staatsangehörigen, die Schutz ... die Schutzbeschlüssen der beiden ... umgebung der Kanalkränen und ... ge zu Lande auf dem Fluße ... behandelt werden. In den ge ... en die beiderseitigen Staats ... angehörigen und Schutzbeschlüssen ... ung und Entwicklung ihres Han ... erforderlichen Erwerbungen und ... schiffen unterworfen sein und die ... enießen.

In diesen Bestimmungen sind die ... ndungswege zu Lande in den ... en und in den Küstenbeden des ... nicht in dem in der Berliner Akte ... Congobeden belegen sind. ... oben gedachten Bestimmungen ... rache Yola-Ngambere-Kunde ... dieses Artikels bezeichneten Ge ... oder Steuerartife, welche etwa ...

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kauff die Grenze Schari abwärts
in den Tschad(Tschad) See.
ung des schiffbaren Haupt-Schari-
se, so wie sie in der dem Vertrag
stellt ist, geht die Grenze bis zum
14° 28' 00" nördlich Greenwiche
mit dem Parallel 13° 5' N.,
Parallel nach Westen bis zur
Grenze (französisch-englisches Ab-
1906).
ständnis darüber, das die beifällig
vorstehenden Absatz beschriebenen
des Tschad zum beifälligen Gebiet
nördlich der genannten Grenze
zu französischem Gebiet.

Artikel 2.
Die Mündung der Gewässer des Benue und
die in beifälligen Gebiete liegen und
denjenigen Teils des Mayo-Kebbi und
des Benue, welche im französisch-
englischen gegenseitig ihre Verpflichtungen
in den Art. 26, 27, 28, 29, 31, 32, 33 der
Konvention vom 26. Februar 1885 aufgeführt, auf
den Vertrag und des Handels beifälligen
Gebietes und ihren Geltung zu ver-
binden.
Frankreich sichern sich beider-
seitig die nämlichen Bestimmungen
über die Schifffahrt auf dem Schari,
welche in den Art. 26, 27, 28, 29, 31, 32, 33
der Konvention vom 26. Februar 1885
aufgeführt sind.
Die Mächte verpflichten sich
den beifälligen Vorkehrungen zu treffen,
um die Schifffahrt auf den vorerwähnten
Gewässern zu sichern. Zu dem Zwecke werden
die Bestimmungen des gegenwärtigen Ab-
kommens Schifffahrtsreglement vor-
geschrieben.
Dieses Schifffahrtsreglement
wird auf dem Congo, dem Sangha
und in gleicher Weise Anwendung
finden.

Artikel 3.
Die Bestimmungen, welche in den
Art. 26, 27, 28, 29, 31, 32, 33 der
Konvention vom 26. Februar 1885
aufgeführt sind, sowie auch in dem
Art. 26, 27, 28, 29, 31, 32, 33 der
Konvention vom 26. Februar 1885
aufgeführt sind, die Schutz-
bestimmungen der beiden
Mächte zu Lande auf dem Fuße
gleich behandelt werden. In den ge-
wöhnlichen Angelegenheiten der
Staatsangehörigen und Schutzbefohlenen
sowie in den Angelegenheiten ihrer
Erforderlichen Erwerbungen und
Erforderlichen unterworfen sein und be-
stehen.
In diesen Bestimmungen sind die
Verbindungswege zu Lande in den
Territorien und in den Küstenbecken des
Congo, die in dem in der Berliner Akte
vom 26. Februar 1885 enthaltenen
Congo-Becken belegen sind.
Die oben gedachten Bestimmungen
des Art. 26, 27, 28, 29, 31, 32, 33 der
Konvention vom 26. Februar 1885
aufgeführt sind.
In diesem Art. 3 sind die bezeichneten Ge-
biete oder Steuertarife, welche etwa

J. De là elle descend le Chari (Schari) jusqu'à
son embouchure dans le Lac Tchad (Tschad).

K. De l'embouchure de la branche principale na-
vigable du Chari dans le Tchad, telle qu'elle est dé-
terminée dans la carte annexée au présent protocole,
la frontière atteint l'intersection du méridien 14° 28'
Est de Greenwich (12° 08' Est de Paris), avec le
parallèle 13° 05' de latitude Nord, suit ensuite vers
l'Ouest ce parallèle jusqu'à la frontière franco-anglaise
(Convention franco-anglaise du 29 mai 1906).

Il est entendu que les îles du Tchad situées à
l'ouest et au sud de la frontière cidessus indiquée font
partie du territoire allemand; celles qui sont à l'est et
au Nord font partie des possessions françaises.

Article 2.

L'Allemagne, en ce qui concerne la partie des
eaux de la Bénoué et de ses affluents comprise dans
son territoire; la France, en ce qui concerne la partie
des eaux du Mayo-Kebbi et des autres affluents de la
Bénoué comprise dans son territoire, se reconnaissent
respectivement tenues d'appliquer et de faire respecter
les dispositions relatives à la liberté de navigation et
de commerce énumérées dans les articles 26, 27, 28,
29, 31, 32, 33 de l'acte de Berlin du 26 février 1885.

L'Allemagne et la France s'assurent respectivement
le bénéfice de ces mêmes dispositions en ce qui
concerne la navigation du Chari, du Logone et de
leurs affluents.

Les Puissances contractantes s'engagent respecti-
vement à prendre les dispositions nécessaires pour
assurer pratiquement la liberté de la navigation sur
les cours d'eau ci-dessus mentionnés. Elles prépare-
ront dans ce but, après la ratification du présent
accord, un règlement commun de navigation.

Les dispositions de ce règlement s'appliqueront
également à la navigation sur le Congo, sur la Sangha
et ses affluents.

Article 3.

Dans leurs possessions respectives comprises dans
les bassins de la Bénoué et de ses affluents, du Chari,
du Logone et de leurs affluents ainsi que dans la partie
du territoire français située au sud du 13^{ème} parallèle
N., les nationaux, les sujets et les protégés des deux
pays seront traités sur le pied d'une parfaite égalité
en ce qui concerne l'usage des routes ou autres voies
de communication terrestre. Dans ces mêmes terri-
toires, les nationaux, les sujets et les protégés des
deux pays seront soumis aux mêmes règles et jouiront
des mêmes avantages au point de vue des acquisitions
et installations nécessaires à l'exercice et au déve-
loppement de leur commerce et de leur industrie.

Sont exclues de ces dispositions les routes et voies
terrestres de communication des bassins côtiers du Ca-
meroun ou des bassins côtiers du Congo français non
compris dans le bassin conventionnel du Congo tel qu'il
a été défini par l'acte de Berlin.

Ces dispositions toutefois s'appliquent à la route
Yola—Ngaoundéré—Koundé—Gaza—Banja et vice
versa.

Dans les territoires visés à l'alinéa 1^{er} du présent
article les tarifs des taxes ou droits qui pourront être

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T R E A

von dem einen oder dem anderen Teile aufgestellt werden, hinsichtlich der Staatsangehörigen, Schutzgebietenangehörigen und Schutzbefohlenen beider Länder keinerlei beschiebende Artige Anwendung zulassen.

Artikel 4.
Die beiderseitigen Uferbewohner sollen in den deutschen und französischen Territorialgewässern des Nhad-Sees und in den in den vorstehenden Artikeln genannten Gewässern, soweit die letzteren einen Teil der Grenze bilden, gleiche Rechte betreffs Fischfang und Schifffahrt haben.

Artikel 5.
Das Protokoll vom 4. Februar 1894 nebst Anhang, ebenso wie das Abkommen vom 15. März 1894 treten außer Kraft.

Artikel 6.
Zur Urkund dessen haben die Beauftragten das gegenwärtige Protokoll errichtet und ihre Unterschrift darunter gesetzt.

Gesehen zu Berlin in doppelter Ausfertigung am 9. April 1908.

(gez.) v. Lindequist. v. Dandelman.
Duchêne. Roll. Germitte.

établis de part et d'autre ne des nationaux, sujets et protégés traitement différentiel.

Article 4.
Sur le lac Tchad dans l'Allemagne et de la France mentionnés dans les articles précédents de leur cours où ils forment la rattachés à l'une ou l'autre des droits de pêche et de navigation.

Article 5.
Le protocole du 4 février ainsi que la convention du 15 demeurent abrogés.

Article 6.
En foi de quoi les délégués protocole et y ont apposé leurs

Fait à Berlin, en double exp

jahres, von der Ratifikation c übertraglichen Mächte d Angabe ihrer Verfassung die B welche die Ein- und Auswand abklärung regeln sollen.

Artikel 4.
benen ein Fluß oder Bach d demweg desselben die Grenze a eigenlicher Talweg nicht zu e schnellen, soll die Mitte d

die Grenze in dem Bereich d diesen und demjenigen Ufe Macht gehört wie die Insel

Artikel 5.
Artikel 4 des Anhanges g mung, daß im Kadel, Bunde dieser Flüsse die Grenze bilde gen Regierungen vor, in de eine anderweitige Regelung de

nieln der genannten Flüsse i Uferbewohner sich später a llen sollte, Änderungen in d dieser Inseln auf Grund ve der beiderseitigen örtlichen Be gheitsgründen unter Gewähr penationen eintreten zu lasse später herausstellen, daß die i und B des gegenwärtigen A Regelung des Bestandes d ma, Scha und Sanga gelegene mungen zu Unzuträglichkeit die beteiligten Regierungen eit unbarungen jedoch unter der Vo einer der beiden Teile ohne en für den anderen einen Worte

Anhang.

Artikel 1.
Die Vermarkung der im vorstehenden Abkommen beschriebenen Grenze soll innerhalb einer Frist von vier Monaten nach der Ratifikation des Abkommens an Ort und Stelle beginnen.

Artikel 2.
Die mit der Grenzvermarkung zu beauftragenden Kommissare sollen ermächtigt sein, in Fällen, in denen die Grenze zwei Punkte des nämlichen Wasserlaufs in gerader Linie verbindet, diese gerade Linie durch den betreffenden Wasserlauf zu ziehen, sofern er sich nicht allzuweit von ihr entfernt. In gleicher Weise sollen sie ermächtigt sein, unbedeutende Änderungen in Anlehnung an die natürlichen Geländelinien zu treffen, so oft sie es nach gemeinsamem Übereinkommen für nützlich und angemessen halten, jedoch mit der Einschränkung, daß die territoriale Zugehörigkeit der im Vertrag erwähnten Dörfer nicht geändert werden darf. Solche Änderungen müssen auf Spezialkarten klar bezeichnet und den heimischen Regierungen zur Genehmigung unterbreitet werden. Doch sollen diese Änderungen der geradlinigen Grenzen vorbehaltlich der Ratifikation vorläufig als Grenzen gelten und als solche beachtet werden.

Artikel 3.
Wo irgend welches Land auf Grund des gegenwärtigen Abkommens der Jurisdiction der einen Macht entzogen und der der anderen unterstellt wird, soll den Bewohnern solchen Landes gestattet sein, frei zu wählen, auf welcher Seite der Grenze sie sich ansiedeln wollen, und es soll ihnen innerhalb eines Jahres nach Abschluß der Ratifikation gestattet sein, auf dem selbe stehende Ernten einzubringen und die Produkte nebst allem ihrem Eigentum mit sich zu nehmen.

Annexe

Article 1.
L'abornement de la frontière accord devra commencer d'une un délai de quatre mois après convention.

Article 2.
Les commissaires chargés de autorisés, lorsque la frontière joint points d'un même cours d'eau, à d'eau à la ligne droite en questio que d'une faible distance. Ils seron à faire de légères modifications naturelles du sol toutes les fois accord ils le jugeront utile et en condition de ne pas changer l'att mentionnés dans le protocole.

Ces déviations devront être sur des cartes spéciales et soum des deux Gouvernements. Tout qu'elles soient approuvées, elles valable et par suite respectées.

Article 3.
Partout où, sur les basses du portion de Territoire sera soustr d'une Puissance pour passer s les habitants en seront autorisés le côté de la frontière sur lequel Ils pourront, dans le délai d'un des ratification susvisées, enlev pied ainsi que leurs biens.

Artikel 6.
der deutschen und französische Grenz-Erhebung werden für d welche den Parallel 2° 10' 20" l folgenden Werte festgelegt:

| Abstand | Breite | Entfernung in m vom Parallel 2° 10' 20" |
|------------|-----------|---|
| nach Sta | 2 9 59,0 | 644 |
| von Suante | 2 10 18,2 | 55 |
| von Suante | 2 10 20,0 | — |
| von Suante | 2 10 21,7 | — |
| von Suante | 2 10 22,5 | 77 |
| von Suante | 2 10 19,0 | 31 |
| von Suante | 2 10 18,0 | 61 |
| von Suante | 2 10 21,8 | — |
| von Suante | 2 9 57,4 | 694 |
| von Suante | 2 10 13,4 | 208 |

Artikel 7.
Pr. 4, 5, 6, 7, 8, 9, 10, 11, 12, 1 sowie die bei der in Aussicht ge

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T R E A T Y .

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Article 4.
had dans les...
la France et...
articles précé...
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ou l'autre pu...
le navigation.

Article 5.
t 4 février 1...
tion du 15 m...

Article 6.
les délégués...
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Annex

Articles 1...
la frontière...
coer d'une...
nois après...

Article 2.
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Sajres, von der Ratifikation an
der vertragsschließenden Mächte die
Abgabe ihrer Verfassung die Be-
weilge die Ein- und Auswander-
Bewörterung regeln sollen.

Artikel 4.
zu denen ein Fluß oder Bach die
Kanalweg desselben die Grenze ab-
eigentlicher Kanalweg nicht zu er-
flüßschnellen, soll die Mitte des
Flusses sein.

die Grenze in dem Bereich der
dieser und demjenigen Ufer,
welchen die Macht gehört wie die Inseln.

Artikel 5.
im Artikel 4 des Anhanges ge-
stimmung, daß im Falle, Bumbé 2
dieser Flüsse die Grenze bildet,
sigen Regierungen vor, in den
eine anderweitige Regelung des
Flusses der genannten Flüsse im
Uferbewohner sich später als
Änderungen in der
dieser Inseln auf Grund von
der beiderseitigen örtlichen Ver-
änderungsgründen unter Zustimmung
Repräsentationen eintreten zu lassen.
später herausstellen, daß die in
A und B des gegenwärtigen An-
hanges angeführte Regelung des Besitzes der
Inseln, Sika und Sanga gelegenen
Inseln zu Unzulänglichkeiten
die beteiligten Regierungen eine
Abänderung jedoch unter der Vor-
bedingung der beiden Teile ohne ent-
weder für den anderen einen Vorteil

Artikel 6.
der deutschen und französischen
Expedition werden für die
Grenze den Parallel 2° 10' 20" N.
in beiden Werte festgelegt:

| | Breite | Entfernung in m vom Parallel 2° 10' 20" aufwärts oder abwärts |
|-------|-----------|---|
| Sta | 2 9 59,0 | 644 |
| Sumbe | 2 10 18,2 | 55 |
| Sumbe | 2 10 20,0 | — |
| Sumbe | 2 10 21,7 | 59 |
| Sumbe | 2 10 22,5 | 77 |
| Sumbe | 2 10 19,0 | 31 |
| Sumbe | 2 10 18,0 | 61 |
| Sumbe | 2 10 21,8 | — |
| Sumbe | 2 9 57,4 | 694 |
| Sumbe | 2 10 18,4 | 208 |

Artikel 7.
5, 6, 7, 8, 9, 10, 11, 12, 13
die bei der in Aussicht ge-

Lorsque l'année qui suivra la ratification sera
écoulée, il appartiendra à chacune des puissances con-
tractantes de déterminer d'après sa législation in-
térieure, les conditions dans lesquelles aura lieu l'émi-
gration ou l'immigration des populations indigènes.

Article 4.
Dans tous les cas où la frontière est déterminée
par le cours d'une rivière ou d'un ruisseau, c'est le
talweg qui sert de limite. Si cependant le talweg pro-
prement dit ne peut être déterminé, de même que sur
les points où il existe des rapides, la ligne médiane
du cours d'eau sera la frontière.

En outre, dans le voisinage des îles, la limite
passera à mi-distance entre les îles et la rive qui
n'appartient pas à la même puissance que celles-ci.

Article 5.
Sans porter atteinte à la disposition générale de
l'article 4 de l'annexe d'après laquelle, en ce qui con-
cerne la Kadé, la Bumbé II, et le Chari, ce sera le
talweg de ces rivières qui formera la frontière, les
puissances contractantes ont la réserve suivante: dans
les cas où un règlement de l'état de possession sur les
îles des rivières précitées serait ultérieurement reconnu
désirable dans l'intérêt des habitants de l'une et l'autre
rive, il y aura lieu d'admettre des modifications dans
l'attribution de ces îles, conformément à des propositions
faites de concert par les représentants de l'administration
locale, et avec la garantie de compensations équitables
et correspondantes.

S'il apparaissait, dans l'avenir, que les dispositions
prévues par l'article 1 paragraphe A et B du présent
accord, visant l'état de possession des îles situées dans
les rivières Kié, Ntem Kom, Aina, Ngoko et Sangha,
pouraient comporter des inconvénients, les puissances
contractantes se réservent de modifier ces dispositions,
mais sous la réserve qu'aucune des deux parties ne
recevra un avantage sans consentir à un avantage
correspondant pour l'autre.

Article 6.
D'un commun accord, les sections allemande et
française de la Mission de délimitation de sud adoptent,
pour la latitude des piliers — repères du parallèle 2°
10, 20" N, les valeurs suivantes:

| No. des Piliers | Désignation | Latitude | Distance en mètres du parallèle 2° 10' 20" au piler au Nord au Sud |
|-----------------|---|-----------|--|
| 4 | Route de Ndongo à Eta par la vallée du Dja | 2 09 59,0 | 644 |
| 5 | Route directe de Suangé (Suanké) à Eta | 2 10 18,2 | 55 |
| 6 | Route ouest de Suangé à Eta | 2 10 20,0 | — |
| 7 | Rivière Zoa (Sua) | 2 10 21,7 | 52 |
| 8 | Rivière Sée | 2 10 22,5 | 77 |
| 9 | Rivière Missoum - Missoum (Missoum-Missoum) | 2 10 19,0 | — |
| 10 | Rivière Karago | 2 10 18,0 | 31 |
| 11 | au Nord de Maka | 2 10 21,8 | 61 |
| 12 | Rivière Nsanga | 2 09 57,4 | 694 |
| 13 | Rivière Aina | 2 10 18,4 | 208 |

Article 7.
Les bornes Nr. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13
qui marquent la frontière sud, aussi bien que celles

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nommieren Grenzvermarkungslinie längs der Dfsgrenze neu zu errichtenden Grenzpfähle stehen unter gemeinsamen Schutze der deutschen und französischen Regierung. Sollte es später nötig werden, einen Grenzpfähler zu erneuern, so soll jede Regierung zu diesem Zwecke einen Vertreter entsenden. Sollte es ferner später nötig werden, die Grenze durch weitere Pfähle genauer zu markieren, so soll jede Regierung zu dem Bau von Zwischenpfählern einen Vertreter entsenden. Die Lage dieser Zwischenpfähler soll durch den auf der Vertragskarte niedergelegten Verlauf der Grenze bestimmt werden.

Artikel 8.

Die französische Regierung sichert Deutschland östlich der von Bomassa zum Punkt 15 km südlich Mauwei führenden geraden Linie den zusammenhängenden Besitz von 2500 qkm zu.

Für den Fall, daß die Fläche zwischen dieser geraden Linie und der durch Artikel 1, Absatz B und C bestimmten Grenze weniger als 2450 qkm betragen sollte, würde sie auf 2500 qkm zu ergänzen sein mit Hilfe eines Gebietes, das, ausgehend von der Vereinigung des Njue mit dem Sänge, im Osten und Westen durch diese Flüsse, im Norden durch einen entsprechenden Parallel begrenzt wird.

Für den Fall, daß das fragliche Gebiet sich als größer wie 2550 qkm herausstellen sollte, würde es auf 2500 qkm zu verkleinern sein, indem man den in Artikel 1, Absatz C, ins Auge gefaßten Ausgangspunkt der Grenze, von dem sie nach dem Punkt 15 km südlich Mauwei verlaufen soll, weiter westlich rückt.

Falls das fragliche Gebiet zwischen 2450 und 2550 qkm groß ist, soll keine Veränderung an der Grenzlinie, wie sie im Artikel 1, Absatz C beschrieben ist, vorgenommen werden.

Die Dörfer Ngombaco und Sicagota bleiben französisch, sowohl in dem Fall, daß spätere Vermessungen eine Lageveränderung von weniger als 5 km in ost-westlicher Richtung gegenüber der Vertragskarte feststellen sollten, auch wenn die Dörfer dabei westlich der Grenzlinie zu liegen kämen, als auch in dem Fall, daß die Lageveränderung 5 km übersteigt, solange die Dörfer dabei noch östlich der Grenzlinie bleiben.

Dagegen werden sie deutsch, wenn die ost-westliche Lageveränderung 5 km übersteigt und sie dadurch zugleich westlich der Grenze zu liegen kommen.

Auf jeden Fall bleibt die Grenze mindestens 5 km vom Mittelpunkt dieser Dörfer entfernt und wird nötigenfalls zu diesem Zweck in einem Kreisbogen von 5 km Radius westlich bzw. östlich um den Dorfmittelpunkt herumgeführt.

Artikel 9.

Für die in diesem Abkommen getroffenen Bestimmungen sind die demselben beigelegten Karten maßgebend.

Als Anlage zum Protokoll vom 9. April 1908 genehmigt.

Berlin, den 9. April 1908.

(L. S.) (gez.) v. Sindequiff. Heim. v. Danckelman.
Duchêne. Moll. Hermite.

qu'il y a aura lieu d'ériger sur sont placées sous la protection des autorités françaises et allemandes.

S'il devient ultérieurement nécessaire d'indiquer le tracé de la frontière par chaque gouvernement déléguera l'érection des bornes supplémentaires sans cours de la frontière telle qu'elle du protocole.

Article 8.

Le Gouvernement français garantit à la possession d'un territoire de d'un seul tenant à l'Est de la Bomassa au point situé à 15 km de Mauvey.

Dans le cas où la superficie comprise entre cette ligne droite et la frontière déterminée par les articles 1, B et C de l'article 1 serait inférieure à 2450 mètres carrés elle serait complétée par l'adjonction d'un territoire au confluent de la Nyous et limité à l'Ouest et à l'Est par la parallèle convenable.

Dans le cas où la superficie supérieure à 2550 kilomètres carrés à 2500 kilomètres carrés en ce point visé au paragraphe C de l'article 1 serait inférieure à 2500 mètres carrés elle serait complétée par l'adjonction d'un territoire au sud de Mauvey.

Si la superficie en question est comprise entre 2450 et 2550 kilomètres carrés aucune modification au tracé de la frontière n'est autorisée.

Les villages de Ngombaco et Sicagota restent français dans les cas où, dans le cas où, ultérieures, ils viendraient à être situés à l'ouest de la ligne frontière, pourvu qu'ils ne soient pas reconnus déplacés de moins de 5 kilomètres de celle qu'ils ont sur la carte de 1908. Dans le cas où le déplacement vers l'Ouest serait trouvé supérieur à 5 kilomètres, ils seraient déplacés vers l'Est de la ligne frontière.

Au contraire, ces villages deviendront allemands si le changement de position est supérieur à 5 kilomètres et s'ils venaient, dans le cas où, à l'Ouest de la ligne frontière.

Dans l'un et l'autre cas, la frontière sera maintenue à une distance d'au moins 5 kilomètres de ces villages, s'il est nécessaire, formée par un arc de cercle de 5 kilomètres de rayon décrit autour de leur centre.

Article 9.

Les cartes annexées au présent Abkommen sont applicables.

Vu pour être annexé au présent Protokoll.

Berlin le 9 avril 1908.

T R E A T Y .

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T R E A T Y .

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kommen wird ratifiziert und
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werden.
während vier Monaten nach er-
ratifikationsurkunden sollen die
in Posten zurückgezogen sein,
schließenden Mächte außerhalb
abkommen bestimmten Grenzen
ungen etwa errichtet sind.
gelfen die im gegenwärtigen
seitigen Gebietsabtretungen

La présente convention sera ratifiée, et les ratifi-
cations seront échangées à Berlin au plus tard le
1^{er} août 1908.

Dans un délai maximum de quatre mois après
l'échange de ces ratifications, l'évacuation des postes
administratifs et militaires qui auraient été établis par
chaque des Puissances contractantes hors des limites
assignées par le présent accord à ses possessions
respectives devra être accomplie.

Par le seul fait de l'expiration de ce délai, les
changements de souveraineté résultant des modifications
de frontière prévues par le présent accord, seront
considérés comme réalisés.

den 18. April 1908,
Exemplaren.

Fait à Berlin le 18 avril 1908
en double exemplaire.

(gez.) v. Schoen.
(gez.) Jules Cambon.

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Nr 1137.

44474

Reichstag.
 12. Legislatur-Periode.
 II. Session 1909/11

10 NOV 1911

Berlin, den 7. November 1911.

geht sich der Unterzeichnete beifolgend
 deutsch-französischen Abkommen vom 4. November 1911,
 über Marokko und Äquatorial-Afrika,
 und in deutscher Übersetzung zur gefälligen Kenntnisnahme

Der Reichskanzler.
 Dr. von Bethmann Hollweg.

Obtain them They

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(Uebersetzung.)

entre l'Allemagne
relative au
Maroc.

Deutsch-französisches
Abkommen, betreffend
Marokko.

ment de Sa Majesté
Allemagne et le Gouver-
publique Française, à la
es qui se sont pro-
et qui ont démontré
poursuivre dans l'in-
œuvre de pacification
prévue par l'Acte d'Al-
nécessaire de pré-
compléter l'accord franco-
février 1909, ont ré-
une convention à cet

Die Kaiserlich Deutsche Regierung
und die Regierung der Französischen Re-
publik haben infolge der in Marokko
entstandenen Unruhen, die die Notwendig-
keit erwiesen haben, dort im allgemeinen
Interesse das in der Algeirasakte vorge-
sehene Werk des ruhigen Fortschritts zu
fördern, es für notwendig erachtet, das
deutsch-französische Abkommen vom 9. Fe-
bruar 1909 zu erläutern und zu ergänzen.
Sie haben sich daher über einen neuen
Vertrag geeinigt.

lice,
ALEN-WACHTER, Secrét-
des Affaires Étrangères
Empire d'Allemagne,

Infolgedessen haben

Herr von Riberlen-Wächter,
Staatssekretär des Auswärtigen
Amts des Deutschen Reichs,
und

CAMBON, Ambassadeur
taire et plénipotentiaire
publique Française au-
Sa Majesté l'Empereur
agne,

Herr Jules Cambon, außerordent-
licher und bevollmächtigter Bot-
schafter der Französischen Republik
bei Seiner Majestät dem Deutschen
Kaiser,

communiqué leurs pleins
es en bonne et due
yvenus des dispositions

sich ihre Vollmachten, die gut und richtig
befunden worden sind, mitgeteilt und nach-
stehende Vereinbarung getroffen:

ARTICLE 1.

ment Impérial allemand
ne-poursuivant au Maroc
s économiques, il n'en-

Artikel 1.

Die Kaiserlich Deutsche Regierung er-
klärt, daß, da sie in Marokko nur wirt-
schaftliche Interessen verfolgt, sie Frank-

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Bottain then. They

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- 4 -

travera pas l'action de la France en vue de prêter son assistance au Gouvernement marocain pour l'introduction de toutes les réformes administratives, judiciaires, économiques, financières et militaires dont il a besoin pour le bon Gouvernement de l'Empire, comme aussi pour tous les règlements nouveaux et les modifications aux règlements existants que ces réformes comportent. En conséquence, il donne son adhésion aux mesures de réorganisation, de contrôle et de garantie financière que, après accord avec le Gouvernement marocain, le Gouvernement français croira devoir prendre à cet effet, sous la réserve que l'action de la France sauvegardera au Maroc l'égalité économique entre les nations.

Au cas où la France serait amenée à préciser et à étendre son contrôle et sa protection, le Gouvernement Impérial allemand, reconnaissant pleine liberté d'action à la France, et sous la réserve que la liberté commerciale, prévue par les traités antérieurs, sera maintenue, n'y apportera aucun obstacle.

Il est entendu qu'il ne sera porté aucune entrave aux droits et actions de la Banque d'Etat du Maroc, tels qu'ils sont définis par l'Acte d'Algésiras.

ARTICLE 2.

Dans cet ordre d'idées, il est entendu que le Gouvernement Impérial ne fera pas obstacle à ce que la France, après accord avec le Gouvernement marocain, procède aux occupations militaires du territoire marocain qu'elle jugerait nécessaires au maintien de l'ordre et de la sécurité des trans-

reich nicht in seinem Vordere wird, die Marokkanische Regierung die Einführung aller derjenigen Reformationen, wirtschaftlichen und militärischen Reformationen, die zu einer guten Regierung erforderlich sind. Das gilt für alle neuen Verordnungen und Reformationen mit sich bringen, gibt die Kaiserlich Deutsche Regierung ihre Zustimmung zu den Anordnungen der Reorganisation, der Überwachung der finanziellen Sicherstellung der Reformationen, welche die Französisch Regierung nach Einigung mit der Marokkanischen Regierung zu diesem Behufe ergreifen müssen glaubt, unter der Bedingung, daß das Vorgehen Frankreichs die wirtschaftliche Gleichberechtigung der Nationen unangetastet läßt.

Für den Fall, daß Frankreich seinen Schutz schärfer zum Ausdruck bringen und ausdehnen würde, wird die Deutsche Regierung in der vollen Aktionsfreiheit unter dem Vorbehalt, daß die Freiheit, die in den früheren Verträgen vorgesehen ist, aufrechterhalten wird, kein Hindernis in den Weg stellen.

Es versteht sich, daß die Rechte der Bank im Wirkungsbereich der marokkanischen Bank, wie sie in der Algésirer Convention festgesetzt sind, in keiner Weise beeinträchtigt werden.

Artikel 2.

In diesem Sinne herrscht es über, daß die Kaiserlich Deutsche Regierung keinen Einwand dagegen erheben wird, wenn Frankreich nach Vereinbarung mit der Marokkanischen Regierung die militärischen Besetzungen des marokkanischen Territoriums, die es für die Aufrechterhaltung der Ordnung und

es, et à la sécurité de police du Maroc marocain.

ARTICLE 3.

Le Gouvernement français confie à la France, sous la réserve que l'action de la France sauvegardera au Maroc l'égalité économique entre les nations, l'égalité économique entre les nations.

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ARTICLE 4.

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ARTICLE 2.

Dans cet ordre d'idées, il est entendu que le Gouvernement Impérial ne fera pas obstacle à ce que la France, après accord avec le Gouvernement marocain, procède aux occupations militaires du territoire marocain qu'elle jugerait nécessaires au maintien de l'ordre et de la sécurité des trans-

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h nicht in seinem Vorbe
 d, die Marokkanische Regie
 führung aller derjenigen ab
 schlichen, wirtschaftlichen
 militärischen Reformen zu
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 rderlich sind. Das glei
 neuen Verordnungen od
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 die Kaiserlich Deutsche
 Zustimmung zu den auf
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 rung zu diesem Behufe
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Artikel 2.
 In dem Sinne herrscht
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es, et à ce qu'elle
 de police sur terre
 marocaines.

LE 3.
 S. M. le Sultan
 confier aux agents
 consulaires de la
 et la protec
 des intérêts mar
 le Gouvernement
 qu'il n'y fera pas

S. M. le Sultan du
 représentant de la
 Gouvernement maro
 son intermédiaire
 ants étrangers, le
 nemand n'y ferait pas

LE 4.
 français déclare
 attaché au principe
 commerciale au Maroc,
 aucune inégalité pas
 sement des droits de
 autres taxes que
 des tarifs de trans
 voie de navigation
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 les questions de

français s'em
 auprès du Gouverne
 d'empêcher tout
 tiel entre les res
 érentes puissances;
 à toute mesure,
 promulgation d'or
 stratives sur les poids
 age, le poinçonnage,
 nient mettre en état
 marchandises d'une

heit des Handels für notwendig erachtet.
 Das gleiche gilt für alle polizeilichen Maß
 nahmen zu Lande und in den marokka
 nischen Gewässern.

Artikel 3.
 Für den Fall, daß Seine Majestät der
 Sultan von Marokko den diplomatischen
 und konsularischen Beamten Frankreichs
 die Vertretung und den Schutz der marok
 kanischen Untertanen und Interessen im
 Ausland anvertrauen sollte, erklärt die
 Kaiserliche Regierung dagegen keinen Ein
 wand zu erheben.
 Wenn andererseits Seine Majestät der
 Sultan von Marokko dem Vertreter Frank
 reichs bei der Marokkanischen Regierung
 die Aufgabe übertragen sollte, sein Ver
 mittler gegenüber den fremden Vertretern
 zu sein, würde die Deutsche Regierung da
 gegen keinen Einwand erheben.

Artikel 4.
 Die Französische Regierung erklärt, daß
 sie, entschlossen, unverbrüchlich an dem
 Grundsatz der Handelsfreiheit in Marokko
 festzuhalten, keinerlei ungleichmäßige Be
 handlung bei der Einführung von Zöllen,
 Steuern und anderen Abgaben, noch bei
 der Festsetzung der Tarife für Transporte
 auf Eisenbahnen, Flußschiffahrts, oder
 allen anderen Verkehrswegen, ebensowenig
 wie in allen Fragen des Durchgangsver
 kehrs, zulassen wird.
 Die Französische Regierung wird des
 gleichen bei der Marokkanischen Regierung
 für die Verhinderung jeder unterschiedlichen
 Behandlung von Angehörigen der ver
 schiedenen Mächte eintreten, sie wird sich
 namentlich jeder Maßnahme widersetzen,
 die, wie zum Beispiel der Erlass admini
 strativer Verordnungen, betreffend Maß
 und Gewicht, Eichverfahren, Pünzierung
 von Edelmetallwaren usw. . . ., die Waren
 eines Staates in ihrer Konkurrenzfähigkeit
 beeinträchtigen könnten.

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- 6 -

Le Gouvernement français s'engage à user de son influence sur la Banque d'Etat pour que celle-ci confère à tour de rôle aux membres de sa direction à Tanger les postes de délégué dont elle dispose à la commission des valeurs douanières et au comité permanent des douanes.

ARTICLE 5.

Le Gouvernement français veillera à ce qu'il ne soit perçu au Maroc aucun droit d'exportation sur le minerai de fer exporté des ports marocains. Les exploitations de minerai de fer ne subiront sur leur production ou sur leurs moyens de travail aucun impôt spécial. Elles ne supporteront, en dehors des impôts généraux, qu'une redevance fixe, calculée par hectare et par an, et une redevance proportionnée au produit brut de l'extraction. Ces redevances, qui seront assises conformément aux articles 35 et 49 du projet de règlement minier annexé au protocole de la conférence de Paris du 7 juin 1910, seront également supportées par toutes les entreprises minières.

Le Gouvernement français veillera à ce que les taxes minières soient régulièrement perçues, sans que des remises individuelles du total ou d'une partie de ces taxes puissent être consenties sous quelque prétexte que ce soit.

ARTICLE 6.

Le Gouvernement de la République Française s'engage à veiller à ce que les travaux et fournitures nécessités par les constructions éventuelles de routes, chemins de fer, ports, télégraphes etc. . . . soient octroyées par le Gouvernement marocain suivant les règles de l'adjudication.

Die Französische Regierung sich, ihren Einfluß auf dahin geltend zu machen Reihe nach den Mitglieder in Tanger die Posten überträgt, über die sie sion des valeurs douaniers » comité permanent des fügt.

Artikel

Die Französische Regierung sorgen, daß in Marokko abgaben für die aus mar ausgeführten Eisenerze Erzbergwerke haben weder noch für Betriebsmittel. sondere Abgabe zu fragen außer den allgemeinen nach Seltar und Jahre Abgabe und eine Steuer des Bruttoertrags entrich gaben, die den Vorschriften und 49 des dem Protokoll Konferenz vom 7. Jun schlossenen Berggesetzgebung haben, sind in gleicher Bergwerksunternehmungen

Die Französische Regierung sorgen, daß die Bergm mäßig erhoben werden, ober teilweiser Nach unter welchem Vorwan Gunsten Einzelner bew

Artikel

Die Regierung der publit verpflichtet sind daß die Arbeiten und den etwaigen Bau von Häfen, Telegraphen benötigt werden, durch Regierung auf dem geben werden.

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Die Französische Regierung behält ihren Einfluß auf die Angelegenheiten nach den Mitteilungen in Langer den Posten über die Verhältnisse der Werte der Kommission permanenten Ausschuss.

Artikel 6.
Die Französische Regierung behält in Marokko die Rechte, die sie aus dem Vertrag über die Eisenbahnen haben, die für Betriebsmittel, die andere Abgabe zu tragen, über den allgemeinen Verkehr, die Abgabe und die Steuern, die Bruttoertrags entrichten, die den Vorschriften des Art. 49 des dem Vertrag angehängten Protokolls vom 7. April 1912, die offenen Berggesellschaften, die in gleicher Weise Bergwerksunternehmungen.

Die Französische Regierung behält die Rechte, die sie aus dem Vertrag haben, die für Betriebsmittel, die andere Abgabe zu tragen, über den allgemeinen Verkehr, die Abgabe und die Steuern, die Bruttoertrags entrichten, die den Vorschriften des Art. 49 des dem Vertrag angehängten Protokolls vom 7. April 1912, die offenen Berggesellschaften, die in gleicher Weise Bergwerksunternehmungen.

Artikel 7.
Die Regierung der Republik Marokko verpflichtet sich, die Arbeiten und die notwendigen Bau von Eisenbahnen, Telegraphenleitungen, die durch die Regierung auf dem Gebiet Marokkos durchgeführt werden.

... également à veiller à l'exécution des conditions des adjudications en ce qui concerne les fournitures de matériel et les dépenses pour soumissionner, sans ressortissants d'aucune nationalité, dans une situation d'infirmité permanente.

... des grandes entreprises ci-dessus sera réservé au Marocain ou librement à des tiers qui pourrions de fournir les fonds nécessaires à cet effet. Le Gouvernement marocain veillera ce que, dans le cas des chemins de fer et des transports, aucune des dispositions des règlements de celle-ci, aucune différence ne soit faite entre les ressortissants des diverses nationalités, dans l'usage de ces moyens.

... de la République marocaine l'influence sur la Banque marocaine de celle-ci confère à tous les membres de sa direction les pouvoirs dont elle dispose en vertu de la commission générale des mines et marchés. De même, le Gouvernement français s'emploiera à ce que le Gouvernement marocain pour la période où restera en vigueur l'article 66 de l'Acte d'Algérie, aucun ressortissant d'une nationalité étrangère représentée au Maroc ne soit nommé au poste de délégué chef de la commission spéciale des travaux publics.

ARTICLE 7.
Le Gouvernement français s'engage à ce que le Gouvernement marocain pour la période où restera en vigueur l'article 66 de l'Acte d'Algérie, aucun ressortissant d'une nationalité étrangère représentée au Maroc ne soit nommé au poste de délégué chef de la commission spéciale des travaux publics.

... Sie verpflichtet sich ferner, dafür zu sorgen, daß die Submissionsbedingungen, besonders was die Materiallieferung und die Fristen für Submissionsangebote betrifft, die Angehörigen keines Staates benachteiligen.

Die Ausbeutung der großen erwähnten Unternehmungen bleibt dem Marokkanischen Staat vorbehalten oder wird von ihm Dritten frei übertragen, die damit beauftragt werden können, die zu diesem Zwecke nötigen Mittel zu beschaffen. Die Französische Regierung wird dafür sorgen, daß bei dem Betriebe der Eisenbahnen und anderer Verkehrsmittel, wie bei der Anwendung der zur Regelung ihres Betriebes bestimmten Verordnungen keinerlei unterschiedliche Behandlung der Angehörigen der verschiedenen Staaten, die von diesen Transportmitteln Gebrauch machen, eintritt.

Die Regierung der Republik Marokko behält ihren Einfluß bei der Staatsbank dahin geltend machen, daß diese der Reihe nach den Mitgliedern ihrer Direktion in Langer den Posten eines Delegierten überträgt, über den sie bei der »commission générale des adjudications et marchés« verfügt. Ebenso wird die Französische Regierung sich bei der Marokkanischen Regierung dafür verwenden, daß diese für die Geltungsdauer des Artikels 66 der Algeriasakte einem Angehörigen der in Marokko vertretenen Mächte einen der drei Posten eines scherifischen Delegierten bei dem »comité spécial des travaux publics« überträgt.

Artikel 7.
Die Französische Regierung wird bei der Marokkanischen Regierung dafür eintreten, daß die Eigentümer von Bergwerken, industriellen und landwirtschaftlichen Unternehmungen ohne Unterschied

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- 8 -

tionalité et en conformité des règlements qui seront édictés en s'inspirant de la législation française sur la matière puissent être autorisés à créer des chemins de fer d'exploitation destinés à relier leur centres de production aux lignes d'intérêt général ou aux ports.

ARTICLE 8.

Il sera présenté tous les ans un rapport sur l'exploitation des chemins de fer au Maroc qui sera établi dans les mêmes formes et conditions que les rapports présentés aux assemblées d'actionnaires des sociétés de chemins de fer françaises.

Le Gouvernement de la République chargera un des administrateurs de la banque d'Etat de l'établissement de ce rapport qui sera, avec les éléments qui en sont la base, communiqué aux censeurs, puis rendu public avec, s'il y a lieu, les observations que ces derniers croiront devoir y joindre d'après leurs propres renseignements.

ARTICLE 9.

Pour éviter autant que possible les réclamations diplomatiques, le Gouvernement français s'emploiera auprès du Gouvernement marocain, afin que celui-ci défère à un arbitre désigné ad hoc pour chaque affaire d'un commun accord par le Consul de France et par celui de la Puissance intéressée, ou, à leur défaut, par les deux Gouvernements de ces Consuls, les plaintes portées par des ressortissants étrangers contre les autorités marocaines, ou les agents agissant en tant qu'autorités marocaines, et qui n'auraient pu être réglées par l'intermédiaire du Consul français et du Consul du Gouvernement intéressé.

ihren Staatsangehörigen den können, dem Bau von Bahnen zu bauen und Produktionszentren und Verkehrslinien und dem Gabe von Reglementen, die die Bildung der diesbezüglichen Gesetzgebung erlassen werden.

Artikel

Über die Eisenbahnen jährlich ein Bericht zu welcher nach den gleichen Bedingungen aufzustellen den französischen Eisenbahnen Generalversammlung vorgelegten Berichte.

Die Regierung der Bank Administrator der marocain mit der Aufstellung beauftragen. Dieser lagen den Zensoren mit gegebenenfalls mit den diese letzteren auf Grund lungen ihm zufügen zu zu veröffentlichen.

Artikel

Um nach Möglichkeit Reklamationen zu vermeiden französische Regierung für jede Angelegenheit für jede Angelegenheit zwischen Konsul im Eisenbahnen Konsul der beteiligten Eisenbahn Einverständnisses durch Klagen unterbreitet, die von angehörigen gegen marocain oder als marocainische agierende andere Beamten sofern sie sich durch die französischen Konsuls der beteiligten Macht lassen.

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bahnen zu bauen und
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Artikel 10.

Über die Eisenbahnen
jährlich ein Bericht
welcher nach den glei-
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lagen den Senoren mit
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diese letzteren auf Grund
lungen ihm zuzufügen
zu veröffentlichen.

Artikel 11.

Um nach Möglichkeit
Reklamationen zu vermeiden
Französische Regierung
sich dafür einzutreten
für jede Angelegenheit
französischen Konsul im Ein-
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lassen.

resterà en vigueur
aura été instituée un
inspiré des règles
sation des Puissances
destiné à remplacer,
elles, les tribunaux

Artikel 10.

Le Gouvernement français veillera
à ce que les ressortissants étrangers
soient traités au point de vue du droit de pêche
dans les ports marocains.

Artikel 11.

Le Gouvernement français s'engage
à ce que le Gouvernement marocain
soit autorisé à ouvrir au commerce
de nouveaux ports au
des besoins de ce

Artikel 12.

En cas d'une demande du
marocain, les deux
s'engagent à provoquer
d'accord avec les autres
sur la base de la Con-
vention, des listes et de la
des protégés étrangers et des
au Maroc, dont
des articles 8 et 16 de cette

Artikel 13.

Les accords, convention,
qui seraient con-

Dieses Verfahren bleibt bis zur
Einführung einer Rechtsordnung in Kraft,
die sich nach dem Vorbild der rechtlichen
Grundsätze der Gesetzgebung der beteiligten
Mächte richten und dann bestimmt sein
wird, nach vorhergegangener Verständi-
gung mit diesen, die Konsulargerichte zu
ersehen.

Artikel 10.

Die Französische Regierung wird dafür
sorgen, daß die fremden Staatsangehörigen
das Recht der Fischerei in den marok-
kanischen Gewässern und Häfen auch
weiterhin ausüben dürfen.

Artikel 11.

Die Französische Regierung wird bei
der Marokkanischen Regierung dafür ein-
treten, daß diese dem auswärtigen Handel
nach Maßgabe seiner Bedürfnisse neue
Häfen öffnet.

Artikel 12.

Um einem Ersuchen der Marokkanischen
Regierung zu entsprechen, verpflichten sich
beide Regierungen, in Übereinstimmung
mit den anderen Mächten auf der Grund-
lage der Madrider Konvention eine Prü-
fung der Listen und der Stellung der in
den Artikeln 8 und 10 dieser Konvention
erwähnten fremden Schutzgenossen und
Mochalaten zu veranlassen.

Artikel 13.

Alle Klauseln einer Verständigung oder
einer Vereinbarung, eines Vertrags oder

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traies aux précédentes stipulations, sont et demeurent abrogées.

einer Verordnung, die Bestimmungen zuwiderlaufen und bleiben aufgehoben.

ARTICLE 14.

Le présent accord sera communiqué aux autres Puissances signataires de l'Acte d'Algésiras, près desquelles les deux Gouvernements s'engagent à se prêter mutuellement appui pour obtenir leur adhésion.

Artikel 14.
Die vorstehende Vereinbarung wird anderen Signatarmächten mitgeteilt werden, und die Regierungen sich verpflichten, ihre Unterstützung zu leisten, um den Beitritt dieser Mächte zu erreichen.

ARTICLE 15.

La présente convention sera ratifiée et les ratifications seront échangées, à Paris, aussitôt que faire se pourra.

Artikel 15.
Das vorliegende Abkommen wird ratifiziert. Die Ratifikationen werden, sobald wie möglich in Paris ausgetauscht werden.

Fait à Berlin, le 4 novembre 1911 en double exemplaire.

So geschehen in doppelter Exemplare zu Berlin, am 4. November 1911.

KIDERLEN. JULES CAMBON.

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(Übersetzung.)

entre l'Allemagne et la République Française,
relative à leurs possessions dans l'Afrique Equatoriale.

Deutsch-französisches Abkommen, betreffend die beiderseitigen Besitzungen in Äquatorial-Afrika.

Le Gouvernement de Sa Majesté l'Empereur d'Allemagne et le Gouvernement de la République Française, en exécution de la Convention conclue le 4. Novembre 1911 relative aux droits de propriété de la France sur l'Empire allemand, ont convenu de procéder à des échanges territoriaux dans leurs possessions de l'Afrique Equatoriale et ont conclu une conven-

Die Kaiserlich Deutsche Regierung und die Regierung der Französischen Republik sind übereingekommen im Anschluß und als Ergänzung des Marokko betreffenden Abkommens vom 4. November 1911 und als Kompensation für die Schutzrechte, die Frankreich bezüglich des Scherifenreiches zuerkannt worden sind, einen Gebietsaustausch in ihren Besitzungen in Äquatorial-Afrika vorzunehmen und zu diesem Zwecke ein Abkommen zu treffen.

Infolgedessen haben

Herr von Riberken-Wächter,
Staatssekretär des Auswärtigen
Amtes des Deutschen Reichs,

und

Herr Jules Cambon, außerordentlicher und bevollmächtigter Botschafter der Französischen Republik bei Seiner Majestät dem Deutschen Kaiser,

ont communiqué leurs pleins pouvoirs en bonne et due forme des dispositions

sich ihre Vollmachten, die gut und richtig befunden worden sind, mitgeteilt und nachstehende Vereinbarung getroffen:

ARTICLE 1.

La limite est fixée par la frontière partira du

Artikel 1.

Frankreich tritt an Deutschland die Gebiete ab, deren Grenze wie folgt festgelegt wird:

3°

Obtain them. They

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côté de l'Atlantique d'un point à fixer sur la rive orientale de la baie de Monda, vers l'embouchure de la Masolié. Se dirigeant vers le nord-est, la frontière obliquera vers l'angle sud-est de la Guinée espagnole. Elle coupera la rivière Ivondo à son confluent avec la Djoua, suivra cette rivière jusqu'à Madjinga (qui restera français) et de ce point se dirigera vers l'est, pour aboutir au confluent de la Ngoko et de la Sangha au nord d'Ouessou.

La frontière partira ensuite de la rivière Sangha à un point situé au sud du centre d'Ouessou (qui reste français) à une distance de 6 kilomètres au moins et de 12 kilomètres au plus de cette localité, suivant la disposition géographique des lieux. Elle obliquera vers le sud-ouest, pour rejoindre la vallée de la Kandéko, jusqu'à son confluent avec la Bokiba. Elle descendra celle-ci et la Likouala jusqu'à la rive droite du fleuve Congo. Elle suivra le fleuve Congo jusqu'à l'embouchure de la Sangha, et de façon à occuper sur la rive du Congo une étendue de 6 à 12 kilomètres, qui sera fixée suivant les conditions géographiques. Elle remontera la Sangha jusqu'à la Likouala-aux-herbes qu'elle suivra ensuite jusqu'à Botungo. Elle continuera ensuite du sud au nord, selon une direction à peu près droite, jusqu'à Béra Ngoko. Elle s'infléchira ensuite dans la direction du confluent de la Bodingué et de la Lobaye et descendra le cours de la Lobaye jusqu'à l'Oubanghi au nord de Mongoumba.

Sur la rive droite de l'Oubanghi et suivant la disposition géographique des lieux, le territoire allemand sera déterminé de façon à s'étendre sur un espace de 6 kilomètres au moins et

Die Grenze geht von Ojean aus, sie setzt an der Bai von Monda an bestimmten Stelle, geht in die Mündung des Masolié nordöstlich verlaufend in den rechten Winkel von Spanien. Sie schneidet den Ivondo in der Vereinigung mit dem Djoua-Fluß bis Madjinga (das französisch bleibt) und verläuft von hier ab zum Vereinigungspunkt des Sangha im Norden von Ouessou.

Die Grenze verläßt den Fluß an einer Stelle, die südlich von Ouessou (die französisch bleibt) liegt, in der geographischen Gestalt der Gegend mindestens sechs und höchstens zwölf Kilometer von dieser Ortschaft entfernt sein soll. Sie biegt von hier ab und folgt dem Tale der Djoua zu seiner Vereinigung mit dem Sangha. Sie verläuft den Bokiba abwärts bis zum rechten Ufer des Congo und folgt diesem Fluß bis zu seiner Vereinigung mit dem Sangha auf einer Strecke von mindestens 6 bis 12 Kilometern, die nach der geographischen Verhältnisse der Gegend zu bestimmen werden wird. Die Grenze geht dann aufwärts bis zu dem Ufer der Likouala, dem sie bis Botungo folgt. Sie geht dann nach Süden ungefähr gerader Richtung auf die Vereinigung des Congo mit der Lobaye um und geht dort bis zum Ubangi nördlich von Mongoumba.

Auf dem rechten Ufer des Congo wird das deutsche Gebiet je nach der geographischen Gestalt der Gegend bestimmt sein, daß es sich auf einen Raum von mindestens 6 und höchstens 12 Kilometern ausdehnt; die Grenze steigt dann nach Nordwesten an, so daß sie am Ubangi in einem noch zu

— 1 —

au plus; la frontière sera obliquement vers le nord-est, de façon à gagner la rive droite au point à déterminer au confluent avec le Mbi, la vallée de la Pama, puis la rive orientale, à peu près parallèle à la hauteur de Béra ensuite le cours du fleuve jusqu'à son confluent avec le Chari.

ARTICLE 2.

La frontière cède à la France le territoire au nord de la limite des possessions françaises dans le nord du Tchad et compris entre le nord et le Logone.

ARTICLE 3.

Le délai de 6 mois à compter de la ratification de la Convention, une commission technique des membres seront nommés en nombre égal par les deux Gouvernements français et allemands. Le tracé de la frontière sera arrêté par la Commission générale résultant de l'article 1 et 2.

Le délai de 18 mois à compter de la signature du procès verbal de la Commission technique sera prorogé d'un commun accord si, dans tout le temps possible, à l'absence de l'un des membres, conformément à l'article 1, ainsi qu'à la demande de l'abornement des Gouvernements, il est dit à l'article 1 et 2.

ARTICLE 4.

La Commission technique sera composée de l'abornement et de l'abornement

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Punkte westlich von seiner Vereinigung mit dem Mbi erreicht, geht das Tal des Pama aufwärts und trifft den Ost-Logone ungefähr da, wo dieser Fluß den achten Parallelkreis erreicht in der Höhe von Goré. Sie folgt endlich dem Lauf des Logone nach Norden bis zu seiner Vereinigung mit dem Schari.

Artikel 2.

Deutschland tritt an Frankreich die Gebiete ab, die nördlich der jetzigen Grenze der französischen Besitzungen im Tschadgebiet zwischen dem Schari im Osten und dem Logone im Westen gelegen sind.

Artikel 3.

Innerhalb einer Frist von 6 Monaten, die vom Austausch der Ratifikationen des gegenwärtigen Abkommens rechnen, soll eine technische Kommission, deren Mitglieder in gleicher Anzahl von der Deutschen und der Französischen Regierung zu ernennen sind, den Verlauf der Grenze festlegen, nach Maßgabe der allgemeinen Angaben, die sich aus dem Wortlaute der Artikel 1 und 2 ergeben.

Innerhalb einer Frist von 18 Monaten, die von der Unterzeichnung des Protokolls über die Arbeiten der technischen Kommission rechnen, wird in Gemäßheit derselben nach gemeinsamem Einvernehmen so schnell als möglich zur Vermarkung der Grenzen sowie zur Bezeichnung und Vermarkung der in Artikel 8 vorgesehenen und für die Französische Regierung bestimmten Nachterains geschritten werden.

Artikel 4.

Die technische Kommission und die mit der im vorhergehenden Artikel genannten

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il est parlé dans l'article précédent, pourront tenir compte d'un commun accord de la configuration du terrain et des circonstances locales; telles que par exemple la facilité de la surveillance de la frontière ou la communauté de race de la population. Ils devront autant que possible faire suivre à la frontière les limites naturelles indiquées par les cours d'eau, et dans le cas où la frontière couperait la direction des rivières, lui faire suivre la ligne du partage des eaux.

Les procès verbaux de la commission technique et ceux des agents d'abornement ne seront définitifs qu'après ratification des deux Gouvernements.

ARTICLE 5.

Les présents échanges de territoires sont faits dans les conditions où ces territoires se comportent au moment de la conclusion du présent accord, c'est à dire à charge pour les deux Gouvernements de respecter les concessions publiques et particulières qui ont pu être consenties par chacun d'eux. Les deux Gouvernements se communiqueront le texte des actes par lesquels ces concessions ont été accordées.

Le Gouvernement allemand est substitué au Gouvernement de la République Française dans tous les avantages, droits et obligations résultant des actes dont il est parlé ci-dessus au regard des sociétés concessionnaires qui passeront sous la souveraineté, l'autorité et la juridiction de l'Etat allemand. Une convention spéciale réglera l'application des dispositions ci-dessus.

Il en sera de même pour l'Etat français au regard des concessions qui

Grenzvermarktung beauftragt sind beauftragt, in gemeinsamer der Bodengehalt und bei ständen Rechnung zu nehmen den Bedürfnissen der Grenze und der Raßengemeinschaften stämme. Sie sollen bei der Grenze tunlichst die Wasserläufe angezeigten sichten und, falls die tung der Flüsse schnelle Wasserfische annehmen.

Die Protokolle der Kommission und der mit der beauftragten Beamten für Ratifikation durch beide relative Gültigkeit erlangen.

Artikel 5.

Die gegenwärtigen Gebiete erfolgen unter den Bedingungen die betreffenden Gebiete des Abchlusses der gegenbarung befinden, das heißt pflichtung für beide Regierungen von einer derselben bewilligt und privaten Konzessionen Regierungen werden sich bei Urkunden mitteilen, durch jessionen verliehen worden

Die Deutsche Regierung Vorteile, Rechte und Verbindungen der französischen Regierung unter den vorerwähnten Umständen Konzessionsgesellschaften treten unter die Staatsgewalt und Gerichtsbarkeit Reiches. Eine besondere die Anwendung der Bestimmungen regeln.

Daselbe gilt für den französischen Staat hinsichtlich der Konzessionen

1
dans les territoires sous sa souveraineté, sa juridiction.

ARTICLE 6.

Le Gouvernement allemand n'apportera aucun obstacle à l'exploitation des travaux de réparation aux travaux de réparation de la ligne télégraphique française existant actuellement de l'Oubanghi et qu'il se réserve sur son parcours au territoire allemand. Les demandes pourront être traitées sous les conditions qui seront convenues.

ARTICLE 7.

Le Gouvernement français désigne les travaux de réparation à effectuer à travers du territoire français du chemin de fer entre le Congo et la colonie et l'Oubanghi. Le Gouvernement allemand n'apportera aucun obstacle. Les études de ces travaux se poursuivront sous les auspices de la Commission mixte qui seront faites par les deux Gouvernements allemand et français. Le Gouvernement allemand s'engage à faire connaître au Gouvernement français une part dans les travaux sur son territoire. Le Gouvernement allemand cède au territoire français le territoire français établi au Cameroun. Le Gouvernement français n'y apportera aucun obstacle. Les études ainsi que les travaux se poursuivront sous les auspices de la Commission mixte qui seront faites par les deux Gouvernements français et allemand. Le Gouvernement français s'engage à faire connaître au Gouvernement allemand une part dans les travaux sur son territoire.

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übermarkung beauftragt, in gemeinsamer Handlung die Bodengestalt und die Höhen und die Berechnung zu machen und die Bedürfnisse der Bevölkerung der Rassengemeinschaft zu berücksichtigen. Sie sollen die Grenze tunlichst die natürlichen Verläufe angezeigten Gebirge und, falls die Ufer der Flüsse schon abgetrennt sind, die Abgrenzung annehmen.

Die Protokolle der Verhandlungen und der mit den beteiligten Beamten getroffenen Vereinbarungen durch beide Regierungen zur Genehmigung erlangt werden.

Artikel 6.
Die deutsche Regierung wünscht, in dem unter den Benennung der betreffenden Gebiete beschlossenen Vertrag zu befinden, das bestmögliche für beide Regierungen derselben beizubringen werden sich bemühen, durch die Ratifizierung der Konventionen zu verfahren werden.

Deutsche Regierung, Rechte und Befugnisse der französischen Regierung in dem erwähnten Urkunden der Staatsgesellschaften unter die Staatsverwaltung und Gerichtsbarkeit. Eine besondere Anwendung der Konventionen regeln.

Die Konventionen gelten für den Fall der Ratifizierung der Konventionen.

dans les territoires qui sont sous sa souveraineté, sa juridiction.

Article 6.
Le Gouvernement allemand n'apporte aucune objection à l'exploitation, aux travaux de réparation de la ligne télégraphique existant actuellement en Oubanghi et qui, sur son parcours au Cameroun, sera gérée par le Gouvernement allemand. Les communications par cette ligne pourront être effectuées sous les conditions qui seront convenues.

Article 7.
Le Gouvernement français désire établir un chemin de fer entre le Gabon et le Congo et entre le Gabon et l'Oubanghi. Les études ainsi que les travaux qui seront faits, le long de la ligne, entre les deux Gouvernements, seront effectués par le Gouvernement allemand. Le Gouvernement français se réserve la part dans l'exécution des travaux sur son territoire.

Le Gouvernement français désire établir un chemin de fer au Cameroun, qui sera géré par les Français. Les études ainsi que les travaux qui seront faits le long de la ligne, entre les deux Gouvernements, seront effectués par le Gouvernement français se réserve la part dans l'exécution des travaux sur son territoire.

den Gebieten belegen sind, die an seine Staatshoheit, Staatsgewalt und Gerichtsbarkeit übergehen.

Artikel 6.
Die Deutsche Regierung wird der Ausbeutung sowie der Unterhaltung und den Ausbesserungs- und Erneuerungsarbeiten an der längs des Ubangi laufenden französischen Telegraphenlinie kein Hindernis in den Weg legen. Dieselbe bleibt auf ihrem Verlaufe durch deutsches Gebiet französisch. Den deutschen Behörden wird die Benutzung der Linie unter später festzusetzenden Bedingungen freigestellt.

Artikel 7.
Wenn die Französische Regierung durch das deutsche Gebiet eine Eisenbahn zwischen Gabun und Mittel-Kongo und zwischen dieser letzteren Kolonie und dem Ubangischari fortzuführen wünscht, so wird die Deutsche Regierung dem nichts in den Weg legen. Die Vorstudien und Arbeiten werden gemäß den zur gegebenen Zeit zwischen beiden Regierungen zu treffenden Vereinbarungen erfolgen, wobei die Deutsche Regierung sich vorbehält, anzugeben, ob sie sich an der Ausführung dieser Arbeiten auf ihrem Gebiete zu beteiligen wünscht.

Wenn die Deutsche Regierung eine in Kamerun bestehende Eisenbahn durch das französische Gebiet fortzuführen wünscht, so wird die Französische Regierung dem nichts in den Weg legen. Die Vorstudien und Arbeiten werden gemäß den zur gegebenen Zeit zwischen beiden Regierungen zu treffenden Vereinbarungen erfolgen, wobei die Französische Regierung sich vorbehält, anzugeben, ob sie sich an der Ausführung dieser Arbeiten auf ihrem Gebiete zu beteiligen wünscht.

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ARTICLE 8.

Le Gouvernement Impérial cédera à bail au Gouvernement français, dans des conditions à déterminer dans un acte spécial, et en bordure sur la Bénoué, le Mayo Kébi et en deça dans la direction du Logone, des terrains à choisir en vue de l'établissement de postes de ravitaillement et de magasins destinés à constituer une route d'étapes.

Chacun de ces terrains dont la longueur sur le fleuve aux hautes eaux devra être au plus de 500 mètres, aura une superficie qui ne pourra pas dépasser 50 hectares. L'emplacement de ces terrains sera fixé suivant la disposition des lieux.

Si dans l'avenir le Gouvernement français voulait établir entre le Bénoué et le Logone au dessus ou au dessous du Mayo Kébi une route ou une voie ferrée, le Gouvernement Impérial n'y ferait pas obstacle. Le Gouvernement allemand et le Gouvernement français s'entendront sur les conditions dans lesquelles ce travail pourrait être accompli.

ARTICLE 9.

L'Allemagne et la France, désirant affirmer leurs bons rapports dans leurs possessions de l'Afrique Centrale, s'engagent à n'élever aucun ouvrage fortifié le long des cours d'eau qui doivent servir à la navigation commune. Cette prescription ne s'appliquera pas aux ouvrages de simple sûreté destinés à abriter les postes contre les incursions des indigènes.

ARTICLE 10.

Les Gouvernements allemand et français s'entendront pour les travaux à exécuter en vue de faciliter la circu-

Artikel 8.

Die Kaiserliche Regierung und die Französische Regierung vereinbaren in besonderen Abmachung Bedingungen längs des Benue, Mayo Kébi sowie weiter in die Richtung des Logone zu Grundstücken im Hinblick auf die Errichtung von proviantierungs- und versorgungsstationen. Die Grundstücke sind auszuwählen und die Etappenstraße bienen soll aus Grundstücke, deren Länge nicht über 500 Meter sein darf, soll einen 50 Hektar nicht überschreiten. Die Flächeninhalt dieser Grundstücke wird durch die örtlichen Verhältnisse bestimmt.

Wenn die Französische Regierung zwischen dem Benue und dem Logone südlich oder nördlich des Mayo Kébi eine Eisenbahnstraße oder eine Eisenbahnlinie wünscht, so würde die Deutsche Regierung dem nichts in der Wege stehen. Die Deutsche und die Französische Regierung werden sich über die Bedingungen, unter denen diese Ausführung werden könnten.

Artikel 9.

In dem Wunsche, ihre guten Beziehungen in ihren zentralafrikanischen Besitzungen zu bekräftigen, verpflichten sich Deutschland und Frankreich keine Befestigungen oder Fortifikationen längs der Wasserläufe anzulegen, die der gemeinsamen Schifffahrt dienen könnten. Diese Vorschrift hat keine Anwendung auf bloße Sicherheitsanlagen an den Stationen gegen Einfälle der indigenen Bevölkerung.

Artikel 10.

Die Deutsche und die Französische Regierung werden sich über die Arbeiten verständigen, die auszuführen sind,

embarcations sur la navigation leur

11. de la navigation sur le Mayo Kébi et en deça dans la direction du Logone, des terrains à choisir en vue de l'établissement de postes de ravitaillement et de magasins destinés à constituer une route d'étapes.

12. Les Gouvernements d'Allemagne et de France s'entendront pour les travaux à exécuter en vue de faciliter la circulation commune.

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ARTICLE 13.

Le Gouvernement allemand et le Gouvernement français s'entendront pour les travaux à exécuter en vue de faciliter la circulation commune.

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troupes allemandes, de leurs armes et munitions, ainsi que de leur matériel de ravitaillement par le Congo, l'Oubanghi, la Bénoué, le Mayo-Kébi, et le chemin de fer à construire éventuellement de la côte à Brazzaville.

Dans l'un et l'autre cas, les troupes, si elles sont purement indigènes, devront toujours être accompagnées par un gradé européen, et le gouvernement sur le territoire duquel les troupes passeront, prendra toutes les mesures nécessaires pour éviter qu'aucune difficulté soit opposée à leur passage et pourra au besoin déléguer un agent pour les accompagner. Les autorités locales régleront les conditions dans lesquelles les passages de troupes se feront.

ARTICLE 14.

L'égalité de traitement pour le transport des personnes ou des marchandises sera assurés aux ressortissants des deux nations sur les chemins de fer de leurs possessions du Congo et du Cameroun.

ARTICLE 15.

Le Gouvernement allemand et le Gouvernement français cesseront à partir du jour de la cession réciproque des territoires concédés à l'Allemagne par la France et à la France par l'Allemagne, d'exercer aucune sorte de protection et d'autorité sur les indigènes des territoires respectivement cédés par eux.

ARTICLE 16.

Dans le cas où le statut territorial du bassin conventionnel du Congo tel qu'il est défini par l'acte de Berlin du 26 février 1885, viendrait à être modifié du fait de l'une ou de l'autre des parties contractantes, celles-ci devraient en conférer entre elles, comme

dem Mayo Kébi und nach Brazzaville eventuelle Eisenbahn den Durchzug der Truppen, ihrer Waffen und wie auch der ihrer Verpflegungswaren nicht behindern.

In beiden Fällen müssen, wenn es ausschließlich indigene Truppen sind, stets von einem europäischen Offizier begleitet sein. Die Behörden des Gebietes, durch welches die Truppen gehen, müssen alle erforderlichen Vorkehrungen treffen, damit ihre Durchzüge ungehindert ablaufen können. Die örtlichen Behörden sind verpflichtet, die Bedingungen festzusetzen.

Artikel 14.

Den Angehörigen beider Nationen auf den Eisenbahnen ihrer Besitzungen im Kamerun gelegenen Bahnen Beförderung der Personen unter gleichen Bedingungen zugehen.

Artikel 15.

Die Deutsche Regierung und die französische Regierung hören auf, auf dem Gebiet der von ihnen abgetretenen Gebiete auszuüben von dem Tage der gegenseitigen Abtretung an.

Artikel 16.

Für den Fall, daß die territoriale Lage des Congo-Bassins, wie sie in der Berliner Convention vom 26. Februar 1885 festgelegt ist, durch eine der Vertragsparteien geändert werden sollten, müßten sich die Vertragsparteien wohl miteinander wie auch

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 ULES CAMBON.

Signaturmächten der erwähnten Berliner
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Artikel 17.
 Das vorliegende Abkommen ist zu rati
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 sobald wie möglich in Paris auszutauschen.
 So geschehen in doppelter Ausfertigung
 zu Berlin am 4. November 1911.

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Annex 6

The Spanish State, General Directorate of African Territories and Provinces, *Study of the Border Between Gabon and Rio Muni – Crossing Points* (1965)

TRANSLATION

STUDY OF THE BORDER BETWEEN GABON AND RIO MUNI. - CROSSING POINTS

1. Bitam-Ebebiyin Highway in Río Muni to Meyó-Kié Customs in Gabon.
2. Ngoken Road in Río Muni to Azomé in Gabon.
3. Road from Oveng in Río Muni to Fong in Gabon.
4. Road from Alén-Efac in Río Muni to Fong in Gabon.
5. Road from Ngong in Río Muni to Ncolayong in Gabon.
6. Road from Alén-Camp in Río Muni.
7. Road from Anunguom in Río Muni to Evot in Gabon.
8. Road from Ngometé in Río Muni to Bilosí in Gabon.
9. Road from Mibang in Río Muni to Nciom in Gabon.
10. Oyem-Mongomo Highway in Río Muni with Abang Customs in Gabon.
11. Road from Ebang (Esangui) in Río Muni with Enuç in Gabon.
12. Road from Asoc in Río Muni to Enuç in Gabon.
13. Road from Asoc in Río Muni with Dova in Gabon.
14. Road from Asinegosí in Río Muni with Oveng-Avé in Gabon.
15. Road from Nsorc in Río Muni with Avo in Gabon.
16. Road from Ncomayop in Río Muni with Samag in Gabon.
17. Road from Alum in Río Muni to Bangayé (Mindyk-Moduno highway) in Gabon.
18. Moffut Highway in Río Muni to Medoneu in Gabon.
19. Road from Masomo in Río Muni to Efulalán in Gabon.
20. Acurenan-Moduno Highway.
21. Road from Acurenan to the Moduno Highway toward Montes de Cristal [Crystal Mountains].
22. Road from Nienfala in Río Muni to Avora in Gabon.
23. Road from Asobla in Río Muni
24. Muni-Puerto Iradier Estuary in Río Muni, Cocobeach in Gabon.

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GENERAL DIRECTORATE OF AFRICAN TERRITORIES AND PROVINCES



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Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

A handwritten signature in black ink, appearing to read 'Kent G. Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

08/10/21

Date



ESTUDIO FRONTERIZO ENTRE GABON Y RIO MUNI.- PUNTOS DE PASO
 =====

1. Carretera Bitam- Ebebiyin en Río Muni a Aduana Meyó-Kié en Gabón.
2. Camino Ngokon en Río Muni a Azomé en Gabón.
3. Camino de Oveng en Río Muni a Fong en Gabón.
4. Camino de Alén-Efac en Río Muni a Fong en Gabón.
5. Camino de Ngong en Río Muni a Ncolayong en Gabón.
6. Camino de Alén-Campamento en Río Muni.
7. Camino de Anunguom en Río Muni a Evot en Gabón.
8. Camino de Ngometé en Río Muni a Bilosí en Gabón.
9. Camino de Mibang en Río Muni a Nciom en Gabón.
10. Carretera Oyem-Mongomo en Río Muni con Aduana Abang en Gabón.
11. Camino de Ebang (Esangui) en Río Muni con Enuç en Gabón.
12. Camino de Asoc en Río Muni a Enuç en Gabón.
13. Camino de Asoc en Río Muni con Dova en Gabón.
14. Camino de Asinegosí en Río Muni con Oveng-Avé en Gabón.
15. Camino de Nsorç en Río Muni con Avo en Gabón.
16. Camino de Ncomayop en Río Muni con Samag en Gabón.
17. Camino de Alum en Río Muni a Bangayé (carretera Mindyk-Moduno) en Gabón.
18. Carretera de Moffut en Río Muni a Medoneu en Gabón.
19. Camino de Masomo en Río Muni a Efulalán en Gabón.
20. Carretera Acurenan-Moduno,
21. Camino Acurenan a carretera Moduno hacia Montes de Cristal.
22. Camino de Nienfala en Río Muni a Avora en Gabón.
23. Camino de Asobla en Río Muni
24. Estuario del Muni - Puerto Iradier en Río Muni, Cocobeach en Gabón.



Annex 7

The Spanish State Parliament, *Agreement Between the Spanish State and The Gabonese Republic Concerning Circulation and Border Exchange Between Rio Muni and Gabon*, Official Gazette No. 931 (4 October 1966)

TRANSLATION

— 19959 —

SPANISH PARLIAMENT

OCTOBER 4, 1966—No. 931

between Rio Muni and Gabon, orders were given for it to be sent to the Foreign Affairs Commission, which is responsible for studying it, for the purposes provided for in Article 14 of the Act creating the Spanish Parliament, after its publication in the Official Gazette of Parliament.

Regardless of which commission they are on, members may submit objections to the text during a period of fifteen days following the day after this publication.

Palace of Parliament, October 3, 1966.

Antonio Iturmendi, President

AGREEMENT BETWEEN THE SPANISH STATE AND
THE REPUBLIC OF GABON CONCERNING
CIRCULATION AND BORDER EXCHANGE
BETWEEN RIO MUNI AND GABON

ARTICLE 1

For the purposes of this Agreement, the border zone shall be approximately 10 kilometers wide on each side of the border.

An exchange of notes will later establish the list of towns and population centers located in that zone.

ARTICLE 2

The citizens of each country who reside permanently in the border zone and whose habitual activity or established family reasons require them to move frequently to the line of the border zone shall be considered border residents under the terms of this Agreement.

ARTICLE 3

Border exchanges shall take place free of duties or charges of any type.

Transfers of animals or natural products of the country, made by the inhabitants (heads of household or housewives) in the border zone shall be considered

border exchanges.

To be duty-free they must have a value of less than 10,000 francs or 2,000 pesetas, when they are natural products of the country, and four head at the most in the case of live animals, with the exception of bovinds.

Coffee and cacao are excluded from the facilities provided for in this article.

Transfers of manufactured products, effected by the inhabitants (heads of household or housewives) of the border zone shall also be free of duties and charges of any type, in a maximum limit of 2,500 francs or 500 pesetas.

The products listed below shall be completely excluded from the duty-free provisions:

- alcoholic beverages of any type;
- leaf or manufactured tobacco;
- firearms, munitions of any type and powder for munitions;
- matches.

ARTICLE 4

The document that establishes the right of border residents to cross the border and to freely circulate in the border zone shall be called a "border card."

This card shall be a personal document, valid for a maximum of one year following the date it is issued, and shall be renewable.

The card shall be in the form of a carnet, on a model to be established, with a recent photograph of the bearer affixed, and shall state the reason it is issued, the destination population center or centers and the required border crossings.

Children under fifteen years of age may be included on the card of the border resident they are accompanying.

ARTICLE 5

The document that establishes the right of border residents to cross the border and to freely circulate in the border zone shall be called a "border card."

For the purposes of this Agreement, The status of border subject shall not *ipso facto* confer the right to obtain a border card, which may be denied to individuals not known to be honorable.

TRANSLATION

— 19960 —

SPANISH PARLIAMENT

OCTOBER 4, 1966—No. 931

This card may be revoked at any time, in the event of abuse, by any of the jurisdictional authorities of either country, without prejudice to the criminal or other types of penalties that may be applied.

The authority that has revoked the card must report the measure as soon as possible to the jurisdictional authority of the other country.

ARTICLE 6

Border cards shall be issued in Rio Muni by the military commander of the district, and in Gabon by the jurisdictional authority of the Prefecture.

Border cards issued in Rio Muni shall be submitted for a visa from the appropriate Gabonese authority and vice versa.

This visa, which shall be valid for a maximum of one year, shall be issued free of charge by either party, within the shortest time possible.

ARTICLE 7

A border card shall give the bearer access to the population center or centers stated on it. To have access to the stated population center or centers, the bearer must exclusively use the border crossings stated on the card.

ARTICLE 8

In the event of full closure of the border and for the duration of such closing, a border card will not allow crossing of the border.

In the event of only partial closure, a border card shall allow crossing of the border at the closest crossing point that remains open.

In this case and as far as possible, closing measures shall be reported in advance to the border authorities of the other country.

ARTICLE 9

This Agreement shall remain in effect for one year and shall be tacitly extended for periods of the same

duration in subsequent years, unless one of the High Contracting Parties files a complaint, which must be done at least three months prior to the expiration of each annual period.

If, as a consequence of the operations effected under this Agreement, the importation of any manufactured or natural product of the country would be a notable detriment to the economy of either of the High Contracting Parties, the affected government may propose that that product be excluded from application of the norms contained herein.

ARTICLE 10

This agreement shall enter into effect on the same date in both countries.

This date shall be determined upon the exchange of Instruments of Ratification to take place.

**OFFICE OF THE PRESIDENT
OF THE SPANISH PARLIAMENT**

By a decision of the Council of Ministers this Office of the President has been sent the bill by which twenty-five staff positions of captains of the Land Register of the Naval Corps of Machinists are to be transferred to the Naval Register, and this Office orders that it be forwarded to the National Defense Commission, which is responsible for its study, and that it be published in the Official Gazette of the Spanish Parliament, in keeping with the provisions of Article 34 of the Regulations in effect.

Regardless of which commission they are on, members may exercise their right under Article 35 of those Regulations, by submitting, to the office entrusted with studying the bill, the amendments they consider pertinent to the entire bill or to any article, within a period of fifteen days following the day after this publication.

Palace of Parliament, October 3, 1966.

Antonio Iturmendi, President

Law No. 78/1962 (Official State Gazette 310), approving the staff of the Naval Corps, set at fifty-seven

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Kent G. Heine
Water Street Translations, LLC

09/12/21

Date



bios fronterizos entre Río Muni y El Gabón, se ordena su envío a la Comisión de Asuntos Exteriores, a la que corresponde su estudio, a efectos de lo dispuesto en el artículo 14 de la Ley de creación de las Cortes Españolas, previa su publicación en el "Boletín Oficial" de las mismas.

Los Procuradores, cualquiera que sea la Comisión a que pertenezcan, podrán formular observaciones a dicho texto durante el plazo de quince días a partir de la fecha siguiente a esta publicación.

Palacio de las Cortes, 3 de octubre de 1966.
El Presidente, *Antonio Iturmendi*.

CONVENIO ENTRE EL ESTADO ESPAÑOL
Y LA REPUBLICA GABONESA RELATIVO
A LA CIRCULACION E INTERCAMBIOS
FRONTERIZOS ENTRE RIO MUNI
Y EL GABON

ARTÍCULO 1.º

La zona fronteriza, a los efectos del presente Convenio, tendrá, aproximadamente, una anchura de 10 kilómetros a uno y otro lado de la frontera.

En ulterior intercambio de Notas se determinará la lista de las localidades y aglomeraciones comprendidas en la expresada zona.

ARTÍCULO 2.º

Serán considerados fronterizos, de acuerdo con los términos del presente Convenio, los súbditos de uno y otro país residentes de forma permanente en la zona fronteriza y que sean llamados, por su actividad habitual o por motivos familiares permanentes, a trasladarse frecuentemente a la zona fronteriza limítrofe.

ARTÍCULO 3.º

Los intercambios fronterizos se efectuarán en franquicia de derechos y tasas de toda naturaleza.

Se considerarán intercambios fronterizos las transferencias de animales o de productos naturales del país efectuadas por los habitantes

(jefes de familia o amas de casa) de la zona fronteriza.

Para su admisión en franquicia deben ser de valor inferior a 10.000 francos o 2.000 pesetas, cuando se trate de productos naturales del país, y a cuatro cabezas, como máximo, en el caso de animales vivos, con excepción de los bóvidos.

El café y el cacao se excluyen de las facilidades previstas en el presente artículo.

Gozan igualmente de franquicia total de derechos y de tasas de toda naturaleza las transferencias de productos manufacturados, efectuadas por los habitantes (jefes de familia o amas de casa) de la zona fronteriza en un límite máximo de 2.500 francos o 500 pesetas.

Son excluidos totalmente de las medidas de franquicia los productos enumerados a continuación:

- bebidas alcohólicas de toda clase;
- tabaco en hojas o manufacturado;
- armas de fuego, municiones de toda clase y pólvoras para municiones;
- cerillas.

ARTÍCULO 4.º

El documento que dé derecho a los fronterizos a transponer la frontera y a circular libremente en la zona fronteriza será denominado "Tarjeta fronteriza".

Esta Tarjeta tendrá el carácter de título personal, con validez máxima de un año, a contar desde el día de su expedición, y será renovable.

La Tarjeta tendrá formato de carnet de un modelo a establecer, con fotografía reciente adherida del titular y en la que se mencionará el motivo de la expedición, la o las aglomeraciones de destino y el o los lugares de paso obligatorios.

Los niños de menos de quince años podrán ser incluidos en la Tarjeta del súbdito fronterizo a quien acompañen.

ARTÍCULO 5.º

La condición de súbdito fronterizo, a los efectos del presente Convenio, no confiere "ipso facto" derecho a la obtención de la Tarjeta fronteriza, que podrá ser denegada a las personas que no gocen de una honorabilidad reconocida.

La mencionada Tarjeta podrá ser retirada en cualquier momento, caso de abuso, por una u otra de las Autoridades competentes de ambos países, sin perjuicio de las sanciones penales o de otro género susceptibles de ser aplicadas.

La Autoridad que haya procedido a la retirada de la Tarjeta deberá notificar esta medida, dentro de la mayor brevedad, a la Autoridad competente del otro país.

ARTÍCULO 6.º

La Tarjeta fronteriza será expedida, en Río Muni, por el Comandante militar de la demarcación, y en El Gabón, por la Autoridad competente de la Prefectura.

La Tarjeta fronteriza expedida en Río Muni será sometida al visado de la Autoridad gabonesa competente, y recíprocamente.

Este visado, cuya validez máxima será de un año, se expedirá gratuitamente por una y otra Parte, dentro del más corto plazo posible.

ARTÍCULO 7.º

La Tarjeta fronteriza dará acceso a la o a las aglomeraciones que en ella se mencionen. Para tener acceso a dicha o dichas aglomeraciones el titular deberá utilizar exclusivamente el o los lugares de paso mencionados en la Tarjeta.

ARTÍCULO 8.º

En el caso de cierre total de la frontera, y durante la duración de este cierre, la Tarjeta fronteriza no permitirá transponer la frontera.

En el caso de cierre sólo parcial, la Tarjeta fronteriza permitirá transponer la frontera por el lugar de paso más próximo que continúe abierto.

En este caso, y en lo posible, las medidas de cierre se pondrán previamente en conocimiento de las Autoridades fronterizas del otro país.

ARTÍCULO 9.º

El presente Convenio permanecerá en vigor durante un año y será tácitamente prorrogado

por períodos de esta misma duración en los años siguientes, salvo denuncia por una de las Altas Partes Contratantes, a la que deberá procederse con tres meses al menos de antelación a la expiración de cada período anual.

Si como consecuencia de las operaciones efectuadas al amparo de este Convenio la importación de algún producto manufacturado o natural del país perjudicara notablemente la economía de cualquiera de las Altas Partes Contratantes, el Gobierno afectado podrá proponer la exclusión en la aplicación de las normas contenidas en el mismo.

ARTÍCULO 10

El presente Convenio entrará en vigor en la misma fecha en ambos países.

Esta fecha será fijada con ocasión del intercambio de los Instrumentos de Ratificación que tendrá lugar.

PRESIDENCIA DE LAS CORTES ESPAÑOLAS

Remitido a esta Presidencia, por acuerdo del Consejo de Ministros, el proyecto de ley por la que se transfieren a la Escala de Mar veinticinco plazas de la plantilla de Capitanes de la Escala de Tierra del Cuerpo de Maquinistas de la Armada, se ordena su envío a la Comisión de Defensa Nacional, a la que corresponde el estudio del mismo, así como su publicación en el BOLETÍN OFICIAL DE LAS CORTES ESPAÑOLAS, con arreglo a lo preceptuado en el artículo 34 del Reglamento vigente.

Los Procuradores, cualquiera que sea la Comisión a que pertenezcan, podrán, en uso del derecho que les confiere el artículo 35 del referido Reglamento, enviar a la Ponencia encargada del estudio del proyecto las enmiendas que estimen pertinente formular a la totalidad o al articulado en un plazo máximo de quince días, a contar de la fecha siguiente a su publicación.

Palacio de las Cortes, 3 de octubre de 1966.
El Presidente, *Antonio Iturmendi*.

La Ley número 78/1962 ("Boletín Oficial del Estado" 310), que aprobó las plantillas de los Cuerpos de la Armada, fijó en cincuenta y siete

Annex 8

Convention between The Spanish State and The Gabonese Republic Concerning Cross-Border Exchanges and Movement Between Rio Muni and Gabon, *Appendix 2 Concerning the Towns or Urban Areas to be Included in the 10 KM Zone Referred to in the Convention* (1966) (Spain's list of towns in border zone)

TRANSLATION

C O N V E N T I O N

BETWEEN THE SPANISH STATE AND THE GABONESE REPUBLIC

CONCERNING CROSS-BORDER EXCHANGES AND MOVEMENT

BETWEEN RIO MUNI AND GABON

WATER STREET TRANSLATIONS

TRANSLATION

CONVENTION

BETWEEN THE SPANISH STATE AND THE GABONESE REPUBLIC

CONCERNING CROSS-BORDER EXCHANGES AND MOVEMENT

BETWEEN RIO MUNI AND GABON

We, the Spanish Government and the Gabonese Government, wishing to facilitate good neighborly relations between Río Muni and Gabon, have appointed as Plenipotentiaries:

The Head of the Spanish State: His Excellency Mr. Teodomiro de Aguilar y Colomer, Ambassador Extraordinary and Plenipotentiary of Spain in Libreville;

The President of the Gabonese Republic: His Excellency Mr. Jean Engone, Minister of Foreign Affairs;

Who, after exchanging their respective full powers, which were found to be in good and proper form, have agreed to regulate the movement of their nationals within the border zone and in cross-border exchanges between the two territories, as set forth below:

ARTICLE 1

For the purposes of this Convention, the border zone shall have a width of approximately 10 km on each side of the border.

The list of locations and urban areas to be included in such zone shall be determined in a future exchange of Notes.

ARTICLE 2

Pursuant to the provisions of this Convention, border residents shall be understood to mean the citizens of each of the two countries who reside in the border zone on a

TRANSLATION

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permanent basis and who frequently travel to the borderland due to their routine activities or for permanent family reasons.

ARTICLE 3

Cross-border exchanges shall be made exempt from all types of duties and fees.

Transfers of animals or natural products of the country made by border zone residents (heads of household or housewives) shall be considered to be cross-border exchanges.

In order to be admitted under such exemption, the value of natural products of the country must be less than 10,000 francs or 2,000 pesetas, and a maximum of four heads in the case of live animals, with the exception of bovines.

Coffee and cacao are excluded from the terms set forth in this article.

Transfers of manufactured products from the border zone made by border zone residents (heads of household or housewives) shall also be fully exempt from all types of duties and fees up to a maximum limit of 2,500 francs or 500 pesetas.

The products listed below are fully excluded from the exemption measures:

- all types of alcoholic beverages.
- leaf tobacco or manufactured tobacco.
- firearms, munitions of all types and gunpowder for munitions
- matches.

ARTICLE 4

The document that gives border residents the right to cross the border and freely circulate within the border zone shall be called the "Border Crossing Card."

This Card shall be issued to individual holders, with a maximum validity period of

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one year from the date of issuance thereof, and shall be renewable.

The Card shall be issued in the form of an I.D. card, in a model form to be determined, with a recent photograph of the holder affixed thereon. The card shall also state the reason for issuance, the urban area(s) of destination and the obligatory thoroughfare(s).

Children under the age of 15 years may be included in the Cards of the border residents they accompany.

ARTICLE 5

For the purposes of this Convention, border resident status does not, ipso facto, confer the right to obtain a Border Crossing Card, which may be denied to individuals who are not of good repute.

The above-mentioned Card may be revoked in the event of misuse at any time by any competent Authority of either country, without prejudice to any criminal penalties or other penalties that may be imposed.

Any Authority that has revoked such Card must promptly notify the competent Authority of the other country.

ARTICLE 6

Border Crossing Cards shall be issued in Río Muni by the Military Commander of the district, and by the competent Authority of the Prefecture in Gabon.

Border Crossing Cards issued in Río Muni shall be subject to the approval of the competent Gabonese Authority, and vice versa.

This approval, which shall be valid for a maximum of one year, shall be issued free of charge by each of the Parties within the shortest possible time period.

ARTICLE 7

Border Crossing Cards shall grant access to the urban area or areas specified

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thereon. In order to gain access to such urban area or areas, the holder must use only the thoroughfare(s) indicated on the Card.

ARTICLE 8

In the event of total closure of the border, and for the duration of such closure, the Border Crossing Card shall not authorize the holder to cross the border.

In the event of partial closure, the Border Crossing Card shall allow the holder to cross the border via the nearest open thoroughfare.

In such case, and to the extent possible, the border Authorities of the other country shall be notified of the closure measures in advance.

ARTICLE 9

This Convention shall remain in effect for one year and shall be automatically extended for successive one-year periods, except in the case of a complaint by one of the High Contracting Parties, which must be made at least three months prior to the expiration of each annual period.

If as a result of the operations carried out under this Convention the import of any manufactured or natural product of the country were to notably impair the economy of either of the High Contracting Parties, the affected Government may propose to exclude the provisions set forth therein from being applied to such product.

ARTICLE 10

This Convention shall enter into force on the same date in both countries.

Such date shall be established through the subsequent exchange of Ratification Instruments.

In witness whereof, the Plenipotentiaries hereby sign this Convention and

TRANSLATION

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affix their Seals.

Made in four counterparts, with two written in Spanish and two written in French.
The four versions are all equally authentic.

Libreville, on

For the Spanish State

For the Gabonese Republic

T. de AGUILAR

Jean ENGONE

Ambassador of Spain

Minister of Foreign Affairs

TRANSLATION

PRESIDENCY OF THE GOVERNMENT

GUINEA SECTION

- Bureau of African Towns and Provinces -

APPENDIX 2 TO AGREEMENT NUMBER 3 CONCERNING THE TOWNS OR URBAN
AREAS TO BE INCLUDED IN THE 10 KM ZONE REFERRED TO IN THE
CONVENTION. -----

=====

WATER STREET TRANSLATIONS

TRANSLATION

LIST OF RIO MUNI LOCATIONS TO BE INCLUDED IN THE 10 KILOMETER BORDER ZONE
(FROM NORTH TO SOUTH AND EAST TO WEST). -----

DISTRICT OF EBEBIYIN

| | | |
|----------|-----------|--------------|
| Ebebiyin | Ndumu | Mabaiñ |
| Adyap | Mocomo | Ebeele |
| Ncoayen | Eton | Adyap |
| Oveng | Bisono | Eyima |
| Abang | Nsomeyong | Nfua |
| Eseng | Dumandui | Nton |
| Ncoebe | Miboman | Atut |
| Mosumu | Eseng | Melo |
| Yebete | Ogoma | Alen (Camp) |
| Ngong | Ndalama | Ecui |
| Mefeng | Mbut | Momo |
| Mengui | Bifet | Abang |
| Aban | Ebebiñ | Mefo |
| Oyep | Bidong | Nsoc |
| Ncasia | Asog | Ndanguong |
| Asem | Afemandyi | Masaman |
| Atom | Asoc | Anuguong |
| Alo | Alen | Ncoekié |
| Bifet | Ochunga | Accelon |
| Ncoasia | Macomo | Afeton |
| Ecoung | Ebe | Acam |
| Malen | Ndogo | Bibo |
| Bife | Ngong | Mbiralen |
| | | Ngomo. ----- |

DISTRICT OF MONGOMO

| | | |
|------------|------------|-----------|
| Ngomete | Atamadyin | Mban |
| Incondo | Ecoc | Nsaaca |
| Abaiñ | Oveng | Edu |
| San Carlos | Melen | Bisobinan |
| Beayop | Macan | Ngulon |
| Encoembe | Eyamayong | Maseyen |
| Ecuoco | Macong | Nfaman |
| Macomo | Eleen | Bisobinan |
| Efong | Nfua | Nfumayop |
| Mongomo | Acassi | Nianan |
| Acoación | Nkeneensoc | Ovang |
| Endon | Akonikie | Cam |
| | Enuc | ----- |

DISTRICT OF N' SORC

| | | |
|-------------|------------|-------------|
| Asoc (Camp) | Ebomicú | Nsamayong |
| Esung | Mitomo | Macomo |
| Niemitang | Mayene | Macula |
| Nsagayong | Ongoma | Ngomo |
| Ndama | Abama | Assoc-Ngama |
| Eugas | Mandoc | Mbaula |
| Sisacang | Mbufa | Elon |
| Ndumu | Asasi | Eyameyong |
| Osambeñ | Massa | Esong |
| Nsinengoni | Nsorc | Mitan |
| Ecuamayene | Mban | Abumeyeme |
| Sumosi | Akoesakira | Alen |
| Ecoco | Oveng | Alun |
| Anungá | Asia | ----- |

WATER STREET TRANSLATIONS

TRANSLATION

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DISTRICT OF ACURENAN

Evonodulu
Mban
Oyo
Acanabor
Bu
Nvondyongo
Melong II
Melong I
Mafu
Bas
Nsogobor
Asem
Ncumayogo
Adyebe
Ngong
Oveng
Bisobinan
Mosomo

Sogo
Ncombas
San Carlos
Acumcaso
Nsangan
Basile
Acurenan
Nfaman
Acanabor
Mabomo
Ayaguening
Nfengayong
Otom
Mosogo
Abelesi
Ebebiyin
Ayenguensog

Mandong
Alenesi
Efan
Efulan
Enfeme
Mucayong
Echan
Micomibe
Nsong
Accaseng
Ebang
Bidun
Mfamingama
Avanyap
Mabe
Mindy
Masili
Evorodulu .- -----

DISTRICT OF COGO

Benkeng
Mikes
Anguma
Binguara
Acanabor
Nfoga
Mikes
Eguonaname
Nyuanlan
Ngomekié
Mfegayong
Acanabor
Adyangamiang
Mbenaman
Aseng
Midyop
Niefala
Mibonde
Bisobinan
Abelenang
Sogoyam
Tom
Edyoba
Ennigaloc
Asobla
Acoclone
Achimilang

Oeym
Ennuc
Nsogebor
Onenaben
Nkinesoc
Aseng
Ouen
Nkonikié
Belem
Mbabiying
Eyeme
Ngamb
Oveng
Bob
Oocla
Minague
Ncobnekié
Nsogbot
Eufila
Gangana
Mitombo
Nsenguimasa
Nsenguinvea
Vabe
Mangola
Alarmitang
Oduma

Meti
Sogoyan
Tec
Npognebeng
Adyoba
Efan
Bingua
Malen
Ayene
Miguala
Obet
Mignola
Madrid
Benapá
Toledo
Cogo
Akonikié
Acalayong
Ayamelsala
Bandondon
Acon
Victoria
Alennam
Asamboá
Edum
Efulé
Naunlalen.- -----

WATER STREET TRANSLATIONS



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info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Jamie Mullin, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

Kent G. Heine
Water Street Translations, LLC

03/19/21

Date



C O N V E N I O

ENTRE EL ESTADO ESPAÑOL Y LA REPUBLICA GABONESA

RELATIVO A LA CIRCULACION E INTERCAMBIOS FRONTERIZOS

ENTRE RIO MUNI Y EL GAEON

C O N V E N I O

ENTRE EL ESTADO ESPAÑOL Y LA REPUBLICA GABONESA

RELATIVO A LA CIRCULACION E INTERCAMBIOS FRONTERIZOS

ENTRE RIO MUNI Y EL GABON

El Gobierno Español y el Gobierno Gabonés, deseosos de facilitar las relaciones de buena vecindad entre Río Muni y el Gabón, han nombrado como Plenipotenciarios:

El Jefe del Estado Español: a Su Excelencia el Señor Don Teodomiro de Aguilar y Colomer, Embajador Extraordinario y Plenipotenciario de España en Libreville;

El Presidente de la República Gabonesa: a Su Excelencia el Señor Don Jean Engone, Ministro de Negocios Extranjeros;

Quienes, después de haber intercambiado sus respectivos plenos poderes, encontrándolos en buena y debida forma, han convenido reglamentar la circulación de sus nacionales en la zona fronteriza y los intercambios igualmente fronterizos entre ambos territorios, en la forma siguiente:

ARTICULO 1º

La zona fronteriza, a los efectos del presente Convenio tendrá, aproximadamente, una anchura de 10 km. a uno y otro lado de la frontera.

En ulterior intercambio de Notas se determinará la lista de las localidades y aglomeraciones comprendidas en la expresada zona.

ARTICULO 2º

Serán considerados fronterizos, de acuerdo con los términos del presente Convenio, los súbditos de uno y otro país residentes de forma permanente en la zona fronteriza y que sean

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llamados, por su actividad habitual o por motivos familiares permanentes, a trasladarse frecuentemente, a la zona fronteriza limítrofe.

ARTICULO 3º

Los intercambios fronterizos se efectuarán en franquicia de derechos y tasas de toda naturaleza.

Se considerarán intercambios fronterizos las transferencias de animales o de productos naturales del país efectuadas por los habitantes (jefes de familia o amas de casa) de la zona fronteriza.

Para su admisión en franquicia, deben ser de valor inferior a 10.000 francos ó 2.000 pesetas, cuando se trata de productos naturales del país y a cuatro cabezas como máximo, en el caso de animales vivos, con excepción de los bóvidos.

El café y el cacao se excluyen de las facilidades previstas en el presente artículo.

Gozan igualmente de franquicia total de derechos y de tasas de toda naturaleza las transferencias de productos manufacturados, efectuadas por los habitantes (jefes de familia o amas de casa) de la zona fronteriza en un límite máximo de 2.500 francos ó 500 pesetas.

Son excluidos totalmente de las medidas de franquicia los productos enumerados a continuación:

- bebidas alcohólicas de toda clase
- tabaco en hojas o manufacturado
- armas de fuego, municiones de toda clase y pólvoras para municiones
- cerillas.

ARTICULO 4º

El documento que da derecho a los fronterizos a transponer la frontera y a circular libremente en la zona fronteriza será denominado "Tarjeta fronteriza".

Esta Tarjeta tendrá el carácter de título personal, con

- 3 -

validez máxima de un año, a contar desde el día de su expedición y será renovable.

La Tarjeta tendrá formato de carnet de un modelo a establecer con fotografía reciente adherida del titular y en la que se mencionará el motivo de la expedición, la o las aglomeraciones de destino y el o los lugares de paso obligatorios.

Los niños de menos de 15 años podrán ser incluidos en la Tarjeta del súbdito fronterizo a quien acompañen.

ARTICULO 5º

La condición de súbdito fronterizo a los efectos del presente Convenio, no confiere "ipso facto" derecho a la obtención de la Tarjeta fronteriza, que podrá ser denegada a las personas que no gocen de una honorabilidad reconocida.

La mencionada Tarjeta podrá ser retirada en cualquier momento, caso de abuso, por una u otra de las Autoridades competentes de ambos países, sin perjuicio de las sanciones penales o de otro género, susceptibles de ser aplicadas.

La Autoridad que haya procedido a la retirada de la Tarjeta deberá notificar esta medida, dentro de la mayor brevedad, a la Autoridad competente del otro país.

ARTICULO 6º

La Tarjeta fronteriza será expedida, en Río Muni por el Comandante Militar de la demarcación y en el Gabón, por la Autoridad competente de la Prefectura.

La Tarjeta fronteriza expedida en Río Muni será sometida al visado de la Autoridad gabonesa competente, y recíprocamente.

Este visado, cuya validez máxima será de un año, se expedirá gratuitamente por una y otra Parte, dentro del más corto plazo posible.

ARTICULO 7º

La Tarjeta fronteriza dará acceso a la o a las aglomera-

- 4 -

ciones que en élla se mencionen. Para tener acceso a dicha o dichas aglomeraciones, el titular deberá utilizar exclusivamente al o los lugares de paso mencionados en la Tarjeta.

ARTICULO 8º

En el caso de cierre total de la frontera, y durante la duración de este cierre, la Tarjeta fronteriza no permitirá transponer la frontera.

En el caso de cierre sólo parcial, la Tarjeta fronteriza permitirá transponer la frontera por el lugar de paso más próximo que continúe abierto.

En este caso, y en lo posible, las medidas de cierre se pondrán previamente en conocimiento de las Autoridades fronterizas del otro país.

ARTICULO 9º

El presente Convenio permanecerá en vigor durante un año y será tácitamente prorrogado por períodos de esta misma duración en los años siguientes, salvo denuncia por una de las Altas Partes contratantes, a la que deberá procederse con tres meses al menos de antelación a la expiración de cada período anual.

Si como consecuencia de las operaciones efectuadas al amparo de este Convenio, la importación de algún producto manufacturado o natural del país perjudicara notablemente la economía de cualquiera de las Altas Partes contratantes, el Gobierno afectado podrá proponer la exclusión en la aplicación de las normas contenidas en el mismo.

ARTICULO 10º

El presente Convenio entrará en vigor en la misma fecha en ambos países.

Esta fecha será fijada con ocasión del intercambio de los Instrumentos de Ratificación que tendrá lugar.

En Fe de lo cual los Plenipotenciarios firman el presen

- 5 -

te Convenio y estampen sus Sellos.

Hecho en cuatro ejemplares dos en lengua española y dos en lengua francesa. Las cuatro versiones hacen igualmente Fe.

Libreville, el

Por el Estado Español

Por la República Gabonesa

T. de AGUIAR
Embajador de España

Jean ENGONE
Ministro de Negocios Extranjeros



**ANEXO 2° AL ACTA NUMERO 3, RELATIVO A LOS POBLA-
DOS O AGLÓMERACIONES A INCLUIR EN LA ZONA DE 10
KM. A QUE HACE REFERENCIA EL CONVENIO.- -----**

LISTA DE LOCALIDADES DE RIO MUNI INCLUIDAS EN LA ZONA
FRONTERIZA DE 10 KILOMETROS (DEL NORTE AL SUR Y DEL-
ESTE AL OESTE.-

DISTRITO DE EBEBIYIN.-

| | | |
|----------|------------|-------------------|
| Ebebiyin | Ndumu | Mabaiñ |
| Adyap | Mocomo | Ebeelee |
| Ncoayen | Eton | Adyap |
| Oveng | Bisono | Eyima |
| Abang | Nsomeyong | Nfua |
| Eseng | Dumandui | Nton |
| Ncoebe | Miboman | Atut |
| Mosumu | Eseng | Melo |
| Yebete | Ogoma | Alen (Campamento) |
| Ngong | Ndalama | Ecui |
| Mefeng | Mbut | Momo |
| Mengul | Bifet | Abang |
| Aban | Ebebiñ | Mefo |
| Oyep | Bidong | Nsoc |
| Ncasia | Asog | Ndanguong |
| Asem | Afemandyim | Masaman |
| Atom | Asoc | Anuguong |
| Alo | Alen | Ncoekié |
| Bifet | Ochunga | Acoelon |
| Ncoasia | Macomo | Afeton |
| Ecoung | Ebe | Acam |
| Malen | Ndogo | Bibo |
| Bife | Ngong | Mbiralen |
| | | Ngomo. ----- |

DISTRITO DE MONGOMO.-

| | | |
|------------|------------|-----------|
| Ngomete | Atamadyin | Mban |
| Incondo | Ecoc | Nsaaca |
| Abaiñ | Oveng | Edum |
| San Carlos | Melen | Bisobinan |
| Beayop | Macan | Ngulon |
| Encoembe | Eyamayong | Maseyen |
| Ecuoco | Macong | Nfaman |
| Macomo | Eleen | Bisobinan |
| Efong | Nfua | Nfumayop |
| Mongomo | Acassi | Nianan |
| Acoación | Nkeneensoc | Ovang |
| Endon | Akonikie | Cam |
| | Enuc | ----- |

DISTRITO DE N'SORC.-

| | | |
|-------------------|------------|-------------|
| Asoc (Campamento) | Ebomicú | Nsamayong |
| Esung | Mitomo | Macomo |
| Nlemitang | Mayene | Macula |
| Nsagayong | Ongoma | Ngomo |
| Ndama | Abama | Assoc-Ngama |
| Eugas | Mandoc | Mbaula |
| Sisacang | Mbufa | Elon |
| Ndumu | Asasi | Eyamayong |
| Osambeñ | Massa | Esong |
| Nsinengosi | Nsorc | Mitan |
| Ecuamayene | Mban | Abumeyeme |
| Sumosi | Akoesakira | Alen |
| Ecoco | Oveng | Alun |
| Anungá | Asia | ----- |

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- 2 -

DISTRITO DE ACURENAN.-

Evonodulu
Mban
Oyo
Acanabor
Bu
Nvondyongo
Melong II
Melong I
Mafu
Bas
Nsogobor
Asem
Ncumayogo
Adyebe
Ngong
Oveng
Bisobinan
Mosomo

Sogo
Ncombas
San Carlos
Acumcaso
Nsangan
Basile
Acurenan
Nfaman
Acanabor
Mabomo
Ayaguening
Nfengayong
Otom
Mosogo
Abelesí
Ebebiyín
Ayenguensog

Mandong
Alenesi
Efam
Efulan
Enfeme
Mucayong
Echan
Micomibe
Nsong
Acoaseng
Ebang
Bidun
Mfamingama
Avanyap
Mabe
Mindyi
Masili
Evorodulu .- -----

DISTRITO DE COGO.-

Benkeng
Mikes
Anguma
Binguara
Acanabor
Nfoga
Mikes
Eguonaname
Nyuanian
Ngomekié
Mfegayong
Acansabor
Adyangamiang
Mbenaman
Aseng
Midyop
Niefala
Mibonde
Bisobinan
Abelenang
Sogoyam
Tom
Edyoba
Ennigaloc
Asobla
Acoclone
Achimilang

Oeym
Ennuc
Nsogebor
Onanaben
Nkinesoc
Aseng
Ouen
Nkonikié
Belem
Mbabieng
Eyeme
Ngamb
Oveng
Bob
Ocola
Minague
Ncobnekié
Nsogbot
Eufila
Cangana
Mitombo
Nsenguimasa
Nsenguinvea
Vabe
Mangola
Alarmitang
Oduma

Metí
Sogoyan
Tec
Npognebeng
Adyoba
Efan
Bingua
Malen
Ayene
Miguala
Obet
Mignola
Madrid
Banapá
Toledo
Cogo
Akonikié
Acalayong
Ayamelsala
Bandondon
Acon
Victoria
Alennam
Asamboá
Edum
Efulé
Naunlalen.- -----

Annex 9

Letter from the Director General of African Cities and Provinces (Presidency of the Government of Spain) to the Director General of African Affairs (Spanish Ministry of Foreign Affairs), attaching Annex I to Act No. 3 Concerning the Obligatory Boundary Crossings Proposed by the Commission on the Common Boundary Between the Republic of Gabon and Equatorial Guinea (19 October 1965) (excerpt)

TRANSLATION

[Seal] GUINEA SECTION; OFFICE OF THE
GOVERNMENT; General Office of African
Cities and Provinces

ANNEX I TO RECORD No. 3, CONCERNING THE
MANDATORY BOUNDARY CROSSINGS PROPOSED BY
THIS COMMISSION

[Handwritten] 10-3

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TRANSLATION

COMMON BOUNDARY BETWEEN THE GABONESE REPUBLIC AND EQUATORIAL GUINEA

PROPOSED CROSSING POINTS

1. Bitam – Ebebiyín Road, through Meyó Kye
2. Road from Ngong (Río Muni) to Ncalayong (Gabón)
3. Road from Alen (Río Muni) to Akan (Gabón)
4. Road from Anunguon (Río Muni) to Abot (Gabón)
5. Road from Ngomete (Río Muni) to Bilosi (Gabón)
6. Road from Mibang (Río Muni) to Assok (Gabón)
7. Oyem-Mongo Road, through Abam Eba (customs post)
8. Road from Ebong (Esangui) (Río Muni) [to] Enué (Gabón)
9. Road from Asoc (Río Muni) to Doua (Gabón)
10. Road from Asinegosi (Río Muni) to Oveng Abe (Gabón)
11. Road from Nsork (Río Muni) to Avo (Gabón)
12. Road from Nsork (Río Muni) to Sam (Gabón)
13. Road from Masomo (Río Muni) to Efulalen (Gabón)
14. Road from Acurenam to Medouneo
15. Muni River Estuary – Puerto Iradier – Cocobeach

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This hereby confirms that the foregoing translation was prepared by Laura Pohlig, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

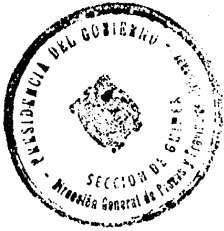
"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

Kent G. Heine
Water Street Translations, LLC

09/26/21

Date





ANEXO I° AL ACTA NUMERO 3, RELATIVO A LOS PASOS
FRONTERIZOS OBLIGATORIOS QUE PROPONE ESTA COMI -
SION.-

=====

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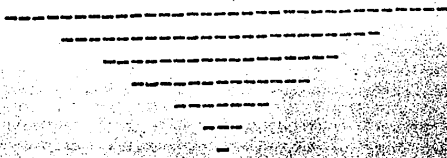
10-3

Directorio
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FRONTERA COMUN A LA REPUBLICA DEL GABON Y GUINEA ECUATORIAL.-

PUNTOS DE PASOS QUE SE PROPONEN.

- 1°.- Carretera de Bitam - Ebebiyín, por Meyó Kye.-
- 2°.- Pista de Ngong (R.M.) a Ncalayong (Gabón).-
- 3°.- Pista de Alen (R.M.) a Akan (Gabón).-
- 4°.- Pista de Anunguon (R.M.) a Abot (Gabón).-
- 5°.- Pista de Ngómete (R.M.) a Bilosi (Gabón).-
- 6°.- Pista de Mibang (R.M.) a Assok (Gabón).-
- 7°.- Carretera Oyem-Mongomo por Abam Eba (puesto de Aduana)
- 8°.- Pista de Ebong (Esangui) (R.M.) Eñuc (Gabón).
- 9°.- Pista de Asou (R.M.) a Doua (Gabón).-
- 10°.- Pista de Asinegosi (R.M.) a Oveng Abe (Gabón).-
- 11°.- Pista de Nsork (R.M.) a Avo (Gabón).-
- 12°.- Pista de Nsork (R.M.) a Sam (Gabón).-
- 13°.- Pista de Masomo (R.M.) a Efulalen (Gabón).-
- 14°.- Carretera de Acurenam a Medouneo,-
- 15°.- Estuario del Río Muni - Puerto Iradier - Cocobeach.-



Annex 10

The Republic of Equatorial Guinea, *Treaty Regarding the Delimitation of the Maritime Boundary Between the Republic of Equatorial Guinea and the Democratic Republic of Sao Tome and Principe* (26 June 1999)

Treaty Regarding the Delimitation of the Maritime Boundary between the Republic of Equatorial Guinea and the Democratic Republic of Sao Tome and Principe, 26 June 1999

The Republic of Equatorial Guinea and the Democratic Republic of Sao Tome and Principe, desiring to strengthen the ties of friendship and good relations that exist between the two States and peoples;

Taking into account the United Nations Convention on the Law of the Sea of 10 December 1982 and the relevant principles of general international law;

Recognizing the need to determine exactly the delimitation of the maritime boundary between the two States in an equitable manner using equidistance as the general criterion for delimitation;

The Parties decide to conclude this Treaty for that purpose,

And have appointed as their Plenipotentiaries:

For the Republic of Equatorial Guinea:

His Excellency Mr. Miguel Oyone Ndong Mifumu,
Deputy Prime Minister in charge of Foreign Affairs and International Cooperation,

For the Republic of Sao Tome and Principe:

His Excellency Mr. Alberto Paulino,
Minister for Foreign Affairs and Communities,

Who, having communicated to each other their full powers found to be in good and due form, have agreed on the following:

Article 1

The purpose of this Treaty is to recognize the maritime boundary between the Republic of Equatorial Guinea and the Democratic Republic of Sao Tome and Principe.

Article 2

The maritime boundary between the Republic of Equatorial Guinea and the Democratic Republic of Sao Tome and Principe established by this Treaty shall be defined by the geodesic lines joining the following coordinates:

(a) Between the Republic of Equatorial Guinea (Annobón Island) and the Democratic Republic of Sao Tome and Principe (Sao Tome Island)

| Point No. | Latitude | Longitude |
|-----------|-------------|--------------|
| 1 | 1°29'04"S | 7°16'30"E |
| 2 | 0°47'15.8"S | 6°11'30.7"E |
| 3 | 0°12'54"S | 5°19'23"E |
| 4 | 0°41'45.3"N | 3°37'03.2"E |
| 5 | 0°54'59.5"N | 3°12'32.95"E |

(b) Between the Republic of Equatorial Guinea (Bioco Island - Rio Muni) and the Democratic Republic of Sao Tome and Principe (islands of Sao Tome and Principe)

| Point No. | Latitude | Longitude |
|-----------|--------------|--------------|
| 1 | 0°37'25"N | 8°11'42"E |
| 2 | 1°00'15"N | 8°18'10"E |
| 3 | 1°11'32.65"N | 8°21'38.75"E |
| 4 | 1°17'48"N | 8°22'48"E |
| 5 | 1°24'14"N | 8°24'08"E |
| 6 | 1°38'45"N | 8°27'58"E |
| 7 | 1°49'10"N | 8°30'15"E |
| 8 | 1°54'45"N | 8°31'15"E |

page 2 | Delimitation Treaties Infobase | accessed on 24/06/2002

| | | |
|----|--------------|--------------|
| 9 | 2°04'01.6"N | 8°33'00.5"E |
| 10 | 2°12'48"N | 8°21'57"E |
| 11 | 2°25'32"N | 8°02'40"E |
| 12 | 2°31'35.3"N | 7°53'20.4"E |
| 13 | 2°38'34"N | 7°42'13"E |
| 14 | 2°50'00"N | 7°25'52"E |
| 15 | 3°02'31.75"N | 7°07'17.45"E |

Article 3

The geodesic points defined in article 2 shall be established in reference to the World Geodesic System 1984.

Article 4

Neither State will claim or exercise sovereign rights or have jurisdiction over the waters, seabed and subsoil or airspace on the side of the maritime boundary belonging to the other Party as established under article 2 of this Treaty.

Article 5

This treaty shall enter into force provisionally upon signature and definitively on the date on which the Parties have communicated to each other the instruments of ratification.

DONE at Malabo on 26 June 1999 in two (2) original versions, each one in Spanish and Portuguese, both texts having equal authority.

For the Republic of Equatorial Guinea:

[Signature]

For the Democratic Republic of Sao Tome and Principe:

[Signature]

Annex 11

French-Spanish Commission, Conference on the Delimitation in West Africa, Archives of the French Ministry of Foreign Affairs, Annex to Protocol No. 17 (24 December 1886) (excerpt)

TRANSLATION

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Annex to Protocol no. 17

The Treaty concluded at El Pardo between Spain and Portugal on March 1, 1778, was drafted with such great clarity that there cannot be any ambiguity; thus we cannot see anything in it that is not found to be expressly stipulated, i.e., the concessions made to the Spanish by the Portuguese are of two types. Some relate to cessions of territorial rights (Fernando Islands⁽¹⁾ and Annobon Islands⁽²⁾); the others relate to grants of simple commercial advantages on the part of the continent opposite these islands.

[stamp:] FOREIGN AFFAIRS R.F. ARCHIVES

It should be noted that these concessions corresponded perfectly to the views of the Spanish Government which, having repurchased, by virtue of the treaty signed in Buen Retiro on October 5, 1750, the right that Great Britain [...]

(1) Fernão du Pó.

(2) Anno-bom

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TRANSLATION

6/

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The former king of Corisco died in 1843, shortly after the annexation of that island. Oregock⁽¹⁾ who succeeded him that same year, took the title of King of Corisco, Elobey and dependencies, in the act of February 18, 1846, which confirmed this annexation; and he recognized that these islands were Spanish, swearing loyalty in the hands of the Most Illustrious envoy of Her Majesty the Queen of Spain, Don Adolfo Guillelmeard d'Aragon, Arbitrator of the Joint Tribunal established at Sierra Leone, Consul General of Spain on the Coast of Africa and Inspector General of the Islands of Ella possessed in the Gulf of Guinea.⁽²⁾ The letter of nationality, issued on that occasion to the inhabitants of Corisco, specifies that Elobey Chico is part of the dependencies of the first of these islands,⁽³⁾ but it does not mention any others, and consequently Spain cannot rely on this document to

(1) Jack Lémond, according to Admiral Bosse

(2) No reference to the coastline of the Gulf of Biafra.

(3) The geographical dependencies of Corisco are: Laval [Levaj] and the one called Baynia [Mbañe].

claim Elobey Grande; as for Elobey Chico, an uninhabited rock at the time, it depends on Grande, and not on Corisco, and it should be noted that the two chiefs who made their marks on the bottom of the act of February 18, 1846, clearly belonged to the latter island.

[stamp:] FOREIGN AFFAIRS R.F. ARCHIVES

Finally, Don Carlos Chacon, who had just been named the Governor of Fernando Pó, Annobon, Corisco and dependencies⁽¹⁾

recalled on July 23, 1858, that in 1843 the entire population of

Corisco had demonstrated its adherence to Spain, proclaimed

Queen Isabel as its sovereign, and requested flags in order to fly

them at different points on the island. He had acceded to these

wishes. Consequently, he notified all the commanders of warships

that came to this island of Corisco and its dependencies that due to

the circumstances described above, he declared to them that these

islands were Spanish and were an integral part of the Monarchy.

(1) We have explained above what must be understood by this expression.

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Kent G. Heine
Water Street Translations, LLC

09/12/21

Date



Demare au Portugal n.º 7 125

Le traité conclu au Pardo entre l'Espagne et le Portugal, le 1^{er} Mars 1778, a été rédigé avec une si grande clarté, qu'il ne peut se présenter à aucun équivoque, ainsi nous ne pouvons y voir que ce qui s'y trouve exprimé — réciprocité, c'est-à-dire, que les concessions faites aux Espagnols par le Portugal sont de deux sortes : les unes se rapportant à des cessions de droits territoriaux (les Fernando⁽¹⁾ et Amobon⁽²⁾); les autres à l'octroi de divers avantages commerciaux dans la partie du continent située en regard de ces îles.

Il est à remarquer que ces concessions s'opéraient parfaitement aux vues du Gouvernement Espagnol, qui, ayant racheté en vertu du traité signé à Buen-Retiro, le 5 octobre 1750, le droit que le Grand-Portugais (1) Fernão du Per. (2) Amboim-Corn.

revenir à la Grande Elbe; quant à la Petite Elbe, sa non inhabité alors, elle dépend de la Grande et non de Corico, et il est à remarquer que les seuls chefs qui ont mis leur marque au 5^e et 6^e de l'acte du 18 février 1846, appartiennent ~~à~~ ^à ~~l'Espagne~~ ^à cette dernière île.

Enfin, Don Carlos Chacon, qui venait d'être nommé Gouverneur de Fernan-Po. Po, Amador, Corico et dépendances (!) rappela, le 23 juillet 1849, que toute la population de Corico avait manifesté, en 1849, son adhésion à l'Espagne, proclamé la Reine Des Espagnes comme sa souveraine, sollicité des pavillons pour les arborer en différents points de l'île, il avait été accablé à ces échos. Il faisait en conséquence savoir à tous les Commandants des navires de guerre qui s'embouraient dans cette île de Corico et à ses dépendances, que pour suite des circonstances relatives plus haut, il leur désignait que ces îles étaient espagnoles et faisait ~~franchi~~ ^{indépendante} de la Monarchie.

(1) - Nous venons d'expliquer plus haut ce qu'on doit entendre par cette expression.

L'ancien roi de Corico était mort en 1848, peu de temps après l'annexion de cette île, Orogoch (!) qui lui succéda cette année même, prenait dans l'acte du 18 février 1846, qui confirmait cette annexion, le titre de roi de Corico, Elbe et dépendances, et il recommandait que ces îles étaient espagnoles, en jurant fidélité entre les mains de l'Illustrissime évêque de S. M. la Reine d'Espagne, Don Rabo Guillaume d'Alvarez, Juge-archevêque du Tribunal mixte établi à Vera. Le roi, Consul général d'Espagne sur la côte d'Afrique, et Inspecteur général des îles qu'Elle possède dans les Golfs de Guinée (!) La lettre de notification, adressée à cette occasion aux habitants de Corico spécifie que la Petite Elbe fait partie des dépendances de la première de ces îles, (2) mais elle n'en mentionne pas d'autres, et conséquemment l'Espagne ne peut d'après ce sur ce document pour l'Espagne.

(1) - Orogoch, le roi de Corico, d'après l'Amiral Ponce.

(2) - Comme allusion au Tribunal du Golf de Biafra. Les dépendances des îles qu'Elle possède dans les Golfs de Guinée.

Annex 12

Itinerary Followed by the Commission for the Delimitation of the Gulf of Guinea (1901)

TRANSLATION

[stamp:] 185

ITINERARY

followed

by

the

COMMISSION FOR THE DELIMITATION OF THE GULF OF GUINEA

WATER STREET TRANSLATIONS

TRANSLATION

-|-

[stamp:] 186

ITINERARY

followed by the Commission for the Delimitation of the
Gulf of Guinea

&&&&&&&&&&&&&&&&&&&&&&&&&

The Franco-Spanish Commission for Demarcation, charged with implementing the provisions of the Treaty of Paris of June 27, 1900, began its work on August 2, 1901, with the reconnaissance of the thalweg of the Muni River.

The surveying carried out shows that the islands of Yvelo, Gandé, Ebongué, and Bia, which are located considerably to the north of the thalweg, go to Spain, and the Island of Tabalon, located to the south, goes to France.

The next day, the French Commission, consisting of Mr. Bonnel de Mézières, Administrator of the Colonies; Mr. J.B. Roche, Captain of Engineering, seconded to the General Staff; and Mr. Albert Duboc, Lieutenant of the Colonial Infantry;

and the Spanish Commission, charged with the work in the field, consisting of the Commander of the General Staff, Don Eladio Lopez Vilches, representing the Royal Commissioner of Spain, the Captain of the General Staff, Don Manuel Nieves Y Coso, and Dr. Don Amado Osorio,

as well as the escort and the porters of the two Commissions, proceeded on board the cruiser *Magellan* of the Spanish Navy to start their work in the Outemboni, which the ship had to follow to Kanganié.

On the night of August 3, the Captain of the *Magellan* died suddenly. This sad and difficult event delayed the departure, and the cruiser returned to Élobey to perform the

TRANSLATION

- 2 -

[handwritten:] 187

burial there.

After Kanganié, the two Commissions used the small boats of the *Magellan* and the pirogues of the country so that the Spanish could go to M'Béto and the French to Ekododo, the villages where they set up their camps.

The first astronomical observation was made in M'Béto to determine the point of intersection of the first parallel with the Outemboni River.

The results of the observation were the following:

Captain Roche – longitude 7° 29' 0" – latitude 0° 59' 13"

Captain Nieves – longitude 7° 30' 59" 70 – latitude 0° 59' 28"

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It was agreed, due to the slight difference between the results of the two observations, that the average would be adopted as decisive and that, in the future, the same would be done when the partial results did not differ by more than one minute for the latitude on the southern boundary and for the longitude on the eastern boundary. This convention was the subject matter of a report, which is appended to this work.

This point of intersection was marked at 1210 M. 13 to the north of the village of M'Béto and across from the mouth of Peto Creek, which forms a clearly indicated and natural point.

The M'Voum River and the Outemboni River were then recognized, the latter up to the level of the first rapid near the village of Mébondé. Observations were made at Ekododo and Assang, an attempted observation at the embouchure of Miassa Creek, and another observation at the embouchure of Mitombé Creek. This confluence was definitively adopted as

TRANSLATION

- 3 -

[stamp:]

187 a landmark to determine in the field the second point of intersection of the first parallel and the Outemboni. This point is located 453 meters to the south of said embouchure. A tree stripped of its bark indicates the location precisely.

We attempted to reconnoiter the zone included between the M'Vong River and the Outemboni. This region, whose marshy nature was pointed out to us by the natives, was deemed impassible.

After Mitombé, the demarcation operations by land began. The two Commissions followed the paths closest to the parallel. The itinerary was recorded by Commander Vilches and Lieutenant Duboc, with Captain Nieves and Captain Roche performing the astronomical observations and the calculations of the coordinates.

In Ekododo, the two Commissions were able to have a few pieces of interesting information, but their accuracy was questionable. According to this information, the Outemboni River takes its source on a plateau very close to the village of Ivinayong, of the Oumwang tribe, within Spanish territory, beyond the northernmost summit of the Crystal Mountains and at an altitude of approximately 500 meters.

From Mitombé to Ephong

The itinerary in the first part follows the course of the Mitombé River, cuts across several affluents of the Outemboni, of the Noya, and goes past the Crystal Mountains, passing through Mount Assoumo and Mount Angouma. For the traveler, the Crystal Mounts appear like a 500-meter wall that rises very suddenly along its route.

TRANSLATION

- 4 -

Some explorers believe that these mountains contain numerous specimens of crystalized quartz and that their name is owed to this distinctive feature. However, the samples brought back by the two Commissions have not confirmed this hypothesis. The natives do not know the European name of the Crystal Mountains, and they do not give them a generic name, but rather a special name to each of the summits that comprise them.

Based on our information, these mountains are, from north to south, mounts Assoumo, M'Bomo, N'Koloman, and Célégué. In this region, the terrain, like that which we crossed in the southern boundary, contains numerous varieties of rubber, the vines of which present great difficulties for walking. The paths are so narrow that one can hardly use them. Lush vegetation covers everything, and the height of the different arborescent species varies between 25 and 30 meters. Plantings of manioc, banana trees, and sugar cane are seldom encountered. Such plantings only exist around villages.

The most sought-after natural products are rubber and Okoumé, which are transported with difficulty on men's backs from the interior to the coast. On the coasts, coconut trees abound. In the bush, there are giant seides, kaas, vims, and other varieties of trees in small number, such as the ebony, kola, oil palm, and the lemon tree. Within villages and in the surrounding areas, we also found some tobacco plantings, which were well cared for, as well as corn plantings.

TRANSLATION

- 5 -

[stamp:] 188

Cacao trees only exist in the coastal villages, where they were planted by the Europeans or by the natives, who had received seeds from the French administration for this purpose.

Elephants inhabit the forest, and we often find their tracks. The same applies to tigers, buffalo, hippopotamuses, crocodiles, pigs, and wild cats. There is also a very wide variety of snakes, monkeys, and a very rich collection of birds whose feathers have metallic highlights.

After passing through the Crystal Mountains, the itinerary continued into the vicinity of the parallel without offering any variety or noteworthy uneven terrain; the ground rose gradually toward the east.

In this part, we cut across the first parallel six times at the points indicated on the map.

The coordinates of Ephong showed that this village is located at 764 M. 37 to the south of the first parallel. The corresponding point of the parallel was marked in the field by a tree stripped of its bark (marker no. 2).

From Ephong to Etang-Abam

The itinerary continues through the valley of the Caigne River and, after cutting across several tributaries of the Outemboni, it leaves on the right-hand side Mount Soumbo, with an altitude of 750 meters, the summit of which, rounded and without vegetation, is seen from far away and constitutes the most important landmark in the region. One part of the Commission recognized the southern region of Mount Soumbo, and the itinerary corresponding to that reconnaissance is provided on the map. The column then cuts through

TRANSLATION

- 6 -

[stamp:] 189

a large number of small streams, with some flowing to the north and others to the south. All of this region is very rolling, and its general elevation rises constantly toward the east. Each village only has one or two families, and the largest town that we saw is that of M'Foula, which barely has more than three hundred inhabitants.

Before arriving in Etang-Abam, we find the Leuneu River, affluent of the Como. Our itinerary then has us go into the valley of that river, and cuts across the Avoué, the M'Vila, the Leuneu, and the Atogognou, which, according to the natives, joined to form the M'Bé River, affluent of the Como.

From Etang-Abam to Aquas

The terrain is still very rolling. After cutting across the Mangouma, M'Bé, and Mandoueu rivers, we enter into the valley of the Como. We cross this river on a bridge of vines, and then we follow the left bank, with the itinerary proceeding in the northern direction up to the village of Laya. The natives point out to us the sources of the Como, which were unknown up to that point and which we indicate on the map according to this information. The itinerary continues along the M'Bé River into Spanish territory in the eastward direction. It then descends toward the south near the village of Akam and passes the first parallel. It then runs to Aquas, where we performed an observation. It is at this spot, on Mount Dangen, where the highest recorded altitude, 807 M. 98, is located.

TRANSLATION

- 7 -

[stamp:] 190

From Aquas to Foula

The astronomical observation performed in Aquas allowed us to see that we were very close to the ninth meridian. The Commission, to precisely determine the intersection of this meridian with the first parallel, had to make a new station in the closest village, which is Foula.

The terrain is still very rolling. There, we find the Abang'a River, affluent of the Ogoué.

From Foula to Oundong

Between these two villages, the terrain rises, and the itinerary follows the slopes that dominate the left bank of the Abanga. Shortly after crossing the Outon Assang River, we cut across the ninth meridian at the point indicated by the letter X on the map. A tree referred to as the Kaa by the natives was stripped of its bark (marker no. 3) and received the following inscription:

“The Franco-Spanish Mission”

Intersection of the ninth meridian and the first parallel

1596 M. to the south

Commander Vilches

Mr. Bonnel de Mézières

Captain Nieves

Captain Roche

Dr. Osorio

Lieutenant Duboc

From point X, clearing the brush, we made a gap of 1880 meters due south. That distance was the result of the reduction at the horizon of that obtained by following the slopes. We then discovered the Bemwara River, which flows there from the east to the west, to then flow into the Miloleu, affluent of the Abang'a. The two Commissions

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decided to adopt this spot as a point of intersection of the ninth meridian and the first parallel. We stripped a tree of its bark and placed on it the following inscription:

Franco-Spanish Commission

Here is the intersection of the first parallel and the ninth meridian.

The names of the members of the two Commissions then followed.

This point was indicated on the map as point Y (marker no. 4).

From Oundong to Akoniké

The terrain continues to rise along the eastern boundary, forming a plateau with an altitude of 700 meters, the depressions of which allow for the passage to a certain number of waterways. The itinerary winds into the basin of the M'Voleu, which, entirely covered by the forest, is very monotonous. Marked on the map are the primary recognized land elevations, as well as the most important waterways, which are: the Abang'a, affluent of the Ogoué; the N'Zoo; and the Bigdala, left affluent of the M'Voleu. The latter, according to the information of the natives, comes from the east and flows in the northwest direction.

The Commission crosses the M'Voleu, the banks of which are marshy and the width of which reaches approximately 100 meters at the point of passage, with a current of 1 meter 50 per second at a depth of 6 meters. The M'Voleu River, according to certain information, has its source under the name of Woelé in Mount N'Koum, very close to the meridian $9^{\circ} 30'$, and flows

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[stamp:]

191 in the northwest direction up to the point where the Franco-Spanish Commission crossed it. From this point, it continues in the same direction for a distance that has still not been able to be specified, up to a point where it changes direction to go west and then crosses most of the Spanish territory up to its embouchure at the ocean. Quartz-rich terrain is what is most often encountered, and the appearance of the country does not exhibit any variety in this regard. There is an iron ore deposit to be pointed out in a hill with low elevation that is approximately 2 km before the M'Bia River. The waters of a stream that has its source in that hill, and the name of which has not been able to be determined, have a characteristic reddish color. From this point up to Akoniké, the itinerary crosses the basin of the M'Voleu and its primary affluents, the M'Bia, the Obougué, and the Abia. All of that part of the path traveled from the village of Oundong, where the column went in the northern direction, is located to the east of the ninth meridian and, thus, in French territory.

From Akoniké to M'Bominam

The itinerary goes in the westward direction during the first part and comes closer to the ninth meridian, which it had moved away from to a great extent, according to the astronomical observations performed in Akoniké.

In this region, it runs along the basin of the Leneu River, the waterway that it cuts across several times before arriving at the [illegible: looks like "Bimwiley"], the confluence of which is located near the ninth meridian. It follows the curves of the latter river, which

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is a very important affluent of the M'Voleu, and enters into Spanish territory, heading toward the north and then toward the northwest. In that zone, the [illegible: looks like "Bim wiley"] flows to the north. One can infer that, after the point that we left, it should turn to the west to flow into the M'Voleu. The latter river, judging by its direction, should form, outside of the boundaries of the reconnaissance, a large bend and head west according to the information provided by the explorers of this region.

In the [illegible: looks like "Bim wiley"] River, the Commission saw several native dams, the construction of which indicates the industrial intelligence of the Pahouins. The Pahouins, using stakes and crossbeams, form in these dams two inclined bottom passages with different heights and in which fish, swept along by a rapid current, are held captive, held back by large rush baskets placed at the ends of the passages.

In this region, as throughout the interior of the region, we already observe a large number of plantings, which are also better cared for than those seen previously. In the villages, one also finds huts built on stilts, as well as some small, well-maintained plantings of tobacco guarded by the owners by way of fences against wild cats and elephants.

The terrain, which up to now formed a plateau, descends starting in Akoniké and maintains an average altitude of 550 meters when arriving at the [illegible: looks like "Bimwiley"].

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From M'Bominam to N'Samezok

The first part of the itinerary runs through Spanish territory, in the basins of the N'Zam and the Son. The second part runs through French territory, through the valley of the Obono (affluent of the Voleu), which the itinerary cuts across several times. The generally marshy nature of the eastern boundary becomes more apparent upon arrival at the Obono River, which forms the northernmost secondary basin of the Voleu River. Shortly before arriving in N'Samezok, the watershed of the Voleu and of the N'Tem is passed, and the first affluent of the latter river, that is, the N'Goa, has its source in a foul marsh, which, by some strange force of nature, forms the line separating the two basins.

From N'Samezok to Anquidedzam

The itinerary enters into the basin of the N'Tem and winds along the banks of that river amid soft and unhealthy terrain. Walking is very difficult, and the air is unbreathable.

The column arrives on the left bank of the N'Tem in the village of Abon N'Zameyon, where the information of the natives does not allow for the specification of the direction of the river that, according to this information, flowed from the east to the west. Therefore, the Commission, wanting to continue its trek northward, decided to cross the N'Tem. At that point, the river forms a bend where the current is relatively less violent, the width is 500 meters, the depth 11 meters, and the

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current 1 meter 50 per second. The inability to build bridges required us to construct narrow rafts in order to easily cut across the current. In this way, the Commission, despite the hard work, luckily managed to transport all of the personnel and numerous goods of the Franco-Spanish Commission to the right bank. The rest of the itinerary up to Anguiedzam follows the marshy terrain of said bank.

From Anguiedzam to Mabentem

The need to come closer to the meridian, which the Commission had moved away from due to the bend in the N'Tem, convinced the Commission to go back across the river and look for a suitable point, which it found right across from the ruins of a small village called Ebianmayon.

Between Anguiedzam and Mabentem, the N'Tem forms a large island on which several villages belonging to the tribe of the Ebas are located. The largest of these villages, after which the island is named, is that of M'Bonvan. After M'Bonvan, the itinerary crosses a series of channels that flow from the northern arm of the N'Tem to the southern arm, and in which the natives built a few dams. These channels were very difficult to cross. The Commission used rafts for the crossing of Ebianmayon, as it did for the crossing of Mabentem. The river, on the first crossing, is 300 meters wide and 6 fathoms deep. On the second crossing, it is 200 meters wide and the same depth.

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The current of the N'Tem is impetuous, and thresholds of rocks form rapids. These waters are rushing as white water and prevent any navigation, depriving this major river route of any water transport.

The bed of the N'Tem is not well marked at that part; the banks are low, and the waters overflow to form very extensive marshes.

Hunting abounds on M'Bonvan Island. The Commission found elephant, hippopotamus, and buffalo tracks there.

From Mabentem to Ayaman

The trek was made by way of the left bank of the N'Tem. The terrain descends gently, and it is only on the last part of this itinerary that, to the left, we notice small elevations that separate the waters. The Ayaman observation indicated to the Commission the proximity of the meridian and showed that we had passed in the north the possible boundary of the Spanish territories. The Franco-Spanish Commission, still not knowing the results of the latitudinal observations that the Franco-German Commission was performing in Yengué at the time—results that were supposed to determine the borderline parallel of Spanish Guinea—unanimously decided to set the definitive position of Ayaman by taking the average of its own observations and stopping its work, which was carried out in a spirit of much collegial fraternity and harmony.

The Franco-Spanish Commission began the return trek to the coast, following the N'Tem River by way of its left bank, and gained the certainty during this trek that said river,

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so poorly placed on the maps and described with so many errors by previous explorers, is the Campo River, which flows directly into the Bight of Biafra.

The French Commissioners

[signature] [signature] [signature]

WATER STREET TRANSLATIONS



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CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Matthew Bunczk, a linguist with substantial experience in the translation of documents from French into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the French text attached herewith."

A handwritten signature in black ink, appearing to read 'Kent G. Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

09/12/21

Date



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ITINERAIRE

suivi

par

la

COMMISSION DE DELIMITATION DU GOLFE DE GUINEE.-

-I-

ITINERAIRE

suivi par la Commission de Délimitation du
Golfe de Guinée.-

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La Commission de Délimitation franco-espagnole, chargée d'exécuter les dispositions de la convention de Paris du 27 juin 1900, commença, le 2 août 1901, ses travaux par la reconnaissance du thalweg de la rivière Mouni.

Il résulte des sondages opérés que les îles Yvelo, Gandé, Ebongué & Bia, qui se trouvent nettement au nord du thalweg, reviennent à l'Espagne & l'île Tabalon, située au sud, à la France.

Le lendemain, la Commission française, composée de MM. Bonnel de Mézières, administrateur des Colonies; J. B. Roche, capitaine du Génie, détaché à l'Etat-Major & Albert Duboc, lieutenant d'Infanterie Coloniale,

& la Commission espagnole, chargée des travaux sur le terrain,

composée du Commandant d'Etat-Major Don Eladio Lopez Vilches, représentant le Commissaire royal d'Espagne, du capitaine d'Etat-Major Don Manuel Nieves Y Coso & du Docteur Don Amado Osorio,

ainsi que l'escorte & les porteurs des deux Commissions, prirent passage à bord du Croiseur Magellan, de la marine espagnole, pour commencer leurs travaux dans l'Outemboni, que le navire devait remonter jusqu'à Kanganié.

Dans la nuit du 3 août, le Commandant du Magellan mourut subitement. Ce triste & pénible événement retarda le départ & le croiseur retourna à Élobey pour y procéder à l'

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inhumation.

Après Kanganié, les deux Commissions utilisèrent les embarcations du Magellan & les pirogues du pays, pour se rendre, les Espagnols à M'Béto & les Français à Ekododo, villages où ils établirent leurs campements.

La première observation astronomique fut faite à M'Béto pour déterminer le point d'intersection du premier parallèle avec la rivière Outemboni.

Les résultats de l'observation furent les suivants:

Capitaine Roche- longitude $7^{\circ} 29' 0''$ - latitude $0^{\circ} 59' 13''$

Capitaine Nieves- longitude- $7^{\circ} 30' 59'' 70$ -latitude $0^{\circ} 59' 28'' 21$

Il fut convenu, en raison de la légère différence existant entre les résultats des deux observations, qu'on adopterait comme définitive la moyenne & que, à l'avenir, on ferait de même quand les résultats partiels ne différeraient pas de plus d'une minute pour la latitude sur la frontière méridionale & pour la longitude sur la frontière orientale.

Cette Convention fit l'objet d'un procès-verbal, joint à ce travail.

Ce point d'intersection fut marqué à 1210 M. 13 au nord du village de M'Béto & en face de l'embouchure de la crique Peto, qui forme un point naturel tout indiqué.

La rivière M'Voum & la rivière Outemboni furent reconnues ensuite, cette dernière jusqu'à la hauteur du premier rapide, tout près du village de Mébondé. Des observations furent faites à Ekododo & Assang, un essai d'observation à l'embouchure de la crique Miassa & une autre observation à l'embouchure de la crique Mitombé; ce confluent fut définitivement adopté com-

me point de repère pour déterminer sur le terrain le deuxième point d'intersection du premier parallèle & de l'Outemboni. Ce point se trouve à 453 mètres au sud de la dite embouchure. Un arbre écorcé indique exactement l'endroit.

On essaya de reconnaître la zone comprise entre la rivière M'Vong & l'Outemboni. Cette contrée, dont la nature marécageuse avait été signalée par les indigènes, fut jugée impraticable.

Après Mitombé, les opérations de délimitation par terre commencèrent. Les deux Commissions suivirent les sentiers les plus voisins du parallèle. L'itinéraire fut relevé par le Commandant Vilches & le lieutenant Duboc, les capitaines Nieves & Roche procédant aux observations astronomiques & aux calculs des coordonnées.

Les deux Commissions purent avoir à Ekododo quelques renseignements intéressants, mais d'une exactitude douteuse. Selon ces renseignements, la rivière Outemboni prend sa source sur un plateau très près du village d'Ivinayong, de la tribu Oumwang, sur le territoire espagnol, au-delà du plus septentrional des sommets des Monts de Cristal & à environ 500 mètres d'altitude.

De Mitombé à Ephong.

L'itinéraire dans sa première partie suit le cours de la rivière Mitombé, coupe plusieurs affluents de l'Outemboni, du Noya & dépasse les monts de Cristal, en passant par les Monts Assoumo & Angouma. Les Monts de Cristal se présentent au voyageur comme un mur de 500 mètres de hauteur, qui s'élève brusquement sur sa route.

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Certains explorateurs supposent que ces monts renferment de nombreux spécimens de quartz cristallisé & que c'est à cette particularité qu'ils doivent leur nom. Toutefois, les échantillons rapportés par les deux Commissions n'ont pas confirmé cette hypothèse. Les indigènes ne connaissent pas le nom européen des Monts de Cristal & ils ne leur donnent pas un nom générique, mais un nom spécial à chacun des sommets qui les composent.

Selon nos renseignements, ces Monts sont, du nord au sud, les monts Assoumo, M'Bomo, N'Koloman, Célégué. Dans cette région, le terrain, comme celui que nous avons traversé dans la frontière sud, contient de nombreuses essences de caoutchouc dont les lianes offrent de grandes difficultés à la marche. Les sentiers sont si étroits que l'on peut à peine les utiliser. Une végétation luxuriante couvre tout & la hauteur des différentes espèces arborescentes varie de 25 à 30 mètres. On rencontre peu de plantations de manioc, de bananiers & de canne à sucre. Les indigènes ne cultivent que le strict nécessaire à leur alimentation. Ces plantations n'existent qu'autour des villages.

Les produits naturels les plus recherchés sont le caoutchouc & l'Okoumé, que l'on transporte péniblement de l'intérieur à la côte, à dos d'homme. Sur les côtes, les cocotiers abondent; dans la brousse, on trouve des seides géants, des kass, des vins & d'autres essences d'arbres, en nombre moindre, tels que l'ébène, le kolatier, le palmier à huile & le citronnier. Nous avons trouvé également, à l'intérieur des villages & aux alentours, quelques plants de tabac, très bien soignés, & des plantations de maïs.

Les cacaoyers n'existent que dans les villages de la côte, où ils ont été plantés par les Européens ou par les indigènes, qui avaient reçu à cet effet des graines de l'administration française.

Les éléphants habitent la forêt & nous avons trouvé fréquemment leurs traces. Il en est de même des tigres, des buffles, des hippopotames, des crocodiles, des cochons & des chats sauvages. Il existe également une très grande variété de serpents, de singes & une très riche collection d'oiseaux dont les plumages ont des reflets métalliques.

Après le passage des Monts de Cristal, l'itinéraire se continue dans le voisinage du parallèle, sans offrir aucune variété ni accident de terrain remarquable, le sol s'élevant progressivement vers l'Est.

Dans cette partie, on coupe le premier parallèle six fois, aux points indiqués sur la carte.

Les coordonnées d'Ephong ont démontré que ce village se trouvait à 764 M. 37 au sud du premier parallèle. Le point correspondant du parallèle a été marqué sur le terrain par un arbre écorché (borne N° 2)

De Ephong à Etang-Abam -

L'itinéraire continue par la vallée de la rivière Caigne, &, après avoir coupé plusieurs tributaires de l'Outemboni, il laisse à droite le Mont Soumbo, d'une altitude de 750 mètres, dont le sommet arrondi & sans végétation se voit de très loin & constitue le point de repère le plus important de toute la région. Une partie de la Commission a reconnu la région sud du Mont Soumbo & l'itinéraire correspondant à cette reconnaissance est porté sur la carte. Puis, la colonne coupe un

grand nombre de petits ruisseaux, dont les uns coulent au nord & les autres au sud. Toute cette région est très mouvementée & son niveau général s'élève constamment vers l'est. Chaque village ne contient qu'une ou deux familles & l'agglomération la plus importante que nous ayons vue est celle de M'Fouls, qui n'a guère plus de trois cents habitants.

Avant d'arriver à Etang-Abam, nous trouvons la rivière Leuneu, affluent du Como. Notre itinéraire nous fait ensuite pénétrer dans la vallée de cette rivière & coupe l'Avoué, le M'Vila, le Leuneu & l'Atogognour qui, selon les indigènes, se réunissent pour former la rivière M'Bé, affluent du Como.

De Etang-Abam à Aquas.

Le terrain est toujours très mouvementé; après avoir coupé les rivières Mangouma, M'Bé & Mandoueu, on pénètre dans la vallée du Como. On traverse ce fleuve sur un pont de lianes, puis on suit sa rive gauche, l'itinéraire allant dans la direction du nord; jusqu'au village de Laya. Les indigènes nous signalent les sources jusqu'alors inconnues du Como, que nous indiquons sur la carte, d'après ces renseignements. L'itinéraire se continue le long de la rivière M'Bé, en territoire espagnol, dans la direction de l'est. Puis il descend vers le sud, tout près du village d'Akam, & dépasse le premier parallèle. Il remonte ensuite jusqu'à Aquas, où on fit une observation. C'est en cet endroit, au Mont Dagen, que se trouve la plus grande altitude relevée, soit 807m.98.

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De Aquas à Foula:-

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L'observation astronomique faite à Aquas fit voir que nous étions très près du 9^{ème} méridien. La Commission, pour déterminer exactement l'intersection de ce méridien avec le 1^{er} parallèle, dut faire une nouvelle station au village le plus voisin, c'est à dire à Foula.

Le terrain est toujours très mouvementé; nous y trouvons la rivière Abang'a, affluent de l'Ogoué.

De Foula à Oundong:-

Entre ces deux villages, le terrain s'élève, l'itinéraire suit la ligne des hauteurs qui dominaient la rive gauche de l'Abanga. Peu après le passage de la rivière Outon Assang, on coupe le 9^{ème} méridien au point désigné par la lettre X de la carte. Un arbre, appelé Kas par les indigènes, fut écorcé (borne N° 3) & reçut l'inscription suivante:

" La Mission Franco-Espagnole "

Intersection du 9^{ème} Méridien & du premier parallèle
1596 M. au sud

| | |
|--------------------|-----------------------|
| Commandant Vilches | Mr Bonnel de Mézières |
| Capitaine Nieves | Capitaine Roche |
| Docteur Osorio | Lieutenant Duboc |

Du point X, en débroussant, on fit une trouée de 1880 mètres, exactement dans la direction sud. Cette distance était le résultat de la réduction à l'horizon de celle obtenue en suivant les pentes; on découvrit alors la rivière Bemwera, qui coule là de l'est à l'ouest, pour se jeter ensuite dans le Miloleu, affluent de l'Abang'a. Les deux Com-

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missions décidèrent d'adopter cet endroit comme point d'intersection du 9ème méridien & du 1er parallèle. On écorça un arbre, sur lequel on mit l'inscription suivante:

Commission Franco-Espagnole.

Ici est l'intersection du 1er parallèle & du 9ème méridien.

Suivent ensuite les noms des membres des deux Commissions.

Ce point fut désigné sur la carte sous le nom de point Y (Borne N° 4)

De Ouadong à Akoniké.

Le terrain continue de s'élever tout le long de la frontière orientale, en formant un plateau de 700 mètres d'altitude, dont les dépressions donnent passage à un certain nombre de cours d'eau. L'itinéraire serpente dans le bassin du M'Voleu, qui, étant tout entier couvert par la forêt, est d'une grande monotonie. Sur la carte sont marquées les principales élévations de terrain reconnues, ainsi que les cours d'eau les plus importants, qui sont: l'Abang'a, affluent de l'Ogoué, le N'Zoo & le Bigdala, affluent de gauche du M'Voleu. Ce dernier, selon les renseignements indigènes, viendrait de l'est & coulerait dans la direction nord-ouest.

La Commission traverse le M'Voleu, dont les rives sont marécageuses & dont la largeur au point de passage atteint environ 100 mètres, avec un courant de 1 mètre 50 par seconde & une profondeur de 6 mètres. La rivière M'Voleu, selon certains renseignements, prendrait sa source sous le nom de Wolelé, dans le Mont N'Koum, très près du méridien 9° 30' & cou-

lerait dans la direction nord-ouest, jusqu'au point où la Commission franco-espagnole l'a traversée. De ce point, il continuerait dans le même sens jusqu'à une distance qui n'a pu encore être précisée & où il changerait de direction, pour prendre celle de l'ouest, avec laquelle il traverserait la plus grande partie du territoire espagnol, jusqu'à son embouchure dans l'Océan. Le terrain quartzeux est celui qu'on rencontre le plus généralement & l'aspect du pays ne présente à ce sujet aucune variété. Il y a à signaler un gisement de minéral de fer dans une colline de faible élévation qui se trouve à 2 Km environ en avant de la rivière M'Bia. Les eaux d'un ruisseau qui prend sa source dans cette colline & dont il n'a pas été possible de savoir le nom, ont une couleur rougeâtre caractéristique. De ce point jusqu'à Akoniké, l'itinéraire traverse le bassin de M'Voleu & de ses affluents principaux, le M'Bia, l'Obougué & l'Abia. Toute cette partie du chemin parcouru depuis le village de Oundong, où la colonne prit la direction du nord, est située à l'est du 9ème méridien & par conséquent dans le territoire français.

De Akoniké à M'Bominam.

L'itinéraire prend la direction ouest pendant la première partie pour se rapprocher du 9ème méridien, dont il s'était beaucoup écarté, d'après les observations astronomiques faites à Akoniké.

Dans cette région, il parcourt le bassin de la rivière Leneu, cours d'eau qu'il coupe plusieurs fois avant d'arriver au Binwilté dont le confluent se trouve près du 9ème méridien, il suit les sinuosités de cette dernière rivière, af-

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fluent très important du M'Voleu & pénètre en territoire espagnol en se dirigeant vers le nord & ensuite vers le nord-ouest. Dans cette zone, la rivière Bim wilé coule au nord. On peut en déduire qu'après le point où nous l'avons quittée, elle devra tourner à l'ouest pour se jeter dans le M'Voleu. Ce dernier fleuve, à en juger par sa direction, doit former, en dehors des limites de la reconnaissance, un grand coude pour se diriger vers l'ouest, conformément aux indications fournies par les explorateurs de cette région.

Dans la rivière Bim wilé la Commission a vu plusieurs barrages indigènes, dont la construction dénote l'intelligence industrielle des pahouins; ceux-ci, au moyen de pieux & de traverses, forment, dans ces barrages, deux couloirs à fond inclinés de différentes hauteurs & dans lesquels le poisson, entraîné par un courant rapide, reste prisonnier, retenu par de grandes corbeilles de jonc, placées à l'extrémité des dits couloirs.

Dans cette contrée, comme dans tout l'intérieur du pays, on observe déjà un plus grand nombre de plantations, lesquelles sont d'ailleurs plus soignées que celles aperçues précédemment. On trouve aussi dans les villages des cases bâties sur pilotis, ainsi que quelques petites plantations de tabac très bien entretenues & surveillées par les propriétaires par des palissades contre les bêtes fauves & les éléphants.

Le terrain qui, jusqu'ici, a formé un plateau, descend à partir de Akoniké pour se maintenir en arrivant au Bimwilé dans une altitude moyenne de 553 mètres.

De M'Bominam à N'Samezok -

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La première partie de l'itinéraire se déroule en territoire espagnol, dans les bassins du N'Zem & du Son, & la deuxième en territoire français, par la vallée de l'Obono (affluent du Voleu) qui est coupé plusieurs fois par l'itinéraire. La nature, en général marécageuse de la frontière orientale, s'accroît en arrivant à la rivière Obono, qui forme le bassin secondaire le plus septentrional de la rivière Voleu. Un peu avant d'arriver à N'Samezok, la ligne de partage des eaux du Voleu & du N'Tem est passée & le premier affluent de ce dernier fleuve, c'est à dire le N'Gos, prend sa source dans un marais pestilentiel, qui forme, par un bizarre caprice de la nature, la ligne de séparation des deux bassins.

De N'Samezok à Anquidedzam -

L'itinéraire pénètre dans le bassin du N'Tem & serpente sur les rives de ce fleuve au milieu d'un terrain mou & malsain, la marche est très pénible & l'air irrespirable.

La colonne arriva sur la rive gauche du N'Tem, au village d'Abon N'Zameyon, où les renseignements des indigènes ne permirent pas de préciser la direction de la rivière qui, d'après ces indications, aurait coulé de l'est à l'ouest. Par suite, la Commission, voulant continuer sa marche vers le nord, se décida à passer le N'Tem. La rivière forme à ce point un coude où le courant est relativement peu violent, la largeur est de 500 mètres, la profondeur de 11 mètres & le

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courant de 1 mètre 50 par seconde. L'impossibilité de jeter des ponts obligea à construire des radeaux étroits pour pouvoir facilement couper le courant & c'est ainsi que la Commission, malgré un rude travail, parvint heureusement à transporter sur la rive droite tout le personnel & les marchandises nombreuses de la Commission franco-espagnole. Le reste de l'itinéraire jusqu'à Anguidedzam suit le terrain marécageux de la dite rive.

De Anguidedzam à Mabentem

La nécessité de se rapprocher du méridien, dont la Commission s'était écartée, à cause du coude du N'Tem, la décida à repasser la rivière & à chercher un point convenable, qu'elle trouva juste en face des ruines d'un petit village appelé Ebianmayon.

Le N'Tem forme entre Anguidedzam & Mabentem une île importante dans laquelle se trouvent plusieurs villages, qui appartiennent à la tribu des Ebas. Le plus grand de ces villages, qui donne son nom à l'île, est celui de M'Bonvan. Après M'Bonvan, l'itinéraire traverse une série de cheneaux, dont le passage fut très pénible, qui coulent depuis le bras septentrional du N'Tem jusqu'au méridional & dans lesquels les indigènes ont construit quelques barrages. La Commission effectua sur des radeaux la traversée d'Ebianmayon, de même que celle de Mabentem. La rivière, au premier passage, a 300 mètres de largeur & 6 brasses de profondeur &, au second, 200 mètres de largeur & la même profondeur.

Le courant du N'Tem est impétueux & des seuils de roches forment des rapides. Ces esux se précipitent en bouillonnant & empêchent toute navigation, privant cette importante voie fluviale de tout transport par esu.

Le lit du N'Tem est peu marqué dans cette partie, les rives sont basses & les eaux débordent pour former des marais très étendus.

La chasse abonde dans l'île de M'Bonvan. La Commission y trouva des traces d'éléphants, d'hippopotames & de buffles.

De Msbentem à Ayaman.

La marche s'est faite par la rive gauche du N'Tem, le terrain descend doucement & c'est seulement à la dernière partie de cet itinéraire que l'on remarque à gauche de petites élévations qui séparent les eaux. L'observation d'Ayaman indiqua à la Commission la proximité du méridien & démontra qu'on avait dépassé au nord la limite probable des territoires espagnols. La Commission franco-espagnole ne connaissant pas encore les résultats des observations de latitude que faisait à la même époque à Yengué la Commission franco-allemande, résultats qui devaient déterminer le parallèle limite de la Guinée Espagnole, décida à l'unanimité de fixer la position définitive d'Ayaman en prenant la moyenne de ses propres observations & d'arrêter son travail, qui fut accompli avec un large esprit de confraternité & de concorde.

La Commission franco-espagnole commença le voyage de retour à la côte, en suivant la rivière N'Tem, par sa rive gauche, & acquit dans cette marche la certitude que la dite ri-

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vière, si mal placée dans les cartes & décrite avec tant d'erreurs par les explorateurs précédents, est la rivière Campo, qui débouche directement dans le golfe de Biafra.

Les Commissaires français

Duroc *de Roche* *Moussé de la Rivière*

Annex 13

Franco-Spanish Delimitation Commission of the Gulf of Guinea, *Border Project:*
Eastern Border (1 January 1902)

TRANSLATION

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FRANCO-SPANISH
DELIMITATION COMMISSION
OF THE GULF OF GUINEA

BORDER PROJECT

(Eastern Border)

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[French/Spanish bilingual text]

EASTERN BORDER

First Section

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From the confluence of the Abang'a and Beutoung'eu (Betugué) (north of the village of Oundong (Undong)) up to the village of M'Bominam (determined astronomically)

From this confluence, the border will follow the Beutoung'eu, at the foothills of the mountains with the same name, and l'Outon Asouk (Otuasuk) until this latter river first meets the itinerary, then it will follow it up to M'Voleu (Volo), passing through the villages of M'Beu (M'Bé), Issong, Meuleun (Melong), Massama (Matzama), Bigoureu (Bigure) 747.24 m, M'Bo, N'Toum (M'Tum), N'Yanam (Nanam) 734.16 m, Mibam, Akoss (Akok), Méyang (Meyam), Otoumeu (Otuma) Anzam, which all belong to France. In this section, the border divides the Yamvoreu (Tambure), M'Foua (M'Fua), N'Zoo Moungeu (Mungue) rivers (the latter waterways

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are divided by the Unko Labeun, Oton Esong mountains (between these last two rivers, the Unkoloumbeu (Loben) mountains, the Mia, River, N'Gogouen (N'Gogue), an affluent of the Bigoureu (south of Mount Bingoureu (Bigure)) after crossing the N'Bileu (Bile) and N'Toum mountains; the border crosses the N'Tougen (Utugue), the Outou Miken (Uto Miken), the M'Bonveu (M'Bomve), the Bemwo (Memvo), the Bigdala, the Mibeuleu (Mibélé), the N'Vono, the Menzimeu (Menzimé) rivers. At the village of N'Yanam (Nanam), to the east of the border is Mount N'Sass (N'Saz), a bare peak with the exception of 2 stands of trees at a height of approximately 850 meters.

From M'Voleu, the border follows the itinerary until it first meets the Abia River, 500 meters east of the village of Omwam; in this area, it goes through the villages of Itsam, Ingong, Avam'o, Bencoreu (Benkoré) and Omwam (724.07 m), dividing the Outou Menzouma (Utu Menzuma), N'Doua (N'dua), Abameu (Abame), M'Bis,

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Foué (Fué), Milou (Milu), Nianyé (Ñanye), Ajugueu (Ayure) rivers and crossing the Unkoumesan (Inkumessan), Unkolog Doua (N'Kolodua), Okou-Foué (Oku-Fué) and M'Boula (M'Bula) mountains.

From there, the border follows the Abia River up to its confluence with the M'Bia River, then follows this river until its last intersection with the itinerary. It then follows the path until it crosses the Loueu (Lue) approximately 200 meters west of Milong; it passes about 80 meters to the west of Akoniké (735.94 m), which was determined astronomically, and past the village of Milong (F), with Mount Unkoun (N'Koun) and N'Zida to the right and Mount Unkoleu (N'Kole) to the left.

The border then descends to the Loueu (Lue), then the Bimvileu (Bimbili) (the confluence of which is near the 9th meridian) up to its

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confluence with the Abia River, and then back to this river and its affluent, the N'Zem, up to N'Bominam.

In this section, the border crosses the 9th meridian twice, with the greatest deviation (at the village of Aloum (Alum)) being approximately 7 kilometers. The principal affluents of the Loueu (Lue) are: the Mangong, the N'Dabama (N'Dabame), the Outon Adzap (Uton Azap), the M'Bé (N'Bé), the Ugong (Igong), and the Oton Unkou (Utong N'Ku). The affluents of the Bimvileu (Bimbili) are the Avoué (Avué), Saa, Bang'a, Adzim (Adyim), Maquara, Djibenjiba (Yibenyiba), Osibouleu (Ossibule), Niyanga (Nianga), Biloueu (Bilue), the affluents of which are the Oton Umbo (Otombo), Mikima, Megnieu (Meyie), Mezimeu (Mezime), N'Dam, and Abia. To the right of the border are the Mensok (N'Zok), N'Zanga Deumeu (N'Deme), N'Zara, Unto N'Zibeu (N'Ko-N'Zibé)

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mountains, and to the left are the Unko-Bimvileu (N'Ko Bimbili) and Unkourou-Koro (N'Kuru Koro) mountains.

The affluents of the N'Zam are the Mangouma (Manguma), the affluents of which are the Messama (Mezama) and Foreu (Fore) rivers.

The village of M'Bominam (546.52 m) was determined astronomically. The 9th meridian passes 300 meters to the east of the confluence of the N'Zam and the Foreu, at a point marked by a debarked tree (marker no. 5).

Second Section

From the village of M'Boninam to the southern border of Cameroon (Kamerun).

From M'Boninam, the border follows the N'Zam River and then its affluent, the Beugnouleu (Vénule) up to its confluence with the Meuloueu (Menlue) southeast of the

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Unkouleutou (N'Kuletu) mountain, then follows the route until it first meets the Menzimeu (Menzime).

In this section, it goes through the villages of Ebian Meyong (F) and Mokomeu (Mokong) (France). The affluents of the Beugnouleu are the Biling (Bilin), the Koureu (Kure), the Oton Oumba (Uton-Umba), and the N'Zangala. To the west of the border is the Unkouleutou mountain, and it crosses the Unkouleumekog (N'Kule Mekok) and N'Doua (N'Duo) mountains at the 9th meridian, to the left of which are the Makera and Mekobong mountains.

The border then follows the Menzimeu (Menzimé) River up to Elemanga (Elebanga) 750.05 m), then the route up to it first meets the Son, dividing the Bitouma (Bituma) and going through the villages of Elemanga and Mendoum (Mandung),

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which are still Spanish possessions. The border then follows the Son River up to Mibang Minguili, which is exactly on the meridian and is still a French possession due to an agreement reached with respect to Angouma (Anguma).

The affluents of the Son River are: the Beungoleu (Uton Bengole), the Mendouo (Meduo), the Insameu (N'Zam), the Koueu (Kue), the Dua (Dia) and the Biloneu (Bilone).

The border then follows the route until it meets the Mengueleu (Menguela), dividing the Veuneu (N'Veme) River, the affluents of which are the Biloreu (Bilore), the Bengueuleu, the Okorotumeu (Okorotume) and the Messor'o. It then follows the Mengueuleu, then the Kaa, up to its confluence with the Boneu (Obono), then follows the latter river up to its confluence with the Outon

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Menzimeu (Uton Menzimé), and the latter until it meets the Midoubangu (Mindubangui). The affluents of the Boneu are the Megnara (Menara), the Menzimeu Vineu (Minzimé-Biné), the Selegueu (N'Selega), the Makoro, the Méleun (Meleme), the Edoubo (Edumbo), the Mekougueu (Mecugue), the Mokoubeu (Bokuee), the affluent of which is the Etamengui (Etamenkui), which flows between the Unko-Laza (N'Ko-Laza) and Laza mountains and the Otomensok (Utomezok) to the west of the Unkolokanga (N'Kolo-Kanga) mountain; the Unkomensimeu (N'Ko Menzime) mountain is south of the Outonmenzimeu (Uton Menzime) River.

The border then follows the route up to the point where it first meets the N'Goua (N'goa) River, an affluent of the N'Tem approximately 1 kilometer south of the village of N'Samezok (Enzameyog) (F), determined astronomically.

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It then follows the N'Goua (N'Goa) up to its confluence with the N'Tem and then the western-most branch of this river up to the southern border with Cameroon, near the village of E-vouzok (Efesok), which is approximately 2 kilometers west of N'Tem. All of the islands in this river remain as French possessions.

The southern border of Cameroon passes approximately 1 kilometer 500 meters north of the village of Mabentem, located on the left bank of said western branch, which was determined astronomically and which belongs to Spain.

In this border project, the Commissioners used bodies of water as natural land features, preferably with mountains that, being

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poorly defined, may lead to some confusion in field
reconnaissance.

Where there are no bodies of water, the Commission used
indigenous paths that connect villages and also have a
permanent nature and are well-known among the inhabitants.

The French Commission

The Spanish Commission

[signatures]

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CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Karen Brovey, a linguist with substantial experience in the translation of documents from French into English and Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the French and Spanish text attached herewith."

A handwritten signature in black ink, appearing to read 'Kent G. Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

08/25/21

Date



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COMMISSION FRANCO-ESPAGNOLE

de

Délimitation

du

GOLFE DE GUINEE--

PROJET DE FRONTIERE--

(Frontière Orientale)

FRONTIERE ORIENTALE--

Première partie--

Du confluent de l'Abang'a & du Beutoung'eu (Betugué) (au nord du village de Oundong (Undong) jusqu'au village de M'Bominam (déterminé astronomiquement)

A partir de ce confluent, la frontière remontera le Beutoung'eu, au pied des Monts du même nom, & l'Outon Asouk (Otuasuk) jusqu'à la première rencontre de cette dernière rivière avec l'itinéraire, puis elle suivra celle-ci jusqu'au M'Voleu (Volo) en passant par les villages de M'Beu (M'Bé) Issong, Meuleun (Melong) Massama (Matzama) Bigoureux (Bigure) 747M-24, M'Bo, N'Toum (N'Tum) N'Yanam (Nanam) 734M-16, Mibam, Akoss (Akok) Méyang (Meyam) Otoumeu (Otuma) Anzám, qui appartiennent tous à la France. Dans cette partie, la frontière coupe les rivières Yamvoreu (Yambure) M'Foua (M'Fua) N'Zoo Moungeu (Mungue) (ces derniers cours d'eau séparés par les monts

FRONTERA ORIENTAL--

Primera parte

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De la confluencia del Abang'a y del Beutoung'eu (Betugué) (al norte del poblado de Oundong (Undong) hasta el lugar de M'Bominan (determinado astronómicamente).

A partir de esta confluencia, la frontera remontará el Beutoung'eu, al pié de los montes del mismo nombre, y el Outon Asouk (Otúasuk) hasta que este último río encuentra por primera vez al itinerario, siguiendo por este camino hasta el río M'Voleu (Volo) pasando por los poblados de M'Beu (M'Bé) Issong, Meuleun (Melong) Massama (Matzama) Bigoureux (Bigure) 747M-24, M'Bo, N'Toum (N'Tum) N'Yanam (Nanam) 734M-16, Mibam, Akoss (Akok) Méyang (Meyam) Otoumeu (Otuma), y Anzám, que pertenecen todos a Francia. En esta parte la frontera corta los ríos: Yamvoreu (Yambure) M'Foua (M'Fua) N'Zoo, Moungeu (Mungue) y Otong-Esong. Entre los ríos

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Unko Labeun, Oton Esong (entre ces deux dernières rivières, les Monts Unkoloumbou (Loben) la rivière Mia, N'Gogouen (N'Gogue) affluent du Bigoureu (au sud du Mont Bingoureu (Bigure) après avoir traversé les Monts N'Bileu (Bile) & N'Toum, la frontière coupe le N'Tougen (Utugue) l'Outou Miken (Uto Miken) le M'Bonveu (M' Bomve, le Bemwo (Memwo)), le Bigdala, le Mibeuleu (Mibélé) le N'Vono, le Menzimeu (Menzimé) A la hauteur du village de N'Yanam (Nanam) la frontière laisse à l'est le Mont N'Sass (N'Saz) pic dénudé à l'exception de 2 bouquets d'arbres à environ 850 mètres.

A partir du M'Voleu, la frontière suit l'itinéraire jusqu'à sa première rencontre avec la rivière Abia, à 500 mètres à l'est du village de Omvam, dans cette région, elle passe par les villages de Itsam, Ingong, Avam'o, Bencoreu (Benkoré) & Omvam (724M-07) coupant les rivières Outou Menzouma (Utu Menzuma) N'Doua (N'Dua) Abameu (Abame) M'Bis,

N'Zoo y Moungen de alzan los montes Unko Labbum (Laben) y entre el Moungen y el Oton Esong, los montes Unkoloumbou (Loben). Corta además la frontera los rios Mia, N'Gogouen (N'Gogue) afluente del Bigoureu al sur del monte Bingoureu (Bigure) despues de haber atravesado los montes N'Bileu (Bile) y N'Toum (N'Tum), salvando luego los rios N'Tougen (Utugue) Outou Miken (Uto-Miken) M'Bonveu (M'Bonvé) Bemwo, Bigdala, Mibeuleu (Mibelé) N'Vono y Menzimeu (Menzimé). A la altura del lugar de N'Yanam (Nanam) la frontera deja al este el monte N'Sass (N'Saz) pico desnudo de vegetacion, a excepcion de dos grupos de arboles a 850 metros de altura proximatemente. A partir del rio M'Voleu, la frontera sigue el itinerario hasta su primer encuentro con el rio Abia a 500 metros al este del lugar de Omvam, en esta region pasa por los poblados de Itsam, Ingong, Avam'o, Bencoreu (Benkoré) y Omvam (724M-07) cortando los rios Outou Menzouma (Utu Menzuma) N'Doua (N'Dua)

Foué(Fué) Milou(Milu) Nianyé(Nanye) Abameu(Abama) M'Bia, Foué
 Ajugueu(Ayure) & traversant les (Fué)Milou(Milu), Nianyé(Nan-
 yé), Ajugueu(Ayure), y atrave-
 sando los montes Unkoumesan
 (Inkumessan), Unkolog-Doua(N'
 Kolodua], Okou-Foué(Oku Fué)
 Foué) M'Boula(M'Bula) y M'Boula(M'Bula).

De là, la frontière remonte La frontera remonta luego el
 la rivière Abia jusqu'à son con- rio Abia hasta su confluencia
 fluent avec la rivière M'Bia, puis con el rio M'Bia, remontando
 elle remonte celle-ci jusqu'à sa tambien este, hasta su último
 dernière rencontre avec l'itinéraire- encuentro con el itinerario-
 re. Elle suit alors le sentier jus- Continúa despues por este sen-
 qu'à son croisement avec le Loueu- dero hasta que encuentra al
 (Lue) à environ 200 mètres à l' rio Loueu(Lue), próximamente
 ouest de Milong; elle passe à 200 metros al oeste de Milong;
 environ 80 mètres à l'ouest de este rio pasa unos 80 metros
 Akoniké(735 M. 94) qui a été dé- al oeste de Akoniké(735M.94),
 terminé astronomiquement & par que ha sido determinado astro-
 le village de Milong(F) laissant nomicamente, y por el poblado
 à droite les Monts Unkoum(N'Kum) de Milong(F), dejando a la de-
 & N'Zida & à gauche les monts- recha los montes Unkoum(N'Kum)
 Unkoleu(N'Kole) y N'Zida y á la izquierda los
 montes Unkoleu(N'Kole).

La frontière descend alors le La frontera descende luego
 Loueu(Lue) puis le Bimvileu(Bim- por el rio Loueu(Lue) y des-
 bili)(dont le confluent est près pues por el Bimvileu(Bimbili),
 du 9ème méridien) jusqu'à son con- (cuya confluencia está cerca

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fluent avec la rivière Abia & remonte ensuite cette dernière & son affluent le N'Zam jusqu'à N'Bominam.

del 9° meridiano), hasta su confluencia con el rio Abia y remonta enseguida este último y su afluente el N'Zam hasta el lugar de M'Bominam.

Dans cette partie, la frontière coupe deux fois le 9ème méridien, son plus grand écartement (au village d'Aloum(Alum) étant d'environ 7 kilomètres. Les principaux affluents du Loueu(Lue) sont: le Mangong, le N'Dabama, (N'Dabame) le Oton Adzap(Uton Azap) le M'Bé (N'Bé) le Ugong(Igong) l'Oton Unkou(Utong N'Ku) Les affluents du Bimvileu(Bimbili) sont l'Avoué(Avué)Ssa, Bang'a, Adzim(Adyim)Maquara, Djibenjiba(Yibenyiba) Osiboulev(Ossibule) Niyanga(Nianga) Biloueu(Bilue) grossi de l'Oton Otoumeu(Otong-Utume) l'Oton Umbo (Otombo) Mikima, Megnieu(Meyie) Mezimeu(Mezime) N'Dam, Abia. La frontière laisse sur sa droite les Monts Mensok(N'Zok) N'Zanga Deumeu(N'Deme) N'Zara, Unto N'Zibeu(N'Ko-N'Zibé) à gauche les

En esta parte, la frontera corta dos veces el 9° meridiano; su mayor distancia a este es de unos 7 kilometros(en el poblado de Aloum(Alum). Los principales afluentes del rio Loue(Lue), son: el Mangong, N'Dabam (N'Dabame), Oton Adzap(Uton Azap), M'Bé (N'Bé), Ugong(Igong) y Oton-Unkou(Utong-N'Ku). Los afluentes del Bimvileu(Bimbili) son: el Avoué(Avué), Ssa, Bang'a, Adzim(Adyim)Maquara, Djibenjiba(Yibenyiba), Osiboulev(Ossibule), Niyanga(Nianga), Biloueu(Bilue), al que afluye el Oton-Otoumeu(Otong-Utume); Oton-Umbo(Otombo), Mikima, Megnieu(Meyie), Mezimeu(Mezimé), N'Daun y Abia. La frontera deja a su derecha los montes Mensok(N'Zok), N'Zanga, N'Deu-

Monts Unko-Bimvileu (N'Ko Bimbili)
Unkourou-Koro (N'Kuru Koro)

meu (N'Deme), N'Zara, Unko-N'Zibeu (N'Ko-N'Zibé), y á su izquierda los montes Unko-Bimvileu (N'Ko-Bimbili), Unkourou-Koro (N'Kuru-Koro).

Les affluents du N'Zam sont: le Mangouma (Manguma) grossi de la rivière Messama (Mezama) & le Foreu (Fore)

Los afluentes del N'Zam, son: el Mangouma (Manguma), engrosado con el Messama (Mezama) y el Foreu (Fore).

Le village de M'Bominam (546M.52) a été déterminé astronomiquement. Le 9ème méridien passe à 300 mètres à l'est du confluent du N'Zam & du Foreu, en un point qui a été marqué par un arbre écorcé (borne N° 5)

El poblado de M'Bominam (546M.52), ha sido determinado astronómicamente. El 9° meridiano pasa 300 metros al este de la confluencia de los rios N'Zam y Foreu, en un punto que se señaló des - cortezando un arbol (señal N°5).

Deuxième Partie--

Du village de M'Bominam à la frontière méridionale du Cameroun (Kamerun)

A partir de M'Bominam, la frontière remonte la rivière N'Zam puis son affluent le Beugnouleu (Veñule) jusqu'à son confluent avec le Meuloueu (Menlue) au sud-

Segunda Parte--

Del lugar de M'Bominam hasta la frontera meridional de Cameroun (Kamerun)

A partir de M'Bominam, la frontera remonta el rio N'Zam y su afluente el Beugnouleu (Veñule), hasta su confluencia con el Meuloueu (Menlue) al sud-este

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est du Mont Unkoupletout(N'Kuletu) elle suit alors l'itinéraire jusqu'à sa première rencontre avec le Menzimeu(Menzime)

Dans cette partie, elle traverse les villages de Ebian Meyong(F) & de Mokomeu(Mokong) (France) Les affluents du Beugnouleu sont le Biling(Bilin) le Koureu(Kure) l'Oton Oumba (Uton-Umba) le N'Zangala, la frontière laisse à l'ouest le Mont Unkoupletout(& traverse le mont Unkouplemekog(N'Kule Mekok) & le Mont N'Doua(N'Duo) sur le 9ème méridien, laissant encore à gauche le Mont Bendouleu(Bendulé) le Mont Makera & le Mont Mekobong.

La frontière suit ensuite la rivière Menzimeu(Menzimé) jusqu'à Elemanga(Elebanga) (750M. 05) puis l'itinéraire jusqu'à sa première rencontre avec le Son en coupant le Bitouma (Bituma)& en traversant les villages Elemanga & Men-

del monte Unkoupleton(N'Kuletu) y despues continua por itinerario, hasta su primer encuentro con el rio Menzimeu(Menzimé).

En esta parte, la frontera pasa por los poblados de Ebianmeyong(F) y Mokomeu(Mokong) (France). Los afluentes del Beugnouleu son Biling(Bilin), Koureu(Kure), Oton Oumba(Uton-Umba) y N'Zangala. La frontera deja a oeste el monte Unkoupleton, y atraviesa el monte Unkouplemekog(N'Kule-Mekok) y el monte N'Doua(N'Dua), sobre el 9° meridiano, dejando a su izquierda el monte Bendouleu (Bendulé), el monte Makera y el monte Mekobong.

La frontera continua ensesgu da por el rio Menzimeu(Menzimé), hasta Elemang'a(Elebanga) y despues por el itinerario, hasta su primer encuentro con el rio Son, cortando el Bitouma(Bituma) y pasando por los

doum(Mandung) qui restent à l'Espagne. Puis la frontière emprunte la rivière Son jusqu'à Mibang Mingulli, qui se trouve exactement sur le méridien & qui reste à la France en vertu d'un accord intervenu au sujet d'Angouma(Anguma)

poblados de Elemanga y Mendoum(Mandung), que pertenecen a España. Despues sigue la frontera por el rio Son, hasta Mibang-Mingulli, que se encuentra exactamente sobre el meridiano y que pertenece a Francia en virtud de un acuerdo, como compensación del adoptado con respecto a Anguma(Angouma), en la frontera meridional.

Les affluents de la rivière Son sont: le Beugoleu(Uton Bengole), le Mendouo(Meduo) l'Insameu(N'Zam) le Koueu(Kue), le Dua(Dia) le Biloneu(Bilone)

Los afluentes del rio Son, son: el Beugoleu(Uton-Bengole), el Mendouo(Meduo), el Insameu(N'Zam), el Koueu(Kue), el Dua(Dia), y el Biloneu(Bilone).

La frontière suit alors l'itinéraire jusqu'à sa rencontre avec le Mengueleu(Menguela) coupant la rivière Veuneu(N'Veme) grossi du Biloreu(Bilore) le Bengueuleu l'Okorotumeu(Okorotume) & le Messor'o. Elle emprunte ensuite le Mengueuleu, puis le Kaa, jusqu'à son confluent avec le Boneu(Obono) puis remonte ce dernier jusqu'à son confluent avec l'Outon Menzimeu(U-

La frontera sigue despues por el itinerario, hasta su encuentro con el rio Mengueleu(Mengala), cortando el rio Veuneu(N'Veme), uno de cuyos afluentes es el Biloreu(Bilore), el Bengueuleu, el Okorotumeu(Okorotume) y el Messoro; continúa luego por el rio Menguela, y despues por el Kaa, hasta su confluencia con el Boneu(Obono).

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ton Menzimé) & enfin ce dernier jusqu'à sa rencontre avec le Mindoubangu (Mindubangui). Les affluents du Boneu sont le Megnara (Menara) le Menzimeu Vineu (Menzimé-Biné) le Selegueu (N'Selega) le Makoro, le Méleun (Meleme) l'Edoubo (Edumbo) le Mekougueu (Mecugue) le Mokoubeu (Bokuwe) grossi de l'Etamengui (Etamenkui) qui coule entre les monts Unko-Laza (N'Ko-Laza) & Laza & l'Otomensok (Utomenzok) à l'ouest du Mont Unkolokanga (N'Kolo-Kanga); au sud de la rivière Outonmenzimeu (Uton Menzime) se trouve le mont Unkomezimeu (N'Ko-Menzime).

La frontière suit ensuite l'itinéraire jusqu'à sa première rencontre avec la rivière N'Goua (N'Goua) affluent du N'Tem, à environ 1 kilomètre au sud du village de N'Samezok (Enzameyog) (F) relevé astronomiquement.

remontando entonces este último, hasta su confluencia con el río Outon Menzimeu (Uton Menzimé) y luego remonta esta hasta su confluencia con el Mindoubangu (Mindubangui). Los afluentes del Boneu, son el Megnara (Meñara), el Menzimeu Vineu (Menzimé-Biné), el Selegueu (N'Selega), el Makoro, Meleun (Meleme), el Edoubo (Edumbo), el Mekougueu (Mecugue), el Mokoubeu (Bokuwe), engrosado de las aguas del Etamengui (Etamenkui), que corre entre los montes Unko-Laza (N'Ko-Laza) y Laza, y el Otomensok (Utomenzok) al oeste del monte Unkolokanga (N'Kolo-Kanga); al sur del río Outonmenzimeu (Uton Menzime), se encuentra el monte Unkomezimeu (N'Ko-Menzime).

La frontera continúa luego por el itinerario, hasta su encuentro con el río N'Goua (N'Goua) afluente del N'Tem, próximamente un kilómetro al sur del lugar de N'Samezok (Enzameyog) (F) cuyas coordenadas se calcularon.

Elle descend alors le N'Gous (N'Goa) jusqu'à son confluent avec le N'Tem & ensuite le bras le plus occidental, de ce fleuve jusqu'à la frontière méridionale du Cameroun, à peu près à la hauteur du village d'E-vouzok (Efesok) qui est à environ 2 kilomètres à l'ouest du N'Tem. Toutes les îles de ce fleuve restent à la France.

La frontière méridionale du Cameroun passe à environ 1 kilomètre au nord du village de Mabentem, situé sur la rive gauche du susdit bras occidental, qui a été relevé astronomiquement & qui appartiendra à l'Espagne.

Dans ce projet de frontière, les Commissaires se sont servis des cours d'eau comme accidents naturels du sol, de préférence aux montagnes qui, étant mal pro-

La frontera sigue por el cauce del N'Gous (N'Goa), hasta su confluencia con el N'Tem y en seguida el brazo occidental de este último, hasta la frontera meridional de Kamerun, proximately a la altura del poblado de Evouzok (Efesok), que está situado unos dos kilómetros al oeste del N'Tem. Todas las islas de este río pertenecerán a Francia.

La frontera meridional de Kamerun, pasa proximately a 1 kilometro y medio al norte del poblado de Mabentem, situado en la orilla izquierda del citado brazo occidental, lugar cuyas coordenadas se calcularon y el cual pertenecerá a España.

En este proyecto de frontera, los Comisarios han utilizado las corrientes de agua, como accidentes naturales del terreno, prefiriéndolos a las

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noncées, pourraient donner lieu à quelque confusion dans une reconnaissance sur le terrain.

Lorsqu'il n'y a pas eu de cours d'eau, la Commission s'est servie des sentiers indigènes qui, reliant entre eux les villages, présentent également un caractère de permanence & de notoriété parmi les habitants.

montañas, que, siendo en general poco pronunciadas, darían lugar á algunos^a confusiones en el caso de un reconocimiento del país.

Cuando no se han encontrado rios, la Comisión se ha servido de los senderos que utilizan los indigenas, los cuales por constituir las comunicaciones entre los poblados, tienen igualmente un carácter de permanencia y de notoriedad entre los habitantes.

Les Commissaires français

Dubor

Les Commissaires espagnols

Manuel de la Cruz *Francisco de Paula*

Annex 14

Franco-Spanish Delimitation Commission of the Gulf of Guinea, *Border Project: Southern Border* (1 January 1902)

TRANSLATION

FRANCO-SPANISH COMMISSION
for Border Demarcation

of the

GULF OF GUINEA

BORDER PROJECT

(Southern Border)

WATER STREET TRANSLATIONS

TRANSLATION

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[translated from French]

[translated from Spanish]

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| <p style="text-align: center;">BORDER PROJECT</p> <p>The Franco-Spanish Commission for Border Demarcation of the Gulf of Guinea, composed of Messrs. Albert Bonnel de Mézières, Colony Administrator; Jean-Baptiste Roche, Captain of the Engineering Corps; Albert Duboc, Colonial Infantry Lieutenant; Don Eladio Lopes Vilches, Chief of Staff; and Don Manuel Nieves Y Coso, Staff Captain, meeting in Paris, after having studied the work carried out in the course of local operations, proposes the border described below as the natural border that is the most convenient and most in keeping with the spirit of the Convention:</p> <p style="text-align: center;">SOUTHERN BORDER</p> <p style="text-align: center;">Part One</p> <p>From the mouth of the Muni (Mouni) to the village of Anang (Ayang) east of Mount Zumbo (Soumbo)</p> | <p style="text-align: right;">164</p> <p style="text-align: center;">BORDER PROJECT</p> <p>The Spanish-French Commission for the Delimitation of the Gulf of Guinea, made up of Messrs. Eladio López Vilches, Chief of Staff of the Armed Forces; Manuel Nieves y Coso, Captain of the Armed Forces General Staff; and Alberto Bonnel de Mézières, Administrator of the Colonies; Jean Baptiste Roche, Captain of Engineers; and Albert Duboc, Colonial Infantry Lieutenant; meeting in Paris, after examining the work performed on the ground, propose as a natural border the one that is most appropriate and that they find best reflects the spirit of the treaty, described as follows:</p> <p style="text-align: center;">SOUTHERN BORDER</p> <p style="text-align: center;">Part One</p> <p>From the mouth of the Muni (Mouni) to the village of Añang (Ayang), to the east of Mount Zumbo (Soumbo)</p> |
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| <p>In accordance with the Convention of June 27, 1900, the Commission carried out surveys in the estuary of the Muni (Mouni) in order to determine the thalweg. It was found in these operations that the islands Ibelo (Ivelo), Gandé, Evongué, and Bia must belong to Spain and the island Tabalon to France.</p> <p>The commissioners propose that the water line that passes at an equal distance from the French and Spanish territories should be adopted as a natural border. Similarly, the border will follow, in the Utamboni (Outamboni) River, the line that runs at an equal distance from the two banks to the confluence of the Mitombé River, leaving to France the island of Yingué (D'Jimbué).</p> <p>From the confluence of the Mitombé River, the natural border would go up</p> | <p>Pursuant to the provisions of the Convention of June 27, 1900, the Commission performed surveys in the estuary of the Muni River in order to determine the thalweg. The result of these operations was that the islands of Ibelo (Ivelo), Gande, Evongué and Bia must belong to Spain, and the island of Tabalón to France. The Commissioners propose as a natural border, in this segment, the waterline that is equidistant from the Spanish and French lands.</p> <p>The border will continue, in the same fashion, along the Utamboni (Outamboni) River, becoming conjoined with the line situated equidistant between the two banks, up to the confluence of the Mitombé River, leaving the island of Yingué (D'Jimbué) under French dominion.</p> <p>Starting from the confluence of the Mitombé River, the natural border will travel along the midline</p> |
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| <p>the median line of this river (defined as specified above) to its source. It would then follow the path⁽¹⁾ running from the village of Mandung (Mendong) to that of Anguma (Angouma), skirting the northern slopes of Mount Assumu (Assoumo) and the southern slopes of Mount Bina (Bigna), to the village of Anguma (Angouma), which will remain in Spanish territory, as well as a zone one kilometer wide around this village. This agreement concerning the one-kilometer zone shall be applicable to all of the villages located in the same position, i.e., on a path that forms the border.</p> <p>Continuing along the same path, which runs from Anguma (Angouma) to Masilé (Massillé), the border would cross Mount Anguma (Angouma) until the point where said path rejoins the Adu (Aduo) River, it would go up this river, and then its affluent, the Bekon (Beikon), to its source in said Mount Anguma,</p> <p>[handwritten] Each time the border follows a path, it is understood that this path defines the border, and the use thereof is reserved for the nationals of the above countries, in the same manner as has been agreed for the rivers.</p> | <p style="text-align: right;">165</p> <p>of its waters (defined as above) up to its source. It will then follow the path from the village of Mandung (Mendong) to Anguma (Angouma), traveling along the northern slopes of Mt. Assumu (Assoumo) and the southern slopes of Mt. M'Biña (Bigna), until reaching Anguma, which will belong to Spain, as will a one-kilometer zone around it. This agreement with regard to the one-kilometer zone is applicable to all villages found in similar conditions, namely, those that are situated along a road used as a border.</p> <p>Continuing along the same path leading from Anguma (Angouma) to Masilé (Massillé), the border will cross Mount Anguma (Angouma) until arriving at the Adu (Aduo) River, then traveling upriver along it, and its tributary Bekon (Beikon) until its source in the mountain of the same name; from there it will</p> <p>[handwritten:] Whenever the border runs along a path, it is understood that both lines conjoin and that the use and utilization of such roads is equally free for the subjects of the two nations in the same fashion as was agreed upon for the rivers that meet the same conditions.</p> <p>[signature] [signature]</p> |
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| <p>.and it then again follows the path to the village of Masilé (France), altitude 549 M · 80.</p> <p>The border would then continue to follow the path from Masilé to Ebé (Spain) to its first junction with the Abobo River, and then follow this river to the second village of Akoniké (Spain).</p> <p>The border would then continue to follow the path running from Akoniké to Effong (Ephong) (France), altitude 621 M · 18, passing via Ebang (S), 608 M · 15, and Itzam (S), and intersecting the Massama, Nang-Nang (Yang-Yang), Aworo, and Beu'na (M'Veigna) rivers.</p> <p>The village of Effong (Ephong), 764 meters south of Marker No. 2 (see the route), determined by its astronomic coordinates, belongs to France.</p> | <p>continue again along the aforementioned path, until the village of Masilé (France), altitude 549 M.80.</p> <p>The border will continue along the trail from Masilé to Ebé (Spain), until it first reaches the Adobo River, continuing along its channel until the 2nd village of Akoniké (Spain).</p> <p>Then the border will follow along the path that joins Akoniké to Effong (France), altitude 621M.18, passing through Ebang (Spain) 608 M.15 and Itzam (S), crossing the Massema, Ñang-Ñang (Yang Yang), Aworo and Ben'ha (M'Veigna) Rivers.</p> <p>The village of Effong (Ephong), 764 meters to the south of signpost No. 2 (see the route), determined by its astronomical coordinates, belongs to France.</p> |
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| <p>The border would then follow the path running from Effong (Ephong) to Akok (S), passing via the villages of Mak'O, Elum (Eloum), Essatayon, and Ken (Caigne), all of which would remain French; it will then go down the Ken River from the first intersection of the route with this river to its last intersection near Fula, and it then merges with the path from Fula to Akok up to its crossing with the Mendong River, which it would follow to its confluence with the M'Bizé (M'Bizeu) River.⁽¹⁾ It would then go up the latter river (which crosses the village of Ebiang (F) at the foot and to the south of Mount Zumbo (Soumbo), 750 M , up to its junction with the N'Goma River, and it would then follow this river to its last junction with the route south of Mount Mikomébang.</p> <p>(1) In this section, the border would pass through the villages of N'Zoguebout (N'Zoguebaut), Akulenzog (Akoulenzog), Akéma, and Alum (Aloum), which would remain French.</p> | <p style="text-align: right;">166</p> <p>The border will then continue along the path from Effong (Ephong) to Akok (S), passing through the villages of Makó, Elum (Eloum), Essatsayón, Keñ (Caigne), down along the Keñ River, from the first until the last time it meets this route near Fula (Foula). From here, the border follows the path from Foula to Akok up to the point where it crosses the Mendong Creek, and will continue along its channel until its confluence with the M'Bizé (M'Bizeu) River, then following this river (that passes through the village of Ebiang (F) to the foot of and south of Mt. Zumbo (Soumbo), 750 M to the confluence with the N'Goma River, along which it will likewise travel, until the last time that it meets this route to the south of Mount Miko-Mebang.</p> <p>Between Fula and the M'Bizé River, the border goes through the villages of N'Zoguebout (N'Zoguebaut), Akulunzog (Akoulenzok), Akema and Alum, which will belong to France.</p> |
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| <p>The border then follows the route, cutting across the N'Zibilok, Nanzog (Nianzog), and N'Dangama-N'Zongo rivers, up to the village of Anang (Ayang), 740 M · 34, which remains French.</p> <p style="text-align: center;">Part Two</p> <p>From Anang (Ayang) to its confluence with the Abang'a and Beutoug'eu (Betugué) rivers on the eastern border north of the village of Oundong (Undong).</p> <p>After Anang (Ayang), the border would follow the route running to Yamayon, up to its first junction with the Bomwomo River, and it would then merge with this river, and then with its affluent, the M'Bama, up to its junction with the route 200 meters from its confluence with the Bomwomo, passing via Yamayon (F). It then follows this path (cutting across Mount Olum (Oloum) to the village</p> | <p>The border will then continue along this route, crossing the N'Zibilok, Nanzog (Nianzog) and N'Dengema-N'Zongo rivers, until the village of Añang (Ayang), 740 M.34, which will belong to France.</p> <p style="text-align: center;">Part Two</p> <p>From Añang (Ayang) until the confluence of the Abang'a and Beutoug'eu (Betugué) rivers on the eastern border, to the north of the village of Undong (Oundong).</p> <p>From Añang (Ayang), the border will continue along the path running from Yamayon until it first meets the Bomvono River, then continuing along its channel and then along that of its tributary, the M'Bama, until it meets the path, 200 meters from its confluence with the Bomvono River, crossing the village of Yamayon (F) and then following that road, until</p> |
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| <p>of Mélan (F), skirting the foot of Mount Ampanduma (Ampandouma) to the left, passing through the village of Assis (F), and leaving said mountain to its right.</p> <p>From Mélan (721 M · 92), it continues along the path running from Ensamayon (N'Zamayong) to its first junction with the Lene (Leuneu) River, which it follows to its confluence with the Avué (Avoué) River, and it then goes back up the latter river to a point near Ensamayon (N'Zamayong) (F), where it merges with the route.</p> <p>After this village, it follows the route to the village of Etang-Abam, passing via the villages of N'Gok, Intzamatzo, and Avanvituan (Avangbitouan), which are all French. This part of the route cuts across the rivers M'Vila and Atogonu (Atogognou), affluent of the Lene (Leneu) and M'Bé,</p> | <p style="text-align: right;">167</p> <p>the village of Melan (F) (France), crossing Mount Olum (Oloum) and skirting Mount Ampanduma (Ampandouma) on the left, passing through the village of Assis (F) and keeping the mountain of that same name on the right.</p> <p>From Melan, 721M.72, it continues along the path leading to Ensamayon, until it first meets the Lene (Leuneu) River, along which it then proceeds until its confluence with the Avué (Avoué) River, going upriver in the same fashion until near Ensamayon (N'Zamayong) (F), where it again meets the aforementioned path, along which it continues.</p> <p>After Ensamayon, the border continues along this route until the village of Etang-Abam, passing through the villages of N'Gok, Intzamatzo and Avanvituan (Avangbitouan), which belong to France. This part of the border crosses the M'Vila River and the Atogonu (Atogognou) River, a tributary</p> |
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| <p>leaving Mount Assuguelene (Assougoleuneu) to its left. Etang-Abem (674 M · 03) was determined astronomically. It is French, and is located precisely at the foot of Mount Akum (Akoum), which is on the parallel.</p> <p>The border then follows the Abobo River, then the route up to its junction with the Abobo Manguma River, and finally follows the latter river to its junction with Dodo (Deudeu) River, where it would go back up the latter river, then the Avué (Avoué) River, affluent to the right of the Dodo (Deudeu), to its junction with the route approximately 500 meters southeast of the village of Uguermokok (Ouguermokok) (S).</p> <p>The border then follows the route to its junction with the Mandoé, passing through the</p> | <p>of the Lene (Leuneu) and the M'Be, keeping Mount Assuguelene (Assougoleuneu) on the left. Etang-Abam has been astronomically determined; it belongs to France and is located exactly at the foot of Mount Akum (Akoum), which is on the parallel. This village is found at altitude 674M.03.</p> <p>The border continues along the Abobo River and then along this route until it reaches the Abobo Manguma Creek, along which it travels until its confluence with the Manguma, and then along this river until it joins the Dödö (Deudeu) River, traveling up this river and then along the Avué (Avoué) River, a right tributary of the Dödö (Deudeu) until it meets the route at approximately 1 kilometer southeast of the village of Uguermokok (Ouguermokok) (S).</p> <p>The border continues along this route until it crosses the Mandoé Creek, traveling through</p> |
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| <p>villages of Azam (Assam) M'Bona, Eyamayon, Vikuk (Vikouk), which are French, leaving to the north mounts Bessum (Bessoum) Akoura, N'Kolé Banviné (N'Kolé Bamwineu), M'Fua (M'Foua), and Akum (Akoum), and south of Mount Kolonguen (Kolongoegne). It then follows the Mandoe (Mandouen) River to its junction with the Como River. It runs up the latter river to its confluence with the Ovuré (Oboureu) River, with which it merges up to its junction with the route, which it then follows, passing through the village of Laga (S).</p> <p>In this section, the Como is joined on the left by the Utong Assia (Outon-Assiya), Onang-Onangara (Oniang-Oniangara), Vingoro, N'Kogo Kala, and Mabong'Anguma (Mabong Angouma) rivers, the parallel passing between these two rivers, the Bamburé (Bembureu), and the Avué (Avoué), which has been joined and made wider by the Aquilé.</p> | <p style="text-align: right;">168</p> <p>the villages of Azam (Assam), M'Bona, Eyamayon, Vikuk (Vikouk), which belong to France, keeping the mountains called Bessum (Bessoum) Akura, N'Kolé Benviné (N'Kolé Benwineu), M'Fua (M'Foua) and Akum (Akoum) to the north, and Mount Kolonguen (Kolongoegne) to the south. It then continues along the Mandoe (Mandouen) River until it reaches the Como River, then travels up this river until its confluence with the Ovuré (Oboureu) River, along which it travels until it reaches the path, along which it continues, traveling through the village of Laga (S).</p> <p>In this section, the Como River receives on its left bank the waters of the following tributaries: Utong Assis (Outong Assiya), Oñang-Oñangara (Oniang-Oniangara), Vingoro, N'Kogo Kala and Mabong-Anguma (Mabong Angouma), with the parallel running between the latter two rivers: the Bamburé (Bambureu) and the Avué (Avoué), whose channel has been augmented a short distance upriver by the waters of the Aquilé.</p> |
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| <p>The demarcation line then follows the route to the village of Ebiang (altitude 727 M · 02 (S),⁽¹⁾ then follows the M'Bé River and its affluent to the right of the Uton Assok (Oton Assok) to its junction with the route near the village of Mika (S) approximately 4 kilometers north of the parallel, then follows this route to the village of Alum (Aloum), leaving the villages of Alum and Ken (Caigne) to Spain. Ken is at an altitude of 747 M · 68. The border then follows the N'Bo (N'Boo) River to its confluence with the Venzé (Boenzeu) and merges with the latter up to its junction with the route 1 and 1/2 kilometers from the village of Ankam (F), which is approximately 500 meters south of the parallel. It continues along the route, leaving to Spain the village of N'Kut (Unkout), altitude 809 M · 93), and it then merges with the Uton N'Kut (Oton Unkout) River and continues to its junction with the Belong River, after which it follows the latter to its second junction with the route, (1) cutting across the Uton Makok (Oton Makok), M'Dua (M'Doua), and Makure (Makoureu) rivers</p> | <p>The borderline then follows this route until [illegible] of Ebiang (S) (altitude 727[illegible], then following the M'Bé River and its right tributary, the Uton Asok ([illegible] Asok) until meeting the route near the village of Mika (S), approximately 4 kilometers north of the parallel, then following this route until the village of [illegible] (Aloum), leaving the villages of Alum and Keñ (Caigne) under Spanish dominion. Keñ is at altitude 747M.68. The border then travels along the N'Bo (N'Boo) River until its confluence with the Venzé ([illegible]) River, continuing along this river's channel until meeting the route 1 1/2 kilometers from the village of Akam (F), which is approximately [illegible] meters south of the parallel, then goes along this route, leaving the village of N'Kut (Unkout) (altitude 809 M.93) to Spain, and continuing along the Uton N'Kut (Oton Unko[illegible]) River until its confluence with the Belong River, and then following (1) crossing the Uton Mak[illegible], M'Dua (M'Doua) and Makure (Makoureu) rivers</p> |
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| <p>which it then follows to the confluence of the Micomé Bé (Micomébeu) and Mia slightly north of the route, after which it follows the N'Ga River to its junction with the Ekalizi (Ekalisi) River, which it follows up to the village of Akuas (Aguas) (S) north of Mount Danguéh (Dangen), a village that was identified astronomically.</p> <p>In this completely uninhabited area, the border cuts across the M'Bis River, leaving to its left mounts Komo (Unkomo) and Ungum (Oungome) and to its right the Mettong Mountains.</p> <p>From Akuas, the border follows the route to its junction with the Abang'a River, an affluent of the Ogoué, passing through the village of Abénélan (S), leaving to the north Mount Mettomo</p> | <p style="text-align: right;">169</p> <p>the latter river until its second encounter with the route, along which it continues from that point up to the confluence of the Micomé Bé (Micomébeu) and Mia rivers, slightly north of the route, then the border continues along the N'Ga River until it reaches the Ekalizi (Ekalisi) River, whose upriver course reaches the village of Akuas (Aguas) (S) (altitude 807M.98) to the north of Mount Danguéh (Dangen), a location whose coordinates were calculated astronomically.</p> <p>In this entirely unpopulated area, the border crosses the M'Bia River, keeping Mount Komo (Unkomo) and Mount Ungum (Oungome) to the left, and the Mettong mountains to the right.</p> <p>From Akuas, the border follows the route until it meets the Abang'a River, a tributary of the Ogoué, traveling through the village of Abenelan (S), keeping Mount Mettomo to the north and</p> |
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TRANSLATION

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| <p>and crossing Mount Mokok, after which it runs back up the Abang'a to its confluence with the Betoug'eu (Betugué) on the eastern border north of the village Oudong (Undong) (720 M · 43), determined astronomically, and leaving to the south Mount Aguerri; south of the Abang'a is point Y, which indicates the intersection of the 9th meridian and the 1st parallel (see the description of the route).</p> <p>N.B. For the southern border, the French spelling of the proper names has been put in parentheses. The opposite system was used for the eastern border.</p> <p>The French Commissioners The Spanish Commissioners [signatures]</p> | <p>crossing Mount Mokok, going up the latter river to the Betoug'eu (Betugué), on the eastern border, north of the village of Oudong (Undong) (720M.43), determined astronomically, thereby keeping Mount Agu[illegible] to the south; south of the Abang'a River is Point Y, which indicates the intersection of the 9th meridian and parallel [illegible] degree (see description of the route).</p> <p>Note: for the southern border, the parentheses denote the proper names according to French spelling. For the eastern border, on the contrary, the parentheses denote the proper names according to Spanish spelling and pronunciation.</p> <p>[handwritten:] The Spanish Commissioners: [signature] [signature]</p> |
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CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Christina Courtright, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association (ATA), and Matthew McGaughey, a linguist certified by the ATA for translations from French into English.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish and French text attached herewith."

A handwritten signature in black ink, appearing to read 'K. G. Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

05/25/21

Date



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COMMISSION FRANCO-ESPAGNOLE

de

Délimitation

du

GOLFE de GUINÉE

PROJET DE FRONTIÈRE

(Frontière Méridionale)

- I -

PROJET DE FRONTIÈRE -

PROYECTO DE FRONTERA - 164

La commission de délimitation franco-espagnole du Golfe de Guinée, composée de MMrs Albert Bonnel de Mézières, administrateur des Colonies, Jean Baptiste Roche, capitaine du Génie, Albert Duboc, lieutenant d'Infanterie Coloniale & Don Eladio Lopez Vilches, Commandant d'Etat-Major, Don Manuel Nieves Y Coso, capitaine d'Etat-Major, réunie à Paris, après avoir étudié les travaux effectués au cours des opérations sur le terrain, propose comme frontière naturelle la plus convenable & la plus conforme à l'esprit de la Convention, celle qui est décrite ci-après:

La comisión de delimitación Hispano-francesa del Golfo de Guines, compuesta de los señores Don Eladio López Vilches, Comandante de Estado Mayor, Don Manuel Nieves Y Coso, capitán de Estado Mayor, y Mr Albert Bonnel de Mézières, administrador de colonias, Mr Jean Baptiste Roche, capitán de Ingenieros, y Mr Albert Duboc, teniente de Infanteria Colonial, reunida en Paris, despues de estudiar los trabajos efectuados sobre el terreno, proponen como frontera natural la más conveniente y la que consideran como más conforme con el espíritu del tratado, la que se describe a continuación.

FRONTIÈRE MERIDIONALE -

FRONTERA MERIDIONAL -

Première Partie -

Primera parte -

De l'embouchure du Muni (Mouni) au village d'Añang (Ayang) à l'est du Mont Zumbo (Soumbo)

Desde la desembocadura del Muni (Mouni), hasta el lugar de Añang (Ayang), al Este del Monte Zumbo (Soumbo)

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Conformément à la convention du 27 juin 1900, la Commission a effectué, dans l'estuaire du Muni (Mouni) des sondages pour déterminer le thalweg. Il résulte de ces opérations que les Iles Ibelo (Ivelo), Gandé, Evongué & Bia doivent appartenir à l'Espagne & l'île Tabalon à la France.

Les Commissaires proposent d'adopter comme frontière naturelle la ligne des eaux qui passe à égale distance des terres françaises & espagnoles.

La frontière suivra de même, dans la rivière Utemboni (Outemboni) la ligne située à égale distance des rives, jusqu'au confluent de la rivière Mitombé & en laissant à la France l'île de Yingué (D'Jimbué)

A partir du confluent de la rivière Mitombé, la frontière naturelle remonterait la ligne mo-

Conforme con lo dispuesto en el convenio de 27 de Junio 1900, la Comisión efectuó sondajes en el estuario del Muni, con objeto de determinar el thalweg; resultando de dichas operaciones, que las islas Ibelo (Ivelo), Gande, Evongué & Bia, deben pertenecer a España y la isla de Tabalón a Francia. Los Comisarios, proponen como frontera natural, en este trozo, la línea de agua que pasa a igual distancia de las tierras españolas y francesas.

La frontera seguirá, del mismo modo, por el río Utsmboni (Outemboni), confundiendo con la línea situada a igual distancia de ambas orillas, hasta la confluencia del río Mitombé, quedando bajo dominio de Francia, la isla de Yingué (D'Jimbué)

A partir de la confluencia del río Mitombé, la frontera natural remontará la línea mediana

venne de cette rivière (définie comme ci-dessus) jusqu'à sa source. Elle suivrait ensuite le sentier⁽¹⁾ qui va du village de Mandung (Mendong) à celui d'Anguma (Angouma) en longeant les pentes Nord du Mont Assumu (Assoumo) & les pentes Sud du Mont Bina (Bigna) jusqu'au village d'Anguma (Angouma) qui restera à l'Espagne, ainsi qu'une zone d'un kilomètre de largeur autour de ce village. Cette convention relative à la zone d'un kilomètre, serait applicable à tous les villages se trouvant dans les mêmes conditions, c'est à dire sur un sentier formant frontière.

Continuant par le même sentier qui va d'Anguma (Angouma) à Masilé (Massillé) la frontière traverserait le mont Anguma (Angouma) jusqu'au moment où le dit sentier rejoint la rivière Adu (Aduo) elle remonterait cette rivière, puis son affluent le Bekon (Beikon) jusqu'à sa source dans le mont de ce même nom.

(1) Chaque fois que la frontière emprunte un sentier, il est entendu que celui-ci définit la frontière et que l'usage en est réservé aux ressortissants des deux nations, de la même façon qu'il a été convenu pour les rivières.

de sus aguas (definida como las anterior), hasta su origen. Seguirá en seguida por la senda que va del poblado de Mandung (Mendong) al de Anguma (Angouma), pasando por las laderas septentrionales del Mte Assumu (Assoumo) y las meridionales del Mte M'Bina (Bigna), hasta llegar al lugar de Anguma que pertenecerá a España, así como una zona de un kilómetro alrededor de él. Este convenio, referente a la zona de un kilómetro, es aplicable a todos los pueblos que se encuentren en análogas condiciones, es decir, los que estén situados, en un camino que se tome como frontera.

Continuando por el mismo sendero que conduce de Anguma (Angouma) a Masilé (Massillé), la frontera atravesará el monte Anguma (Angouma), hasta que encuentra al río Adu (Aduo), remontándolo entonces, así como su afluente el Bekon (Beikon) hasta su nacimiento en el monte del mismo nombre; desde allí segui-

Siempre que la frontera pasa por un sendero, queda entendido que ambos líneas se confunden y que el uso y utilización de dichos caminos, es igualmente libre para los súbditos de las dos naciones, de igual modo que se ha convenido para los ríos que se encuentran en las mismas condiciones.

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elle suit alors de nouveau le sentier jusqu'au village de Masilé(France) altitude 549 M. 80.

rá de nuevo por el sendero tescitado, hasta el poblado Masilé(Francia), 549 M. 80 de altitud.

La frontière continuerait à suivre le sentier de Masilé à Ebé (Espagne) jusqu'à sa première rencontre avec la rivière Abobo, puis cette rivière jusqu'au deuxième village d'Akoniké(Espagne)

La frontera continuará por la vereda de Masilé à Ebé (España), hasta que encuentra por primera vez al río Abobo, continuando por su curso hasta el 2º poblado de Akoniké(España).

La frontière suivrait encore le sentier qui va d'Akoniké à Effong(Ephong)(France) altitude 621M. 18, en passant par Ebang (E) 608M. 15 & Itsam(E) & en coupant les rivières Massama, Nang-Nang(Yang-Yang) Aworo & Beu'na(M'Veigna)

Después seguirá la frontera por el sendero que une Akoniké con Effong(Francia), 621M. 18 de altitud, pasando por Ebang(España) 608 M. 15, é Itzam(E), atravesando los ríos Massama, Nang-Nang(Yang Yang), Aworo y Ben'na(M'Veigna).

Le village d'Effong(Ephong) à 764 mètres au sud de la borne N° 2(voir l'itinéraire)déterminé par ses coordonnées astronomiques, appartient à la France

El lugar de Effong(Ephong), à 764 metros al sur de la señal N° 2(V el itinerario), determinado por sus coordenadas astronómicas, pertenece a Francia.

La frontière suivrait ensuite le sentier qui va d'Effong(Ephong) à Akok(E) en passant par les villages de Mak'O, Elum(E-loum) Essatayon, Keñ(Caigne) qui tous resteraient à la France; puis elle descendra la rivière Keñ depuis la première rencontre de l'itinéraire avec cette rivière jusqu'à sa dernière rencontre près de Fula, elle se confond alors avec le sentier de Fula à Akok jusqu'à son croisement avec la rivière Mendong; qu'elle suivrait jusqu'à son confluent avec la rivière M'Bizé(M'Bizeu) Elle remonterait ensuite cette dernière (qui traverse le village d' Ebiang(F) au pied & au sud du Mont Zumbo(Soumbo) 750 M. jusqu'à sa rencontre avec la rivière N'Goma, rivière qu'elle suivrait ensuite jusqu'à sa dernière rencontre avec l'itinéraire au sud du Mont Mikoméban.

(1° dans cette partie, la frontière traverserait les villages de N'Zogebout(N'Zogebaut) Akulenzog(Akoulenzog) Akéma & Alum(Aloum) qui resteraient à la France.

La frontera seguirá enseguida por el sendero de Effong(Ephong) à Akok(E), pasando por los lugares de Makó, Elum(Eloum), Essatsyón, Keñ(Caigne) descendiendo por el río Keñ, desde su primero hasta su último encuentro con el itinerario cerca de Fula(Foula). Desde aquí, la frontera sigue por el sendero de Foula à Akok, hasta el punto en que cruza el arroyo Mendong, por cuyo cauce seguirá hasta su confluencia con el río M'Bizé(M'Bizeu), remontando enseguida este último (que pasa por el lugar de Ebiang (F) al pie y al sur del Mte Zumbo(Soumbo) 750 M, hasta la confluencia con el río N'Goma, por el que continuará igualmente, hasta su último encuentro con el itinerario, al sur del monte Miko-Mebang.

Entre Fula y el río M'Bizé la frontera pasa por los poblados de N'Zogebout(N'Zogebaut), Akulenzog(Akoulenzok), Akema y Alum, que pertenecerán a Francia.

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La frontière suit ensuite l'itinéraire en coupant les rivières N'Zibilok, Nanzog (Nianzog) & N'Dangama-N'Zongo, jusqu'au village d'Anang (Ayang) 740 M. 34 qui reste à la France.

Deuxième Partie -

De Anang (Ayang) jusqu'au confluent des rivières Absang'a & Beutoung'eu (Betugué) sur la frontière orientale, au nord du village de Oundong (Undong).

Après Anang (Ayang) la frontière suivrait le sentier qui va à Yamayon, jusqu'à sa première rencontre avec la rivière Bomwomo, puis elle se confondrait avec cette rivière, ensuite avec son affluent le M'Bama jusqu'à sa rencontre avec le sentier à 200 mètres de son confluent avec le Bomwomo, en passant par Yamayon (F). Elle suit (en passant) traversant le mont Oloum (Oloum) ce sentier jusqu'au villa-

La frontera continuará en seguida por el itinerario, atravesando los rios N'Zibilok, Nanzog (Nianzog) y N'Dangama-N'Zongo, hasta el lugar de Anang (Ayang) 740 M. 34, que pertenecerá a Francia.

Segunda Parte

Desde Anang (Ayang) hasta la confluencia de los rios Absang'a y Beutoung'eu (Betugué) en la frontera oriental, al norte del lugar de Undong (Oundong).

A partir de Anang (Ayang) la frontera seguirá por el sendero que conduce a Yamayon, hasta que encuentra por primera vez al rio Bomwomo, continuando entonces por su cauce y después por el de su afluente el M'Bama hasta su encuentro con el sendero, a 200 metros de su confluencia con el rio Bomwomo, atravesando el poblado de Yamayon (F) y siguiendo luego por dicho camino, hasta el

ge de Mélan(F) en longesant le pied du Mont Ampanduma(Ampandouma) à gauche, traversant le village d' Assia(F) & laissant à sa droite le mont du même nom.

A partir de Mélan(721K-92) elle continue par le sentier qui va à Ensamayon(N'Zamayong) jusqu'à sa première rencontre avec la rivière Lene(Leuneu) qu'elle suit jusqu'à son confluent avec la rivière Avué(Avoué) puis elle remonte cette dernière jusqu'à près de Ensamayon(N'Zamayong)(F) où elle se confond avec le sentier.

Après ce village, elle suit l'itinéraire jusqu'au village de Etang-Abam, passant par les villages de N'Gok, Intzamatzo, Avanvituan (Avangbitouan) qui appartiennent tous à la France. Cette partie de l'itinéraire coupe les rivières M'Vila & Atogonu(Atogognou) affluent du Lene(Launeu) & M'Bé en

lugar de Melan(F) (Francia) atravesando el monte Olum(Oloun) y bordeando el monte Ampanduma(Ampandouma) a la izquierda, pasando por el poblado de Assia(F) y dejando a su derecha, el monte de este mismo nombre.

A partir de Melan 721N-72 continua por el sendero que conduce a Ensamayon, hasta que encuentra por primera vez al rio Lene(Leuneu) siguiendo entonces por el, hasta su confluencia con el rio Avué(Avoué) que remonta del mismo modo, hasta cerca de Ensamayon (N'Zamayong)(F) en donde encuentra de nuevo al sendero antes citado por el que continua.

Después de Ensamayon sigue la frontera por el itinerario hasta el lugar de Etang-Abam pasando por los poblados de N'Gok, Intzamatzo, y Avanvituan (Avangbitouan) pertenecientes a Francia. Esta parte de frontera corta los rios M'Vila y Atogonu(Atogognou) afluyente

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laissant le Mont Assuguelene (Assougoleu) à gauche. Etang-Abam (674 M.03) a été déterminé astronomiquement. Il appartient à la France & se trouve exactement au pied du Mont Akum (Akoum) qui est sur le parallèle.

La frontière suit ensuite la rivière Abobo, puis l'itinéraire jusqu'à sa rencontre avec la rivière Abobo Manguma, ensuite celle-ci jusqu'à son confluent avec le Manguma & enfin cette dernière jusqu'à sa jonction avec la rivière Dödö (Deudeu) elle remonte cette dernière, puis la rivière Avué (Avoué) affluent de droite du Dödö (Deudeu) jusqu'à sa rencontre avec l'itinéraire à environ 500 mètres au sud-est du village de Uguermokok (Oguermokok) (E)

La frontière suit alors l'itinéraire jusqu'à sa rencontre avec le Mandoé, traversant les

del Lene (Leuneu) y el M.Bé, dejando a su izquierda el monte Assuguelene (Assougoleu) Etang Abam ha sido determinado astronómicamente, pertenece a Francia y se encuentra exactamente al pie del monte Akum (Akoum) que esta sobre paralelo. Dicho poblado halla a los 674M.03 de altitud.

La frontera continúa por el río Abobo y después por el arroyo hasta su encuentro con el arroyo Abobo Manguma por el que sigue hasta su confluencia con el Manguma luego por este último hasta su unión con el río Dödö (Deudeu) remonta este último y pues el río Avué (Avoué) afluye de la derecha del Dödö (Deudeu) hasta su encuentro con el itinerario próximamente 1 kilómetro al sud-este del poblado de Uguermokok (Oguermokok) (E)

La frontera continúa por el itinerario hasta su cruce con el arroyo Mandoé, pasando por

villages de Azam(Assam)M'Bona,Eyama-los poblados de Azam(Assam) yon, Vikuk(Vikouk) qui appartient à la France, laissant au nord les monts Bessum(Bessoum)Akoura, N'Kolé Banviné(N'Kolé Bamwineu) M'Fua(M'Fous) & Akum(Akoum)& au sud le mont Kolonguen(Kolongoegne) Puis elle suit la rivière Mandoe(Mandouen) jusqu'à sa rencontre avec la rivière Como Elle remonte cette dernière jusqu'à son confluent avec la rivière Ovruré(Oboureu) avec laquelle elle se confond jusqu'à sa rencontre avec le sentier qu'elle suit ensuite, en passant par le village de Laga(E)

Dans cette partie, le Como reçoit à gauche l'Utong Assia (Outong-Assiya) Oñang-Oñangara (Oniang-Oniangara) le Vingoro, la N'Kogo Kala, le Mabong'Anguma(Mabong Angouma)le parallèle passant entre ces deux dernières rivières & le Bamburé(Bambureu) & l'Avué(Avoué) grossi de l'Aquilé

M'Bona,Eyama,yon,Vikuk(Vikouk) que pertenecen a Francia, dejando al norte los montes Bessum(Bessoum) Akura, N'Kolé Banviné(N'Kolé Bamwineu),M'Fua (M'Fous) y Akum(Akoum) y al sur el monte Kolonguen(Kolongoegne).Continúa despues por el rio Mandoe(Mandouén) hasta su encuentro con el rio Como, remontando luego este último hasta su confluencia con el rio Ovruré(Oboureu) por el que sigue hasta su encuentro con el sendero por el que continúa, pasando por el pueblo de Laga(E)

En este parte el rio Como recibe por su orilla izquierda las aguas de los afluentes siguientes: Utong Assia(Outong Assiya) Oñang-Oñangara(Oniang Oniangara) Vingoro, N'Kogo Kala, y Mabong-Anguma, (Mabong Angouma) pasando el paralelo entre estos dos ultimos rios; el Bamburé(Bambureu) y el Avué(Avoué) cuyo curso se ha enriquecido poco antes con las aguas del Aquilé

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La ligne de démarcation suit ensuite l'itinéraire jusqu'au village d'Ebiang (Altitude 727M-02(E) puis suit la rivière M'Bé & son affluent de droite l'Uton Assok (Outon Assok) jusqu'à sa rencontre avec l'itinéraire près du village de Mika (E) à environ 4 kilomètres au nord du parallèle, pour suivre cet itinéraire jusqu'au village d'Alum (Aloum) laissant les villages d'Alum & de Keñ (Caigne) à l'Espagne. Keñ est à l'altitude de 747 M-68. Puis la frontière suit la rivière N'Bo (N'Boo) jusqu'à son confluent avec la rivière Venzé (Boenzen) & se confond avec celle-ci jusqu'à sa rencontre avec l'itinéraire à 1 kilomètre 1/2 du village d'Asam (F) qui est à environ 500 mètres au sud du parallèle. Elle se continue toujours par l'itinéraire, laissant à l'Espagne le village de N'Kut (Unkout) altitude 809M-93, puis elle se confond avec la rivière Uton N'Kut (Outon Unkout) jusqu'à son confluent avec la rivière Belong, elle suit cette dernière jusqu'à sa deuxième rencontre avec l'itinéraire (1) en coupant les rivières Uton Makok (Outon Makok) M'Dua (M'Doua) Makure (Makoureu)

La línea fronteriza sigue el itinerario hasta el de Ebiang (E) (altitud 727M-02(E)) continuando en seguida por el río M'Bé y su afluente la derecha el Uton Assok (Asok) hasta su encuentro itinerario, cerca del poblado de Mika (E) 4 kilómetros por encima al norte del paralelo siguiendo luego por dicho itinerario hasta el lugar de (Aloum) quedando los poblados de Alum y Keñ (Caigne) bajo dominio de España. Keñ se encuentra a 747M-68 de altitud. Luego la frontera por el río N'Bo (N'Boo) hasta su confluencia con el río Venzé (Boenzen) continuando por el canal de este último hasta que encuentra al itinerario a 1 1/2 kilómetros del poblado de Asam (F) se encuentra próximamente 500 metros al sur del paralelo luego por el itinerario quedando para España el poblado de N'Kut (Unkout) 809 M-93 de altitud) y continúa por el río Uton N'Kut (Outon Unkout) hasta su confluencia con el río Belong y sigue luego por (1) cruzando los ríos Uton Makok (Outon Makok) M'Dua (M'Doua) y Makure (Makoureu)

néraire, qu'elle emprunte ensuite jusqu'au confluent des rivières Micomé Bé (Micomébeu) & Mia un peu au nord de l'itinéraire, puis elle suit la rivière N'Ga jusqu'à sa rencontre avec la rivière Ekalizi (Ekalisi) qu'elle remonte jusqu'au village de Akuas (Aguas) au nord du mont Danguen (Dangen) village qui a été relevé astronomiquement.

Dans cette partie absolument inhabitée, la frontière coupe la rivière M'Bia, laissant à sa gauche les Monts Komo (Unkomo) & Ungum (Oungome) & à sa droite les Monts Mettong.

De Akuas, la frontière suit l'itinéraire jusqu'à sa rencontre avec la rivière Abang'a, affluent de l'Ogoué, traversant le village d'Abenelan (E) laissant au nord le Mont Mettomo

este último hasta que encuentra por segunda vez el itinerario, por el que continúa desde dicho punto, hasta la confluencia de los ríos Micomé Bé (Micomébeu) y Mia un poco al norte del itinerario continúa después la frontera por el río N'Ga hasta su encuentro con el río Ekalizi (Ekalisi) cuyo curso remonta hasta el poblado de Akuas (Aguas) (E) (807M-98 de altitud) al norte del monte Danguen (Dangen) lugar cuyas coordenadas se calcularon astronómicamente.

En esta parte completamente despoblado la frontera atraviesa el río M'Bia dejando a su izquierda los montes Komo (Unkomo) y Ungum (Oungome) y a su derecha los montes Mettong.

Desde Akuas la frontera sigue el itinerario hasta su encuentro con el río Abang'a afluente del Ogoué, pasando por el poblado de Abenelan (E), dejando al norte el monte Mettomo y

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& franchissant le Mont-Mokok, puis elle remonte l'Abang'a jusqu'à son confluent avec le Betoug'eu (Betugué) sur la frontière orientale, au nord du village de Ouadong (Undong) (720M-43) déterminé astronomiquement & laissant au sud le Mont Agurrini, au sud de l'Abang'a se trouve le point Y qui indique l'intersection du 9ème méridien & du 1er parallèle (voir la description de l'itinéraire)

N-B- Pour la frontière méridionale, l'orthographe française des noms propres a été mise entre parenthèses. Le contraire a été adopté pour la frontière orientale.

atravesand del monte Mokok montando por ultimo, el Betoug'eu (Betugué) sobre la frontera oriental, al norte del lugar de Oudong (Undong) (720M-43) determinado astronómicamente, dejando de este modo, al sur el monte Agurrini, al sur del río Abang'a se encuentra el punto Y que señala la intersección del 9º meridiano y del paralelo de grado (V la descripción del itinerario)

Nota- Para la frontera meridional, se han puesto entre paréntesis los nombres propios según la ortografía francesa. En la frontera oriental por el contrario, se han puesto entre paréntesis los nombres propios con arreglo a la escritura y pronuaciación española.

Les Commissaires français

Les Commissaires espagnols

L. Duroy
J. Roche

Manuel de la Cruz
Francisco de Paula
Elvira

Annex 15

Franco-Spanish Delimitation Commission of the Gulf of Guinea, “Table of the Villages Recognized by the Delimitation Commission of Spanish Guinea with Names of Chiefs, Tribes, and Nationality According to the Border Project (Southern Border)” (2 January 1902)

TRANSLATION

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TABLE
OF VILLAGES RECOGNIZED BY THE DELIMITATION COMMISSION
OF SPANISH GUINEA

WITH NAMES OF
CHIEFS, TRIBES, AND NATIONALITY ACCORDING TO THE
BORDER PROJECT

(Southern Border)

WATER STREET TRANSLATIONS

TRANSLATION

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Table
of villages recognized by the delimitation commission of Spanish Guinea with names of chiefs,
tribes, and nationality according to attached border project (villages located in the Muni and
Utemboni estuary are already known).

| Villages | Chiefs | Tribes | Nationality | Observations |
|----------------------|--------------------|----------|-----------------|--|
| Assang Mitombé | Mabiama N'Zongo | Yamadzin | Spain France | Influential chief (French trading post) |
| id | Mekossé N/biam | id | France | id English |
| Mandung (Mendong) | M'Babemoyo | Essakora | Spain | |
| Anguma (Angouma) | Essonessang | Yesouk | Spain | On the 1 st parallel (English trading post) |
| Masilé (Massilé) | M'Bongo N'Bo | Ossuma | France | Chief not very honest |
| Ebé | Bubam | Ossuma | Spain | |
| Mebé | Dittumskué | id | Spain | |
| Essong | M'Ba Guang | id | Spain | |
| Akoniké | Bokuala | id | Spain | Rather influential chief |
| id | Yamisong | id | Spain | French trading post |
| Ebang | Simaman | id | Spain | |
| Ebang | Essombibang | Abbé | id | Dangerous chief |

TRANSLATION

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| | | | | |
|-------------|--------------------|----------|--------|---|
| Ebang | Guema | Abbé | Spain | |
| id | Gsemibé | id | id | |
| id | Ba | id | id | |
| id | Goong-Ba | Abbé | Spain | |
| id | Essibang | id | id | |
| Itzam | Els | Ossuma | id | |
| id | Okalen-Guen | id | id | |
| id | Guems | id | id | |
| Effong | Ikoms-Dongo | Oumwang | France | Established by astronomical coordinates |
| id | Tutou-Bissé | id | id | |
| id | M'Vono | id | id | |
| id | Aouana-Manga | id | id | |
| id | Manzogo | id | id | |
| Mako | Madyoro | id | id | |
| Elum | Elon | id | id | |
| Essatayon | Ngoneuze | id | id | |
| Caigne | Mamina- Mangong | id | id | |
| id | Guemayou | id | id | |
| id | Bengong | id | id | |
| id | M'Va | id | id | |
| Ekogon | Otogon M'ba | id | id | |
| Aculentzo | Abougang | Yesouk | id | Dangerous chief |
| Abenelan | Onnang | Oumvang | id | |
| Fouls | Guemba | id | id | Influential chief & the most important dangerous village |
| N'Zoguebant | Ougouana N'Goa | Abbé | id | |
| id | N'Dama Go | id | id | |
| id | Amvens-Engo | id | id | |
| Akems | Edoumba | Yamadzin | id | |

TRANSLATION

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| | | | | |
|------------|-----------------|----------|--------|--------------------|
| Akema | N'Gamihzeu | Yesouk | France | |
| Aculanzog | Bikobelo | id | id | |
| Alum | Bassuma | id | id | |
| Akok | Ovamesoun | Yamadzin | Spain | Dangerous chief |
| Alum | Ovamenza | id | id | |
| Awora | Guemindun | id | id | |
| Ebiang | Ebo-Monvealé | Yamadzin | France | |
| id | Mabiama- | id | id | |
| | Tutouma | | | |
| Anang | Maviang-Ilermo | id | id | |
| Yamayon | Owoneu | Yessouk | id | |
| Assis | N'Dongo | id | id | |
| Mélan | Enzogué- | id | id | Welcoming chief |
| | Yamana | | | |
| Ensamayon | Bokala | id | id | |
| id | Essiama | id | id | |
| id | Ouonona | id | id | |
| N'Gok | N'douma | id | id | |
| Enzamatzo | N'Zoeu | id | id | |
| Avanvituan | N'Ziminza | id | id | |
| Etang Abam | N'Dongo Bama | id | id | Rubber-rich region |
| Bessum | Bengo-Bessum | id | Spain | |
| Mangoums | Ona | id | id | |
| id | Ingona | id | id | |
| id | Milamen-douma | id | id | |
| Mekura | Ingona | id | id | |
| id | Mekou | id | id | |
| Angums | Enguems | id | id | |
| Uguermokok | N'doutouma Kala | id | id | |

TRANSLATION

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| | | | | |
|------------|---------------|----------|--------|--------------------------------------|
| Azam | Moyo- | Yessouk | France | Welcoming chief |
| Azam | Menzogo | id | id | |
| M'Bona | Dongo- | id | id | |
| Eyamayon | Oubouneu | Ouyok | id | |
| Vikuk | Obara-Bibanga | Yessouk | id | Rubber-rich region |
| Ongona | Mayomé Dam | | | Visited by coastal agent |
| Elomesang | Engoma Bam | id | Spain | |
| Evore Yula | Sinsé | Sufia | id | |
| Anvang | Iban Bindoung | Abbé | France | Important village |
| Inkuk | Bokala | Abbé | France | |
| | Menyen- | id | id | |
| | Mandouo | | | |
| Iknessung | Bakala-Bouké | id | id | |
| id | Oussaga | id | id | |
| Laga | Massumasuk | Yessouk | Spain | |
| Ebiang | Emdong-Mabiam | Izi-Itzi | id | |
| Essong | Obama-Endong | Obok | id | |
| Mika | Enguema-Cotso | id | id | |
| id | Yé | id | id | |
| Alum | Eyangua | Yessuk | id | |
| id | Issango | id | id | |
| Ken | Zué | Oyegu | id | |
| Mettong | N'tutouma Bal | Issong | France | First oil palms seen since the coast |
| id | Maya Messomeu | id | id | |

TRANSLATION

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| | | | | |
|----------|---------------|--------|--------|---|
| Akam | N'dongo Boa | Issong | France | First tobacco farms found |
| N'Kut | N'Ko | Uyok | Spain | As of now, the villages are no longer visited by agents |
| id | Mabiama | Uyok | Spain | |
| Akuas | Ossaguessen | Oyegué | id | Established by coordinates |
| Abenelan | Oundong | Uyok | id | |
| Abanga | Ekouara | Efaque | France | |
| Angat | Ayaneko | id | id | |
| id | N'Dong Madoua | id | id | |
| Abama | Mekoumen Yono | id | id | |
| Fula | Enzomitsen | id | Spain | Established by coordinates – chief dishonest |
| id | N'Tomitzana | id | id | |

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CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Karen Brovey, a linguist with substantial experience in the translation of documents from French into English and Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the French and Spanish text attached herewith."

A handwritten signature in black ink, appearing to read 'Kent G. Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

08/25/21

Date



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T A B L E A U
DES VILLAGES RECONNUS PAR LA COMMISSION DE DELIMITATION
de la GUINEE ESPAGNOLE

AVEC LES NOMS
DES CHEFS, DES TRIBUS & LA NATIONALITE d'APRES LE
PROJET DE FRONTIERE.-

(Frontière Méridionale)

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TABLEAU

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des villages reconnus par la Commission de Délimitation de la Guinée espagnole, avec les noms des chefs, des tribus & la nationalité, d'après le projet de frontière ci-joint (les villages situés dans l'estuaire du Mauni & de l'Cutemboni sont déjà connus)

| Villages | Chefs | Tribus | Nationalités | Observations |
|------------------------|---------------------|----------|--------------|---|
| Assang | | | Espagne | |
| Mitombé | Mabisma- N'Zongo | Yamadzin | France | Chef influent (factorerie française) |
| id. | Mekossé N'biam | id. | France | id. anglaise |
| Mandung (Mendong) | M'Babemoyo | Essakora | Espagne | |
| Anguma (Angouma) | Essonessang | Yesouk | Espagne | sur le 1er parallèle (factorerie anglaise) |
| Masilé (Massilé) | M'Bongo N'Bo | Ossuma | France | chef peu honnête |
| Ebé | Bubam | Ossuma | Espagne | |
| Mebé | Dittumakué | id. | Espagne | |
| Essong | M'Ba Guang | id. | Espagne | |
| Akoniké | Bokuala | id. | Espagne | chef assez influent |
| id. | Yamisong | id. | Espagne | F. Française |
| Ebang | Simsam | id. | Espagne | |
| Ebang | Essombibang | Abbé | id. | chef dange- reux |

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| Ebang | Guema | Abbé | Espagne | |
|-------------|----------------|----------|---------|--|
| id. | Gsemibé | id. | id. | |
| id. | Ba | id. | id. | |
| id. | Goong-Ba | Abbé | Espagne | |
| id. | Essibang | id. | id. | |
| Itzam | Ela | Ossuma | id. | |
| id. | Okalen-Guen | id. | id. | |
| id. | Guema | id. | id. | |
| Effong | Ikoma-Dongo | Oumwang | France | fixé par des coordonnées astronomiques |
| id. | Tutou-Bissé | id. | id. | |
| id. | M'Vono | id. | id. | |
| id. | Aouana-Manga | id. | id. | |
| id. | Manzogo | id. | id. | |
| Mako | Madyoro | id. | id. | |
| Elum | Elon | id. | id. | |
| Essatayon | Ngoneuze | id. | id. | |
| Caigne | Mahina-Mangong | id. | id. | |
| id. | Guemayou | id. | id. | |
| id. | Bengong | id. | id. | |
| id. | M'Va | id. | id. | |
| Ekogon | Otogon M'ba | id. | id. | |
| Acylentzo | Abougang | Yesouk | id. | chef dangereux |
| Abenelan | Onnang | Oumvang | id. | |
| Foula | Guemba | id. | id. | chef influent & dangereux village le plus important. |
| N'Zogueba#t | Ougouana-N'Gos | Abbé | id. | |
| id. | N'Dama Go | id. | id. | |
| id. | Amveng-Engo | id. | id. | |
| Akema | Edoumba | Yemadzin | id. | |

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P

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P

| | | | | |
|------------|---------------|----------|---------|----------------------------|
| Akema | N'Gamihzeu | Yesouk | France | |
| Aculenzog | Bikobelo | id. | id. | |
| Alum | Bassuma | id. | id. | |
| Akok | Ovamesoun | Yamadzin | Espagne | chef dangereux |
| Alum | Ovamenza | id. | id. | |
| Awore | Guemindun | id. | id. | |
| Ebiang | Ebo-Monvenlé | Yamadzin | France | |
| id. | Mablama- | | | |
| | Tutouma | id. | id. | |
| Anang | Maviang- | | | |
| | Ilermo | id. | id. | |
| Yamayon | Owonen | Yessouk | id. | |
| Assia | N'Dongo | id. | id. | |
| Mélan | Enzogué- | | | |
| | Yamana | id. | id. | chef accueillant |
| Ensamayon | Bokala | id. | id. | |
| id. | Essisma | id. | id. | |
| id. | Ouonona | id. | id. | |
| N'Gok | N'douma | id. | id. | |
| Enzamatzo | N'Zoeu | id. | id. | |
| Avanvituan | N'Ziminza | id. | id. | |
| Etang Abam | N'Dongo Bama | id. | id. | région riche en caoutchouc |
| Bessum | Bengo-Bessum | id. | Espagne | |
| Mangouma | Ona | id. | id. | |
| id. | Ingona | id. | id. | |
| id. | Milamen-douma | id. | id. | |
| Mekura | Ingona | id. | id. | |
| id. | Mekou | id. | id. | |
| Anguma | Enguema | id. | id. | |
| Uguermokok | N'doutouma | | | |
| | Kala | id. | id. | |

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| | | | | |
|------------|----------------|----------|---------|--|
| Azam | Moyo-Menzogo | Yessouk | France | chef accueillant |
| Azam | Dongo-Oubouneu | id. | id. | |
| M'Bona | Obara-Bibanga | id. | id. | |
| Eyamayon | M'bé Mana | Ouyok | id. | |
| Vikuk | Mayomé Dam | Yessouk | id. | région riche en caoutchouc |
| Ogona | Engoma Bam | id. | Espagne | visité par les traitants de la côte |
| Elomesang | Sinsé | Sufia | id. | |
| Evore Yula | Iban Bindoung | Abbé | France | village important |
| Anvang | Bokala | Abbé | France | |
| Inkuk | Menyen-Mendouo | id. | id. | |
| Inkoasung | Bakala-Bouké | id. | id. | |
| id. | Oussaga | id. | id. | |
| Laga | Massumasuk | Yessouk | Espagne | |
| Ebiang | Emdong-Mabiam | Izi-Itzi | id. | |
| Essong | Obama-Endong | Obok | id. | |
| Mika | Enguema-Cotso | id. | id. | |
| id. | Yé | id. | id. | |
| Alum | Eyangua | Yessuk | id. | |
| id. | Issango | id. | id. | |
| Ken | Zué | Oyegu | id. | |
| Mettong | N'tutoums | Issong | France | premiers palmiers à huile vus depuis la côte |
| id. | Meys Messomeu | id. | id. | |

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| | | | | |
|----------|---------------|---------|---------|--|
| Akam | N'dongo Boa | Issong | France | premières plantations de tabac rencon- trées |
| N'Kit | N'Ko | Uyok | Espagne | à partir de ce moment les vil- lages ne sont plus visités par les trait- tants. |
| id. | Mabiasa | Uyok | Espagne | |
| Akuas | Ossaguessen | Oyegué | id. | fixé par les coordonnées |
| Abenslan | Gundong | Uyok | id. | |
| Abanga | Ekouars | Efsaque | France | |
| Angat | Aysneko | id. | id. | |
| id. | N'Dong Madoua | id. | id. | |
| Abama | Mekoumen Yono | id. | id. | |
| Fula | Enzomitzan | id. | Espagne | fixé par ses coordonnées- chef par hon- nête |
| id. | N'Tomitzana | id. | id. | |

Annex 16

The Cottes Mission to South Cameroon, *Presentation of Scientific Results, According to Works of Various Members of the French Section of the Commission for Delimitation Between the French Congo and Cameroon (Southern Border) and the Documents Studied at the Museum of Natural History* (1911) (excerpt)

TRANSLATION

THE
COTTES MISSION
TO
SOUTH CAMEROON
(1905–1908)

Presentation of scientific results,
according to the works of various members of the French section
of the Commission for Delimitation between the French Congo
and Cameroon (southern border)
and the documents studied at the Museum of Natural History

BY

CAPTAIN A. COTTES

PREFACE

BY

André TARDIEU

First Honorary Embassy Secretary, Professor at the School of Political Science



PARIS
ERNEST LEROUX, PUBLISHER
28, RUE BONAPARTE, 28
1911

FR-EG 4516_T

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TRANSLATION

IV

Spanish Guinea (1).

After having completed their delimitation operations with the German section of the South Cameroon Mixed Commission, several groups broken off from the French section had to cross Spanish Guinea in order to reach Libreville. These detachments reported interesting geographical information about this small colony, mostly unknown a few kilometers from the coast: their routes all traversed unexplored regions, except for a section of Benito, already known by the Lesieur-Trilles Mission.

Until the middle of the last century, the Crystal Mountains had remained an insurmountable barrier for Europeans: neither Portuguese navigators, who for four centuries traded with inhabitants from the coast and the islands, nor the Spanish, who theoretically took possession of the country in 1648, had been able to penetrate into the interior. During the second half of the nineteenth century, we can note, however, a certain number of interesting explorations: the French explorers, Du Chaillu (1858), Lerval (1862), Guiral (1884), Crampel (1889), Fourneau (1889), Cuny (1894); the Austrian Lenz (1874); the Spanish Manuel Iradier (1875-1877), Esorio and Montes de Oca (1886); and finally, above all, the Lesieur-Trilles-Font Trade Mission (1900-1901), and the Bonnel de Mézières-Jover y Tavar Franco-Spanish Delimitation Mission (1901) succeeded in entering into the interior and

(1) A. COTTES, Spanish Guinea [*La Guinée espagnole*]. *Annals of Geography [Annales de Géographie]*, No. 102, 15 November 1909, pp. 433-450.

FR-EG 4517_T

WATER STREET TRANSLATIONS

TRANSLATION

SPANISH GUINEA

75

with the Bimvileu at Mokonanam, the Bimvileu to Massang (confluence with the Woleu), the Woleu to Nkimi turned towards Bata. It intersects the itinerary of the Franco-Spanish Mission at Makonanam.

— 2) Route followed by Sgt. Cervoni and the soldier Genty (itinerary surveyed by Sgt. Cervoni), from the Mvézeu pillar to Sendjé. This itinerary was going to look for the Woleu at its source and follow it by land, from the source to Akoulaban; by water from Akoulaban to Yen (rapids); and by land from Yen to Sendjé. It goes through Massang, confluence of the Bimvileu and the Woleu, common point with itinerary 1, intersects the itinerary of the Franco-Spanish Mission at Anzem, on the Woleu, and the itinerary 3 at Makom-Maka, Ayérine, Emina. Sendjé was located according to the Hydrographic Service Map.

— 3) Route followed by Lt. Boisot and Mr. Michel (itinerary of Lt. Boisot), from the marker number 24 (Mvézeu Pillar) to Alarmaké (on the Abangha). The route descends to the South, meets the Woleu at Ayérine, follows it to Emina, passes by Oudong and runs along the Abangha to Alarmaké. This itinerary is based on the latitudes of Bitam, Ndana, Mahaut, Ayérine, Emina, Evoredoulou, Bibilène, and Alarmaké. The longitude of Alarmaké was taken from the map of the Libreville to Congo Railway Studies Mission. This longitude substantially coincided with that given by the itinerary and the value determined by lunar height. The position of the Oudong village, given above, is that from the Franco-Spanish Mission; the state of the sky did not allow observations at this point.

Method. —The itineraries were done by watch and compass. For the astronomical observations, a prism astrolabe (Claude et Driencourt system) was used except for Ayérine, where the latitude was determined by solar circummeridians.

The magnetic declination was determined at the following points:

| Δ | | |
|---------------|--------|--------------------|
| Mvézeu Pillar | 12°13' | September 21, 1906 |
| Ayérine | 12°28' | September 30, 1906 |
| Alarmaké | 13°18' | November 23, 1906 |
| Mbéto | 13°06' | December 17, 1906 |

4) DELIMITATION

Historical Summary of the Question

By dispatch on April 8, 1903, the Minister of Colonies sent his colleague from Foreign Affairs a complete file, containing the results obtained and the proposals formulated by Mr. Bonnel de Mézières, head of the French Section of the Franco-Spanish Commission responsible, during 1901, for establishing the delimitation between Continental Guinea and Gabon, on the basis of the Convention of June 27, 1900.

WATER STREET TRANSLATIONS

FR-EG 4537_T

TRANSLATION

76 COTTES MISSION TO SOUTH CAMEROON

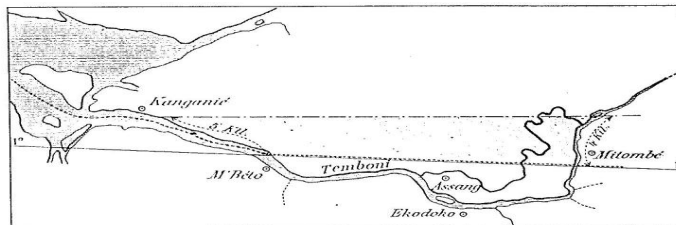
By dispatch on June 26, 1905, the Minister of Colonies not having received any response to the previous communication, inquired about the progress of the still open question with the Foreign Affairs Department.

Successively on July 31 and September 19, 1905, the Minister of Foreign Affairs let his colleague for the Colonies know that the French Chargé d'Affaires in Madrid asked the Royal Government for explanations concerning this delimitation and still awaits a response, which has not been given at this time, in 1907.

Errors found in the 1901 delimitation.

In 1904, on the *Mouny* (Muni), the officers of the *Aleyon* found, for the coordinates of the confluence of the *Mitombé* Creek, different results than those of the delimitation mission:

Sketch I.



| OBSERVATIONS | LATITUDE | LONGITUDE |
|---|-----------|-----------|
| Bonnel de Mézières | 1°0'15" | 7°37'39" |
| Sub-Lieutenant Parseval | 0°59' 50" | |
| Lieutenant of the vessel Cuxac and Sub-Lieutenant <u>Paty (May)</u> | 0°58'33" | 7°41'30" |

TRANSLATION

SPANISH GUINEA

77

In 1905, the map drawn up in Madrid by Mr. d'Almonte on the results from the Spanish Section, obtained in 1901, showed a sensible difference from the map of the French Section relating to the determination of the eastern boundary of Continental Guinea.

In 1906, the Franco-German Delimitation Commission found an error of 75 km in longitude concerning the actual position of the ninth Meridian (Spanish boundary), compared to that given by the Bonnel de Mézières map.

Finally, last November, the Michel dislocation group, by joining Libreville along the rectified Spanish boundary, remarked, by unofficial observation since it was only unilateral in nature, a notable position error of the southeast angle of Continental Guinea, evaluated at 35 km in longitude and 15 km in latitude.

The following table shows the successive positions of the village of Mabenten (northeast angle of Guinea), according to:

| OBSERVATIONS | LATITUDE | LONGITUDE |
|--------------------------------------|----------|-----------|
| Bonnel de Mézières | 2°9'34" | 9°4'28" |
| D'Almonte (Spanish map) | 2°19'11" | 8°23'25" |
| <u>Franco-German Commission 1906</u> | 2°19'15" | 8°23'16" |

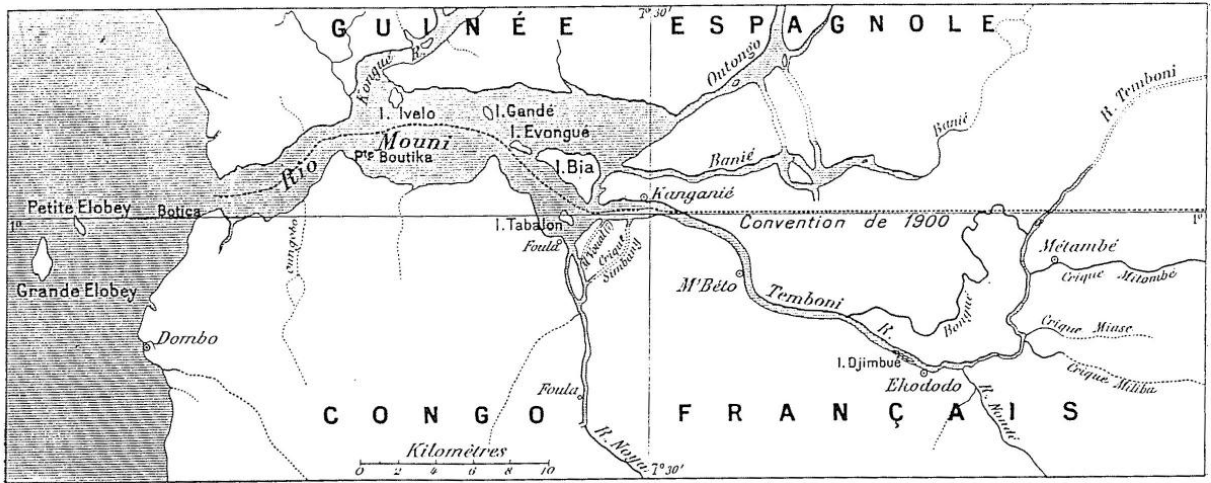
Sketch no. II shows the boundaries of Guinea, according to:

- 1) The Bonnel de Mézières map;
- 2) The d'Almonte map;
- 3) The observations from 1906.

The latter, having given 15 months straight of results with absolutely rigorous scientific agreement with the Franco-German Commission and close to those from the d'Almonte map, would seem to merit being taken into consideration. It should further be noted that they had the advantage, as it relates to the verifications which were missing in the 1901 work, of relying both on operations in connection with the ocean (position of Campo on the one hand), and with the Sangha (position of Ouessou).

TRANSLATION

78 COTTES MISSION TO SOUTH CAMEROON
Sketch no. II



TRANSLATION

SPANISH GUINEA

79

The work of the Spanish section is completely divergent from that of the French section: its map shows it very manifestly and the tallying between their respective operations has never been achieved, as Mr. d'Almonte reports in the legend.

It is therefore obvious that the delimitation of 1901 was purely fictive, a fact which explains why Spain up to now has been deprived of a ratification. Additionally, no marker was ever erected (Lt. Poupart, commander of the Ekododo circle, reported never having found signs of scored and marked trees which would have indicated the observation sites on the boundary of the first parallel), and all that remains of this work, for reference on site, is the list of villages proposed as having to be Spanish or French. It should be remarked that these villages move continually, which removes any clear and precise character to a marking based on such a variable element.

Currently, a Spanish-German Commission (M. d'Almonte and Capt. Foerster) went, in February 1907, to complete its operations with both parties between the ocean and Akoninji locality where the Franco-German Commission finalized its work, and Mr. d'Almonte had to do a new verification of the real position of the northeast angle of the Spanish colony. It would be especially interesting to document this aspect.

The Disadvantages Resulting from the Absence of an Officially Ratified Border between Gabon and Spanish Guinea.

The absence of an official border raises the following multiple difficulties:

1) From the COMMERCIAL point of view

The dislocation columns from my mission which joined the Spanish coast met west of the ninth Meridian, meaning among our neighbors, some number of foreign factories extending their operations into the territory of Gabon. A portion of the traders pushed back into Cameroon during my trip from Libreville to the German boundary, last spring time, thus

TRANSLATION

SPANISH GUINEA

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The Cervoni column at Andoum on the Woleu and near the aforementioned Massang, a clerk (native trader) from the Kahlen factory. It found a second one, from the "Woermann" firm in Massang (another town to the west of the aforementioned one and on the left bank of the Woleu); this Pongwé depended on a German agent from the Bata factory who, sometime earlier, was made prisoner by the natives of a nearby village, unhappy with seeing themselves displaced by a traffic which, as brokers, had provided them good benefits. Further, Sgt. Cervoni heard talk of the elephant hunter mentioned above, that the Pahouins considered to be a Spanish authority; they even addressed to my sub-officer a claim about requisitions that this German subject had provided himself under the pretext of tax, terrorizing the country.

2) From the customs point of view

The astronomical observations of the Navy officers who found differences with the 1901 mission regarding the delimitation of the first parallel on the Mouny and Temboni, show that the bottom of the creeks of these rivers would be in French territory. This information has the greatest importance because the occupation by the Gabon colony of the entirety of these creeks would put an end to the fraud they shelter and which causes claims from houses established on our territory. The contraband relates to prohibited materials, such as capsules, piston rifles, foreign traded powder, in exchange for which the traders from houses established in Spanish Guinea can drain the rubber coming for this region and also the valley of the Noya with impunity.

The difference of 3 km in latitude observed by Messrs. de Parseval and Cuxac, if it is confirmed to our advantage, would provide us control of both banks of the Temboni up to a few hundreds of meters from its confluence and would allow us to occupy the right bank (the left bank being marshy up to Mbéto) near Kanganié. This last point is an important center of foreign trafficking, very ingeniously installed relative to the mouth of the Mvona, and the trading houses

TRANSLATION

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which deserted French territory could return there because of the reduction granted on import taxes.

Currently, it is impossible to execute the policy of creeks between Kanganié and Mbéto, and subsequently to block the contraband. This fact has the double fatal consequence:

1) Of depriving the tax authorities and national trade of sums which instead go to other countries;

2) Of multiplying the causes of regrettable border incidents and conflicts, such as the one which arose on August 21, 1906, when the boat from the Public Works, coming from Libreville and going to Ekododo, came under fire from the Spanish customs post at N'Gandé.

These considerations, from these two perspectives, fully apply to the eastern boundary of Continental Guinea. It is at its level that all the weapons of the Pahouin land enter and have entered, to the basin of the Sangha. The surveillance to be carried out there by customs will be particularly important there for the future of all the hinterland.

3) From the political point of view

The ambiguity which reigns, for example, on the border of the Circle of the North Coast (Ekododo), also leads to inextricable political difficulties; I will name a few of them. At Atégué, a village located, according to the observations of the Sub-Lieutenant of Patty, south of the first parallel (boundary), but over the possession of which the Spanish seem to have claims (not yet officially manifested); a subsidiary of the Laloux house has for two years paid professional taxes to the government of Gabon, and the Spanish authorities are not unaware of it.

This circumstance did not stop them from issuing last May to Mr. Pratt, agent for the Hatton and Cockson house at Kanganié, the authorization to create a new counter at Atégué.

At Mitombé, the village is cut into unequal parts by a fictitious border, and the natives are unaware of their nationality. Last October, a reconnaissance party from Ekododo and going to Foula (on the 1901 boundary and to the west of Oudong), did not find any trace of prior delimitation, either on the ground or on the trees. The Pahouin chiefs did not receive either

FR-EG 4544_T

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CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Bruce Morita and Bruce Popp, linguists with substantial experience in the translation of documents from French into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the French text attached herewith."

Kent G. Heine
Water Street Translations, LLC

09/13/21

Date



LA
MISSION COTTES
AU
SUD-CAMEROUN
(1905-1908)

Exposé des résultats scientifiques,
d'après les travaux des divers Membres de la Section française
de la Commission de délimitation entre le Congo français
et le Cameroun (frontière méridionale)
et les documents étudiés au Muséum d'Histoire Naturelle.

PAR

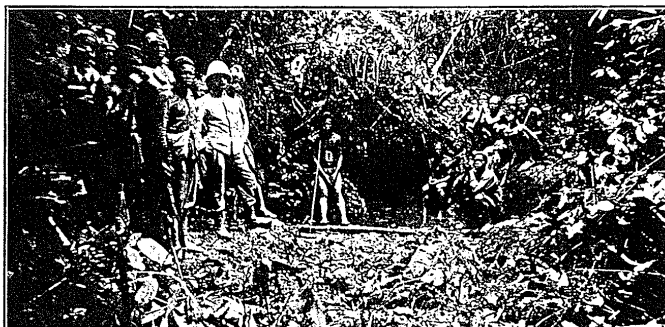
LE CAPITAINE A. COTTES

PRÉFACE

PAR

André TARDIEU

Premier Secrétaire d'Ambassade honoraire, Professeur à l'École des Sciences politiques.



PARIS
ERNEST LEROUX, ÉDITEUR
28, RUE BONAPARTE, 28
1911

FR-EG 4516

IV

La Guinée espagnole (1).

Après avoir achevé ses opérations de délimitation avec la section allemande de la Commission mixte du Sud-Cameroun, plusieurs groupes de dislocation de la Section française eurent à traverser la Guinée espagnole pour rallier Libreville. Ces détachements ont rapporté des renseignements géographiques intéressants sur cette petite colonie, presque inconnue à quelques kilomètres de la côte : leurs itinéraires ont tous traversé des régions inexplorées, sauf une section du Benito reconnue déjà par la Mission Lesieur-Trilles.

Jusqu'au milieu du siècle dernier, les Monts de Cristal étaient demeurés une barrière infranchissable pour les Européens : ni les navigateurs portugais, qui, pendant quatre siècles, firent le commerce avec les habitants de la côte et des îles, ni les Espagnols, qui prirent théoriquement possession du pays en 1648, ne purent pénétrer à l'intérieur. Au cours de la seconde moitié du dix-neuvième siècle, on peut signaler, au contraire, un certain nombre d'explorations intéressantes : les voyageurs français, Du Chaillu (1858), Lerval (1862), Guiral (1884), Crampel (1889), Fourneau (1889), Cuny (1894); l'Autrichien Lenz (1874); les Espagnols, Manuel Iradier (1875-1877), Esorio et Montes de Oca (1886); enfin et surtout la Mission commerciale Lesieur-Trilles-Font (1900-1901), et la Mission franco-espagnole de délimitation Bonnel de Mézières-Jover y Tavar (1901) réussirent à pénétrer dans l'intérieur et à

(1) A. COTTES, *La Guinée espagnole*. Annales de Géographie, n° 102, 15 novembre 1909, pp. 433-450.

avec le Bimvileu à Mokonanam, le Bimvileu jusqu'à Massang (confluent avec le Woleu), le Woleu jusqu'à Nkimi et se dirige sur Bata. Il coupe l'itinéraire de la Mission franco-espagnole à Makonanam.

— 2^e Route suivie par le sergent Cervoni et le soldat Genty (itinéraire levé par le sergent Cervoni), du pilier de la Mvézeu à Sendjé. Cet itinéraire va chercher le Woleu à sa source et le suit par terre, de la source jusqu'à Akoulaban ; par eau, d'Akoulaban à Yen (rapides); par terre, d'Yen à Sendjé. Il passe à Massang, confluent du Bimvileu et du Woleu, point commun avec l'itinéraire 1, coupe l'itinéraire de la Mission franco-espagnole à Anzem, sur le Woleu, et l'itinéraire 3 à Makom-Maka, Ayérine, Emina. Sendjé a été placé d'après la Carte du Service hydrographique.

— 3^e Route suivie par le lieutenant Boisot et M. Michel (itinéraire du lieutenant Boisot), de la borne n° 24 (Pilier de la Mvézeu) à Alarmaké (sur l'Abangha). La route descend au Sud, rencontre le Woleu à Ayérine, le suit jusqu'à Emina, passe par Oudong et longe l'Abangha jusqu'à Alarmaké. Cet itinéraire s'appuie sur les latitudes de Bitam, Ndana, Mabam, Ayérine, Emina, Evoredoulou, Bibilène, Alarmaké. La longitude d'Alarmaké a été prise sur la carte de la Mission d'Études du Chemin de fer de Libreville au Congo. Cette longitude concordait sensiblement avec celle donnée par l'itinéraire et une valeur déterminée par hauteur de lune. La position du village de Oudong, cité plus haut, est celle de la Mission franco-espagnole; l'état du ciel n'a pas permis d'observations en ce point.

Méthode. — Les itinéraires ont été faits à la montre et à la boussole. Pour les observations astronomiques, on s'est servi de l'astrolabe à prisme (système Claude et Driencourt), sauf pour Ayérine, où la latitude a été déterminée par des circumméridiennes de soleil.

La déclinaison magnétique a été déterminée aux points suivants :

| Δ | | |
|-------------------------------|--------|-------------------|
| Pilier de la Mvézeu | 12°13' | 21 septembre 1906 |
| Ayérine | 12°28' | 30 septembre 1906 |
| Alarmaké | 13°18' | 23 novembre 1906 |
| Mhété | 13°06' | 17 décembre 1906 |

4^e LA DÉLIMITATION

Historique résumé de la question.

Par dépêche du 8 avril 1903, M. le Ministre des Colonies transmettait à son collègue des Affaires Étrangères un dossier complet, renfermant les résultats obtenus et les propositions formulées par M. Bonnel de Mézières, chef de la Section Française de la Commission Franco-Espagnole chargée, dans le cours de 1901, d'effectuer la délimitation entre la Guinée Continentale et le Gabon, sur les bases de la Convention du 27 juin 1900.

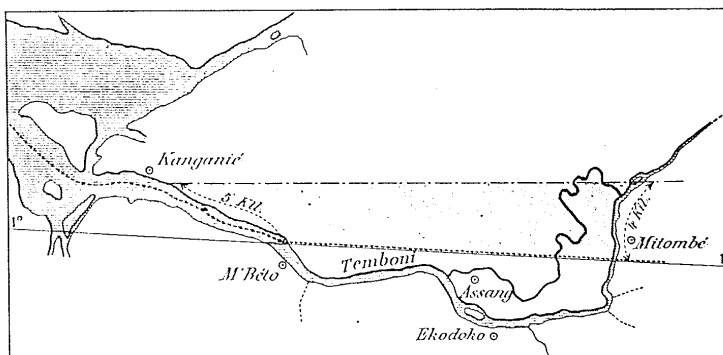
Par dépêche du 26 juin 1905, le Ministre des Colonies, n'ayant reçu aucune réponse à la communication précédente, s'informait auprès du Département des Affaires Étrangères du progrès de la question toujours en instance.

Successivement, le 31 juillet et le 19 septembre 1905, le Ministre des Affaires Étrangères fait connaître à son collègue des Colonies que le Chargé d'Affaires de France à Madrid a demandé des explications concernant cette délimitation au Gouvernement Royal et attend une réponse qui ne s'est pas encore manifestée à l'heure présente, en 1907.

Erreurs relevées dans la délimitation de 1901.

En 1904, sur le *Moungy* (Muni), les officiers de l'*Alcyon* relèvent, pour les coordonnées du confluent de la Crique *Mitombé*, des résultats différents de ceux de la mission de délimitation :

Croquis n° I.



| OBSERVATIONS | LATITUDE | LONGITUDE |
|--|------------|------------|
| Bonnel de Mézières | 1° 0' 13" | 7° 37' 39" |
| Enseigne de Parseval (Janv.) . . | 0° 59' 30" | |
| Lieutenant de vaisseau Cuxac et enseigne du Paly (Mai). . . | 0° 58' 33" | 7° 41' 30" |

En 1905, la carte dressée à Madrid par M. d'Almonte sur les résultats de la Section Espagnole, obtenus en 1901, fait ressortir une différence sensible avec la carte de la Section Française en ce qui concerne la détermination de la frontière Orientale de la Guinée Continentale.

En 1906, la Commission Franco-Allemande de délimitation relève une erreur de 75 kilomètres en longitude, concernant la position réelle du neuvième Méridien (frontière Espagnole) comparée à celle donnée par la carte Bonnel de Mézières.

Enfin, en novembre dernier, le groupe de dislocation Michel, en ralliant Libreville le long de la frontière espagnole rectifiée, constate, par observation non officielle puisque n'ayant qu'un caractère unilatéral, une erreur de position notable de l'angle S.-E. de la Guinée Continentale, évaluée à 35 kilomètres en longitude et à 15 kilomètres en latitude.

Le tableau ci-dessous montre les positions successives du village de Mabenten (angle N.-E. de la Guinée), d'après :

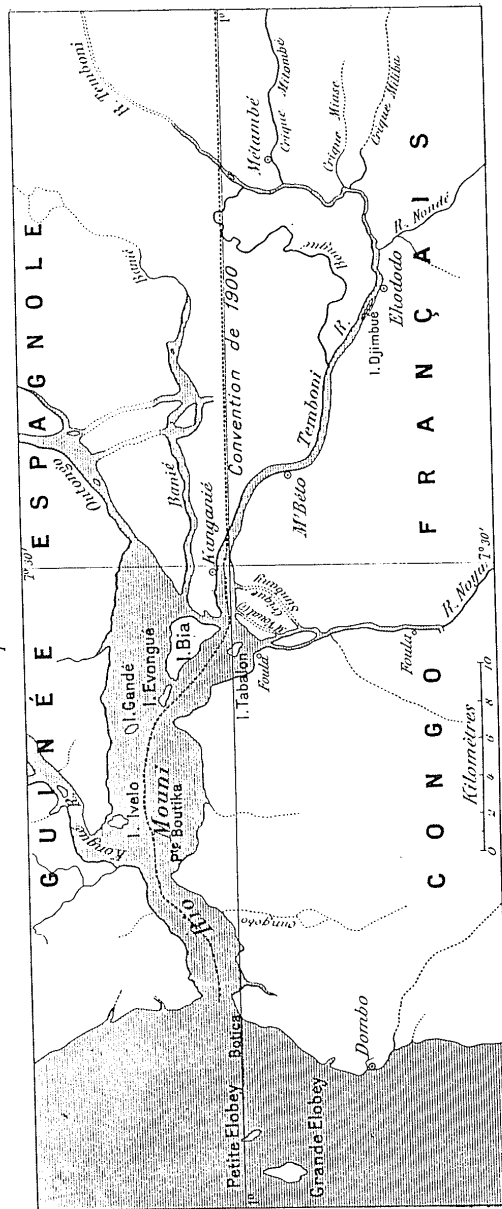
| OBSERVATIONS | LATITUDE | LONGITUDE |
|---|------------|------------|
| Bonnel de Mézières | 2° 9' 34" | 9° 4' 28" |
| D'Almonte (carte espagnole) . . | 2° 19' 41" | 8° 23' 25" |
| Commission Franco-Allemande 1906 | 2° 19' 45" | 8° 23' 16" |

Le croquis n° II figure les frontières de la Guinée, d'après :

- 1° La carte Bonnel de Mézières ;
- 2° La carte de d'Almonte ;
- 3° Les observations de 1906.

Ces dernières, ayant donné quinze mois durant des résultats de concordance scientifique absolument rigoureux à la Commission franco-allemande et se rapprochant de celles de la carte de d'Almonte, paraissent mériter d'être prises en considération. Il est à noter, d'ailleurs, qu'elles présentaient l'avantage, en ce qui concerne les vérifications qui ont manqué aux travaux de 1901, de s'appuyer à la fois sur des opérations en liaison avec la mer (position du Campo d'une part), et avec la Sangha (position d'Ouessou).

Croquis n° II.



Les travaux de la section espagnole offraient déjà une divergence complète avec ceux de la section française : sa carte la figure très ostensiblement et le raccord entre leurs opérations respectives n'a jamais pu être effectué, comme le signale M. d'Almonte dans la légende.

Il est donc patent que la délimitation de 1901 a été purement fictive, fait qui explique que l'Espagne se soit jusqu'ici dérobée à une ratification. Du reste, aucune borne ne fut jamais édiflée (M. le lieutenant Poupart, commandant le cercle d'Ekododo, a signalé n'avoir jamais trouvé trace des arbres écorcés et gravés qui auraient figuré les lieux d'observation sur la frontière du premier parallèle), et il ne reste de ce travail, pour s'y référer sur place, que les listes de villages proposés comme devant être espagnols ou français. Il faut remarquer que ces villages se déplacent continuellement, ce qui enlève tout caractère net et précis à un abornement reposant sur un élément aussi variable.

Actuellement, une Commission hispano-allemande (MM. d'Almonte et le capitaine Foerster) a été, en février 1907, achever ses opérations contradictoires entre la mer et Akoninji, localité où la Commission franco-allemande a clôturé ses travaux, et M. d'Almonte a dû faire une nouvelle vérification de la position réelle de l'angle N.-E. de la Colonie espagnole. Il sera spécialement intéressant d'être documenté à cet égard.

Inconvénients résultant de l'absence d'une frontière officiellement ratifiée entre le Gabon et la Guinée espagnole.

L'absence d'une frontière officielle soulève les multiples difficultés suivantes :

1° *Au point de vue commercial.*

Les colonnes de dislocation de ma mission qui ralliaient la côte espagnole ont rencontré à l'ouest du neuvième méridien, c'est-à-dire chez nos voisins, un certain nombre de factoreries étrangères étendant leur action sur le territoire du Gabon. Une partie des commerçants refoulés sur le Cameroun lors de mon passage de Libreville à la frontière allemande, au printemps dernier, est

La colonne Cervoni a rencontré à Andoum, sur le Woleu et près de Massang précité, un clerk (traitant indigène) de la factorerie Kahlen. Elle en a trouvé un deuxième, de la firme « Woermann » à Massang (autre localité à l'ouest de la susnommée et sur la rive gauche du Woleu); ce Pongwé dépendait d'un agent allemand de la factorerie de Bata qui, quelque temps auparavant, avait été fait prisonnier par les indigènes d'un village voisin, mécontents de se voir supplanter pour un trafic qui, comme courtiers, leur offre de beaux bénéfices. En outre, le sergent Cervoni a entendu parler du chasseur d'éléphants mentionné plus haut, que les Pahouins considèrent comme une autorité espagnole; ils ont même adressé à mon sous-officier une réclamation au sujet des réquisitions que ce sujet allemand se faisait fournir sous couleur d'impôt, terrorisant le pays.

2° *Au point de vue douanier.*

Les constatations astronomiques des officiers de marine qui ont trouvé des différences avec la mission de 1901 pour la délimitation du premier parallèle, sur le Mouny et le Temboni, montrent que le fond des criques de ces rivières serait en territoire français. Ce renseignement a la plus haute importance, car l'occupation par la colonie du Gabon de la totalité de ces criques mettrait un terme à la fraude qu'elles abritent et qui provoque des réclamations des maisons établies sur notre territoire. La contrebande y porte sur des matières prohibées, telles que capsules, fusils à piston, poudre de traite étrangère, en échange desquelles les traitants des maisons établies en Guinée espagnole peuvent drainer impunément le caoutchouc provenant de cette région ainsi que de la vallée de la Noya.

La différence de 3 kilomètres en latitude constatée par MM. de Parseval et Cuxac, si elle est confirmée à notre avantage, nous assurerait le contrôle des deux rives du Temboni jusqu'à quelques centaines de mètres de son confluent, et nous permettrait d'occuper la rive droite (celle de gauche étant marécageuse jusqu'à Mbéto) près de Kanganié. Ce dernier point est un centre important du trafic étranger, installé fort ingénieusement vis-à-vis de l'embouchure de la Myona, et les maisons de commerce

qui ont déserté le territoire français pourraient y revenir en raison de l'abaissement consenti sur les taxes d'importation.

Actuellement, il est impossible d'exécuter la police des criques entre Kangané et Mbéto, et, par suite, d'empêcher la contrebande. Ce fait a la double conséquence funeste :

1°. De frustrer le fisc et le commerce national de sommes qui reviennent à l'étranger ;

2°. De multiplier les causes d'incidents de frontière et de conflits regrettables, tels que celui qui a surgi le 21 août 1906 quand le boat des Travaux Publics, venant de Libreville et se rendant à Ekododo, a essuyé le feu du poste de douane espagnol de N'Gandé.

Ces considérations, à ces deux points de vue, s'appliquent intégralement à la frontière orientale de la Guinée Continentale. C'est à son niveau que pénètre et a pénétré tout l'armement du pays pahouin, jusqu'au bassin de la Sangha. La surveillance à y exécuter par la douane y sera particulièrement importante pour l'avenir de tout l' hinterland.

3° Au point de vue politique.

L'ambiguïté qui règne, par exemple, sur la frontière du Cercle de la côte Nord (Ekododo), entraîne aussi des difficultés politiques inextricables ; j'en citerai quelques-unes. A Atégué, village situé, d'après les observations de l'enseigne du Paty, au sud du premier parallèle (frontière), mais sur la possession duquel les Espagnols semblent avoir des prétentions (non encore manifestées officiellement), une succursale de la maison Laloux paye depuis deux ans patente au gouvernement du Gabon, et les autorités espagnoles ne l'ignorent pas.

Cette circonstance ne les a pas empêchées de délivrer en mai dernier à M. Pratt, agent de la maison Hatton et Cockson à Kangané, l'autorisation de créer un comptoir à Atégué.

A Mitombé, le village est coupé en deux parties inégales par une frontière fictive, et les indigènes ignorent leur nationalité. En octobre dernier, une reconnaissance partie d'Ekododo et allant à Foula (sur la frontière de 1901 et à l'ouest d'Oudong), n'a trouvé aucune trace de la délimitation antérieure, ni sur le terrain, ni sur les arbres. Les chefs Pahouins n'ont reçu ni dra-

Annex 17

UN Security Council, *890th Meeting held in New York*, Security Council Official Records
(23 August 1960) (excerpt)

UNITED NATIONS / NATIONS UNIES



SECURITY COUNCIL OFFICIAL RECORDS

FIFTEENTH YEAR

890 *th* MEETING: 23 AUGUST 1960
ème SÉANCE: 23 AOÛT 1960

QUINZIÈME ANNÉE

CONSEIL DE SÉCURITÉ DOCUMENTS OFFICIELS

NEW YORK

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| Letter dated 7 August 1960 from the President of the Council of Ministers of the Republic of the Niger addressed to the Secretary-General (S/4429); | |
| Letter dated 7 August 1960 from the President of the Republic of the Upper Volta addressed to the Secretary-General (S/4430); | |
| Letter dated 7 August 1960 from the Chief of State of the Republic of the Ivory Coast addressed to the Secretary-General (S/4431); | |
| Telegram dated 15 August 1960 from the President of the Republic of the Congo addressed to the Secretary-General (S/4433); | |

Admission of new Members to the
United Nations

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- Telegram dated 15 August 1960 from the President of the Republic of the Congo addressed to the Secretary-General (S/4433);
- Letter dated 12 August 1960 from the President of the Government of the Republic of Chad addressed to the Secretary-General (S/4434);
- Telegram dated 17 August 1960 from the President of the Gabon Republic addressed to the Secretary-General (S/4436);
- Telegram dated 22 August 1960 from the President of the Central African Republic addressed to the Secretary-General (S/4455)

1. The PRESIDENT (translated from French): Eight draft resolutions have been submitted jointly by France and Tunisia recommending the admission of eight countries to membership in the United Nations and they are contained in documents S/4438, S/4439, S/4440, S/4441, S/4442, S/4443, S/4444 and S/4456.

2. In accordance with the practice that has been followed by the Council for many years I suggest that we consider the applications for membership directly, in conformity with rule 59 of the Council's rules of procedure. If there is no objection to this suggestion, the Council will take up the applications without referring them to the Committee on the Admission of New Members.

It was so decided.

3. The PRESIDENT (translated from French): It is only natural that the eight African States which are today applying for membership in the United Nations should have asked France to sponsor their candidatures. It is no less natural that Tunisia, as an African Power, should also wish to participate in sponsoring them. In the circumstances the Council will forgive me if, contrary to the usual practice, I take the floor first as representative of FRANCE in order to perform this task.

4. Today's meeting of the Security Council is a historic one. Never before have so many countries belonging to a single continent applied simultaneously for membership in our Organization and the situation is unlikely to be repeated. The eight States cover an area of no less than 4,434,000 square kilometres, one-seventh of the total area of Africa.

5. My country is conscious of having fulfilled its obligations and takes pride in the circumstances in

Admission de nouveaux Membres
à l'Organisation des Nations Unies

- Lettre, en date du 2 août 1960, adressée au Secrétaire général par le Premier Ministre de la République du Dahomey (S/4428);
- Lettre, en date du 7 août 1960, adressée au Secrétaire général par le Président du Conseil des ministres de la République du Niger (S/4429);
- Lettre, en date du 7 août 1960, adressée au Secrétaire général par le Président de la République de Haute-Volta (S/4430);
- Lettre, en date du 7 août 1960, adressée au Secrétaire général par le chef de l'Etat de la République de Côte-d'Ivoire (S/4431);
- Télégramme, en date du 15 août 1960, adressé au Secrétaire général par le Président de la République du Congo (S/4433);
- Lettre, en date du 12 août 1960, adressée au Secrétaire général par le Président du Gouvernement de la République du Tchad (S/4434);
- Télégramme, en date du 17 août 1960, adressé au Secrétaire général par le Président de la République gabonaise (S/4436);
- Télégramme, en date du 22 août 1960; adressé au Secrétaire général par le Président du Gouvernement de la République centrafricaine (S/4455)

1. Le PRESIDENT: La France et la Tunisie ont soumis conjointement huit projets de résolution recommandant l'admission de huit Etats comme Membres de l'Organisation des Nations Unies. Ces projets de résolution font l'objet des documents suivants: S/4438, S/4439, S/4440, S/4441, S/4442, S/4443, S/4444 et S/4456.

2. Conformément à la pratique suivie par le Conseil depuis plusieurs années, je vous propose d'examiner directement ces demandes d'admission, comme le prévoit l'article 59 du règlement intérieur du Conseil de sécurité. Si aucune objection n'est élevée à l'encontre de cette proposition, le Conseil se saisira de ces demandes sans les renvoyer au Comité d'admission des nouveaux Membres.

Il en est ainsi décidé.

3. Le PRESIDENT: Il était naturel que les huit Etats africains qui sollicitent aujourd'hui l'entrée à l'Organisation des Nations Unies aient demandé à la France de présenter leur candidature. Il est non moins naturel que la Tunisie, puissance africaine, ait souhaité également participer à ces présentations. Mes collègues comprendront, dans ces conditions, que, contrairement à l'usage, je prenne en premier la parole en qualité de représentant de la FRANCE pour m'acquitter de la tâche qui m'est dévolue.

4. Le Conseil de sécurité vit aujourd'hui une séance historique. C'est la première et, vraisemblablement, la dernière fois qu'autant de pays appartenant à un même continent sollicitent au même moment leur admission dans notre Organisation. Ces huit Etats ne couvrent pas moins de 4,434.000 kilomètres carrés, soit le septième de la superficie de l'Afrique.

5. Consciente d'avoir rempli la tâche qui lui était échue, la France se réjouit des conditions dans les-

which the eight States have attained independence. France has spared no effort to ensure that their independence should be attained smoothly and develop in conditions of order, prosperity and peace. In all these States we made a special effort to train élites capable of assuming responsibility for the leadership and the destinies of their countries and we were careful to hand over the reins of power in the most favourable circumstances.

6. Today's event is not an isolated one. It is a part of a deliberately sought, methodical, progressive and peaceful process of evolution. In conformity with the ideals which we have done so much to spread throughout the world in the course of the centuries, France has responded to the wish of the twelve African States united with it by a variety of ties to accede to full sovereignty in harmony and friendship. Inevitably the countries concerned are at different levels of economic and social development but my country could not regard that fact as a reason for failing to respond to their desire for independence. We realize, in particular, that because of their distance from the sea some areas have been excluded from the main-streams of maritime civilization and that their economic growth may have been somewhat retarded in consequence; France is aware of that situation and proposes, in a spirit of justice and brotherhood, to continue to provide these new States with the technical support of which they will stand in need. As independent countries they will also have a claim to various forms of assistance which the United Nations will surely provide in generous measure.

7. In order to present these eight candidatures fittingly, I shall, with your permission, take you on a tour through Africa, from the tropical shores of the Ivory Coast, through Gabon, Niger and Chad, to the edge of the desert.

8. I shall try to make the tour as brief as possible and at the same time to present a faithful picture of each of the countries. It will, of course, take some time, for we have many kilometres to cover, but it would be unworthy of the Council if this meeting failed to convince the eight States that we attach due importance to their applications and that, after considering them with due deliberation, we recommend them to the General Assembly with the deepest satisfaction.

9. In taking the initiative in proposing the admission of the Republic of the Ivory Coast to the United Nations, my delegation is performing a most agreeable duty, for the people of the Ivory Coast are united to the French people by century-old ties of friendship,

10. The Ivory Coast proclaimed its independence on 7 August 1960 following friendly negotiations which, as Prime Minister Houphouët-Boigny said, did honour to France and to his country.

11. The Republic of the Ivory Coast is an ancient country with enduring traditions and a young nation proud of its extraordinary vitality. Its first contact with Europe dates back to the fourteenth century. In 1339 seamen from Dieppe visited its shores for the first time and called it the "Coast of the Good

quelles ces Etats ont accédé à l'indépendance. Elle n'a négligé aucun effort pour que cette indépendance se réalise sans à-coup et pour qu'elle puisse se développer dans l'équilibre, le bien-être et la paix. Elle s'est attachée en particulier à favoriser dans tous ces pays la formation d'élites capables de prendre en main la direction et le destin de ces Etats, et de leur passer les leviers de commande dans les circonstances les plus favorables.

6. L'événement d'aujourd'hui n'est d'ailleurs pas isolé. Il s'inscrit dans une évolution voulue, méthodique, progressive et pacifique. Fidèle à l'idéal qu'au cours des siècles elle a tant contribué à répandre dans le monde, la France a répondu au souhait des 12 Etats africains qui, unis à elle par des liens variés, ont voulu parvenir à la pleine souveraineté dans la concorde et dans l'amitié. Une disparité inévitable dans l'évolution économique et sociale de ces Etats ne pouvait pas être pour mon pays une raison de ne pas répondre au désir d'indépendance qui s'exprimait à lui. Si, en particulier, l'éloignement de la mer a écarté certaines régions des grands courants de civilisation maritime et a pu provoquer quelque retard dans leur croissance économique, la France, qui ne l'ignore pas et qui entend en tenir compte, se propose, dans un sentiment de justice et de fraternité, de maintenir à ces nouveaux Etats l'appui technique qui leur sera nécessaire. Mais l'indépendance acquise doit leur valoir également le bénéfice des diverses formes d'assistance que l'Organisation des Nations Unies ne saurait leur mesurer.

7. Pour vous présenter comme il convient les huit candidatures qui nous sont proposées, permettez-moi de vous emmener maintenant dans un voyage à travers l'Afrique, qui, en partant des rivages tropicaux de la Côte-d'Ivoire, nous ramènera à ceux du Gabon, après nous avoir conduits, au Niger et au Tchad, jusqu'aux limites du désert.

8. Je tâcherai de rendre ce voyage aussi bref que possible tout en cherchant à vous donner de ces pays une image fidèle. Sans doute cet exposé nous retiendra-t-il quelque temps, car nous avons bien des kilomètres à parcourir; mais il ne serait pas digne de notre Conseil que ces huit Etats ne retirent pas de la présente séance la conviction que nous donnons à leurs candidatures toute l'importance et toute la solennité qu'elles méritent et que c'est avec une satisfaction profonde que nous recommandons à l'Assemblée générale leur admission.

9. En prenant aujourd'hui l'initiative de proposer au Conseil l'admission à l'Organisation des Nations Unies de la République de Côte-d'Ivoire, la délégation française ne fait que s'acquitter d'un heureux devoir, que lui imposent les liens d'amitié séculaire unissant le peuple français au peuple ivoirien.

10. La Côte-d'Ivoire a proclamé son indépendance le 7 août 1960, à l'issue de négociations sereines qui, ainsi que l'a souligné le Premier Ministre, M. Houphouët-Boigny, font honneur à la France et à son pays.

11. La République de Côte-d'Ivoire est à la fois un vieux pays aux traditions vivaces et une jeune nation fière de son extraordinaire vitalité. Ses premiers contacts avec l'Europe remontent au XIV^{ème} siècle. C'est vers 1339 que des marins de Dieppe visitèrent pour la première fois ses rivages et leur donnèrent

actively encouraged to take part in the management of public affairs. The enactment of the "loi-cadre" in 1956 and the establishment of autonomous governments were landmarks in this process of political change.

139. In August 1958, fourteen years after the Brazzaville Conference, General de Gaulle issued another message from this city, in which the first steps towards a new future for the African world were taken. The referendum of 28 September 1958 gave the Africans an opportunity freely to determine their own destiny and the direction of their future development.

140. Brazzaville is proud to bear the name of a man who, eighty years ago, brought the vast territories of Central Africa under French protection and the reign of justice and peace, without spilling a drop of blood.

141. Portuguese sailors had reached the Congolese coast in the fifteenth century, and since 1785 the French had maintained continuous contacts with this region, which was then known as the Zaïre. But it was Pierre Savorgnan de Brazza who bears the noblest and most glorious name in the history of African discovery. From 1877 onwards, this pioneer and peacemaker, whose kindness and quiet faith won all hearts, crossed first the Ogowe and then the Alima basin. Like Stanley he set out to look for Livingstone and on 3 October 1880 arrived at the village of M'Fa on the banks of Stanley Pool and signed a treaty of friendship with King Makoko.

142. This is how Brazzaville came to be founded. With its 125,000 inhabitants, its busy streets and constantly changing skyline, it is now a large and rapidly developing city stretching along the bank of the Congo.

143. The Young Republic is dominated by the great equatorial river from which it takes its name and by which its character is determined. Most of the country's activities are concentrated on the banks of the river.

144. As in nearby Gabon, the chief source of wealth is the great forest which extends over 22 million hectares. The most valuable woods—iroko, ebony and mahogany—are no longer the most worked, but "okoumé" and limba. Much has been done to develop the light woods such as cork wood and bombax in order to provide a basis for a paper-pulp industry.

145. The country's second major product is derived from the oil-palms which grow in the regions of Stanley Pool and of the Niari and the Likouala-Mossaka rivers. The refinery at Pointe Noire produces 5,000 metric tons of oil and 7,000 tons of palm kernels a year.

146. There is as yet comparatively little mining activity in the Congo, except for the lead-mines and a gold-field in the Likouala area. But important deposits of copper have been discovered at Mindouli, of tin in the Mayombé and of phosphates in the Kouilou.

147. Progress is being made in industrial development; the Republic has spinning-mills at Brazzaville, the Likouala-Mossaka oil-mills and sugar refineries which already meet all its needs. The main problems

généraux français, tandis qu'est activement poussée la participation des élus africains à la gestion des affaires publiques. La loi-cadre de 1956 et la création de gouvernements autonomes marquent, dans ces transformations politiques, une étape décisive.

139. Quatorze ans après la Conférence de Brazzaville, c'est encore de cette cité, initiatrice de l'avenir du monde noir, que part, au mois d'août 1958, un nouveau message du général de Gaulle, et le référendum du 28 septembre 1958 offre aux Africains le libre choix de leur destin et de leur évolution future.

140. Brazzaville porte fièrement le nom de celui qui, sans verser une goutte de sang, gagna, il y a 80 ans, les vastes territoires d'Afrique centrale à la protection de la France et au règne de la justice et de la paix.

141. Si la côte congolaise avait été atteinte dès le XV^e siècle par des navigateurs portugais, si depuis 1785, les Français entretenaient des relations suivies avec cette région qu'on appelait alors le Zaïre, c'est à Pierre Savorgnan de Brazza qu'il appartenait de laisser dans l'histoire de la découverte de l'Afrique le souvenir le plus pur et le plus glorieux. Ce pionnier et pacificateur, à qui sa bonté et sa foi tranquille ouvraient tous les cœurs, parcourt, à partir de 1877, le bassin de l'Ogoué, puis celui de l'Alima. Parti, comme Stanley, à la recherche de Livingstone, il arrive le 3 octobre 1880 au village de M'Fa, sur les rives du Stanley Pool, et signe un traité d'amitié avec le roi Makoko.

142. C'est ainsi qu'est née Brazzaville. Avec ses 125.000 habitants, ses rues animées, ses constructions sans cesse nouvelles, c'est aujourd'hui une grande ville en plein essor, étalée le long de la rive du Congo.

143. Le grand fleuve équatorial, qui a donné son nom au pays, domine et caractérise la jeune république et voit se concentrer sur ses rives les principales activités nationales.

144. Comme au Gabon voisin, les ressources principales proviennent de la grande forêt qui couvre 22 millions d'hectares. Ce ne sont plus les espèces précieuses (iroko, ébène, acajou) qui sont aujourd'hui surtout exploitées, mais l'okoumé et le limba. De grands efforts ont été accomplis déjà pour développer les bois légers (parasolier et fromager) susceptibles de donner naissance à l'industrie de la pâte à papier.

145. Le palmier à huile des régions du Stanley Pool, du Niari et de la Likouala-Mossaka fournit la deuxième production du pays. L'usine d'épuration de Pointe-Noire produit 5.000 tonnes d'huile par an et 7.000 tonnes de palmistes.

146. Les mines congolaises sont encore peu actives, sauf celles de plomb et un gisement aurifère dans la Likouala. Mais d'importants gisements de cuivre ont été découverts à Mindouli, de l'étain dans le Mayombé, des phosphates dans le Kouilou.

147. L'équipement industriel progresse: filatures à Brazzaville, huileries de la Likouala-Mossaka, sucreries qui couvrent déjà les besoins en raffinage de la République. Le principal problème est un pro-

are labour and cheap power. The completion in 1953 of the hydro-electric power station at Djoué constituted a landmark in power development. The station produces 130 million kwh a year and transmits some current abroad. Petroleum has been discovered fifteen kilometres from Pointe Noire, and natural gas at Pointe Indienne; 150,000 tons of petroleum have already been exported this year.

148. The economic importance of the Republic of the Congo lies in its key position and in the fact that it serves as a main artery of transport and distribution for the four Republics formerly constituting French Equatorial Africa, 44 per cent by weight of the imports of these Republics passing through Pointe Noire and Brazzaville. Its function as a transit route, which was due originally to the river, increased in importance with the construction of the Congo-Ocean railway. Work on the section through the difficult terrain of the Mayombé plateau, which was completed in 1934, involved many feats of engineering. Traffic on the line, which was modernized in 1947, now amounts to 52 million passenger-kilometres and 158 million ton-kilometres a year. This vital communications route terminates at the seaport of Pointe Noire, which handles half a million tons a year and the construction of which was due to the energy of the great builder, Governor General Antonetti.

149. Rail, road and river routes all converge at the river-port of Brazzaville, which handles 200,000 tons of goods a year. The Republic of the Congo has a fine system of 2,500 km of navigable waterways. A large fleet of boats plies on the Sangha, the Likouala, the Alima and the Kouilou, while the Congo is navigable by ships of 6,000 tons.

150. The young Republic of the Congo has a promising future, but investment and technical assistance are essential to it. While this country of the future can rely on help from France and other countries, it has an irreplaceable asset of its own: its young people, who are studying in a dozen secondary schools, some thirty technical schools and 600 primary schools. The Republic of the Congo may be justly proud of having the highest school enrolment rate in Black Africa—72 per cent. It has also made great cultural progress and the achievements of young Congolese intellectuals are well known. The School of Painting at Poto-Poto has become famous in the artistic world and has already organized exhibitions in Paris, in Switzerland and even here in New York.

151. This is the auspicious background against which we should view the functioning of Congolese institutions. The first government was set up under the "loi-cadre" on 15 May 1957 by Mr. Jacques Opangault, a member of the Mouvement socialiste africain. I am happy to welcome him here in the United Nations, where he is accompanied by Mr. Tchichelle, Minister of Foreign Affairs, and Mr. Dadet, a member of the Congolese Government.

152. The Republic was proclaimed on 28 November. On 8 December a provisional government was formed by Premier Fulbert Youlou, who also leads the Union de défense des intérêts africains. The new Legislative Assembly was elected on 14 June, and on 3 July 1959 it confirmed a new government under Mr. Youlou

blème de main-d'œuvre et d'énergie à bon marché. Or une étape importante du développement énergétique a été franchie dès l'achèvement, en 1953, de la centrale hydro-électrique de Djoué — d'une capacité de 130 millions de kW — qui exporte du courant à l'extérieur. Des indices de pétrole ont été découverts à 15 kilomètres de Pointe-Noire et du gaz naturel à Pointe-Indienne. Notons que 150,000 tonnes de pétrole ont déjà été exportées cette année.

148. L'importance économique de cette république du Congo réside dans sa position clef et dans son rôle de grand axe de transit et de redistribution des quatre républiques de l'ancienne Afrique-Équatoriale française, dont 44 pour 100 du tonnage importé passe par Pointe-Noire et Brazzaville. Cette vocation "péagère", née du fleuve, a été stimulée par le chemin de fer du Congo-Océan. Les travaux, achevés en 1934, dans le difficile massif du Mayombé, ont nécessité la construction de nombreux ouvrages d'art. Le trafic de la ligne, modernisée en 1947, atteint maintenant 52 millions de voyageurs-kilomètres et 158 millions de tonnes-kilomètres. Cette artère vitale du pays aboutit au port maritime de Pointe-Noire, d'une capacité de trafic d'un demi-million de tonnes et qui est dû à l'énergie d'un grand bâtisseur, le gouverneur général Antonetti.

149. Le port fluvial de Brazzaville assure la jonction du rail, de la route et du fleuve. Deux cent mille tonnes de marchandises y transitent chaque année. La République du Congo possède en effet un réseau remarquable de 2.500 kilomètres de voies navigables; sur la Sangha, la Likouala, l'Alima et le Kouilou, circule une flottille importante, tandis que le Congo est accessible aux vapeurs de 6.000 tonnes.

150. L'avenir du Congo est prometteur. Mais une politique d'investissement et d'assistance technique est indispensable à la jeune République. Si ce pays plein d'avenir peut compter sur l'aide de la France et d'autres nations, il possède, quant à lui, un capital irremplaçable: sa jeunesse, qui s'instruit dans une dizaine de lycées et de collèges, une trentaine de centres techniques et 600 écoles primaires. La République du Congo peut, à bon droit, se vanter d'avoir le plus fort pourcentage de scolarisation de l'Afrique noire: 72 pour 100. L'essor culturel est, lui aussi, important; la valeur des jeunes intellectuels congolais est reconnue. Dans le domaine artistique, l'école de peinture de Poto-Poto est déjà célèbre. N'a-t-elle pas déjà organisé des expositions à Paris, en Suisse, et ici même, à New York?

151. C'est devant cette toile de fond pleine de lumière que fonctionnent les institutions congolaises. Le premier gouvernement, celui de la loi-cadre, a été constitué le 15 mai 1957 par M. Jacques Opangault, représentant du Mouvement socialiste africain, que je suis heureux de saluer ici, où il est accompagné de M. Tchichelle, ministre des affaires étrangères, et de M. Dadet, membre du gouvernement congolais.

152. La république est proclamée le 28 novembre. Un gouvernement provisoire est formé le 8 décembre par le président Fulbert Youlou, qui dirige également l'Union de défense des intérêts africains. La nouvelle Assemblée législative, élue le 14 juin, investit le 3 juillet 1959 un nouveau gouvernement présidé par

who, in November 1959, took the title of President of the Republic.

153. The Congolese institutions are defined in seven constitutional acts passed between 28 November 1958 and 20 February 1959.

154. According to the motion which serves as its preamble, the Constitution is based on respect for the rights of man and of the citizen and on opposition to any kind of racial discrimination. Executive power is vested in the Prime Minister, who is appointed by the Assembly as Head of the Government for the term of the Legislature. Laws are made by the Legislative Assembly, which is elected for five years by universal direct suffrage. The judicial power is independent and separate from the executive and the legislative power.

155. This Constitution reflects the liberal political thinking of Congolese legislators. It is based on democratic principles and, under its terms, the Republic of the Congo, the heir of the old fifteenth-century kingdom of Loango, also inherits French administrative methods and Western traditions.

156. In recommending the admission of this new State to the United Nations, I should like to quote the following words used by President Fulbert Youlou the day after his country acquired its independence: "Our independence is now complete; we shall meet our obligations."

157. Before I conclude my account of this State's qualifications for membership, I must draw the Council's attention to its name. When the Council, on 7 July 1960 [872nd meeting], recommended the admission of the Republic of the Congo, with its capital at Leopoldville, several members pointed out that two States in this part of Africa claimed that name. Our President at the time, Mr. José Correa, expressed the hope that the two Republics would find a solution to this difficulty. I share that hope and, at the end of our debate, if members of the Council agree, I intend, as President, to make the Council's views on the matter known and to urge the two States concerned to come to an agreement before 20 September, when the next session of the General Assembly opens.

158. It only remains for me to say a few words about the Gabon Republic's application for admission [S/4436]. This part of Africa has a long history. Portuguese navigators first discovered its shores in the fifteenth century. They did not retain their lead for long and were soon joined by English, Dutch and especially French navigators, who were sent to the area as long ago as the reign of Francis I by the shipowners of Dieppe and Rouen.

159. In 1815 the slave trade was outlawed by the Congress of Vienna. In order to discharge its obligations France dispatched its fleets on operations against the slave-traders on all these coasts. This was how Bouët-Willamez came to conclude treaties of friendship in 1839 and 1841 with King Denis and King Louis on the two banks of the Gabon estuary.

M. Youlou, qui prend, en novembre 1959, le titre de Président de la République.

153. Les institutions congolaises sont définies par sept lois constitutionnelles adoptées entre le 28 novembre 1958 et le 20 février 1959.

154. Aux termes d'une motion qui lui sert de préambule, cette constitution se fonde sur le respect des droits de l'homme et du citoyen et sur la condamnation de toute discrimination raciale. Le pouvoir exécutif appartient au Premier Ministre, qui est investi par l'Assemblée en qualité de chef de gouvernement pour la durée de la législature. Le pouvoir législatif appartient à l'Assemblée législative, élue pour cinq ans, au suffrage universel et direct. Le pouvoir judiciaire est indépendant et séparé de l'exécutif et du législatif.

155. Cette constitution est l'expression du libéralisme dont sont marquées les conceptions politiques des parlementaires congolais. Elle est fondée sur des principes démocratiques et fait de la République du Congo, continuateur du lointain royaume de Loango, du XV^{ème} siècle, l'héritière de l'administration française et des traditions occidentales.

156. Je voudrais, en recommandant l'admission de ce nouvel Etat à l'Organisation des Nations Unies, rappeler le propos tenu par le président Fulbert Youlou au lendemain de l'indépendance de son pays: "Notre indépendance est maintenant totale; nous saurons faire face à nos obligations."

157. Je ne saurais achever mon exposé sur les titres de cet Etat sans attirer l'attention du Conseil sur sa dénomination. Lorsque, le 7 juillet 1960, a été recommandée par le Conseil l'admission à l'Organisation des Nations Unies de la République du Congo qui a pour capitale Léopoldville [872^{ème} séance], plusieurs de nos collègues avaient attiré l'attention du Conseil sur le fait que deux Etats, dans cette région de l'Afrique, prétendaient à ce nom. Notre Président en exercice, M. José Correa, avait exprimé le souhait qu'une solution fût trouvée à cette difficulté par les deux républiques intéressées. Je renouvelle ce vœu et, si les membres du Conseil partagent cette manière de voir, je me propose, à la fin de nos débats, et en m'appuyant sur leur acquiescement, de faire connaître, en ma qualité de président, les vues du Conseil sur ce point, et de rappeler la nécessité que les deux Etats intéressés parviennent à un accord avant le 20 septembre, date d'ouverture de la prochaine session de l'Assemblée générale.

158. Il me reste à dire quelques mots de la demande d'admission de la République gabonaise [S/4436]. Les souvenirs du passé sont fort anciens dans cette partie de l'Afrique. Les navigateurs portugais avaient été les premiers à découvrir ces rivages au XV^{ème} siècle. Ils ne restèrent pas longtemps les seuls à les fréquenter et furent bientôt rejoints par des Anglais, des Hollandais, et surtout des Français, envoyés dès le règne de François Ier par les armateurs de Dieppe et de Rouen.

159. En 1815, le Congrès de Vienne met la traite hors la loi. Afin de tenir ses engagements, la France envoie ses flottes pourchasser sur toutes ces côtes les trafiquants d'esclaves. C'est ainsi que Bouët-Willamez fut amené, en 1839 et 1841, à conclure des traités d'amitié avec le roi Denis et le roi Louis sur les deux rives de l'estuaire du Gabon.

160. The systematic exploration of the interior began in 1849, after the founding of Libreville, the symbol of African emancipation. Paul du Chaillu travelled up the Lower Ogowe between 1857 and 1859, blazing the trail for Savorgnan de Brazza, whose successful expeditions between 1874 and 1883 provided the coast of Gabon with a large hinterland.

161. This country, which has an area of 270,000 square kilometres, is closely covered by the most prolific type of vegetation in existence—that of the impenetrable and inhospitable equatorial forest. The climate is completely equatorial and, with a rainfall of four metres a year, the saturated soil produces a tangled growth in which a thousand species are inextricably mingled.

162. The history of Gabon is therefore first and foremost that of man's struggle against the forest, a source of wealth but a barrier to settlement. This struggle has been profitable. Despite the fact that new sources of wealth have been discovered, exports of timber and its by-products today amount to 1.5 million tons a year, or three-quarters of the country's total exports. Thanks to its forests, the Gabon Republic can pride itself on possessing a major industry, a substantial national income and the largest per caput foreign trade in Africa.

163. At Port Gentil there is a huge plywood plant, one of the most modern of its kind, producing thousands of metres of plywood an hour, the tree from which it is made, the "okoumé", being found in this part of the world. The "okoumé" is the king of the forest and of the Gabon economy.

164. But the young Republic's wealth does not lie in its forests alone. The country may be compared to a poor man who, unbeknown to himself, has been sleeping on a sack of gold. Its subsoil has unexpectedly been found to contain abundant mineral resources. Gold is mined in the Mouila area and, after long prospecting, petroleum wells came into operation at Ozouri and Pointe Clairette in 1956. In 1957 the first tanker left Port Gentil and since 1960 production has exceeded 1 million tons a year; experts consider that the quality of the product is similar to that of the best Venezuelan petroleum.

165. Great hopes are placed in the manganese at Franceville, where one of the largest deposits in the world is located. Shipment of the ore presented difficult problems and the solution favoured by the technical experts was that of a railway connecting the mining centres with the Congo-Ocean line. This new railway, on which work has already begun, will soon make it possible to carry the ore to Pointe Noire, the main port in the Republic of the Congo. The project, which will necessitate an expenditure of 44,000 million francs, will make it possible to handle an annual output of 500,000 tons of ore. The Gabon Republic has been granted a loan of \$35 million for this purpose by the International Bank for Reconstruction and Development.

166. The same transportation problems arise in the northern Boka-Boka plateau, where a huge deposit of iron ore has been discovered at Mekambo. Within five years a 700-kilometre railway line will be constructed to ship an annual output of approximately 10 million tons. Lastly, the uranium mine at Mounana will come into operation next year.

160. Après la fondation, en 1849, de Libreville, symbole de l'affranchissement des Africains, l'exploration méthodique de l'intérieur commence. Paul du Chaillu remonte le bas Ogooué entre 1857 et 1859, ouvrant la voie aux succès de Savorgnan de Brazza, qui, de 1874 à 1883, assure à la côte gabonaise un arrière-pays important.

161. Ce pays, qui couvre maintenant 270.000 kilomètres carrés, est soumis à l'étreinte du plus extraordinaire pullulement végétal qui soit: la forêt équatoriale, impénétrable, inhospitalière à l'homme. Là règne le climat équatorial absolu et, de l'humus gorgé de 4 mètres de pluie annuelle, jaillissent, dans un inextricable fouillis, mille essences diverses.

162. L'histoire du Gabon est donc avant tout celle de la lutte de l'homme contre la forêt, source de richesses mais obstacle au peuplement. Cette lutte a été rentable. Aujourd'hui, l'exportation du bois et de ses sous-produits représentent 1.500.000 tonnes par an, soit les trois quarts des exportations totales, et cela malgré l'apparition de richesses nouvelles. Grâce à ses forêts, la République gabonaise s'enorgueillit de posséder une industrie importante, un revenu national honorable et le commerce extérieur le plus élevé d'Afrique par tête d'habitant.

163. C'est à Port-Gentil que fonctionne une usine géante de déroulage, la plus moderne qui soit, qui débite des milliers de mètres de contre-plaqué à l'heure, tiré d'une matière qui n'existe que dans cette région du monde: l'okoumé. L'okoumé est le roi de la forêt et de l'économie gabonaise.

164. Mais la jeune République n'a pas que des forêts. Ce pays peut-être comparé à un pauvre qui dormait sans le savoir sur un sac d'or. Son sous-sol s'est soudainement révélé plein de richesses. Tandis que l'or est exploité dans la région de Mouila, le pétrole a jailli en 1956, après de longues recherches, à Ozouri et à Pointe-Clairette. En 1957, le premier pétrolier quittait Port-Gentil et, dès 1960, la production dépassait un million de tonnes d'un produit que les experts affirment analogue en qualité aux meilleurs pétroles vénézuéliens.

165. Un grand espoir est placé dans le manganèse de Franceville, où se trouve un des plus importants gisements du monde. Le problème de l'évacuation est ardu à résoudre; mais les techniciens se sont orientés vers la solution d'un chemin de fer reliant les lieux d'extraction à la ligne du Congo-Océan. Cette voie, dont les travaux ont commencé, assurera bientôt l'acheminement du minerai vers Pointe-Noire, le grand port de la République du Congo. De tels travaux exigeront une dépense de 44 milliards de francs, pour une production annuelle de 500.000 tonnes de minerai. La République gabonaise s'est vu accorder à cette fin par la Banque internationale pour la reconstruction et le développement un crédit de 35 millions de dollars.

166. Les mêmes problèmes d'évacuation se posent dans le massif septentrional de Boka-Boka, où a été découvert l'immense gisement de minerai de fer de Mekambo. Avant cinq ans, une voie ferrée de 700 kilomètres sera construite pour évacuer une production annuelle d'environ 10 millions de tonnes. Enfin, dès l'année prochaine, la mine d'uranium de Mounana entrera en exploitation.

Annex 18

UN General Assembly, *Report of the Committee on Information from Non-Governing Territories, Official Records: Sixteenth Session Supplement No. 15 (A/4785)*, New York (1 September 1961)
(excerpt)



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GENERAL ASSEMBLY
OFFICIAL RECORDS : SIXTEENTH SESSION
SUPPLEMENT No. 15 (A/4785) ✓

NEW YORK

(72 p.)

UNITED NATIONS

**REPORT OF THE
COMMITTEE ON INFORMATION
FROM
NON-SELF-GOVERNING
TERRITORIES**



GENERAL ASSEMBLY

OFFICIAL RECORDS : SIXTEENTH SESSION

SUPPLEMENT No. 15 (A/4785)

New York, 1961

Such vocational courses as electricity, carpentry, plumbing, and auto mechanics have been included in the programme. Commercial sewing was taught in Charlotte Amalie High School and vocational agriculture in the Christiansted High and Frederiksted Junior High Schools in 1959. In 1960 a course in practical nursing was added in St. Thomas, and masonry courses were added in both St. Thomas and St. Croix. To meet the needs of an increased tourist industry, training of hotel workers in St. Thomas and St. Croix high schools is currently under way.

36. In addition to regular daytime classes, evening extension courses are being conducted in St. Thomas. In 1960 a total of seventy-three students took courses in blueprint reading for the building trades, blueprint reading and plumbing code regulation, electrical theory (advanced science) and automotive mechanics.

37. During the school year 1959/1960, the first class in practical nursing was provided with thirteen female students.

38. *Higher education.* There has long been recognized a need for college and graduate school personnel trained to staff the departments of the Virgin Islands Government and to develop further the commercial, agriculture, and other business and productive resources of the islands. There are no local college facilities, but the Catholic University of Puerto Rico has provided extension programmes for teachers; and for five years (through 1959) the Hampton Institute in the State of Virginia provided a more comprehensive programme financed jointly by a foundation, the island Government, and by the students through tuition fees. During the five-year period, 212 persons earned 4,231 semester hours of college credits. Of the 212 persons, 137 were teachers, 7 were librarians, 6 were nurses, 11 were graduate students, and 51 were enrolled without any credit.

39. In 1958 the Governor engaged a consultant from the United States Office of Education to make a first-hand study of the post high school education needs of the Virgin Islands, and to recommend feasible steps to meet those needs. In the current year, the Legislature has established the Virgin Islands

College Commission to follow up the 1958 study and submit its findings and recommendations to the Legislature at its next session.

Off-island training

40. To provide incentive and assistance to qualified students, the Government of the Virgin Islands established in 1956 a Territorial Scholarship Fund. By 1960, well over 100 students had received loans and grants for college study outside the islands.

41. Several colleges and foundations have also provided scholarships and fellowships to Virgin Islands students.

42. A major development in the training and preparation of indigenous civil and technical cadres was the establishment of a programme financed by the Ford Foundation. Started in 1958 with a grant of \$20,000, it had awarded six fellowships to key government employees in 1960. Under this programme, selected employees entered American University in Washington, D.C., for advanced courses in their fields and worked under an internship programme in the Office of Territories, United States Department of the Interior. The fellows who have completed their programme are now employed in key positions in the Government of the Virgin Islands.

SUMMARY

43. From the foregoing it will be apparent that Guam, the Virgin Islands and American Samoa are making steady progress in providing facilities and opportunities for the training of indigenous civil and technical cadres. There remains more to be done, to be sure, but the Territories themselves, with the assistance and arrangement of the United States Government, are making commendable efforts to provide their people with further education and training. The three United States Territories are well on their way towards developing an indigenous corps of well-trained and qualified technical and professional personnel which already enables them to participate to a high degree in the management of their own affairs, and which will do so increasingly in the future.

ANNEX V

Statement by the representative of Spain on conditions in the Territories of Fernando Póo, Río Muni and the Spanish Sahara

On 18 May 1961, at the 239th meeting of the Committee on Information from Non-Self-Governing Territories, the representative of Spain made a statement describing conditions in the Territories of Fernando Póo, Río Muni and the Spanish Sahara. At the request of the Committee, the statement is reproduced below as an annex to the report of the Committee to the sixteenth session of the General Assembly (see also part one, paras. 72-76, above).

1. For the first time, the Spanish delegation is making a statement in the Committee on Information from Non-Self-Governing Territories. Up to the present we have confined ourselves to addressing a few courteous words to the officers of the Committee, to congratulating you, Mr. Chairman, Miss Brooks and Miss Kamal, and to expressing our thanks for the words of welcome from various members of this Committee; we have taken note of what has been said and considered the comments made, and we have studied the reports drawn up by the Secretariat.

2. We wish to say how favourably we have been impressed by the order, deliberation and calm generally prevailing in this Committee, which should be an example to all others in the Organization. We have studied the various items and listened to them being discussed. What is my delegation to say about the abundance of documents submitted to us? In all sincerity there is little that we could say because the work as presented to us has already been carefully prepared by the Secretariat and is in itself of the greatest interest.

3. We have noted that social progress, both urban and rural, questions of standards of living, labour problems, discrimina-

tion, juvenile delinquency and public health have occupied much of the Committee's attention. It is not surprising today that paramount importance should be attached to the social aspects of the evolution and development of peoples; to such an extent is this the case that we cannot conceive of a government in our day which is not genuinely concerned with social questions. Those questions are of special importance in our time when scientific progress and development is such that peoples justifiably wish for an improvement in their social welfare.

4. This Committee has also concerned itself with the preparation and training of the inhabitants of the Territories, a matter to which we attach particular importance. The development of public education (a term that we use to cover education in general) and international co-operation in the economic, social and educational fields have also engaged the attention of this Committee. My delegation has little to add to the statements made by the various representatives of the Administering Powers. We say this because we accept in good faith what the representative Governments tell us about the Territories they administer and because, moreover, we believe that no one can have a greater interest in the welfare of their inhabitants than those to whom the sacred mission of defending their welfare has been entrusted.

5. My presence here does not indicate the slightest addition or change in the attitude of Spain, which has been amply defined by our representatives in the Fourth Committee. The Spanish Government is true to its word and to its policy and that is why it is represented at these meetings.

6. We know that our presence in this Committee is purely optional, but we nevertheless consider that, since we have nothing to hide, since my Government wishes to collaborate with the other countries concerned and since we have already transmitted all kinds of publications to the Secretary-General, there can surely be no harm in the Committee learning about the situation in our African provinces. This aspect of the matter was regarded as being of the first importance by my delegation: that is why we are here—to establish contact with this Committee, so that we may be able to talk things over quietly, so that the whole world may know the facts about us, and how the inhabitants of our Territories live. For us, over and above any other consideration, they are our brothers. The concept of life held by the Spaniard could not lead him to any other conclusion. In the past, Spain has been a great discoverer; it populated lands where we became merged with the indigenous inhabitants, giving them our blood and receiving theirs. For that reason whenever in Spain we hear talk of colonial matters, in the prerogative sense of the word, we feel grieved and distressed, and we do not hold with the kind of discrimination which has unfortunately been frequent in the history of peoples.

7. For the same reason we believe that our presence in this Committee may be of use to the whole world. The great historical adventure which our American experience represents is clearly apparent to all. I will not weary you with disquisitions on what Spain has done or not done, on what principles it based its relations with peoples of different cultural levels with which it came into contact, or on the results of this magnificent chapter of history, because the phenomenon which at present confronts the world is one of decolonization, a consequence of the economic and political action of certain Powers in the 19th century, in which Spain had no part. Spain has never been a colonialist country; it has not engaged in economic exploitation, the commandeering of markets, the control of raw materials or the extermination of indigenous peoples.

8. If our lack of colonial interests and of concern for material gain, together with our tradition which, despite arguments to the contrary, we believe may certainly be described as positive, can help delegates to find ideas, opinions or principles of general interest, we are prepared to give our full co-operation where it may be of use to all.

9. A knowledge of these Spanish provinces of Africa may be acquired exactly as though they were any Spanish province in the Peninsula. There are no differences; the legislation is similar and the inhabitants of both enjoy the same privileges. Nevertheless I should like to point out certain aspects which may be of interest to the Committee.

RÍO MUNI

10. The province of Río Muni covers an area of 26,000 square kilometres, comprising a section along the western coast of Africa and the islands of Corisco and Elobeyes.

11. Mainland zone. This is bounded on the north by Cameroun, on the west by the Atlantic and on the south and east by Gabon. It consists in fact of a coastal plain extending from the river Muni to the river Campo and fifteen to twenty-five kilometres wide, and a number of peneplains extending at intervals into the interior. Its coastal area may be divided into three parts. One extends from the river Campo to the mouth of the river Benito, in the centre of which is situated the town of Bata; the second stretches from the river Benito to Cape San Juan and is the part which projects most into the sea; the third part extends from Cape San Juan to the estuary of the Muni and makes a wide curve towards the south-east. The total extent is some 150 kilometres.

12. Its geological formation is two-fifths granite (southern and eastern peneplains), two-fifths gneiss and quartzites (northern peneplains) and one-fifth sedimentary lands in the coastal plain.

13. Its mountain structure comprises various spurs of the ranges of the Cristal Mountains which consist of the following:

14. The central system, a divide between the river Benito and the Ogowe and the Muni valleys. The most important names are "La piedra de Nzás or the Pie de Dios Mountain;

the Chime Mountain (near Evinayong); Mount Eyamayong, in the centre of the Churu forest, and the Biyemeyeme or Mitra, the most impressive, within sight of Puerto Iradier. All these summits are nearly 1,200 metres high.

15. The Niefang-Micomeseng system, which extends from the northern frontier east of Micomeseng and southeast of Niefang to beyond the confluence of the rivers Benito and Nney. Its best known peaks are the Maya at one end and the "Chocolate" or Biboldindok, as the Pamue call it, and the Alén at the other; both within view of Niefang and forming a massive barrier which is crossed by the track leading from that place to Evinayong. Its highest summit is under 1,100 metres. Near the Ebebiyin track, close to Ayantang, it forms a narrow gorge, through which rushes the river Benito.

16. Towards the coast, forming the boundaries between the plain and the first peneplain, there are hills varying in height between 450 and 800 metres. The best known are Mount Raices, up which the Ebebiyin track climbs, and the Mbomansok or Bombanyoko, 482 metres high, the most westerly peak.

17. The principal river is the Benito, known to the Pamue as Wolo, which drains almost three-fifths of the Territory. Its principal tributaries on the right are the Abia, the Binbili, the Momo and the Mongo or Mongolla and on the left another Abia, the Chiwo, the Nvuru, the Nney and the Mitong (mentum). The river Benito is navigable for medium-sized craft to a point some twenty kilometres from the sea, where the last of the Sene or Senye rapids are met with; its disadvantage, however, is that it has a very dangerous bar. It is also navigable for small craft for some 80 kilometres of its upper reaches, from the frontier (the port of Asoc) as far as the large bend it makes near Avinayong, where the great Masoc Rapids are situated. From that point as far as Sene it falls constantly from one level to another forming a number of rapids, cascades and cataracts, the largest of which is the Asoc-Bindeme cataract at some four or six hours' walk from Avinayong. On its tributary, the Nney, are the biggest falls in the province, which are situated almost at the confluence of the two rivers, and have a vertical drop of twenty to thirty metres.

18. The river Campo is only Spanish for the left half of the last part of its course. Its tributary, the Kié, forms a natural boundary with Gabon.

19. The Río Muni is an estuary into which flow a large number of less important rivers. They are all navigable where they cross the coastal plain and large-sized vessels can go up as far as Puerto Iradier and even beyond there into the interior. The most important rivers which flow into it are the Kaonwe, the Machani, the Etoki, the Tache, and the Mitemele or Utamboni.

20. Several rivers have their source in the southeast corner and flow into the Ogowe, an important river in Gabon.

21. The Biadive, Ubia, Utonde, Ukoko, Etembue and Ayé are lesser rivers but some stretches are navigable by small craft.

22. The different tribes in Río Muni are divided into two main groups: the Ndowe, including those inhabiting the coastal area (the Benga, the Bapuku, the Combe, etc.) and the Pamue. The latter include the inland tribes which in their turn are divided into two large and chiefly linguistic sub-groups, the Oac and the Ntum.

23. Until recently, nothing more useful in the way of minerals had been discovered than red haematite; rutile, in quantities too small to allow of its being worked; coal in very small quantities; and gold-bearing sand. A concession for this precious metal is worked in Kukumakok. Recently, there has been prospecting for titanium ores.

24. The zoological species found include some of the larger animals, such as elephant, crocodile, buffalo, hippopotamus, gorilla, chimpanzee and leopard. There are also numerous species of reptiles.

25. At approximately five kilometres from Bata is the international airport, which came into use in the year 1952. Its chief features are described elsewhere in this statement.

26. The capital of the province is the town of Bata; it has all the appearance of a modern town, with wide avenues and

Annex 19

United Nations General Assembly, *Resolution 2230 (XXI) Question of Equatorial Guinea*
(20 December 1966)

Recalling further the resolution adopted on 16 October 1964 by the Special Committee,²³

Reaffirming its resolution 2072 (XX) of 16 December 1965,

Noting that the Spanish Government, as the administering Power, has not as yet applied the provisions of the Declaration,

Having regard to the decision taken by the Assembly of Heads of State and Government of the Organization of African Unity at its third ordinary session, held at Addis Ababa from 5 to 9 November 1966, concerning the Territories under Spanish administration,

Noting the decision of the administering Power to apply in full the provisions of General Assembly resolution 2072 (XX),²⁴

Noting further the statement of the administering Power on 7 December 1966 relating to Spanish Sahara, in particular with regard to the sending of a special United Nations mission to the Territory, the return of exiles and the free exercise by the indigenous population of its right to self-determination,²⁵

1. Reaffirms the inalienable right of the peoples of Ifni and Spanish Sahara to self-determination in accordance with General Assembly resolution 1514 (XV);

2. Approves the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territories of Ifni and Spanish Sahara, and endorses the resolution adopted by the Special Committee on 16 November 1966,²⁶

3. Requests the administering Power to take immediately the necessary steps to accelerate the decolonization of Ifni and to determine with the Government of Morocco, bearing in mind the aspirations of the indigenous population, procedures for the transfer of powers in accordance with the provisions of General Assembly resolution 1514 (XV);

4. Invites the administering Power to determine at the earliest possible date, in conformity with the aspirations of the indigenous people of Spanish Sahara and in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination and, to this end:

(a) To create a favourable climate for the referendum to be conducted on an entirely free, democratic and impartial basis, by permitting, *inter alia*, the return of exiles to the Territory;

(b) To take all the necessary steps to ensure that only the indigenous people of the Territory participate in the referendum;

(c) To refrain from any action likely to delay the process of the decolonization of Spanish Sahara;

(d) To provide all the necessary facilities to a United Nations mission so that it may be able to par-

ticipate actively in the organization and holding of the referendum;

5. Requests the Secretary-General, in consultation with the administering Power and the Special Committee, to appoint immediately a special mission to be sent to Spanish Sahara for the purpose of recommending practical steps for the full implementation of the relevant resolutions of the General Assembly, and in particular for determining the extent of United Nations participation in the preparation and supervision of the referendum and submitting a report to him as soon as possible for transmission to the Special Committee;

6. Requests the Special Committee to continue its consideration of the situation in the Territories of Ifni and Spanish Sahara and to report thereon to the General Assembly at its twenty-second session.

1500th plenary meeting,
20 December 1966.

2230 (XXI). Question of Equatorial Guinea

The General Assembly,

Having considered the question of Equatorial Guinea,

Having heard the statement of the petitioner,

Having also heard the statement of the representative of the administering Power,

Having considered the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to Equatorial Guinea,²⁷

Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and its resolution 2067 (XX) of 16 December 1965,

Recalling the Basic Law of 1963 which recognized Fernando Póo and Río Muni as one entity thereafter to be called Equatorial Guinea, and the declaration by the administering Power of its intention to grant independence to Equatorial Guinea as a single entity,

Taking into account the declarations of the administering Power that it would accede to the desires of the people of the Territory for independence whenever they so requested,

Noting the desire of the overwhelming majority of the people consulted that the Territory should become independent not later than July 1968,

Having noted the statement of the representative of the administering Power that a constitutional conference will be convened early in 1967,

Recognizing the need for further measures to promote the economic, social and educational advancement of the people of the Territory,

1. Approves the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to Equatorial Guinea, and endorses the conclusions and recommendations contained therein;²⁸

2. Reaffirms the inalienable right of the people of Equatorial Guinea to self-determination and independence in accordance with the Declaration on the Grant-

²³ *Ibid.*, Nineteenth Session, Annexes, annex No. 8 (part I) (A/5800/Rev.1), chapter IX, para. 112.

²⁴ *Ibid.*, Twenty-first Session, Annexes, addendum to agenda item 23 (A/6300/Rev.1), chapter X, annex.

²⁵ *Ibid.*, Twenty-first Session, Fourth Committee, 1660th meeting, paras. 1-4.

²⁶ *Ibid.*, Twenty-first Session, Annexes, addendum to agenda item 23 (A/6300/Rev.1), chapter X, para. 243.

²⁷ *Ibid.*, chapter IX.

²⁸ *Ibid.*, chapter IX, annex, paras. 286-310.

ing of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV);

3. *Expresses its appreciation* to the Government of Spain for having invited the Special Committee to visit the Territory and for the co-operation rendered to the Sub-Committee on Equatorial Guinea of the Special Committee during its visit to the Territory;

4. *Invites* the administering Power to implement as soon as possible the following measures:

(a) Removal of all restrictions on political activities and establishment of full democratic freedoms;

(b) Institution of an electoral system based on universal adult suffrage and the holding, before independence, of a general election for the whole Territory on the basis of a unified electoral roll;

(c) Transfer of effective power to the government resulting from this election;

5. *Requests* the administering Power to ensure that the Territory accedes to independence as a single political and territorial unit and that no step is taken which would jeopardize the territorial integrity of Equatorial Guinea;

6. *Requests* the administering Power, in accordance with the wishes of the people of Equatorial Guinea, to set a date for independence as recommended by the Special Committee and, for this purpose, to convene a conference in which the various political parties and all sections of the population would be fully represented;

7. *Further requests* the administering Power to establish in law and in practice full equality of political, economic and social rights;

8. *Urges* the administering Power to take effective measures, including increased assistance, to ensure the rapid economic development of the Territory and to promote the educational and social advancement of the people, and requests the specialized agencies to render all possible assistance towards this end;

9. *Requests* the Secretary-General to take appropriate action, in consultation with the administering Power and the Special Committee, to ensure the presence of the United Nations in the Territory for the supervision of the preparation for, and the holding of, the election envisaged in paragraph 4 (b) above, and to participate in any other measures leading towards the independence of the Territory;

10. *Further requests* the Secretary-General to transmit the present resolution to the administering Power and to report to the Special Committee on its implementation;

11. *Decides* to maintain the question of Equatorial Guinea on its agenda.

*1500th plenary meeting,
20 December 1966.*

2231 (XXI). Question of Gibraltar

The General Assembly,

Having examined the question of Gibraltar,

Having heard the statements of the administering Power and the representative of Spain,

Having heard the statements of the petitioners,

Recalling its resolution 2070 (XX) of 16 December 1965, and the consensus adopted by the Special Committee on the Situation with regard to the Implementa-

tion of the Declaration on the Granting of Independence to Colonial Countries and Peoples on 16 October 1964,²⁹

Recalling further its resolution 1514 (XV) of 14 December 1960,

Taking into account the noted willingness of the administering Power and of the Government of Spain to continue the present negotiations,

Regretting the occurrence of certain acts which had prejudiced the smooth progress of these negotiations,

1. *Regrets* the delay in the process of decolonization and in the implementation of General Assembly resolution 1514 (XV) with regard to Gibraltar;

2. *Calls upon* the two parties to continue their negotiations, taking into account the interests of the people of the Territory, and asks the administering Power to expedite, without any hindrance and in consultation with the Government of Spain, the decolonization of Gibraltar, and to report to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples as soon as possible, and in any case before the twenty-second session of the General Assembly;

3. *Requests* the Secretary-General to assist in the implementation of the present resolution.

*1500th plenary meeting,
20 December 1966.*

2232 (XXI). Question of American Samoa, Antigua, Bahamas, Bermuda, British Virgin Islands, Cayman Islands, Cocos (Keeling) Islands, Dominica, Gilbert and Ellice Islands, Grenada, Guam, Mauritius, Montserrat, New Hebrides, Niue, Pitcairn, St. Helena, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Tokelau Islands, Turks and Caicos Islands and the United States Virgin Islands

The General Assembly,

Having considered the question of American Samoa, Antigua, Bahamas, Bermuda, British Virgin Islands, Cayman Islands, Cocos (Keeling) Islands, Dominica, Gilbert and Ellice Islands, Grenada, Guam, Mauritius, Montserrat, New Hebrides, Niue, Pitcairn, St. Helena, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Tokelau Islands, Turks and Caicos Islands and the United States Virgin Islands,

Having examined the chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to these Territories,³⁰

Recalling its resolutions 1514 (XV) of 14 December 1960, 1654 (XVI) of 27 November 1961, 1810 (XVII) of 17 December 1962, 1956 (XVIII) of 11 December 1963, 2066 (XX) of 16 December 1965, 2069 (XX) of 16 December 1965 and 2189 (XXI) of 13 December 1966,

Deeply concerned at the information contained in the report of the Special Committee on the continuation of policies which aim, among other things, at the disruption of the territorial integrity of some of these Terri-

²⁹ *Ibid.*, Nineteenth Session, Annexes, annex No. 8 (part I) (A/5800/Rev.1), chapter X, para. 209.

³⁰ *Ibid.*, Twenty-first Session, Annexes, addendum to agenda item 23 (A/6300/Rev.1), chapters XIV-XIX and XXII.

Annex 20

UN General Assembly Special Committee on Decolonization, *Report of the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples*, UN Doc. A/7200/Rev.1, Annexes to Agenda Item 23 (November 1967) (excerpt)

GENERAL ASSEMBLY

Official Records



ANNEXES

TWENTY-THIRD SESSION

NEW YORK, 1968

Agenda item 23: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

DOCUMENT A/7200/REV.1*

Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

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* The present version is a consolidation of the text of the following documents as they appeared in mimeographed form: A/7200 (part I), dated 5 December 1968; A/7200 (part II) and Corr.1, dated 7 and 15 November 1968; A/7200/Add.1, dated 30 September 1968; A/7200/Add.2, dated 19 November 1968; A/7200/Add.3 and Corr.1, dated 17 October and 8 November 1968; A/7200/Add.4 (part I) and Corr.1 and 2, dated 9, 11 and 18 October 1968; A/7200/Add.4 (part II) and Corr.1, dated 23 April and 9 June 1969; A/7200/Add.5, dated 12 November 1968; A/7200/Add.6, dated 13 November 1968; A/7200/Add.7, dated 31 October 1968; A/7200/Add.8, dated 8 November 1968; A/7200/Add.9 and Corr.1, dated 14 November 1968 and 3 February 1969; A/7200/Add.10, dated 14 November 1968 and A/7200/Add.11 and Corr.1, dated 6 and 13 November 1968. For a check list of relevant documents, see *Official Records of the General Assembly, Twenty-third Session, Annexes*, agenda item 23.

25. These funds are to provide for the continuation of the work started in 1967, which includes the provision of food seeds, tools, medical facilities, primary school education and community development.

26. *Mayukwayukwa settlement*. As noted above, during 1967 some 1,750 refugees had already been moved and settled at Mayukwayukwa. Plans now envisage settling about 2,000 refugees here.

D. Refugees from Guinea, called Portuguese Guinea, in Senegal

27. The High Commissioner reports that a census taken in late 1967 showed that there were about 57,000 refugees from Guinea, called Portuguese Guinea, living in the Casamance area and about 3,000 living in Dakar. The slight decrease in comparison with the number at the beginning of the year is attributed "partly to the integration of some refugees in the Senegalese community, and the spontaneous return of a number of them" to Guinea, called Portuguese Guinea.

28. During 1967, the settlement proceeded as planned and it is reported that the refugees are becoming increasingly assimilated and self-supporting. Some are even able to pay taxes. As a result, it has been possible to reduce aid in kind.

In 1967, the refugees were provided with farming implements, seeds and fertilizers, and farm instruments such as palm-nut crushers, rice threshers and millet mills, are being purchased for the collective use of several villages. Thirty-nine new wells were dug, bringing the total up to 129 dug as part of the UNHCR programme for the creation of new villages. A mobile medical unit launched in 1966 was continued during the year and 10 schools to prepare children for primary schools were set up in isolated villages for both refugees and Senegalese children.

29. For 1968, the UNHCR proposed allocation is \$U.S.115,000, of which \$U.S.102,000 is for assistance to refugees in agriculture in the Casamance region and \$U.S.13,000 is to aid refugees in Dakar. These funds are to help financing of collective projects aimed at facilitating their settlement within the Senegalese community. The High Commissioner reports that the refugees enjoy the same advantages as nationals as regards education, the right to work and social benefits.

30. As in the past, the implementation of the refugee programme in Senegal is entrusted to the "National Committee in charge of the programme of assistance to refugees in Senegal", acting in close association with the representative of the UNHCR.

CHAPTER IX*

EQUATORIAL GUINEA

A. CONSIDERATION BY THE SPECIAL COMMITTEE

1. The Special Committee considered the question of Equatorial Guinea at its 579th, 582nd, 583rd, 586th to 590th, 592nd to 594th meetings, between 1 March and 1 April, and at its 600th, 613th, 614th, 616th, 618th to 626th meetings, between 30 April and 19 July.

2. In its consideration of this item, the Special Committee took into account the relevant provisions of General Assembly resolution 2326 (XXII) of 16 December 1967, as well as other resolutions of the General Assembly concerning Equatorial Guinea, particularly resolution 2355 (XXII) of 19 December 1967.

3. During its consideration of the item, the Special Committee had before it a working paper prepared by the Secretariat (see annex I) containing information on action previously taken by the Special Committee as well as by the General Assembly, and on the latest developments concerning the Territory.

4. Also placed before the Special Committee were:

(a) Report of the Secretary-General on the implementation of General Assembly resolution 2355 (XXII) concerning the question of Equatorial Guinea (see annex II A and B);

(b) Text of the decree-law relating to Equatorial Guinea published in the *Boletín Oficial del Estado* on 19 February 1968 (see annex III); and,

(c) Letter dated 23 February 1968 from the Secretary-General addressed to the Chairman of the Special Committee requesting an indication of the views of the Committee regarding the implementation of operative paragraph 7 of General Assembly resolution 2355 (XXII) (see annex IV).

5. In addition, the Special Committee had before it the following written petitions concerning Equatorial Guinea:

(a) Two letters dated 21 February and 11 April 1968 from Mr. Saturnino Ibongo Iyanga, United States Committee, Movimiento Nacional de Liberación de la Guinea Ecuatorial (MONALIGE); cable dated 16 May 1968 from Messrs. Pastor Torao, Atanasio N'Dong, Saturnino Ibongo and Armando Balboa, MONALIGE; cable dated 2 July 1968 from Mr. Atanasio N'Dong; undated letter from Mr. Atanasio N'Dong; and cable dated 6 July 1968 from Mr. Pastor Torao (A/AC.109/PET.910 and Add.1-5); one of the above-mentioned communications (A/AC.109/PET.910) contained a request for hearing;

(b) Letter dated 4 March 1968 from Mr. Francisco Salome Jones, Movimiento de Unión Nacional de la Guinea Ecuatorial (MUNGE); cable dated 14 May 1968 from Idea Popular de la Guinea Ecuatorial (IPGE), MONALIGE and MUNGE; four cables dated 17 May, 20, 25 and 28 June 1968 from Mr. Antonino Eworo, IPGE; Mrs. Francisco Salome Jones, MUNGE; and Mr. Francisco Macias, MONALIGE; letter dated 12 July 1968 from Mr. Francisco Macias, MONALIGE; and two cables dated 16 and 19 June 1968 from Messrs. Antonino Eworo, IPGE; Francisco Macias and Angel Masie, MONALIGE; and Cirilo Mba, MUNGE, on behalf of the Joint Guinean Secretariat of the Constitutional Conference on Equatorial Guinea (A/AC.109/PET.911 and Add.1-6); one of the above-mentioned communications (A/AC.109/PET.911) contained a request for hearing;

(c) Cable dated 14 December 1967 from Messrs. Cirilo Mba, MUNGE; Angel Masie, MONALIGE; and Pedro Ekong, IPGE; letter dated 15 January 1968 from Messrs. Francisco Macias, MONALIGE; Cirilo Mba, MUNGE; and a representative of IPGE; and cable dated 1 February 1968 from Messrs. Francisco Macias, MONALIGE, Antonino Eworo, IPGE; José Nsue Angue, MUNGE (A/AC.109/PET.919 and Add.1);

(d) Letter dated 16 January 1968 from Mr. Bienvenido Abaga Ondjidjgui (A/AC.109/PET.920);

* Previously issued under the symbol A/7200/Add.4 (part I) and Corr.1 and 2, and A/7200/Add.4 (part II) and Corr.1.

adopted the draft consensus submitted by the Chairman, it being understood that the reservations expressed by certain delegations would be reflected in the record of the meeting (A/AC.109/SR.626). At the same meeting, statements were made by the representatives of the Union of Soviet Socialist Republics and Spain in connexion with the consensus adopted by the Special Committee (A/AC.109/SR.626).

36. The text of the consensus is reproduced in section B, paragraph 43, below.

37. The text of the consensus was transmitted to the Chargé d'affaires a.i. of the Permanent Mission of Spain to the United Nations on 19 July.

38. On 6 August 1968, the Secretary-General announced the appointment of a United Nations mission in accordance with operative paragraph 7 of General Assembly resolution 2355 (XXII) and operative paragraph 9 of the resolution adopted by the Special Committee on 1 April 1968 (A/AC.109/289). This announcement was included as part of his report to the Special Committee (see annex II C).

39. On 9 October 1968, the Secretary-General informed the Special Committee that the United Nations Mission had returned to Headquarters from the Territory and that he had agreed with the Mission that its Chairman should make an oral report to the Special Committee. Subsequently, the Mission would submit a purely descriptive account of its activities which would be distributed for the record (see annex II D).

40. At its 642nd meeting, on the same day, the Chairman of the United Nations Mission for the Supervision of the Referendum and the Elections in Equatorial Guinea presented an oral report to the Special Committee (see annex V) and informed members that the descriptive report referred to above would be made available in due course (see annex VI). Statements were also made by the representatives of Madagascar, Spain and Sierra Leone, as well as by the Chairman (A/AC.109/SR.642).

41. At the same meeting, the Special Committee decided, without objection, to express its appreciation to the Chairman and members of the Mission for the task they had accomplished, to take note of the oral report presented by the Chairman and to include it in the report of the Special Committee to the General Assembly.

B. DECISIONS OF THE SPECIAL COMMITTEE

Resolution adopted by the Special Committee at its 594th meeting on 1 April 1968

42. The resolution read as follows:

The Special Committee,

Having considered the question of Equatorial Guinea,

Having heard the statements of the petitioners,

Having also heard the statement of the representative of the administering Power,

Recalling General Assembly resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling also General Assembly resolutions 2230 (XXI) of 20 December 1966 and 2355 (XXII) of 19 December 1967.

Taking note of the steps envisaged by the administering Power,

1. *Reaffirms* the inalienable right of the people of Equatorial Guinea to independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples;

2. *Declares* that the administering Power has not yet fully complied with the provisions of General Assembly resolution 2355 (XII) of 19 December 1967;

3. *Reaffirms* that Equatorial Guinea should accede to independence as a single political and territorial entity;

4. *Declares* that any action which shall disrupt the territorial unity and integrity of the Territory will be contrary to the provisions of the Declaration contained in resolution 1514 (XV) and the Charter of the United Nations;

5. *Calls upon* the administering Power to proclaim officially without delay the date of independence, which date shall not be later than 15 July 1968 in accordance with the wishes of the people of Equatorial Guinea and General Assembly resolution 2355 (XXII);

6. *Declares* that, in conformity with the expressed wishes of the people for independence by 15 July 1968, the question of accession to independence of Equatorial Guinea shall not be subject to any form of electoral consultation;

7. *Urges* the administering Power to implement without delay the following measures:

(a) To guarantee to the people of Equatorial Guinea the full exercise of all democratic freedoms;

(b) To expedite the reconvening of the constitutional conference to work out the modalities of the transfer of power and, in particular the electoral law;

(c) To hold general elections on the basis of universal adult suffrage and a single electoral roll for the whole Territory as may be worked out by the constitutional conference;

(d) To transfer all powers to the government resulting from this election;

8. *Urges* the administering Power to ensure that the constitutional conference concludes its work in time for the carrying out of the necessary steps set out in operative paragraph 7 above, including general elections before independence by 15 July 1968;

9. *Requests* the Secretary-General to proceed with the necessary action, in consultation with the administering Power and the Special Committee, to ensure the presence of the United Nations in the Territory for the supervision of the preparation for, and the holding of, the elections envisaged in paragraph 7 (c) above and to participate in all other processes leading towards the independence of the Territory;

10. *Requests* the Secretary-General to transmit the present resolution to the administering Power and to report to the Special Committee on the progress of its implementation;

11. *Decides* to maintain the question of Equatorial Guinea on its agenda.

Consensus adopted by the Special Committee at its 626th meeting on 19 July 1968

43. The consensus read as follows:

(1). The Special Committee, having given further consideration to the question of Equatorial Guinea,

ANNEX VI

Descriptive account of the activities of the United Nations Mission for the Supervision of the Referendum and the Elections in Equatorial Guinea

INTRODUCTION

1. The present descriptive account of the activities of the United Nations Mission for the Supervision of the Referendum and the Elections in Equatorial Guinea has been prepared by the Mission in accordance with the agreement between the Mission and the Secretary-General, as contained in the report of the Secretary-General to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples dated 9 October 1968 (see annex II above).

2. In that report, the Secretary-General informed the members of the Special Committee that the Mission had returned to Headquarters from the Territory and had presented an oral report to him. He also stated that he had agreed with the Mission that its Chairman should make an oral report to the Special Committee and that, subsequently, the Mission should submit a purely descriptive account of its activities for the record.

3. The Chairman of the Mission made an oral report to the Special Committee (see annex V above) at the 642nd meeting, on 9 October. The present account, which contains sections on the establishment of the Mission and on its participation in the referendum of 11 August and the election of 22 and 29 September, should be read in conjunction with that report.

4. Information on the Territory, including information concerning its system of government and its economy, is contained in the report of the Sub-Committee of the Special Committee which visited the Territory in 1966 (see A/6300/Rev.1, chap. IX, annex). An account of the development concerning the Territory since 1966 is contained in the report of the Special Committee for 1967 (see A/6700/Rev.1, chap. VIII) and in the working paper prepared by the Secretariat for the Special Committee in 1968 (see annex I above). Developments during 1968 are covered in the report of the Secretary-General (see annex II above), and in the debates concerning the Territory in the Special Committee (A/AC.109/SR.579, 582, 583, 586-590, 592-594, 600, 613, 614, 616, 618 619 and 621-626).

I. ESTABLISHMENT OF THE MISSION

5. The Mission was established by the Secretary-General on 6 August 1968 in accordance with a request addressed to him by the General Assembly. This request, which was originally contained in General Assembly resolution 2230 (XXI) of 20 December 1966, was reiterated by the General Assembly in its resolution 2355 (XXII) of 19 December 1967 (see annex II above) and by the Special Committee in its resolution of 1 April 1968. Briefly, the Mission was to be constituted by the Secretary-General to ensure the presence of the United Nations in the Territory for the supervision of the preparation for, and the holding of, an election which the United Nations had invited the administering Power to hold in the Territory, and to participate in all other measures leading to independence.

6. On 6 August, the Secretary-General announced (see appendix I below) that he had invited the following Member States to serve on the United Nations Mission for the Supervision of the Referendum and the Elections in Equatorial Guinea: Chile, Iran, Niger, Syria and the United Republic of Tanzania. The Secretary-General's invitation was accepted by all the Member States concerned and shortly thereafter the Mission was constituted as follows:

| | |
|------------------------------|--------------------------|
| Chile: | Mr. Jorge Huneeus |
| Iran: | Mr. Mohsen S. Esfandiari |
| Niger: | Mr. Adamou Mayaki |
| Syria: | Mr. Rafic Jouejati |
| United Republic of Tanzania: | Mr. M. A. Fom |

7. At its first meeting, the members of the Mission unanimously elected Mr. Adamou Mayaki (Niger) as Chairman.

8. The Secretary-General made available the following staff members to serve on the Mission:

| | |
|--------------------------|----------------------------------|
| Mr. John Miles | Principal Secretary |
| Mr. Hisham Omayad | Political Affairs Officer |
| Mr. Anthony Jacobs | Political Affairs Officer |
| Mrs. Alicia Kelly | Secretary |
| Miss Liliane Menzi | Secretary |
| Mr. Carlos Delpierre | Interpreter |
| Mr. Miroslav Lansky | Translator |
| Mrs. Laura Prieto | Translator |
| Mr. Eduardo Trilles | Interpreter |
| Miss Colette Charpentier | Secretary |
| Miss Jacqueline Carr | Secretary |
| Mr. Leo Byam | Information Officer |
| Mr. Gustavo Nieto Roa | Film Director/Sound Engineer |
| Mr. Joseph Cabibbo | Cameraman |
| Mr. Frans Frerker | Chief Administrative Officer |
| Mr. José Cambray | Assistant Administrative Officer |
| Mr. Armando Gautó | General Services Officer |
| Mr. Leif Graabek | Transport Officer |
| Mr. Juan C. Halbwirth | Finance Officer |
| Miss Carmen Reinares | Secretary |

9. The Mission and its staff left Headquarters for the Territory on 8 August and arrived there on 10 August.

II. THE REFERENDUM

A. Arrangements made by the administering Power

10. Legislation governing the referendum held in the Territory on 11 August 1968 to seek popular approval for the draft constitution drawn up by the Constitutional Conference of Equatorial Guinea in Madrid from 17 April to 22 June 1968 is contained in Decree No. 1748 of 27 July 1968 issued by the Office of the Presidency in Madrid (see appendix II below). This decree was issued after the Spanish Cortes had approved a law promulgated on 24 July 1968 authorizing the Spanish Government to grant independence to Equatorial Guinea and to take appropriate steps to complete the process of decolonization.

11. The decree of 27 July dealt *inter alia* with the creation of an Electoral Commission which was to assume sole responsibility for the conduct of the referendum, eligibility of voters and registration, the constitution of electoral boards at polling stations, rules concerning absent voters, facilities for observers by the Spanish Government, the procedure to be followed for balloting on polling day, the counting of ballots, the reporting, processing and announcement of results and the appeal procedure for contesting results after the voting.

12. Subsequent instructions were issued by the President of the Electoral Commission elaborating the provisions contained in the above-mentioned decree. These included an instruction dated 2 August (see appendix III below) setting out in detail the physical arrangements in regard to the organization of polling stations, the procedure to be followed for balloting and the procedure to be followed on completion of balloting in regard to the reporting of results and the transmittal of such reports to the Electoral Commission. Separate instructions by the President of the Electoral Commission were also issued on 29 July concerning the appointment of *interventores* (supervisors) at polling stations and procedures for the voting of non-residents in a given area (see paras. 18-19 below).

13. The main provisions of the legislation were as set out below.

Electoral Commission

14. As outlined in the decree of 27 July, the organization and supervision of the referendum was the sole and exclusive responsibility of an Electoral Commission appointed by the Spanish Government consisting of two Spanish higher court judges acting as president and vice-president and four Guinean nationals who were required to be of recognized impartiality and competence. They were as follows:

| | |
|-----------------|---|
| President: | H.E. Angel Escudero del Corral, Judge of the Supreme Court |
| Vice-President: | H.E. Jaime Castro García, President of the Provincial Courts of La Coruña |
| Members: | Mr. Edmundo Collins Jones, Farmer, for Fernando Póo |
| | Mr. Manuel Morgades Besari, Lawyer, for Fernando Póo |
| | Mr. Salvador Nsi Ntutumu Bindang, Lawyer, for Río Muni |
| | Mr. Manuel Combe Madye, Doctor, for Río Muni |

15. The Electoral Commission was divided into two sections, one sitting at Santa Isabel presided over by the President of the Commission and the other at Bata, presided over by the Vice-President. The main functions of the Commission were to assume responsibility for the correction of the electoral rolls, the proper conduct of balloting and the central compilation of results.

Eligibility to vote and registration

16. According to the above-mentioned decree of 27 July, persons eligible to vote in the referendum were required to be 21 years of age or over, of African descent born in Equatorial Guinea. Their children were also entitled to vote, even if born elsewhere, provided they were over 21 and had Spanish nationality. Registration and the preparation of electoral rolls announced in the decree of 27 July were closed on 31 July. A communication issued by the President of the Electoral Commission on 31 July declared the rolls closed, stating that a copy of the roll in each municipality or section where polling was to take place would be posted on the public notice board to enable persons to verify the inclusion of their names on the rolls.

Constitution of electoral boards

17. The constitution of the electoral boards took place after the closure and approval of the electoral rolls on 31 July. For the purposes of the referendum, Equatorial Guinea constituted a single electoral college divided into as many districts as there were municipalities (four in Fernando Póo and 11 in Río Muni). Each electoral district was divided into as many sections as was considered necessary by the Electoral Commission where polling stations were set up and electoral boards established. There were 39 polling stations in Fernando Póo (including one in Annobón) and 192 in Río Muni. The list and location of these stations was published in the *Boletín Oficial de la Guinea Ecuatorial* on 5 August.

18. The electoral boards consisted of a chairman appointed by the Electoral Commission and two assistants. Provision was also made for the nomination of up to three *interventores* (supervisors) as associate members of the electoral boards. These were persons appointed at their request to observe the conduct of the voting. They were to observe whether voters could cast their ballots freely and whether the members of the electoral boards were duly fulfilling their tasks. At the close of voting, the *interventores* were required to sign documents setting up the electoral board and relating to the balloting, either giving their approval or indicating in brief their objections. Such objections were to be reviewed by the Electoral Commission. Candidates for the post of *interventor* were appointed by the Electoral Commission on application so long as the number of candidates for each station was three or less. In the case of more than three candidates applying for the posts, the successful candidates would be chosen by lot. Detailed instructions concerning the appointment of *interventores* were issued by the President of the Electoral Commission on 29 July (see appendix II B below). The Chairman, assistants and *interventores* of each electoral board were required to be qualified to vote in the section in which they discharged their functions and to possess the educational qualifications necessary for the accomplishment of their tasks. The Electoral Commission was required to appoint the members of the electoral boards before 3 August.

Absent and non-resident voters

19. Provision was made in the decree of 27 July to enable eligible voters absent from the Territory to vote by mail. Provision was also made to enable eligible voters absent from their municipality to vote as non-residents elsewhere within Equatorial Guinea. The relevant procedures and safeguards against double voting were published in an instruction issued by the Electoral Commission on 29 July (see appendix II C below).

Observers invited by the Spanish Government

20. An article in the decree of 27 July required the Electoral Commission and its representatives to provide "the observers invited by the Spanish Government" with all possible facilities in the discharge of their functions.

Procedure to be followed for voting on election day

21. Voting on election day was required to begin simultaneously in all sections at 8.00 a.m. and continue without interruption until 6.00 p.m. The electoral boards were to be set up at 7.00 a.m. and between 7.00 and 8.00 a.m., the president of each board was to examine the credentials and identification of the *interventores*. A document creating each board was to be drawn up and signed by all its members.

22. The question put before the voters was the following: "Do you, by your vote, approve the constitutional text drawn up by the Constitutional Conference of Equatorial Guinea?" This question appeared on ballot papers marked "yes" or "no". The "yes" papers also contained the silhouette of an elephant next to the word "yes".

23. The voting procedure was ordered as follows: voters on entering the polling station were to take a "yes" or "no" ballot paper from a table placed just inside the entrance of the polling station. Having identified themselves, their names were to be checked against the electoral roll and they were then to hand their ballot papers to the chairman of the electoral board, folded in order to ensure secrecy. The chairman was to place the ballot paper in the ballot box immediately in the voter's presence. The voter's name was then to be checked against the electoral roll as having voted.

Counting of ballots, reporting, processing and announcement of results

24. The counting of ballots was to take place publicly at each polling station after the close of voting at 6 p.m. The ballots were then recounted and the chairman of the electoral board, and the representative of the Electoral Commission, was to announce the results, giving the number of ballots counted, the number of voters, the number of votes in favour and against the constitutional text. Once counted, the ballots were to be burned immediately. The detailed instructions issued on 2 August to supplement the decree of 27 July (see appendix III below) also contained a provision requiring a copy of the report of the results to be posted on a public notice board at the polling station.

25. At the close of voting, three forms were to be drawn up and signed by the chairman of the electoral board, his assistants and the *interventores*. The first concerned the setting up of the electoral board (Acta de Constitución de la Mesa) (see para. 21 above). The second contained a description of the balloting and the results (Acta de la Sesión de Votación y Escrutinio). The third was the report of results (Certificación del Resultado de la Votación) (see para. 24 above). On forms 1 and 2, provision was made for the recording of complaints on alleged irregularities. These forms were to be drawn up in two copies, one to be kept by the board, and the other to be sent to the Electoral Commission at Santa Isabel or Bata, a third copy, in the case of the third form reporting the results, being posted on the notice board of the polling station (see para. 24 above). Copies of these forms were to be sent to the appropriate section of the Electoral Commission sealed in a special envelope bearing the signatures of the chairman of the electoral board, his two assistants and the *interventores*.

26. On receipt of the results from the polling stations in Río Muni, the section of the Electoral Commission in Bata was to proceed immediately with all relevant documents to Santa Isabel where results were to be checked and a central tally compiled and then formally announced by the Electoral Commission.

Appeals procedure for contesting results after voting

27. Voters were entitled to challenge the validity of the balloting in one or more sections within forty-eight hours by addressing to the Electoral Commission a letter accompanied by documentary proof in support of the allegations in question.

28. The grounds on which appeals could be made were as follows:

(a) Where the legally established procedure had not been followed by an electoral board during the balloting;

(b) Where serious disorders may have restricted the free exercise of the right to vote;

(c) Where the person concerned considered that the final results were at variance with the electoral records.

29. The results of the referendum were to be announced following a review of the appeals outlined above.

B. Participation by the United Nations

30. The Mission arrived in the Territory on 10 August, where it was met by the representative of the Spanish Ministry of Foreign Affairs in the Territory, Mr. Juan Durán Lóriga, and by the representatives of the Spanish administration in the Territory. On the arrival the Mission was informed of the facilities that were available to enable it to observe the conduct of the voting due to take place the next day.

31. After considering the various alternatives, the Mission decided that it would first discuss the legislation and physical arrangements for the conduct of the referendum with the Electoral Commission in Santa Isabel; then, on the following day, it would cover as many polling stations as possible in both Fernando Póo and Río Muni.

32. Accordingly, during the evening of 10 August, the Mission met with the President and other members of the Electoral Commission who outlined the legislation covering the referendum, as well as the physical arrangements that had been made for its conduct, the details of which are set out in the preceding section.

33. The following day, 11 August, the Mission divided itself into two groups, one consisting of the Chairman and Mr. Esfandiari, the other of Messrs. Fom, Huneus and Jouejati. The first group visited nine polling stations in Fernando Póo in the morning and two in Río Muni in the vicinity of Bata in the afternoon. It was present at two polling stations during the period set aside for preparing a station to receive voters and witnessed the opening of the voting at one of the stations. In the evening, the group returned by air to Santa Isabel and witnessed the closing of the voting and the counting at two stations.

34. The second group flew to Bata in the morning and in the course of the day witnessed the voting at 11 stations, one in the vicinity of Bata and 10 in the interior as far inland as Mícomeseng. The members of the group also witnessed the closing of polling and the counting of the ballots at a number of polling stations in Río Muni.

35. The members of the first group were present when the results from a number of polling stations were handed to the Electoral Commission at Santa Isabel. They saw the returns being checked and the results being tabulated.

36. The result of the referendum, which was officially announced on 15 August, showed that the Constitution had been approved by 72,458 votes in favour and 40,197 against. The results within each province were as follows:

| <i>Fernando Póo</i> | | <i>Río Muni</i> | |
|---------------------|-------|-----------------|--------|
| Yes | 4,763 | Yes | 67,695 |
| No | 4,486 | No | 35,711 |

According to the information given to the Mission, 125,253 persons were registered as voters. The number of persons who voted was 114,853 and invalid votes numbered 2,198, leaving a total of 112,655 valid votes cast.

III. THE GENERAL ELECTION

A. Discussions with the administering Power

37. In the days following the referendum, and while the final results were being worked out, the Mission held a series of meetings at which it discussed its observations of the polling on referendum day. It also met with three groups of petitioners who presented the Mission with their views concerning the referendum and their suggestions concerning the conduct of the election.

38. On 13 August, the Mission agreed on the text of an aide mémoire to be delivered to the representative of the Spanish Government in the Territory. The text of this aide mémoire, which was transmitted on 15 August, and which contains the Mission's observations on the referendum and its suggestions concerning the election, is set out in the statement made by the Chairman of the Mission to the Special Committee of 24 and 9 October (see annex V above).

39. As is described in the Chairman's statement, the Mission visited Madrid, at the invitation of the Spanish Government, in order to hold working sessions with the Inter-Ministerial Committee presided over by the Under-Secretary for Foreign Policy, His Excellency Mr. Ramón Sedó Gómez, and which was in charge of the process of decolonization in the Territory. The matters discussed at these meetings and the agreements reached are fully set out in the Chairman's statement referred to above.

40. At the conclusion of its discussions in Madrid, the Mission issued a statement to the Press in which it said that the meetings it had held with the Inter-Ministerial Committee had been most useful, having been held in a friendly and cordial atmosphere and in a spirit of understanding and co-operation.

B. Disposition of the observers

41. In accordance with its intention to observe the election at all stages and as widely as possible, and with the agreement reached at the discussions in Madrid, the Mission made arrangements to station United Nations observers in the Territory for the task of supervision. Following an on-the-spot survey of both provinces of the Territory and after taking into account the availability of facilities for transport and accommodation, the Mission agreed that it would be possible and desirable to station a United Nations observer in each of the thirteen main administrative units of the Territory, two in Fernando Póo and eleven in Río Muni. It further agreed that it would not be possible to station an observer in the electoral districts of Annobón^a and Corisco-Elobey Grande-Elobey Chico. The Mission therefore requested the Secretary-General to make available the services of thirteen experienced members of the Secretariat to serve as United Nations observers in the Territory. The Secretary-General promptly acceded to this request and made arrangements for the thirteen observers to arrive in the Territory on 10 and 11 September. The disposition of the observers throughout the Territory is shown below.

Fernando Póo

| | |
|--------------------|-------------------------|
| Santa Isabel | Mr. F. Caballero-Marsal |
| San Carlos | Mr. G. N. Ceccatto |

Río Muni

| | |
|----------------------|------------------|
| Bata | Mr. H. Fernández |
| Río Benito | Mr. R. Tenaud |
| Puerto Iradier | Mr. M. Pelletier |

^a As noted in the Chairman's statement, it subsequently became possible to send an observer to Annobón for the last day of the electoral campaign and for the voting on election day.

Annex 21

United Nations General Assembly, *Resolution 2355 (XXII) Question of Equatorial Guinea*
(19 December 1967)

I

1. *Reaffirms* the inalienable right of the people of Ifni to self-determination in accordance with General Assembly resolution 1514 (XV);

2. *Approves* the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territory of Ifni and endorses the consensus adopted by the Special Committee on 14 September 1967;

3. *Requests* the administering Power to take immediately the necessary steps to accelerate the decolonization of Ifni and to determine with the Government of Morocco, bearing in mind the aspirations of the indigenous population, the procedures for the transfer of powers in accordance with the provisions of General Assembly resolution 1514 (XV);

4. *Invites* the administering Power to continue the dialogue which has begun with the Government of Morocco, with a view to implementing the provisions of paragraph 3 above;

5. *Requests* the Special Committee to continue its consideration of the situation in the Territory of Ifni and to report thereon to the General Assembly at its twenty-third session;

II

1. *Reaffirms* the inalienable right of the people of Spanish Sahara to self-determination in accordance with General Assembly resolution 1514 (XV);

2. *Approves* the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territory of Spanish Sahara and endorses the consensus adopted by the Special Committee on 14 September 1967;

3. *Invites* the administering Power to determine at the earliest possible date, in conformity with the aspirations of the indigenous people of Spanish Sahara and in consultation with the Governments of Mauritania and Morocco and any other interested party, the procedures for the holding of a referendum under United Nations auspices with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination, and, to this end:

(a) To create a favourable climate for the referendum to be conducted on an entirely free, democratic and impartial basis by permitting, *inter alia*, the return of exiles to the Territory;

(b) To take all the necessary steps to ensure that only the indigenous people of the Territory participate in the referendum;

(c) To refrain from any action likely to delay the process of the decolonization of Spanish Sahara;

(d) To provide all the necessary facilities to a United Nations mission so that it may be able to participate actively in the organization and holding of the referendum;

4. *Requests* the Secretary-General, in consultation with the administering Power and the Special Committee, to appoint immediately the special mission provided for in paragraph 5 of General Assembly resolution 2229 (XXI) and to expedite its dispatch to Spanish Sahara for the purpose of recommending prac-

tical steps for the full implementation of the relevant General Assembly resolutions, and in particular for determining the extent of United Nations participation in the preparation and supervision of the referendum and submitting a report to him as soon as possible for transmission to the Special Committee;

5. *Requests* the Special Committee to continue its consideration of the situation in the Territory of Spanish Sahara and to report thereon to the General Assembly at its twenty-third session.

1641st plenary meeting,
19 December 1967.

2355 (XXII). Question of Equatorial Guinea

The General Assembly,

Having considered the question of Equatorial Guinea,

Having heard the statements of the petitioners,

Having also heard the statement of the representative of the administering Power.

Having considered the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to Equatorial Guinea,²⁶

Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling further the provisions of its resolutions 2067 (XX) of 16 December 1965 and 2230 (XXI) of 20 December 1966,

Having noted the constitutional conference which opened in Madrid on 30 October 1967,

1. *Approves* the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to Equatorial Guinea;

2. *Reaffirms* the inalienable right of the people of Equatorial Guinea to self-determination and independence, in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV);

3. *Regrets* that the administering Power has not yet set a date for the accession of Equatorial Guinea to independence in accordance with the wishes of the people of the Territory;

4. *Reiterates* its request to the administering Power to ensure that the Territory accedes to independence as a single political and territorial entity not later than July 1968;

5. *Invites* the administering Power to implement as soon as possible the following measures:

(a) To ensure respect for all democratic freedoms;

(b) To institute an electoral system based on universal adult suffrage and to hold, before independence, a general election for the whole Territory on the basis of a unified electoral roll;

(c) To transfer effective power to the government resulting from this election;

6. *Urges* the administering Power to reconvene the constitutional conference referred to above in order to work out the modalities of the transfer of power,

²⁶ *Ibid.*, chapter VIII.

including the drawing up of an electoral law and of an independence constitution;

7. *Requests* the Secretary-General to take appropriate action, in consultation with the administering Power and the Special Committee, to ensure the presence of the United Nations in the Territory for the supervision of the preparation for, and the holding of, the election envisaged in paragraph 5 (b) above and to participate in all other measures leading towards the independence of the Territory;

8. *Further requests* the Secretary-General to transmit the present resolution to the administering Power and to report to the Special Committee on its implementation;

9. *Decides* to maintain the question of Equatorial Guinea on its agenda.

1641st plenary meeting,
19 December 1967.

2356 (XXII). Question of French Somaliland

The General Assembly,

Having considered the question of French Somaliland (Djibouti),

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and its resolution 2228 (XXI) of 20 December 1966,

Having considered the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to French Somaliland (Djibouti),²⁷

Considering the circumstances in which the referendum organized by the administering Power took place on 19 March 1967,

1. *Reaffirms* the inalienable right of the people of French Somaliland (Djibouti) to self-determination and independence in accordance with General Assembly resolution 1514 (XV);

2. *Regrets* that the administering Power has not co-operated with the United Nations in the application of resolution 1514 (XV) and did not implement General Assembly resolution 2228 (XXI);

3. *Calls upon* the administering Power to create the political conditions necessary for accelerating the implementation of the right of the people to self-determination and independence, including the full exercise of political freedoms, and to allow the return of all refugees to the Territory;

4. *Urges* the administering Power to co-operate fully with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and with the United Nations in accelerating the process of decolonization in the Territory and to grant independence to the inhabitants at an early date;

5. *Requests* the Special Committee to continue its consideration of the situation in French Somaliland (Djibouti) and to report thereon to the General Assembly at its twenty-third session;

6. *Decides* to keep the question of French Somaliland (Djibouti) on its agenda.

1641st plenary meeting,
19 December 1967.

²⁷ *Ibid.*, chapter XII.

2357 (XXII). Question of American Samoa, Antigua, Bahamas, Bermuda, British Virgin Islands, Cayman Islands, Cocos (Keeling) Islands, Dominica, Gilbert and Ellice Islands, Grenada, Guam, Mauritius, Montserrat, New Hebrides, Niue, Pitcairn, St. Helena, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Swaziland, Tokelau Islands, Turks and Caicos Islands and the United States Virgin Islands

The General Assembly,

Having considered the question of American Samoa, Antigua, Bahamas, Bermuda, British Virgin Islands, Cayman Islands, Cocos (Keeling) Islands, Dominica, Gilbert and Ellice Islands, Grenada, Guam, Mauritius, Montserrat, New Hebrides, Niue, Pitcairn, St. Helena, St. Kitts-Nevis-Anguilla, St. Lucia, St. Vincent, Seychelles, Solomon Islands, Swaziland, Tokelau Islands, Turks and Caicos Islands and the United States Virgin Islands,

Having examined the chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to these Territories,²⁸

Recalling its resolutions 1514 (XV) of 14 December 1960, 1654 (XVI) of 27 November 1961, 1810 (XVII) of 17 December 1962, 1956 (XVIII) of 11 December 1963, 2066 (XX) of 16 December 1965, 2069 (XX) of 16 December 1965, 2189 (XXI) of 13 December 1966, 2232 (XXI) of 20 December 1966 and 2288 (XXII) of 7 December 1967,

Noting the constitutional changes that were introduced in February and March 1967 in the Territories of Antigua, Dominica, Grenada, St. Kitts-Nevis-Anguilla and St. Lucia and that are envisaged for the Territory of St. Vincent,

Noting further the decision taken by the Special Committee that General Assembly resolution 1514 (XV) containing the Declaration on the Granting of Independence to Colonial Countries and Peoples and other relevant resolutions continue to apply to these Territories,

Deeply concerned at the information contained in the report of the Special Committee on the continuation of policies which aim, among other things, at the disruption of the territorial integrity of some of these Territories and at the creation by the administering Powers of military bases and installations in contravention of the relevant General Assembly resolutions,

Deploring the attitude of some administering Powers which continue to refuse to allow United Nations visiting missions to visit these Territories,

Conscious that these situations require the continued attention and assistance of the United Nations in the achievement by the peoples of these Territories of their objectives, as embodied in the Charter of the United Nations and in the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Aware of the special circumstances of geographical location and economic conditions of some of these Territories,

1. *Approves* the chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of In-

²⁸ *Ibid.*, chapters XI, XIV to XVIII, XX and XXIII

Annex 22

Cable from UN to Permanent Missions (14 September 1970), enclosing Communication from Mr. Manadou D’Niaye, Charge d’Affaires of the Republic of Gabon to the Secretary-General of the United Nations Announcing the Extension of Gabonese Territorial Waters by Presidential Decree (20 August 1970)

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CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNATIONS NEW YORK

REFERENCE: LE 113(3-3) GABON

The enclosed translation of a communication dated 20 August 1970
 is transmitted to the Permanent Missions of the States Members of the
 United Nations at the request of the Chargé d'affaires a.i. of the
 Permanent Mission of the Gabon Republic to the United Nations. This
 communication replaces the one of the same date, transmitted to the
 Permanent Missions on 28 August 1970, which contained a technical
 error.

14 September 1970

BK

Copied to:
 Colr P. B. Beasley, M.O.
 M.H.C. Warner, D.S./M.O.
 P. Pooley, MAFF
 J. Glendinning, D.A.S.
 N.Y. Abrahams, S.P./BOT
[Signature]

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Translated from French

PERMANENT MISSION OF THE
GABONESE REPUBLIC
TO THE UNITED NATIONS

New York, 20 August 1970

675/MP/NY/70-/MN/RJ

Sir,

On instructions from my Government, I have the honour to inform you that the boundary of the territorial waters of the Gabonese Republic, which was originally fixed at a distance of twelve miles seawards under Act No. 10/63 of 12 January 1963, has just been extended to twenty-five nautical miles (46.300 km) by decree of the Head of State.

It is none the less the intention of the Gabonese Republic to reserve all its rights in the area of the continental shelf extending beyond the territorial waters.

I should be grateful if this information could also be brought to the attention of the various missions to the United Nations.

Accept, Sir, the assurances of my highest consideration.

(Signed) Mamadou NDIAYE
Chargé d'Affaires a.i.

The Secretary-General of the
United Nations
New York

Annex 23

Cable from the UN to Permanent Missions (13 October 1970), enclosing Letter from Equatorial Guinea to UN Secretary-General (8 October 1970)

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REFERENCE: LE 113(3-3) EQGU

The enclosed translation of a communication dated
..... 8 October 1970 is transmitted to the Permanent Missions of the
States Members of the United Nations at the request of the
Chargé d'affaires a.i. of the Permanent Mission of Equatorial
Guinea to the United Nations.

13 October 1970

OR

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Translated from Spanish

PERMANENT MISSION OF THE REPUBLIC
OF EQUATORIAL GUINEA TO THE
UNITED NATIONS

New York, 8 October 1970.

N.V. No. 558

The Chargé d'Affaires a.i. of the Permanent Mission of the Republic of Equatorial Guinea to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to inform him of the following:

By Decree No. 17/1970 of 24 September of His Excellency Francisco Macías Nguema, President of the Republic of Equatorial Guinea, the limits of the territorial waters of Guinea surrounding the Elobey Islands, Corisco and the Mbañe, Conga and Cocotero Islets, which are an integral part of the national territory of Guinea, were set with effect from the date of publication of the Decree in the Official Gazette of the Government of Guinea.

The Government of the Republic of Equatorial Guinea was obliged to enact this protective Decree because of the unusual geographical position of the islands and islets.

The Chargé d'Affaires a.i. requests that these particulars should be brought to the knowledge of missions accredited to the United Nations.

The Permanent Mission of the Republic of Equatorial Guinea takes this opportunity to renew to the Secretary-General the assurances of its highest consideration.

(Signed) Eduardo UNDO NEMA
Chargé d'Affaires a.i. of the
Mission of the Republic of Equatorial Guinea
to the United Nations

Annex 24

Letter from the Permanent Mission of the Netherlands to the United Nations to the UN Secretary-General (14 October 1970)

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(15)



UNITED KINGDOM MISSION TO THE UNITED NATIONS
845 Third Avenue, New York, N.Y. 10022

UNCLASSIFIED

(21/9/277)

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23 November, 1970

Dear Mark,

Territorial Waters of Gabon

... I enclose a copy of a note from the Netherlands Mission to the Secretary-General which places on record the refusal of the Netherlands Government to recognise the extension of Gabonese territorial waters to 25 miles. It would be useful to know whether you propose to take any action in response to the Gabonese note referred to by the Dutch.

*Yours,
Nigel*

LAST PAPER

(N. C. R. Williams)

Also (1) copied to NY.

pa. N. 2/6

M. Elliott, Esq.,
Marine and Transport Department,
F.C.O.

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Copy

Permanent Mission of
the Kingdom of the Netherlands
to the United Nations
711 Third Avenue
New York, N.Y. 10017
TELEPHONE OXFORD 7-5547

No. 3808

New York, 14 October 1970

Sir,

I have the honour to refer to your letter of 14 September 1970 no. LE 113(3-3) GABON with the enclosed letter of the Chargé d'Affaires a.i. of the Gabon Republic to the United Nations of 20 August 1970 no. 675/MP/NY/70-MM/RJ and inform you as follows.

The Government of the Kingdom of the Netherlands has taken note of the abovementioned letter of the Gabonese Chargé d'Affaires a.i., and of the decision of his Government to extend by decree of the Head of State from 12 to 25 nautical miles the boundary of the territorial waters of the Gabonese Republic.

With this decision the Gabonese Republic has wished to establish its sovereignty over a territory that, in accordance with the prevailing rules of international law, forms part of the High Seas. In this connexion the Netherlands Government wishes to recall that "the High Seas being open to all Nations, no state may validly purport to subject any part of them to its sovereignty".

Therefore the Netherlands Government cannot recognize the applicability of the Gabonese decision or of any other unilateral measure, to Netherlands ships, airplanes and subjects, finding themselves on or above the High Seas.

Accept, Sir, the assurances of my highest consideration.

(Signed) R. Fack

Permanent Representative of the Kingdom of
the Netherlands to the United Nations

The Secretary-General
of the United Nations
NEW YORK, N.Y. 10017

Annex 25

Letter from the Permanent Representative of The Gabonese Republic to the United Nations to the UN Secretary-General (1 March 1972)

REPRODUCED AT THE NATIONAL ARCHIVES

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DEPARTMENT OF STATE

AIRGRAM

Original to be Filed in Decentralized Files.

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FILE DESIGNATION: A-423

HANDLING INDICATOR: UNCLASSIFIED

TO : Department of State

RECEIVED DEPARTMENT OF STATE
MAR 20 8 11 AM 1972

LEGAL ADVISER
MAR 22 1972

FROM : USUN - New York

RS/AN ANALYSIS BRANCH
DATE: March 14, 1972

SUBJECT : Communication from Permanent Representative of Gabon

REF : Gabon

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Action Taken:

Enclosed is a copy of a note from the Secretariat, dated March 10, 1972, transmitting a communication at the request of the Permanent Representative of Gabon to the UN.

The communication which is dated March 1, 1972, informs that the President of the Gabonese Republic has decided to extend the limit of Gabon's territorial sea to 30 nautical miles, measured from the low-water line.

BUSH

- Enclosures:
1. Copy of Note
 2. Communication

1972 MAR 20 PM 12 24
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By: WJ NARA Date: 2/2/00

ox: SAE Drafting Date: Phone No.: Contents and Classification Approved by: ADMIN: TPSaportke Jr.

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NEW YORK

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REFERENCE: LE 113(3-3) GABON

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| Original Taken |
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| Initials |
| Name |
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The enclosed translation of a communication dated
 1 March 1972 is transmitted to the Permanent Missions of the
 States Members of the United Nations at the request of the
 Permanent Representative of Gabon to the United Nations.

10 March 1972

BRK

| |
|---|
| DECLASSIFIED Authority <i>MM 969036</i> By <i>WV1</i> NARA Date <i>3/2/91</i> |
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UN. 3509/242

Encl 2 A 423 USAN

Translated from French

PERMANENT MISSION OF THE
REPUBLIC OF GABON
TO THE UNITED NATIONS

204/MP/NY-72-JD/mda

New York, 1 March 1972

To the Secretary-General
of the United Nations

Sir,

I have the honour to inform you that the Gabonese Government has decided, by Ordinance No. 1/72/PR issued on 5 January 1972 by the President of the Gabonese Republic, the Head of Government, to extend the limit of Gabon's territorial sea to 30 nautical miles, measured from the low-water line.

This new ordinance supersedes ordinance 55/70 of 5 October 1970, which established this limit at 25 nautical miles.

I should be grateful if this information could also be brought to the attention of the Permanent Missions to the United Nations.

Accept, Sir, the assurances of my highest consideration.

(Signed) Jean DAVIN
Ambassador
Permanent Representative of the
Gabonese Republic to the
United Nations

DECLASSIFIED
Authority *MM 969036*
By *WML* NARA Date *2/2/ku*

Annex 26

Letter from the Permanent Mission of the Republic of Equatorial Guinea to the United Nations to the Permanent Missions and Offices of Permanent Observers to the United Nations (5 September 1972)

TRANSLATION

Permanent Mission of the Republic of Equatorial Guinea to the United Nations

440 East 62nd Street, New York, N.Y., Apt 6D

N.V. 28/Pje.

September 5, 1972

The Permanent Mission of the Republic of Equatorial Guinea to the United Nations presents its compliments to the Permanent Missions and Offices of Permanent Observers to the United Nations and has the honor of informing them that the Government of Gabon has unilaterally extended its territorial waters to 100 nautical miles, thus attempting to annex the Elobey Chico and Grande Islands as well as the island of Corisco and adjacent islets. These all belong to the Republic of Equatorial Guinea, as part of its territory lying south of the Rio Muni province.

As a protest against this unilateral declaration and with hope that you will forward the protest to your respective Governments, attached to the present communication is a copy of a telegram from Equatorial Guinea's Minister of Foreign Affairs noting Gabon's violation of article 2, paragraph 4, of the Charter of the United Nations. The Permanent Mission of the Republic of Equatorial Guinea to the United Nations wishes to take this opportunity to express its highest consideration to the Permanent Missions and Offices of Permanent Observers to the United Nations.

[seal:] Permanent Mission of the Republic of Equatorial Guinea to the United Nations

[signature]

Primo José ESONO MICA
Ambassador
Permanent Representative

To:

Permanent Missions and Offices of Permanent Observers to the United Nations



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10 East 39th Street, 12th Floor
New York, NY 10016

www.waterstreettranslations.com

(212) 776-1713

info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Timothy Friese, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

A handwritten signature in black ink, appearing to read 'Kent G. Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

09/08/21

Date





MISION PERMANENTE DE LA
REPUBLICA DE GUINEA ECUATORIAL
ANTE LAS NACIONES UNIDAS

440 East 62nd Street, New York, N. Y., Apt. 6D

N.V.28/

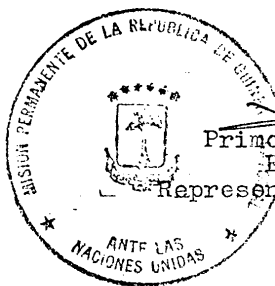
Pje.-

5 de Septiembre de 1972.-

La Mision Permanente de la Republica de Guinea Ecuatorial ante las Naciones Unidas presenta sus cumplimientos a las Misiones Permanentes y Oficinas de Observadores Permanentes ante las Naciones Unidas y tiene el honor de comunicarles que el Gobierno de Gabón unilateralmente ha ampliado sus aguas territoriales a 100 millas marítimas, intentando así anexionar a las Islas Elobey Chico y Grande así como la Isla de Corisco, e islotes adyacentes; todas pertenecientes a la Republica de Guinea Ecuatorial, en su parte Sur de la Provincia de Rio Muni.

Como protesta a esta declaración unilateral, acompaña a la presente copia del telegrama del Ministro de Asuntos Exteriores -- de Guinea Ecuatorial señalando al mismo tiempo la violacion por el Gobierno gabonés del párrafo 4 del articulo 2 de la Carta de las Naciones Unidas, a la esperanza de que lo hagan llegar a sus respectivos Gobiernos, la Misión Permanente de la Republica de Guinea Ecuatorial ante las Naciones Unidas aprovecha esta ocasión para expresar a las Misiones Permanentes y Oficinas de Observadores Permanentes ante las Naciones Unidas las seguridades de su más alta consideración.-

A
MISIONES PERMANENTES Y OFICINAS
DE OBSERVADORES PERMANENTES --
ANTE LAS NACIONES UNIDAS.-----
New York.-



Primo José EZEQUIEL MICA
Primo José EZEQUIEL MICA.-
Embajador
Representante Permanente.-

Annex 27

Note Verbale from the Permanent Mission of the Republic of Equatorial Guinea to the United Nations to the UN Secretary General (11 September 1972)

TRANSLATION



PERMANENT MISSION OF THE REPUBLIC OF EQUATORIAL
GUINEA BEFORE UNITED NATIONS

440 East 62nd Street, New York, NY, Apt. 6D

N. V. 28

Pje.-

September 11, 1972.

The Permanent Representative of the Republic of Equatorial Guinea before the United Nations greets the United Nations Secretary General and is honored to send a copy of a telegram of the Ministry of Foreign Affairs of my country. In view thereof, I would like to express the need of an urgent meeting of the United Nations SECURITY COUNCIL in accordance with article 35 of the United Nations Charter.

I hereby express the need of this urgent meeting of the Council given that the life of the island's inhabitants is in danger, as well as international security and peace, since Gabon has carried out a military and illegal occupation of the islands of Equatorial Guinea and its territorial waters to the South of the Province of Muni River, blocking the access of ships that serve as communication with those islands.

The Permanent Representative of the Republic of Equatorial Guinea before the United Nations takes this opportunity to express to the United Nations Secretary General his highest esteem and consideration.

Your Excellency
Kurt Waldheim
United Nations Secretary General.-
New York, NY 10017.-

[Signature]
Primo José [Illegible] MICA.-
Ambassador
Permanent Representative.-

[Seal] PERMANENT MISSION OF THE REPUBLIC OF EQUATORIAL GUINEA
BEFORE UNITED NATIONS

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CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Natalia Misuraca, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the Certified Translators Association of Buenos Aires, Argentina (CTPBA).

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Kent G. Heine
Water Street Translations, LLC

08/20/21

Date





MISION PERMANENTE DE LA
REPUBLICA DE GUINEA ECUATORIAL
ANTE LAS NACIONES UNIDAS

440 East 62nd Street, New York, N. Y., Apt. 6D

N.V. 28

Pje.-

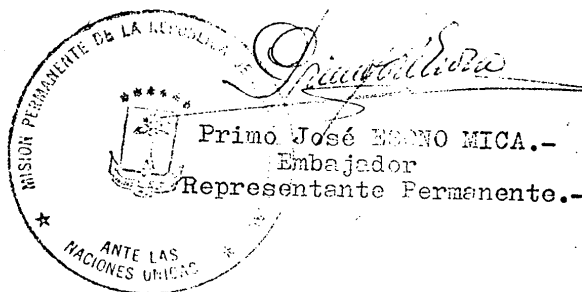
11 Septiembre de 1972.-

El Representante Permanente de la Republica de Guinea Ecuatorial ante las Naciones Unidas saluda al Señor Secretario General de las Naciones Unidas y tiene el honor de señalar para su atención una copia de un telegrama dinamante del Ministro de Asuntos Exteriores de mi País y de acuerdo a ello, quisiera expresar la necesidad de reunirse urgentemente el CONSEJO DE SEGURIDAD de las Naciones Unidas, conforme al párrafo 1 del artículo 35 de la Carta de las Naciones Unidas.

Expreso la necesidad de urgencia para la reunion del Consejo, por estar en peligro la vida de los habitantes de las islas, así como la seguridad de la paz internacionales. Dado que Gabón ha ocupado militarmente e ilegalmente las islas de Guinea Ecuatorial y sus aguas territoriales por la parte Sur de la Provincia de Rio Muni obtusando las embarcaciones que sirven de comunicación con aquellas islas.

El Representante Permanente de la Republica de Guinea Ecuatorial ante las Naciones Unidas aprovecha esta ocasión para expresar al Señor Secretario General de las Naciones Unidas las seguridades de su más alta y distinguida consideración.

Excmo. Señor
Kurt Waldheim
Secretario General de las
Naciones Unidas.-
New York, N.Y. 10017.-



Annex 28

Permanent Mission of the Republic of Equatorial Guinea to the United Nations, *Statement Before the United Nations Security Council by His Excellency Mr. Jesus Alfonso Oyono Alogo* (September 1972) (excerpt)

TRANSLATION

Permanent Mission of the Republic of Equatorial Guinea to the United Nations
440 East 62nd Street, New York, N.Y., Apt 6D

Statement before the United Nations Security Council by His Excellency Mr. Jesus
Alfonso Oyono Alogo; Minister of Public Works, Housing, and Transportation;
Delegation Chair.

New York, September 1972

TRANSLATION

[text cut off] United Nations, our President, comrade Macias, has made a valiant and bold political decision: not to respond in kind to Gabon's military aggression, as doing so would lead to military escalation.

Our President's decision is based on his deep understanding of international political responsibility. It is not easy to maintain this national spirit of moral responsibility in a young African nation faced with military aggression. Yet, let us not mistake Equatorial Guinea's policy of peace with that pacifist tendency that denies the fight for justice. Neither our President nor our people will ever abandon the use of appropriate means at all times to gain respect for our international rights and our country's territorial integrity. In the case at hand, what is happening is simply that our President, comrade Macias Nguema, knows well how to distinguish between the immoral politics of force and the moral politics of reason. He rejects the prior and embraces the latter. However, even still, we also know that the morals of politics are not just the morals of conviction. Under morals of conviction, we could respond in legitimate defense against Gabon's military aggression with the same material violence and using the same military means. However this reaction, while morally understandable, would be a political reaction and would not anticipate or assume the consequences of our own actions. The better ethics of politics are not those of conviction, but rather the ethics of responsibility. It is precisely for this reason that the Government of Equatorial Guinea petitions the intervention of the United Nations Security Council, as the only body with the historic mission of restoring peace throughout the world, wherever it is disturbed. Faced with Gabon's military aggression, President Macias, thus, complies with his international political duty and hands off this responsibility to the Security Council. He leaves in its hands the delicate issue of this conflict between brother African countries. I will now briefly summarize the genesis and development of this conflict.

Conflict

There has been a serious conflict between Equatorial Guinea and the Gabonese Republic. It is not a diplomatic conflict or a personal conflict between two countries' Governments. It is not a simple conflict regarding the limits of territorial waters, either. It is purely and simply a

TRANSLATION

military conflict, provoked and pursued unilaterally by Gabon, who—while in direct negotiations with Equatorial Guinea to delimit the maritime boundary of their respective territorial waters—launched a surprise invasion and occupation of the Equatoguinean island of Bañe. Gabon captured and detained the small Equatoguinean military garrison stationed there, composed of four soldiers and one commander, as well as 24 Equatoguinean fishermen who were fishing around the island, as is their custom. Both the soldiers from Equatorial Guinea's National Guard as well as the Equatoguinean fishermen have been assaulted and mistreated by the occupying Gabonese troops. Gabon has not answered for nor denied these deeds, and so a debate over the exact details thereof seems unnecessary. Nevertheless, we are providing the Security Council with all of the information, details, and circumstances of these deeds.

At first glance, Gabon's military aggression against a small, friendly, brother nation may seem to be absurd or gratuitous. However, consideration of the historical, political, diplomatic, and economic context behind the aggression immediately reveals its meaning and Gabon's true intentions.

On the one hand, we must recall Gabon's policy on territorial waters. In 1966, Gabon unilaterally extended its territorial waters to twelve miles via domestic legislation. Thereafter, pursuant to a new domestic law of October 5, 1970, it extended the limits of its territorial waters to 25 miles. Equatorial Guinea objected to this action and other countries protested it, including the USSR, whose Permanent Representative to the United Nations rejected the extension in his Note of May 19, 1971. Despite these international objections and objections by our country, Gabon decreed another extension of its territorial waters to 30 miles on January 5 of this year. It has made further extensions preceding the most recent one, culminating in the military invasion of Bañe, with the limit now set at 70 miles.

On the other hand, we must also recall Gabon's policy on

TRANSLATION

oil prospecting and exploration concessions on Corisco Bay's continental shelf. In 1960, the year of Gabon's independence, the Spanish Government—which then held colonial sovereignty over what is Equatorial Guinea today—granted two joint exploration permits to the Compañía Española de Petróleos, S.A. (CEPSA) and the Spanish Gulf Oil Company. Said joint exploration permits were granted for the territorial waters of mainland and insular Equatorial Guinea, outside of Rio Muni's territory and south of the parallel of the territorial border between Rio Muni and Gabon. Spain did not specify the southern limit of this joint concession. This lack of precision led the concessionaire oil companies to request that the Spanish Government issue a moratorium on their operations until the maritime boundary with Gabon is defined. In response to this request, on October 3, 1962, the Spanish Ministry of Foreign Affairs issued a report defining the limit of the Spanish internal waters in Corisco Bay via a straight line between Elobey Grande Island and the Bañe Bank. The report does not specify the limit of Spanish territorial waters. Rather, it defines the baseline from which the maritime boundary of the territorial waters should be jointly marked with Gabon. This report affirmed Spain's indisputable sovereignty over the Bañe Bank, and Gabon made no formal protest to this report. The concessionaires, in complete assurance and guarantee of their rights, thus carried out exploration work on the 1-A permit. After four detailed marine seismic operations and one survey, they were able to identify an area of greatest interest for oil to the northwest of Elobey Island. Accordingly, in early 1970, they decided to conduct a survey, after notifying the Ministry of Industry and Mines of now-independent Equatorial Guinea. It was then that Gabon's lust for the resources of Corisco Bay's continental shelf appeared.

On May 14, 1970, the Government of Gabon published a decree defining as Gabonese territory a large area of the 1-A permit, mentioned above, which had historically been recognized as belonging first to Spain and subsequently to Equatorial Guinea. The concessionaire companies of the Spanish permit had repeatedly performed exploration in this area without protest [text cut off]; and following its independence, Equatorial Guinea had recognized the Spanish permit as legitimate. [text cut off]

TRANSLATION

To carry out this threat, and even though both negotiating delegations had agreed that “no unilateral action be taken in the disputed zone without the express consent of the other party” (Proces verbal of March 29, 1972, Libreville), the President of the Gabonese Republic ordered and carried out, last September 23, the invasion and military occupation of the Bañe Island of Equatorial Guinea.

Equatorial Guinea’s Sovereignty over Bañe Island

Now is not the time to expound upon the basis or titles of Equatorial Guinea’s political and legal sovereignty over Bañe Island. It is sufficient to note that this island was a Spanish colonial possession in fact and by law. Equatorial Guinea acquired sovereignty over the island via succession as of October 12, 1968, the date of Equatorial Guinea’s national independence.

Since time immemorial, this island has been peacefully and consensually inhabited without interruption by fishermen belonging to the ethnic groups of Corisco. After the 1900 Convention between France and Spain, there was never any dispute over Spain’s sovereignty over this island. Gabon made no claim after its independence in 1960; either to Spain, when its Ministry of Foreign Affairs delimited the internal waters of Corisco and Bañe Island; or to Equatorial Guinea, when it authorized the continuation of oil prospecting in this area in 1968.

Bañe Island is not some *res nullius* or *res derelicta* capable of acquisition by occupation. The simple fact that on Bañe Island Gabonese troops found and detained four soldiers of Equatorial Guinea’s National Guard and 24 Corsicans living on the island, alone, shows that:

- a) The island is under Equatorial Guinea’s political sovereignty, represented thereon by the military authority of the local garrison’s commander.
- b) The island was under the civil possession of various families with Equatoguinean nationality.

TRANSLATION

This simple finding, namely the proof that Equatorial Guinea has been violently dispossessed and violated in its peaceful possession of Bañe Island, is sufficient under international law for it to demand return of its possession of the island and the consequent recognition of its inviolable sovereignty over the island. This is what the people of Equatorial Guinea, through our president, ask of the United Nations Security Council.

It is a historic coincidence that Equatorial Guinea comes today before the Security Council to make its sovereignty claim over Bañe Island, while another United Nations Member State disregards it. Equatorial Guinea bases its claim on the well-known principle of law and international practice known as "*uti possidetis*." This principle was incorporated into international law by Latin American States in the early 19th century when, in the process of their independence, they adopted the former boundaries between the different Spanish colonial regions (audiencias, viceroyalties, captaincy generals) as their borders. The United Nations has universalized this principle as the guide for determining the borders of new States born via decolonization. The Organization of African Unity has also accepted this principle as a formal and political criterion; and it is used both for delimiting the borders between former territories administered by the same State and for borders between territories administered by different States. This principle is modern international law's application of Roman law's ancient "*uti nunc possidetis, quominis ita possidetis vim fieri veto*" formula, as expressed by Gayo. It is known by its abbreviation, "*uti possidetis, ita possideatis*," meaning, as you possess, so shall you continue to possess. This is what we ask from the Security Council: that we continue to possess Bañe Island as we have previously possessed it. It is our historic right, gained with our independence. We will never relinquish it.

Petition to the Security Council

As a full member of the United Nations, Equatorial Guinea kindly requests that the Security Council adopt a resolution:

TRANSLATION

- A. Condemning Gabon's military aggression and violent occupation of a territory under Equatorial Guinea's sovereignty, as is Bañe Island.
- B. Demanding the immediate withdrawal of Gabonese troops from the Bañe Island and the contiguous areas, as well as the immediate release of all Equatoguinean prisoners.
- C. Recommending that the Republic of Gabon come to peacefully negotiate the strict problem of the demarcation of territorial waters with Equatorial Guinea.



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CERTIFICATION OF ACCURACY OF TRANSLATION

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Kent G. Heine
Water Street Translations, LLC

09/08/21

Date





MISION PERMANENTE DE LA
REPUBLICA DE GUINEA ECUATORIAL
ANTE LAS NACIONES UNIDAS

440 East 62nd Street, New York, N. Y., Apt. 6D

INTERVENCION DEL MINISTRO DE OBRAS PUBLICAS VIVIENDAS Y
TRANSPORTES; JEFE DE LA DELEGACION. SU EXCELENCIA DON
JESUS ALFONSO OYONO ALOGO ANTE EL CONSEJO DE SEGURIDAD
DE LAS NACIONES UNIDAS.

New York, Septiembre de 1.972.-

Naciones Unidas, nuestro Presidente, el camarada Macías, ha tomado una valiente y enérgica decisión política: la de no responder a la agresión militar gabonesa con otra medida similar que llevaría inevitablemente a una esclada bélica.

Esta decisión de nuestro Presidente está basada en su profundo concepto de la responsabilidad política internacional. No es fácil mantener en una joven nación africana este espíritu nacional de responsabilidad moral frente a una agresión militar. Pero que no se confunda esta política de paz del Gobierno de Guinea Ecuatorial como un fruto cobarde e hipócrita de esa tendencia pacifista que niega la lucha por la justicia. Ni nuestro Presidente ni nuestro pueblo renunciaran jamás al uso de los medios adecuados en cada momento para conseguir el respeto de sus derechos internacionales y de su integridad territorial. Lo que sucede es simplemente que nuestro Presidente, camarada Macías Nguema, sabe distinguir muy bien entre la política inmoral de la fuerza, y la política moral de la razón. Rechaza la primera y adopta la segunda. Pero aún así, también sabemos que la moral de la política no es solo la moral de la convicción. Por esta razón moral deberíamos responder a la agresión militar gabonesa, en legítima defensa, con la misma violencia material y por los mismos medios militares. Pero esta reacción, moralmente comprensible, nos sería una reacción política, al no calcular y asumir las consecuencias de nuestros propios actos. La ética propia de la política no es la moral de convicción, sino la moral de responsabilidad. Y es precisamente esta moral la que nos obliga al Gobierno de Guinea Ecuatorial a pedir la intervención del Consejo de Seguridad de la O.N.U., como único Organismo encargado históricamente de restablecer la paz mundial allí donde es conculcada. El Presidente Macías, ante la agresión militar gabonesa, cumple con su deber político internacional trasladando la responsabilidad a este Consejo de Seguridad. En sus manos deja el delicado problema de este conflicto entre dos naciones hermanas africanas, cuya génesis y desarrollo voy a resumir brevemente.

Conflicto.

Se ha producido un grave conflicto entre la República de Guinea Ecuatorial y la República gabonesa. No se trata de un conflicto diplomático ni de un conflicto personal entre los Gobiernos de ambos países. Tampoco se trata de un simple conflicto sobre límites de aguas territoriales. Se trata pura y llanamente de un con

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flicto militar, provocado y ejecutado unilateralmente por Gabón, - quién estando en negociaciones directas con Guinea Ecuatorial para delimitar la frontera marítima de sus respectivas aguas territoriales, por sorpresa y por medio de sus fuerzas armadas ha invadido y ocupado militarmente la isla de Guinea Ecuatorial, Bañe, capturando y reteniendo a la pequeña guarnición militar guineana destacada en la isla, y compuesta de cuatro soldados y un cabo, así como a veinticuatro pescadores, súbditos guineanos, que se encontraban en la isla realizando, como siempre, sus habituales faenas de pesca. Tanto los soldados de la Guardia Nacional guineana, como los pescadores súbditos de Guinea Ecuatorial, han sido maltratados y vejados por las tropas gabonesas de ocupación. Estos hechos no han sido contestados ni negados por el Gobierno gabonés, por lo que parece superflua toda discusión sobre la exactitud de los mismos. No obstante, ponemos a disposición del Consejo de Seguridad todos los datos, circunstancias y detalles de ~~estos~~ hechos.

A primera vista, esta agresión militar del Gabón frente a una pequeña nación, hermana y amiga, puede parecer un acto absurdo o gratuito. Pero el examen del contexto histórico, político, diplomático y económico bajo el que se ha producido la agresión, descubre inmediatamente el sentido de la invasión gabonesa, y las verdaderas intenciones del Gobierno gabonés.

Por un lado hay que tener presente la política del Gobierno gabonés en materia de aguas territoriales. En 1966, el Gobierno gabonés extendió unilateralmente, y por medio de su legislación interna, las aguas territoriales hasta el límite de las doce millas. Más adelante, mediante otra Ley interna de cinco de octubre de 1970 extendió el límite de sus aguas territoriales a veinticinco millas. Medida que fué protestada por el Gobierno de Guinea Ecuatorial, y contestada por otros países, entre ellos por la URSS, cuya Representación Permanente ante las Naciones Unidas rechazó esta ampliación en su Nota del 19 de Mayo de 1971. A pesar de estas protestas internacionales, y de nuestro país, el Gobierno gabonés decreta otra nueva ampliación de las aguas territoriales hasta el límite de las treinta millas, el día 5 de Enero de este mismo año. Durante el cual lleva a cabo otras sucesivas ampliaciones hasta la última, precediendo a la invasión militar de Bañe, que fija el límite a las ciento setenta millas.

Por otro lado, hay que tener presente también la política - del Gobierno gabonés en materia de concesiones de investigación v -

prospección de yacimientos petrolíferos sobre la plataforma continental de la Bahía de Corisco. En 1960, año de la independencia de Gabón, el Gobierno español, que detentaba la soberanía colonial sobre lo que hoy es el Estado de Guinea Ecuatorial, concedió dos permisos de investigación conjunta a la "Compañía Española de Petroleos, S.A." (CEPSA), y a la "Spanish Gulf Oil Company" sobre las aguas de los territorios del continente y de las islas guineanas, fuera del territorio de Río Muni y al sur del paralelo de la frontera territorial entre Río Muni y Gabón, pero sin especificar el límite sur de esta concesión conjunta. Esta imprecisión movió a las Compañías petrolíferas concesionarias a solicitar del Gobierno español una moratoria en sus operaciones, hasta tanto se definiera la frontera marítima con el Gabón. Atendiendo a esta solicitud, el día 3 de Octubre de 1962, el Ministerio de Asuntos Exteriores español emitió un informe definiendo el límite de las aguas internas españolas en la Bahía de Corisco mediante una línea recta entre la Isla de Elobey Grande y el Banco Bañe. El informe no especifica hasta donde llegaba el límite de las aguas territoriales españolas, sino que definía la línea de base a partir de la cual debería señalarse conjuntamente con el Gabón la frontera marítima de las aguas territoriales. En este informe se afirmó la indiscutible soberanía de España sobre el Banco Bañe, y el Gobierno de Gabón no emitió ninguna protesta formal a tal informe. Las Compañías concesionarias realizaron así, con toda seguridad y garantía de sus derechos, los trabajos de investigación en el permiso 1-A. Y después de cuatro detalladas campañas de sísmica marina y de un sondeo, pudieron establecer, como area con el máximo interés petrolífero, una zona al suroeste de la isla de Elobey, por lo que, en los primeros meses de 1970, decidieron realizar un sondeo, previa comunicación al Ministerio de Industria y Minas de Guinea Ecuatorial, ya independiente. Es entonces cuando aparece la ambición del Gobierno gabonés sobre los recursos de la plataforma continental en la Bahía de Corisco.

Con fecha 14 de Mayo de 1970 el Gobierno de Gabón publicó un Decreto definiendo como territorio gabonés una amplia zona del permiso nº 1-A, antes mencionado, históricamente reconocida como perteneciente a España primero y a Guinea Ecuatorial después, y en la que las Compañías beneficiarias del permiso español, reconocido como legítimo por el Gobierno de Guinea Ecuatorial tras su independencia, habían desarrollado repetidas investigaciones sin protes-

9.

En cumplimiento de esta amenaza, y a pesar de que ambas Delegaciones negociadoras acordaron como deseable que "ninguna acción unilateral sea emprendida en la zona litigiosa sin el consentimiento expreso de la otra parte" (Proces verbal de 29 de Marzo de 1972, Libreville), el Presidente de la República gabonesa ordena y lleva a cabo el día 23 de Septiembre último la invasión y la ocupación militar de la isla guineana, Bañe.

Soberanía de Guinea Ecuatorial sobre la Isla Bañe.

† No es ahora el momento oportuno para exponer los fundamentos o títulos de soberanía política y jurídica del Estado de Guinea Ecuatorial sobre la Isla Bañe. Basta recordar que esta isla fué posesión colonial española de hecho y de derecho. Y que por vía de sucesión el Estado guineano asumió la soberanía sobre la misma a partir del día 12 de Octubre de 1968, fecha de la Independencia Nacional de Guinea Ecuatorial.

Desde tiempo inmemorial, de forma pacífica, consentida e ininterrumpida esta isla es habitada por pescadores pertenecientes a las etnias de Corisco. Después del Tratado de 1900 entre Francia y España nunca se contestó la soberanía española sobre esta isla. Gabón tampoco formulo reclamación alguna después de su Independencia en 1960. Ni frente a España, cuando el Ministerio de Asuntos Exteriores de este país delimitó las aguas internas de Corisco en la Isla Bañe, ni frente a Guinea Ecuatorial cuando autorizo la continuación de los trabajos de prospección petrolifera en esta zona en el año 1968.

† La Isla Bañe no es ni una "res nullius", ni una "res derelicta", que pueda ser adquirida por ocupación. El simple hecho de que las tropas gabonesas hayan encontrado y detenido en la Isla Bañe a cuatro soldados de la Guardia Nacional guineana y a veinticuatro corisqueños habitantes de la isla, demuestra por si solo que:

(a) Que la Isla está bajo la soberanía política del Estado de Guinea Ecuatorial, representado en ella por la autoridad militar del Jefe de la Guarnición.

(b) Que la Isla estaba bajo la posesión civil de varias familias de nacionalidad guineana.

Y basta esta simple constatación, es decir, la comprobación de que Guinea Ecuatorial ha sido violentamente despojada y perturbada en la posesión pacífica de la Isla de Bañe, para que surja su derecho internacional a reclamar la restitución posesoria y el reconocimiento consecuente de su indeclinable soberanía. Y esto es lo que el Pueblo de Guinea Ecuatorial, a través de su Presidente, pide al Consejo de Seguridad de las Naciones Unidas.

Es una coincidencia histórica que Guinea Ecuatorial formule hoy ante el Consejo de Seguridad de las Naciones Unidas su reclamación de Soberanía, desconocida por otro miembro de la O.N.U. sobre la Isla Bañe, basándose para ello en el conocido principio del derecho y la práctica internacional del "Uti possidetis". Es una coincidencia en efecto que este principio, incorporado al Derecho internacional por los Estados de América Latina a principios del siglo XIX, que decidieron aceptar, en el proceso de su Independencia, como frontera los antiguos límites que separaban las diferentes circunscripciones administrativas coloniales españolas (Audiencias, Virreynatos, Capitanías Generales). Principio que las Naciones Unidas han generalizado, considerándolo como pauta para fijar las fronteras de los nuevos Estados nacidos a raíz del proceso de descolonización. Principio que también ha sido aceptado como criterio formal y político por la Organización de la Unidad Africana, y que sirve tanto para delimitar fronteras entre dos antiguas entidades territoriales administradas por el mismo Estado, como respecto de fronteras entre territorios administrados por Estados diferentes. Este principio es la aplicación al moderno derecho internacional de la antigua fórmula del derecho romano, expresada por Gayo, de que "uti nunc possidetis, quominis ita possidetis vim fieri veto", y conocida abreviadamente como "uti possidetis, ita possideatis", es decir como poseéis continuad poseyendo. Y esto es lo que efectivamente pedimos al Consejo de Seguridad: que continuemos poseyendo la Isla Bañe como veníamos poseyéndola. Es nuestro derecho histórico, conquistado con nuestra Independencia, al que jamás renunciaremos.

Petición al Consejo de Seguridad.

Como miembro de pleno derecho de la Organización de las Naciones Unidas, Guinea Ecuatorial pide encarecidamente al Consejo de Seguridad que adopte una Resolución:

11.

A. Condenando la agresión militar y la ocupación violenta por parte del Gabón de un territorio sometido a la Soberanía de - Guinea Ecuatorial, como es la Isla Bañe.

B. Exigiendo la inmediata retirada de las tropas gabonesas de la Isla Bañe y de las zonas contiguas, así como la inmediata liberación de todos los prisioneros guineanos.

C. Recomendando a la República de Gabón que se avenga a - negociar por vía pacífica el estricto problema de la demarcación de las aguas territoriales con Guinea Ecuatorial.

Annex 29

Letter from the United Nations Secretary-General to His Excellency the President of the Republic of Equatorial Guinea (6 August 2003)



THE SECRETARY

TRANSLATION

August 6, 2003

Your Excellency:

I wish to express my appreciation to you for the frank and productive conversations we held with His Excellency El Hadj Omar Bongo, President of the Republic of Equatorial Guinea [*sic*], on July 11th in Maputo during the African Union Summit. I was encouraged by your joint commitment to peacefully resolve the boundary dispute between your two countries with respect to the Island of Mbañe.

As agreed in Maputo, I soon plan to appoint an expert who will be tasked with examining this matter. In addition, I would be grateful if you would send me all of the documents that you have in relation to this dispute as soon as you are able. I would inform you that I have sent President Bongo a similar request. I hope that we will have the opportunity to re-examine this matter on the sidelines of the general debate for the fifty-eighth period of sessions of the United Nations General Assembly.

I take the opportunity to reiterate to Your Excellency the assurances of my highest consideration.

[signature]

Kofi A. Annan

His Excellency
Teodoro Obiang Nguema Mbasogo
President of the Republic of Equatorial Guinea
Malabo



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CERTIFICATION OF ACCURACY OF TRANSLATION

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Kent G. Heine
Water Street Translations, LLC

09/12/21

Date





EL SECRETARIO GENERAL

6 de agosto de 2003

Excelentísimo Señor:

Desearía expresarle mi agradecimiento por las conversaciones francas y fructíferas que mantuvimos con Su Excelencia El Hadj Omar Bongo, Presidente de la República de Guinea Ecuatorial, el pasado 11 de julio en Maputo, con ocasión de la Cumbre de la Unión Africana. Me he sentido alentado por su voluntad común de resolver por medios pacíficos la controversia fronteriza que tienen sus dos países con respecto a la Isla de Mbagné.

Conforme a lo convenido en Maputo, he previsto nombrar próximamente un experto que estará encargado de examinar este asunto. Por otra parte, le agradecería que me hiciera llegar cuando le resulte oportuno todos los documentos de que usted dispone en relación con esta controversia. Le hago saber que he remitido una petición similar al Presidente Bongo. Espero que tendremos oportunidad de examinar nuevamente esta cuestión al margen del debate general del quincuagésimo octavo período de sesiones de la Asamblea General de las Naciones Unidas.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia las seguridades de mi consideración más distinguida.



Kofi A. Annan

Excelentísimo Señor
Teodoro Obiang Nguema Mbasogo
Presidente de la República de Guinea Ecuatorial
Malabo

Annex 30

“Gabon and Equatorial Guinea Set Terms of UN Mediation Over Disputed Islands”, *UN News*
(20 January 2004)

Gabon and Equatorial Guinea set terms of UN mediation over disputed islands

 news.un.org/en/story/2004/01/91552-gabon-and-equatorial-guinea-set-terms-un-mediation-over-disputed-islands

January 20, 2004

20 January 2004

The Foreign Ministers of Gabon and Equatorial Guinea have agreed to the terms of United Nations mediation to peacefully resolve their dispute over a number of strategic islands.

Meeting at UN Headquarters in New York yesterday with mediator Yves Fortier, the parties signed a communiqué outlining several procedural steps to be taken in future talks on sovereignty over the oil-rich islands of Mbanié, Coctotiers and Congas in the Corisco Bay.

The two sides also pledged to spare no effort in reaching a fair and peaceful resolution of their dispute.

The mediation effort stems from July when, during a meeting with UN Secretary-General Kofi Annan, the leaders of Gabon and Equatorial Guinea agreed to accept his good offices. Mr. Annan then named Mr. Fortier, a former Canadian Ambassador to the UN with extensive diplomatic experience, to conduct the talks.

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Annex 31

Letter from the Ministry of Foreign Affairs of the Republic of Equatorial Guinea to the Secretary-General of the United Nations (10 March 2004)

MAR-17-2004 01:52 AM

P. 02

TRANSLATION



REPUBLIC OF EQUATORIAL GUINEA
 Ministry of Foreign Affairs, International
 Cooperation, and Francophonie

Malabo, March 10, 2004

His Excellency
Kofi Hanan
Secretary General of the United Nations
New York, United States of America

Your Excellency:

My Country's Government has learned of the Gabonese Government's intention to register the alleged 1974 convention with the United Nations Office of the Secretary General.

Mr. Secretary General, as you are well aware, there is some debate in the mediation about the existence of the alleged 1974 convention, which the Gabonese Government claims was signed by then President of Equatorial Guinea Macías NGUEMA, as the Gabonese Government itself has recognized that it only has photocopies, claiming not to have the originals of both French and Spanish versions of such alleged convention.

The Government of Equatorial Guinea informs Your Excellency, the Secretary General, that in light of these events, Gabon is acting in bad faith. By not having copies that would prove the existence of the original document, it is attempting to legitimize before the United Nations a document they claim was signed 30 years ago, and of which Equatorial Guinea has no knowledge whatsoever.

As such, my Country's Government does not accept this attempt to register the aforementioned alleged 1974 convention; it rejects and protests these maneuvers, as they are contrary to good faith, international law, State practice, and the spirit of an honest mediation.

My Country's Government has placed its trust in you to peacefully bring an end to the boundary dispute and determination of sovereignty over the islets, as well as in your sacred mission to ensure the transparency of treaty registration services.

Mr. Secretary General, please accept the expression of my highest consideration.

[signature]

Minister of Foreign Affairs,
 International Cooperation, and Francophonie

[stamp:] REPUBLIC OF EQUATORIAL GUINEA

[seal]

THE MINISTER

MINISTRY OF FOREIGN AFFAIRS, INTERNATIONAL COOPERATION, AND FRANCOFONIE

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CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Mary Lewis, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

A handwritten signature in black ink, appearing to read 'Kent G. Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

09/12/21

Date



MAR-17-2004 01:52 AM

P. 02



REPÚBLICA DE GUINEA ECUATORIAL
Ministerio de Asuntos Exteriores, Cooperación
Internacional y Francofonía

Malabo, 10 de Marzo de 2004

Excmo. Señor:
Kofi Annan
Secretario General de las Naciones Unidas.
Nueva York (Estados Unidos de América)

Excmo. Señor:

El Gobierno de mi País ha tenido conocimiento sobre la pretensión del Gobierno Gabonés de registrar la supuesta convención de 1.974 en la Secretaria General de las Naciones Unidas.

Como bien lo sabe Señor Secretario General, ante la mediación se discute sobre la existencia de la supuesta convención de 1.974, que el Gobierno Gabonés dice haber sido firmado por el entonces Presidente de Guinea Ecuatorial Macías NGUEMA ; ya que el mismo Gobierno Gabonés ha reconocido que solo dispone de fotocopias y asegurando no disponer de originales de las dos versiones francesa y española de dicha supuesta convención.

El Gobierno de Guinea Ecuatorial hace saber a Su Excelencia el Secretario General que en vista de estos hechos Gabón actúa con mala fe. Al no disponer de copias que prueban la existencia del documento original; lo que pretende es legitimar ante las Naciones Unidas un documento que dicen haber sido firmado hace treinta años y que Guinea Ecuatorial ignora totalmente.

Pues, el Gobierno de mi País no acepta este intento de registro de la mencionada supuesta convención de 1974; rechaza y protesta contra dichas maniobras por ser contrarias a la buena fe, el derecho internacional, la práctica de los Estados y el espíritu de una mediación sincera.

El Gobierno de mi País tiene puesta su confianza en Su Persona para concluir pacíficamente la diferencia fronteriza y la determinación de la soberanía sobre los islotes, así como en su sagrada misión de velar por la transparencia de los servicios de registro de tratados.

Señor Secretario General dignase aceptar la expresión de mi muy alta consideración.



[Signature]
 El Ministro de Asuntos Exteriores,
 Cooperación Internacional y Francofonía.

Annex 32

Letter from the Assistant Secretary-General of the United Nations to the Permanent Representative of the Republic of Equatorial Guinea to the United Nations (22 March 2004)



UNITED NATIONS

NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017

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Excellency,

22 March 2004

I refer to your letter to the Secretary-General dated 10 March 2004, transmitting a letter of the same date from the Minister of Foreign Affairs, International Cooperation and the Francophony of Equatorial Guinea, stating that it had come to your Government's attention that Gabon was attempting to register a Convention from 1974 on the delimitation of the boundary between Gabon and Equatorial Guinea (the Convention). The Minister's letter asserts that by attempting to register the Convention thirty years after its apparent conclusion Gabon was acting in bad faith. In your further letter of 18 March 2004 you stated that "Equatorial Guinea does not recognize the existence of such agreement."

In the letter of 10 March, the Minister of Foreign Affairs, International Cooperation and the Francophony of Equatorial Guinea, referring to a mediation process involving the border between Gabon and Equatorial Guinea, formally protested the continuation of the registration process.

In this connection, I note that on 2 March 2004, Gabon submitted the Convention for registration to the Treaty Section of the Office of Legal Affairs pursuant to Article 102 of the Charter of the United Nations. The submission consisted of the following:

- (a) Copies of the French and Spanish texts of the Convention; and
- (b) Certification specifying *inter alia* that (i) the Convention was a certified true copy; (ii) the parties did not formulate any reservations or objections to the agreement; and (iii) it had entered into force on the date of signature, i.e., 12 September 1974.

Following a review of the submission, the Treaty Section noted that the texts submitted by Gabon were not legible and requested Gabon to resubmit clearer copies. This is not an unusual practice when illegible texts are submitted for registration by Member States. On 10 March 2004, Gabon submitted the re-typed texts as an attachment to an e-mail.

H.E. Mr. Lino Sima Ekua Avomo
 Ambassador Extraordinary and Plenipotentiary
 Permanent Representative of Equatorial Guinea
 to the United Nations
 242 E 51st Street
 New York, NY

Article 102 of the Charter states that:

"Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

No party to any such treaty or international agreement, which has not been registered in accordance with the provisions of paragraph 1 of this Article, may invoke that treaty or agreement before any organ of the United Nations."

Accordingly, it is an obligation mandated by the Charter that Member States register treaties or international agreements entered into by them. The role of the Secretariat, which is purely administrative, is to verify that a treaty or international agreement submitted for registration meets the requirements for registration stipulated in the Regulations to give effect to Article 102 of the Charter (Regulations).¹ Once it is registered, the relevant information is included in the electronic database and subsequently published in the United Nations *Treaty Series*.

The detailed requirements relating to registration are contained in Article 5 of the Regulations:

"A party or a specialized agency, registering a treaty or international agreement under article 1 or 4 of these regulations, shall certify that the text is a true and complete copy thereof and includes all reservations made by parties thereto.

The certified copy shall reproduce the text in all the languages in which the treaty or agreement was concluded and shall be accompanied by two additional copies and by a statement setting forth, in respect of each party:

- (a) the date on which the treaty or agreement has come into force;
- (b) the method whereby it has come into force..."

In most bilateral treaties, the date of entry into force is the date of signature. (Please see attached copy of the *Treaty Handbook* for the practice of the Secretariat, page 31).

Once these requirements are satisfied, a treaty or agreement submitted is duly registered by the Secretariat. In this matter, the Secretariat has no choice. The Secretariat relies on the certification submitted by the party.

¹ Registration and Publication of Treaties and International Agreements: Regulations to give effect to Article 102 of the Charter of the United Nations, General Assembly, 14 December 1946 (Res. 97(1)) and subsequent revisions 859/60 UNTS p. XII; also see Repertory of Practice of the United Nations Organs.

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So long as such certification is in proper form, the Secretariat does not question the authenticity of an agreement.

It is the long-standing practice of this Office to accept copies of agreements, including photocopies, submitted for registration, as long as the submitters certify that such copies are "certified true copies" of the originals. The submitter State did so in this case.

I also note that the Secretariat, pursuant to Article 2 of the Regulations, registers any subsequent actions relating to a treaty. Your communication of 18 March 2004 appears to meet the requirement for Article 2 as a relevant notification.

Accordingly, it will be recorded in the Secretariat database as such and published in the United Nations *Treaty Series*.

Registration is the prerequisite for a treaty or international agreement to be capable of being invoked before the International Court of Justice or any other organ of the United Nations.

It is also noted that registration does not add or detract from the legality or value of a treaty. The practice of the Secretariat in this regard could be summarized as follows:

"Where an instrument is registered with the Secretariat, this does not imply a judgment by the Secretariat of the nature of the instrument, the status of a party, or any similar question. Thus, the Secretariat's acceptance for registration of an instrument does not confer on the instrument the status of a treaty or an international agreement if it does not already possess that status. Similarly, registration does not confer on a party to a treaty or international agreement a status that it would not otherwise have."
(See *Treaty Handbook*, Section 5.3.1, page 27.)

Should there be a dispute relating to the validity of a treaty, such dispute must be determined by an appropriate tribunal, not by the Secretariat. It would not be proper for the Secretariat to involve itself in such a role.

A copy of this letter will be provided to the Government of Gabon.

Please accept, Excellency, the assurances of my highest consideration.



Ralph Zacklin
Assistant Secretary-General
In charge of the Office of Legal Affairs

cc: H.E. Mr. Demis Dangué Réwaka
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Gabon to the United Nations
18 East 41st Street, 9th Floor
New York, NY



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Excelesísimos Señores,

22 de marzo de 2004

Tengo el honor de dirigirme a usted con referencia a su carta de fecha 10 de marzo de 2004 dirigida al Secretario General, por la que transmitía una carta de la misma fecha del Ministro de Relaciones Exteriores, Cooperación Internacional y Francofonía de Guinea Ecuatorial, en la que el Ministro declaraba que había llegado a conocimiento de su Gobierno que Gabón estaba intentando registrar una Convención de 1974 sobre la delimitación de la frontera entre Gabón y Guinea Ecuatorial (la Convención). En la carta del Ministro se afirma que al intentar el registro de la Convención 30 años después de su aparente concertación, Gabón estaba actuando de mala fe. En su carta de 18 de marzo de 2004, su Excelencia indicó que "Guinea Ecuatorial no reconoce la existencia de ese acuerdo".

En la carta de fecha 10 de marzo, el Ministro de Relaciones Exteriores, Cooperación Internacional y Francofonía de Guinea Ecuatorial, al hacer referencia a un proceso de mediación relativo a la frontera entre Gabón y Guinea Ecuatorial, protestó formalmente por la continuación del proceso de registro.

A este respecto, deseo señalar que el 2 de marzo de 2004, Gabón presentó la Convención para su registro a la Sección de Tratados de la Oficina de Asuntos Jurídicos, de conformidad con el Artículo 102 de la Carta de las Naciones Unidas. Se presentaron los siguientes documentos:

- a) Copias de los textos en español y en francés de la Convención; y
- b) Un certificado en el que se especifica, entre otras cosas, i) que el texto de la Convención es una copia verdadera certificada; ii) que las partes no formularon reservas u objeciones al acuerdo; y iii) que el acuerdo entró en vigor en la fecha de la firma, es decir, el 12 de septiembre de 1974.

Excelesísimos Señores Lino Sima Ekua Avomo
Embajador Extraordinario y Plenipotenciario
Representante Permanente de Guinea Ecuatorial
ante las Naciones Unidas
Nueva York

Tras un examen de los documentos presentados, la Sección de Tratados observó que los textos presentados por Gabón no eran legibles y pidió a ese país que presentara copias más claras. Esta es una práctica común cuando los Estados Miembros presentan textos ilegibles para su registro. El 10 de marzo de 2004, Gabón presentó nuevas copias mecanografiadas de los textos adjuntas a un mensaje de correo electrónico.

El Artículo 102 de la Carta dispone lo siguiente:

"Todo tratado y todo acuerdo internacional concertados por cualesquiera miembros de las Naciones Unidas después de entrar en vigor esta Carta serán registrados en la Secretaría y publicados por ésta a la mayor brevedad posible.

Ninguna de las partes en un tratado o acuerdo internacional que no haya sido registrado conforme a las disposiciones del párrafo 1 de este Artículo podrá invocar dicho tratado o acuerdo ante órgano alguno de las Naciones Unidas."

Por consiguiente, el registro por los Estados Miembros de los tratados o acuerdos internacionales que hayan concertado es una obligación dispuesta por la Carta de las Naciones Unidas. La función de la Secretaría, que es puramente administrativa, consiste en verificar que un tratado o acuerdo internacional presentado para su registro se ajusta a los requisitos estipulados en el Reglamento para la aplicación del Artículo 102 de la Carta de las Naciones Unidas (el Reglamento)¹. Una vez registrada, la información pertinente se incluye en la base de datos electrónica y posteriormente se publica en la *Treaty Series* de las Naciones Unidas.

Los requisitos detallados para el registro figuran en el artículo 5 del Reglamento:

"La parte u organismo especializado, que inscriba un tratado o acuerdo internacional bajo el artículo 1 o 4 de este reglamento, certificará que el texto de la copia es verdadero y completo, y que comprende todas las reservas hechas por las partes signatarias.

La copia certificada reproducirá el texto en todos los idiomas en los que el tratado o acuerdo haya sido concluido, con dos copias adicionales y una declaración indicando respecto a cada parte:

- a) La fecha en la que el tratado o acuerdo ha entrado en vigor;
- b) El método mediante el cual ha entrado en vigor ... "

En la mayoría de los tratados bilaterales, la fecha de entrada en vigor es la fecha de la firma. (Respecto de la práctica de la Secretaría, véase la copia adjunta del *Manual de tratados*, pág. 31).

Una vez que se han cumplido estos requisitos, la Secretaría registra debidamente el tratado o acuerdo. A este respecto, la Secretaría no tiene otra alternativa. La Secretaría se basa en la certificación presentada por la parte. En

¹Registro y Publicación de Tratados y Acuerdos Internacionales; Reglamento para la aplicación del Artículo 102 de la Carta de las Naciones Unidas, Asamblea General, 14 de diciembre de 1946 (resolución 97 (1)) y revisiones subsiguientes 859/60 *United Nations Treaty Series*, pág. XII; véase también el *Repertorio de la práctica de los órganos de las Naciones Unidas*.

tanto esa certificación esté en la forma debida, la Secretaría no pone en tela de juicio la autenticidad de un acuerdo.

Ha sido la práctica de larga data de esta Oficina aceptar copias, incluidas las fotocopias, de los acuerdos presentados para su registro, siempre que los que los presentan certifiquen que son "copias verdaderas certificadas" de los originales. En este caso, el Estado que presentó la solicitud de registro así lo hizo.

También deseo señalar que la Secretaría, de conformidad con el artículo 2 del Reglamento, registra cualquier acción posterior relativa a un tratado. Su comunicación de fecha 18 de marzo de 2004 parece cumplir los requisitos del artículo 2 relativos a una notificación pertinente.

Por consiguiente, será registrada en la base de datos de la Secretaría y publicada en la *Treaty Series* de las Naciones Unidas.

El registro es un requisito que debe cumplirse para que un tratado o acuerdo internacional pueda ser invocado ante la Corte Internacional de Justicia o cualquier otro órgano de las Naciones Unidas.

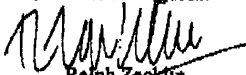
Cabe señalar también que el registro no añade ni sustrae nada a la legalidad o el valor de un tratado. La práctica de la Secretaría a este respecto puede resumirse de la siguiente manera:

"Cuando un instrumento se registra en la Secretaría, eso no implica un juicio de la Secretaría sobre la naturaleza del instrumento, el estatuto jurídico de una parte o cualquier cuestión análoga. Por lo tanto, la aceptación por la Secretaría de un instrumento para su registro no confiere a ese instrumento la condición jurídica de un tratado o acuerdo internacional si el instrumento no posía ya ese estatuto jurídico. De modo análogo, el registro no confiere a una parte en un tratado o acuerdo internacional el estatuto jurídico que ya no poseyera." (Véase el *Manual de Tratados*, artículo 5.3.1, pág. 27.)

Si se plantea una controversia acerca de la validez de un tratado, esa controversia debe ser resuelta por un tribunal apropiado, y no por la Secretaría. No corresponde a la Secretaría participar de manera alguna en esa controversia.

Se proporcionará una copia de la presente carta al Gobierno de Gabón.

Aprovecho la oportunidad para reiterar a Vuestra Excelencia las seguridades de mi consideración más distinguida.


Ralph Zacklin
Subsecretario General encargado
de la Oficina de Asuntos Jurídicos

cc: Excelentísimo Señor Denis Dangué Réwaka
Embajador Extraordinario y Plenipotenciario
Representante Permanente de Gabón
ante las Naciones Unidas
Nueva York

Annex 33

“Secretary-General’s Activities in Ethiopia 3 - 7 July”, *UN News* (8 July 2004)

SECRETARY-GENERAL'S ACTIVITIES IN ETHIOPIA 3 - 7 JULY

 un.org/press/en/2004/sgt2414.doc.htm

[Print](#)

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SG/T/2414

8 July 2004

Secretary-General Kofi Annan arrived in Addis Ababa, Ethiopia, late on Saturday, 3 July.

On Sunday, he met with his aides to prepare for the African Union Summit. He met separately with his Special Advisor for the Millennium Development Goals, Jeffrey Sachs, of Columbia University, who was the inspiration behind a high-level seminar on African hunger that he was to address the next day.

He began Monday with a working breakfast with the members of the African Union Commission, and its chair, former Malian President Alpha Konaré. Among the topics touched on were the Sudan, Ethiopia/Eritrea, the Central African Republic, the Democratic Republic of the Congo and Rwanda, and United Nations support for the African Union.

He then addressed the high-level seminar, titled “Innovative Approaches to Meeting the Hunger Millennium Development Goal in Africa”. In Asia, Latin America and the Middle East, he said, a green revolution tripled food productivity and helped lift hundreds of millions of people out of hunger. “Let us generate a uniquely African green revolution”, he appealed to his audience, “and let us never again allow hunger, needless hunger, to ravage lives and the future of a continent.” (See Press Release SG/SM/9405.)

He then had a private meeting with Prime Minister Meles Zenawi of Ethiopia, who hosted the seminar.

He went on to have other bilateral meetings, starting with the President of Mozambique, Joaquim Chissano, with whom he reviewed the peace process in Burundi, which Mozambique is facilitating.

He then saw President Ismail Guelleh of Djibouti, with whom he discussed Somalia, principally, but also Ethiopia/Eritrea and the Sudan.

His final bilateral of the morning was with the President of Côte d’Ivoire, Laurent Gbagbo, for a discussion of the stressed peace process in that country.

After that, he attended a luncheon hosted by Prime Minister Meles for participants in the high-level seminar on hunger.

In the afternoon, he met the Foreign Minister of Egypt, Ahmed Maher El-Sayed, for a detailed review of the current situation in Iraq and the Sudan, after which they talked one-on-one.

He then had two internal meetings, one with K.Y. Amoako, Executive Secretary of the Economic Commission for Africa, and the second with Louise Arbour, the newly-appointed High Commissioner for Human Rights.

In the evening, he attended the State banquet hosted by Prime Minister Meles in honour of those attending the African Union Summit, which was to formally open the next morning.

After that banquet, his last bilateral meeting of the day was with the President of South Africa, Thabo Mbeki.

The Secretary-General addressed the opening session of the African Union Summit on Tuesday morning, 6 July.

The vision of an African Union is imperilled by the persistence of deadly conflict in Africa -- particularly the horrific situation in Sudan's western region of Darfur, he told African leaders. The Secretary-General said that he had just seen the ruined villages and sick and hungry women and children of Darfur. Without action, he warned, "the brutalities already inflicted on the civilian population of Darfur could be a prelude to an even greater humanitarian catastrophe -- a catastrophe that could destabilize the region."

He noted that he had signed a joint communiqué the previous Saturday with Sudan's Foreign Minister, which was a welcome development, and he said its terms must now be implemented.

The Secretary-General also pledged to work with African countries as they reach for the Millennium Development Goals. "We will spare no effort", he said, "to ensure that your development partners keep their solemn promises -- including those made in the Millennium Declaration on trade, debt relief and overseas development assistance."

He was interrupted by applause when he said, "Many African countries are setting an example to the world -- just as the Union itself has done by ensuring that half your Commissioners are prominent and talented women."

On the subject of governance, he urged African leaders not to cling to power, saying, "There is no truer wisdom, and no clearer work of statesmanship, than knowing when to pass the torch to a new generation. And no government should manipulate or amend the constitution to hold on to office beyond prescribed term limits that they accepted when they took office." There was more applause.

“Let us always remember”, he concluded, “that constitutions are for the long-term benefit of society, not the short-term goals of the ruler. Let us pledge that the days of indefinite one-man or one-party governments are behind us.” (See Press Release SG/SM/9406.)

At the break in the opening plenary, the Secretary-General brought together President Omar Bongo Ondimba of Gabon and President Obiang Nguema Mbasogo of Equatorial Guinea for a signing ceremony. The two Presidents had been negotiating a boundary dispute that dated back to colonial days, with the help of Yves Fortier, former Canadian Ambassador to the United Nations, whom the Secretary-General had appointed to conduct talks between the two governments. This unresolved issue had become more pressing with the discovery of oil in the contested region. By the agreement that the two leaders signed that morning, which the Secretary-General witnessed, they would negotiate the creation of a Joint Development Zone in order to share the exploited resources while continuing to try to resolve the disputed boundary.

“This is one of the rare occasions when two African leaders come together to resolve their differences peacefully”, the Secretary-General said at the ceremony, adding, “I think this is an example for other leaders that differences can be resolved peacefully.”(See Press Release SG/SM/9407.)

The Secretary-General then held bilaterals throughout the day. He met in succession with the President of Benin, Mathieu Kérékou; the President of Uganda, Yoweri Museveni; the President of Burundi, Domitien Ndayizeye; the President of the Congo, Denis Sassou Nguesso, and the President of Rwanda, Paul Kagame.

The Secretary-General then called a mini-summit on the Democratic Republic of the Congo’s (DRC’s) relations with Rwanda. The Heads of State of Burundi, Mozambique, Nigeria, Rwanda, Tanzania and Uganda attended, as did the Foreign Minister of the DRC. The Executive Secretary of the African Union Commission, Alpha Konare, also participated.

After that, he hosted a second mini-summit on the subject of the peace process in Côte d’Ivoire. It was attended by the Presidents of Benin, Burkina Faso, Côte d’Ivoire, Gabon, Ghana, Mali and Nigeria, and by the Prime Minister of Togo. The Executive Secretary of the Economic Community of West African States was also present.

The participants agreed in a communiqué to convene a high-level meeting of all Ivorian parties, including the President and Prime Minister, in Accra, Ghana, on July 29. Speaking to reporters afterward, the Secretary-General said that until that date, preparations would be made so that “the Accra meeting will be concrete, constructive and we should be able to leave Accra with sure and real achievements.”

That evening he met with Ruud Lubbers, High Commissioner for Refugees.

In a separate programme on Tuesday afternoon, Nane Annan took part in a discussion with Ethiopian teenagers hosted by the Mayor of Addis Ababa, Mr. Arkebe Oqubay, and attended by UNICEF Executive Director Carol Bellamy and UNAIDS Ethiopia Representative Bunmi Makinwa. The teenagers voiced their concerns on issues such as access to HIV/AIDS information, sex education, relationships with their parents, sexual harassment in and around school, and other reasons why so many of their peers, especially girls, are not in school. Mrs. Annan praised the young people for their leadership and encouraged them to continue speaking out about issues and talking with their friends and families as a way to change attitudes.

The Secretary-General and his party left Ethiopia on Wednesday, 7 July, for Nairobi, Kenya.

For information media. Not an official record.

Annex 34

“Transcript of Press Conference by Secretary-General Kofi Annan at United Nations Headquarters, 21 July 2004”, *United Nations Information Service* (22 July 2004)

Transcript of Press Conference by Secretary-General Kofi Annan at United Nations Headquarters, 21 July 2004

unis.unvienna.org/unis/en/pressrels/2004/sgsm9427.html

Press Releases

SG/SM/9427
22 July 2004

Transcript of Press Conference by Secretary-General Kofi Annan at United Nations
Headquarters, 21 July 2004

The Secretary-General: Good Morning, Ladies and Gentlemen,

I have just come from the Security Council, where I joined Jan Pronk, my Special Representative, to brief the Council on the situation in Sudan and Darfur.

During my recent visit to some of the camps in Darfur and Chad, the men and women I spoke to told me horrific stories of the terrible violence and suffering that they had endured. Many are living in subhuman conditions, and they fear for their future. It is clear that serious crimes have been committed and there has been gross and systematic abuse of human rights. We, the international community, must intensify our efforts to protect the innocent in Darfur.

During my visit, the Government of Sudan made a number of commitments, which I welcome, including:

- First, to stop and disarm the Janjaweed and other outlaw armed groups and take steps to protect the IDPs;
- Second, to suspend visa and travel restrictions on international humanitarian workers and on material and equipment;
- Third, to allow the deployment of AU human rights monitors; and
- Fourth, to investigate all allegations of human rights abuses and punish those found responsible.

As we reported to the Council this morning, implementation of these commitments has so far been uneven. There have been encouraging steps on the humanitarian front. Access has opened up. But there has been little progress on human rights, even though human rights monitors are getting in, and I regret to say that there are continuing reports of attacks by the Janjaweed.

I would like to emphasize how essential it is that the Government of Sudan honour its commitments, and stop and disarm the Janjaweed and other armed groups. The international community must hold the Government to its solemn pledges and insist that they do perform.

But there is more that the international community itself must do. We need money and more resources for humanitarian efforts. We need them now, not tomorrow. Tomorrow may already be too late. We've asked for \$349 million for Chad and Darfur, and we've got pledges of \$145 million. We are \$204 million short. I appeal to donors to make good on the pledges they have already made, and to increase their assistance. We particularly need help with equipment -- including 6 helicopters to bring aid to people in remote areas of Darfur now that the rains have begun.

We must also sustain and increase the pressure on all parties for progress on the political front. Both the Government and the rebels must come to the table without preconditions, and be ready to negotiate in good faith.

But as we focus on Sudan, let's not forget the fact that a number of other African countries are working to resolve their differences peacefully.

In Addis Ababa, I hosted a mini-summit at which the Presidents of Equatorial Guinea and Gabon became the second set of neighbours to reach agreement through negotiations rather than the use of the gun. As you know, they've had a border dispute on an island with oil resources, and they agreed to exploit it jointly and continue to work on the border problem. And that, I think, was a good example for others to follow. This is in addition to Nigeria and Cameroon who have adopted a similar approach for the Bakassi conflict, which they are also working on peacefully.

I hope other African States, including Ethiopia and Eritrea -- and indeed States around the world -- will take inspiration from the example set by these neighbours.

I also hosted mini-summits on the Democratic Republic of the Congo and Côte d'Ivoire, both at critical and difficult junctures in their peace processes. We must sustain the momentum that was generated there. Indeed, I intend to join a group of African leaders next week in Accra for a summit on Côte d'Ivoire.

I would like to repeat how encouraged I am by the strong emphasis that African leaders are placing on good governance. And this was very much at the centre of their discussions at the last summit. This must be very much at the cornerstone of efforts to meet the monumental challenges facing Africa -- including the fight against HIV/AIDS.

The Bangkok International AIDS Conference helped to raise awareness of HIV/AIDS around the world. After so many years of misery and suffering, of broken lives and shattered families, the epidemic is finally starting to get the attention it deserves, if not the response and urgency required.

Annex 35

“Secretary-General Commends Leaders of Gabon, Equatorial Guinea for Agreement to Peacefully Resolve Border Dispute”, *UN News* (6 July 2004)

SECRETARY-GENERAL COMMENDS LEADERS OF GABON, EQUATORIAL GUINEA FOR AGREEMENT TO PEACEFULLY RESOLVE BORDER DISPUTE

[UN un.org/press/en/2004/sgsm9407.doc.htm](http://un.org/press/en/2004/sgsm9407.doc.htm)

[Print](#)

[Press Release](#)

SG/SM/9407-AFR/990

6 July 2004

[Secretary-General](#)

[Statements and Messages](#)

SECRETARY-GENERAL COMMENDS LEADERS OF GABON, EQUATORIAL GUINEA

FOR AGREEMENT TO PEACEFULLY RESOLVE BORDER DISPUTE

Following is the text of comments by Secretary-General Kofi Annan at the signing ceremony between Gabon and Equatorial Guinea of an agreement to peacefully resolve their border dispute, in Addis Ababa, today:

This is one of the rare occasions when two African leaders come together to resolve their differences peacefully. This is a continent with lots of conflicts. I think this is an example for other leaders that differences can be resolved peacefully. And I'm really pleased that the two leaders accepted my mediation and today they've signed an agreement that will lead to joint exploration of the island in dispute, while they continue the demarcation of their border. And I'm sure the same spirit of compromise will prevail as they proceed with the rest of the work. So I think we should all be very pleased with what the two leaders have done and I commend them for their achievement.

* * * * *

[Africa](#)

For information media. Not an official record.

Annex 36

Letter No. 179/05 from the Permanent Mission of the Republic of Equatorial Guinea to the United Nations to the Director of the United Nations Division of Ocean Affairs and Law of the Sea (11 March 2005)

MAR-15-2005 01:01 AM

EQ GUINEA MISSION

912122232366

P.02

TRANSLATION



**Permanent Mission of the
Republic of Equatorial Guinea
to the United Nations**

242 East 51st New York, N.Y. 10023
Tel: (212) 223 2324 Fax: (212) 223 2366
179/05

No. _____

New York, March 11, 2005

*Received by Mr. King
14 March 2005*

Mr. Vladimir Golitsyn
Director of the Division for Ocean Affairs
and the Law of the Sea
Office DC2-0450, United Nations
New York, NY 10017

Excellency:

It is an honor for me to greet you and to address you in your capacity as Director of the United Nations Division for Ocean Affairs and the Law of the Sea.

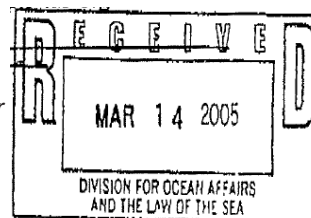
It has come to the attention of the Government of Equatorial Guinea that the website maintained by the Division for Ocean Affairs and the Law of the Sea refers to an alleged treaty on maritime boundaries allegedly signed by the Republic of Equatorial Guinea and the Gabonese Republic in September of 1974. The reference to this alleged treaty is located both in the section for legislation and treaties concluded by Equatorial Guinea (<http://www.un.org/Depts/los/LEGISLATIONSANDTREATIES/STATEFILES/GNQ.htm>), and in the section for legislation and treaties concluded by the Gabonese Republic (<http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/GAB.htm>).

I hereby wish to inform you that only the Gabonese Republic alleges the existence of a treaty on maritime boundaries between Gabon and Equatorial Guinea. The existence of this alleged treaty has been categorically rejected by the Republic of Equatorial Guinea. In fact, there is no boundary treaty that has been entered into by Equatorial Guinea and Gabon.

Consequently, I kindly ask that you delete all references to this alleged treaty, both on the website and in any other publication by your Division, so as to avoid giving a false impression that there is a maritime boundary treaty between Equatorial Guinea and Gabon.

Expressing my appreciation to you in advance for your cooperation, I ask that you accept the assurances of my highest consideration.

[signature]
Lino-Sima Ekua Avomo
Permanent Resident Ambassador



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WATER STREET TRANSLATIONS, LLC

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www.waterstreettranslations.com

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info@waterstreettranslations.com

CERTIFICATION OF ACCURACY OF TRANSLATION

This hereby confirms that the foregoing translation was prepared by Mary Lewis, a linguist with substantial experience in the translation of documents from Spanish into English as certified by the American Translators Association.

Kent G. Heine, Managing Partner of Water Street Translations, LLC, hereby attests to the following:

"To the best of my knowledge and belief, the foregoing translation is a true, accurate, and unbiased translation into English of the Spanish text attached herewith."

A handwritten signature in black ink, appearing to read 'Kent G. Heine', written over a horizontal line.

Kent G. Heine
Water Street Translations, LLC

09/12/21

Date



MAR-15-2005 01:01 AM EQ GUINEA MISSION

912122232366

P.02



**Misión Permanente de la
República de Guinea Ecuatorial
ante las Naciones Unidas**

243 East 51st New York, N.Y. 10022
Tel: (212) 223 2324 Fax: (212) 223 2366

179/05

Núm. _____

Nueva York, 11 de Marzo 2005

*Received by the King
14 March 2005*

Sr. Vladimir Gollitsyn
Director de la División de Asuntos Océánicos
y del Derecho del Mar
Oficina DC2-0450, Naciones Unidas
Nueva York, NY 10017

Excelencia:

Es un honor saludarle y dirigirme a usted en su calidad de Director de la División de Asuntos Océánicos y del Derechos del Mar de las Naciones Unidas.

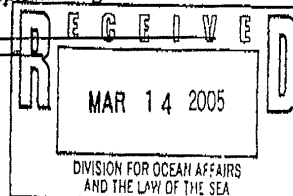
Ha llegado a la atención del Gobierno de Guinea Ecuatorial que en el sitio de internet que mantiene la División de Asuntos Océánicos y del Derecho del Mar, se hace referencia a un supuesto tratado sobre fronteras marítimas supuestamente firmado por la República de Guinea Ecuatorial y la República Gabonesa en Septiembre de 1974. La referencia a este supuesto tratado se encuentra tanto en la sección de legislación y tratados concluidos por Guinea Ecuatorial (<http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/GNQ.htm>), como en la sección de legislación y tratados concluidos por la República Gabonesa (<http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/STATEFILES/GAB.htm>).

Por este medio deseo informarle que solamente la República Gabonesa alega que la existencia de un tratado sobre fronteras marítimas entre Gabón y Guinea Ecuatorial. La existencia de este supuesto tratado ha sido rechazada categóricamente por la República de Guinea Ecuatorial. De hecho no existe ningún tratado de fronteras celebrado por Guinea Ecuatorial y Gabón.

En consecuencia, atentamente solicito a usted que sea eliminada toda referencia a este supuesto tratado, tanto en el sitio de internet como en cualquier otra publicación de la División bajo su cargo, a fin de evitar dar falsa impresión que existe un tratado sobre fronteras marítimas entre Guinea Ecuatorial y Gabón.

Agradeciendo de antemano su cooperación, le solicito acepte las seguridades de mi distinguida consideración.

Lino Sima Ekua Avomo
Embajador Representante Permanente



Annex 37

Letter from the Director of the UN Division for Ocean Affairs and Law of the Sea to HE the Permanent Representative of the Republic of Guinea Equatorial (13 April 2005)

07/13/2005 09:51 FAX 1212232328

MISSION GUINEA EQUATORIAL

002

United Nations  Nations Unies

HEADQUARTERS • SIEGE NEW YORK, NY 10017

TEL : 1 (212) 963.1234 • FAX: 1 (212) 963.4879

REFERENCE: 05-00645

13 April 2005

Dear Mr. Ambassador,

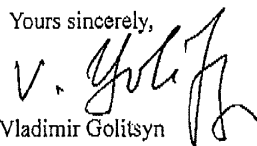
I should like to refer to your letter dated 11 March 2005, concerning the web site of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, and the mention, on the web pages dealing with national legislation and treaties of Equatorial Guinea and Gabon, of the "Convention demarcating the land and maritime frontiers of Equatorial Guinea and Gabon, 12 September 1974". The treaty was registered by Gabon with the Secretariat under article 102 of the Charter on 2 March 2004 under registration number I-40037.

In this regard, I would like to refer to the letter dated 22 March 2004, from Mr. Ralph Zacklin, Assistant Secretary-General and Deputy to the Under-Secretary-General for Legal Affairs, addressed to you, in which Mr. Zacklin provided information regarding the practice of the Secretariat in case of disputes related to the validity of a treaty. A copy of this letter is attached for ease of reference.

As indicated in that letter, a communication from Equatorial Guinea addressed to the Secretary-General dated 18 March 2004 appears to meet the requirements as a relevant notification, and has been registered as a subsequent action relating to the above treaty. Consequently, following the publication of that communication in the United Nations Treaty Series and in conformity with the approach outlined in the letter from Mr. Zacklin, the Division will add a reference to it on its web site.

I remain, Dear Mr. Ambassador,

Yours sincerely,

Vladimir Golitsyn
DirectorDivision for Ocean Affairs and the Law
of the Sea
Office of Legal Affairs

His Excellency
Mr. Lino-Sima Ekuva Avomo
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Equatorial Guinea
to the United Nations
New York, NY



UNITED NATIONS

NATIONS UNIES

POSTAL ADDRESS—ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017
CABLE ADDRESS—ADRESSE TELEGRAPHIQUE: UNATIONS NEWYORK

Excellency.

22 March 2004

I refer to your letter to the Secretary-General dated 10 March 2004, transmitting a letter of the same date from the Minister of Foreign Affairs, International Cooperation and the Francophony of Equatorial Guinea, stating that it had come to your Government's attention that Gabon was attempting to register a Convention from 1974 on the delimitation of the boundary between Gabon and Equatorial Guinea (the Convention). The Minister's letter asserts that by attempting to register the Convention thirty years after its apparent conclusion Gabon was acting in bad faith. In your further letter of 18 March 2004 you stated that "Equatorial Guinea does not recognize the existence of such agreement."

In the letter of 10 March, the Minister of Foreign Affairs, International Cooperation and the Francophony of Equatorial Guinea, referring to a mediation process involving the border between Gabon and Equatorial Guinea, formally protested the continuation of the registration process.

In this connection, I note that on 2 March 2004, Gabon submitted the Convention for registration to the Treaty Section of the Office of Legal Affairs pursuant to Article 102 of the Charter of the United Nations. The submission consisted of the following:

- (a) Copies of the French and Spanish texts of the Convention; and
- (b) Certification specifying *inter alia* that (i) the Convention was a certified true copy; (ii) the parties did not formulate any reservations or objections to the agreement; and (iii) it had entered into force on the date of signature, i.e., 12 September 1974.

Following a review of the submission, the Treaty Section noted that the texts submitted by Gabon were not legible and requested Gabon to resubmit clearer copies. This is not an unusual practice when illegible texts are submitted for registration by Member States. On 10 March 2004, Gabon submitted the re-typed texts as an attachment to an e-mail.

H.E. Mr. Lino Sima Ekua Avomo
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Equatorial Guinea
to the United Nations
242 E 51st Street
New York, NY

Article 102 of the Charter states that:

"Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

No party to any such treaty or international agreement, which has not been registered in accordance with the provisions of paragraph 1 of this Article, may invoke that treaty or agreement before any organ of the United Nations."

Accordingly, it is an obligation mandated by the Charter that Member States register treaties or international agreements entered into by them. The role of the Secretariat, which is purely administrative, is to verify that a treaty or international agreement submitted for registration meets the requirements for registration stipulated in the Regulations to give effect to Article 102 of the Charter (Regulations).¹ Once it is registered, the relevant information is included in the electronic database and subsequently published in the United Nations *Treaty Series*.

The detailed requirements relating to registration are contained in Article 5 of the Regulations:

"A party or a specialized agency, registering a treaty or international agreement under article 1 or 4 of these regulations, shall certify that the text is a true and complete copy thereof and includes all reservations made by parties thereto.

The certified copy shall reproduce the text in all the languages in which the treaty or agreement was concluded and shall be accompanied by two additional copies and by a statement setting forth, in respect of each party:

- (a) the date on which the treaty or agreement has come into force;
- (b) the method whereby it has come into force..."

In most bilateral treaties, the date of entry into force is the date of signature. (Please see attached copy of the *Treaty Handbook* for the practice of the Secretariat, page 31).

Once these requirements are satisfied, a treaty or agreement submitted is duly registered by the Secretariat. In this matter, the Secretariat has no choice. The Secretariat relies on the certification submitted by the party.

¹ Registration and Publication of Treaties and International Agreements: Regulations to give effect to Article 102 of the Charter of the United Nations. General Assembly, 14 December 1946 (Res. 97(1)) and subsequent revisions 859/60 UNTS p. XII; also see Repertory of Practice of the United Nations Organs.

So long as such certification is in proper form, the Secretariat does not question the authenticity of an agreement.

It is the long-standing practice of this Office to accept copies of agreements, including photocopies, submitted for registration, as long as the submitters certify that such copies are "certified true copies" of the originals. The submitter State did so in this case.

I also note that the Secretariat, pursuant to Article 2 of the Regulations, registers any subsequent actions relating to a treaty. Your communication of 18 March 2004 appears to meet the requirement for Article 2 as a relevant notification.

Accordingly, it will be recorded in the Secretariat database as such and published in the United Nations *Treaty Series*.

Registration is the prerequisite for a treaty or international agreement to be capable of being invoked before the International Court of Justice or any other organ of the United Nations.

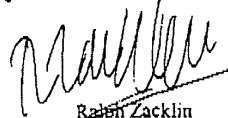
It is also noted that registration does not add or detract from the legality or value of a treaty. The practice of the Secretariat in this regard could be summarized as follows:

"Where an instrument is registered with the Secretariat, this does not imply a judgment by the Secretariat of the nature of the instrument, the status of a party, or any similar question. Thus, the Secretariat's acceptance for registration of an instrument does not confer on the instrument the status of a treaty or an international agreement if it does not already possess that status. Similarly, registration does not confer on a party to a treaty or international agreement a status that it would not otherwise have."
(See *Treaty Handbook*, Section 5.3.1, page 27.)

Should there be a dispute relating to the validity of a treaty, such dispute must be determined by an appropriate tribunal, not by the Secretariat. It would not be proper for the Secretariat to involve itself in such a role.

A copy of this letter will be provided to the Government of Gabon.

Please accept, Excellency, the assurances of my highest consideration.



Ralph Zacklin
Assistant Secretary-General
In charge of the Office of Legal Affairs

cc: H E. Mr. Denis Dangué Réwaka
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Gabon to the United Nations
18 East 41st Street, 9th Floor
New York, NY

No. 50698

Certificate of registration

The Secretary-General of the United Nations hereby certifies that the following international agreement has been registered with the Secretariat, in accordance with Article 102 of the Charter of the United Nations:

No. 40037. Gabon and Equatorial Guinea

Convention demarcating the land and maritime frontiers of Equatorial Guinea and Gabon. Bata, 12 September 1974.

Registration with the Secretariat of the United Nations: Gabon, 2 March 2004

Done at New York on 25 March 2004

For the Secretary-General

Certificat d'enregistrement

Le Secrétaire Général de l'Organisation des Nations Unies certifie par la présente que l'accord international indiqué ci-après a été enregistré au Secrétariat, conformément à l'Article 102 de la Charte des Nations Unies :

No 40037. Gabon et Guinée équatoriale

Convention délimitant les frontières terrestres et maritimes de la Guinée équatoriale et du Gabon. Bata, 12 septembre 1974.

Enregistrement auprès du Secrétariat des Nations Unies : Gabon, 2 mars 2004

Fait à New York le 25 mars 2004

Pour le Secrétaire Général



Annex 38

“Summit Communique Congratulates Presidents of Gabon, Equatorial Guinea for Progress Towards Peaceful Settlement of Border Dispute”, *UN News* (28 February 2006)

SUMMIT COMMUNIQUE CONGRATULATES PRESIDENTS OF GABON, EQUATORIAL GUINEA FOR PROGRESS TOWARDS PEACEFUL SETTLEMENT OF BORDER DISPUTE

[UN un.org/press/en/2006/sg2107.doc.htm](http://un.org/press/en/2006/sg2107.doc.htm)

[Print](#)

[Press Release](#)

SG/2107-AFR/1338

28 February 2006

Department of Public Information • News and Media Division • New York

SUMMIT COMMUNIQUE CONGRATULATES PRESIDENTS OF GABON , EQUATORIAL GUINEA

FOR PROGRESS TOWARDS PEACEFUL SETTLEMENT OF BORDER DISPUTE

Following is the joint communiqué from the tripartite summit between the Secretary-General of the United Nations, the President of the Gabonese Republic, El Hadj Omar Bongo Ondimba, and the President of the Republic of Equatorial Guinea, Teodoro Obiang Nguema Mbasogo, on the settlement of the territorial dispute between Gabon and Equatorial Guinea in Geneva, 27 February:

The President of the Gabonese Republic, El Hadj Omar Bongo Ondimba, and the President of the Republic of Equatorial Guinea, Teodoro Obiang Nguema Mbasogo, met today in Geneva in the presence of the Secretary-General of the United Nations and at his invitation. The meeting, which took place in a cordial and positive spirit, offered an opportunity to take stock of the mediation aimed at arriving at a negotiated solution to the territorial dispute between Gabon and Equatorial Guinea and to discuss how best to secure a speedy conclusion to the mediation.

The Secretary-General congratulated President Bongo Ondimba and President Obiang Nguema Mbasogo on their wisdom and their determination to find a peaceful solution to their border dispute. He also thanked them for their support for his mediation efforts, facilitated by his Special Adviser, Mr. Yves Fortier.

The Secretary-General and the two Presidents noted with satisfaction that Gabon and Equatorial Guinea had already made considerable progress with the assistance of the United Nations. The Secretary-General emphasized that the efforts accomplished to date demonstrated that the two neighbouring States could work together to settle their dispute in a peaceful manner.

President Bongo Ondimba and President Obiang Nguema Mbasogo reiterated their support for the Secretary-General's mediation efforts, facilitated by his Special Adviser Mr. Yves Fortier, to settle pending issues speedily.

The parties decided to embark immediately on negotiating the final delimitation of their maritime and land borders and settling the issue of sovereignty over the islands of Mbanié, Cocotier and Conga. For that purpose, they agreed to draw up a timetable for the purpose of settling the major outstanding issues before the end of this year. The parties decided that a meeting of experts would be held in Geneva on 15 March 2006.

The two Heads of State agreed to meet again in due course under the auspices of the United Nations Secretary-General in order to formalize the outcome of these negotiations.

* * * * *

For information media • not an official record

Africa

For information media. Not an official record.

Annex 39

“Former UN Legal Chief to Mediate Dispute Between Equatorial Guinea, Gabon”, *UN News*
(17 September 2008)

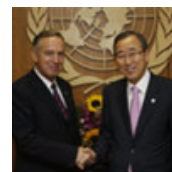
Former UN legal chief to mediate dispute between Equatorial Guinea, Gabon

 news.un.org/en/story/2008/09/273252-former-un-legal-chief-mediate-dispute-between-equatorial-guinea-gabon

September 17, 2008

17 September 2008

Secretary-General Ban Ki-moon announced today that he has appointed the recently departed legal chief of the United Nations as his Special Adviser and Mediator to assist in resolving the continuing maritime border dispute between Equatorial Guinea and Gabon.



Secretary-General Ban Ki-moon announced today that he has appointed the recently departed legal chief of the United Nations as his Special Adviser and Mediator to assist in resolving the continuing maritime border dispute between Equatorial Guinea and Gabon.

The two countries have been informed that Nicolas Michel of Switzerland – who served as UN Legal Counsel from August 2005 until the start of this month – will be the Special Adviser, UN spokesperson Marie Okabe told reporters.

Mr. Michel had already been dealing with the border dispute as part of his duties as UN Legal Counsel, and Ms. Okabe said he would bring a reputation for impartiality and a commitment to the peaceful settlement of disputes, as well as his diplomatic and legal skills, to the new post.

In July, after two days of meetings at the UN Office at Geneva (UNOG), Equatorial Guinea and Gabon issued a joint statement saying they had made substantial progress towards referring the maritime border dispute to the International Court of Justice (ICJ), the main judicial organ of the UN.

Representatives of the neighbouring African nations said they had worked on key documents for a planned joint submission to the ICJ, which would then adjudicate on the boundary.

The dispute between Equatorial Guinea and Gabon, which emerged in 2003, centres on an island which has oil resources. The two States, which have agreed to exploit the area jointly until the dispute is resolved, plan to meet again in New York in September to finalize the documents being submitted to the ICJ.

In another senior appointment announced today, Mr. Ban has selected Karin Landgren of Sweden as his Deputy Special Representative for Nepal, where a UN political mission (known as UNMIN) is based. Currently the head of child protection for the UN Children's Fund

(UNICEF), Ms. Landgren has also worked for the UN High Commissioner for Refugees (UNHCR).

Annex 40

United Nations Convention on the Law of the Sea 1982, *Preliminary Information Presented by the Republic of Equatorial Guinea on the Outer Limits of the Continental Shelf* (7 May 2009)



**1982 UNITED NATIONS CONVENTION ON THE LAW OF THE SEA
PRELIMINARY INFORMATION SUBMITTED BY
THE REPUBLIC OF EQUATORIAL GUINEA
ON THE OUTER LIMITS OF THE CONTINENTAL SHELF**

Presented to the
Commission on the Limits of the Continental Shelf

7 May 2009

**1982 United Nations Convention on the Law of the Sea
Preliminary Information Submitted by the Republic of Equatorial Guinea
on the Outer Limits of the Continental Shelf**

7 May 2009

1. The Republic of Equatorial Guinea is Party to the 1982 United Nations Convention on the Law of the Sea (the Convention). Equatorial Guinea signed the Convention on January 30, 1984, and ratified the Convention on July 21, 1997.
2. Equatorial Guinea is mindful of its obligations under the Convention and of the importance of the work of the Commission on the Limits of the Continental Shelf (the Commission) for coastal States and the international community as a whole.
3. Pursuant to the *Decision regarding the workload of the Commission on the Limits of the Continental Shelf and the ability of States, particularly developing States, to fulfill the requirements of article 4 of annex II of the United Nations Convention on the Law of the Sea, as well as the decision contained in SPLOS/72, paragraph (a), (SPLOS/183)*, Equatorial Guinea submits the following Preliminary Information in order to provide an indication of the outer limits of the continental shelf in areas beyond 200 nautical miles (M) from the territory of Equatorial Guinea as permitted under the terms of Article 76 of the Convention.
4. Equatorial Guinea recognizes that, in respect of areas beyond 200M, there may be overlapping claims to an extended continental shelf. Equatorial Guinea submits this Preliminary Information on the understanding that it is without prejudice to the delimitation of the extended continental shelf. Pursuant to paragraph 10 of Article 76 of the Convention and Article 9 of Annex II of the Convention, this Preliminary Information is submitted without prejudice to any other outstanding maritime delimitations.
5. In accordance with the operative paragraph 1(a) of SPLOS/183, Equatorial Guinea informs the Commission that the outer limits of its continental shelf beyond 200M are located offshore of Annobon Island in the vicinity of the Ascension Fracture Zone and consist of a series of straight lines not more than 60M long, which join provisional fixed points generated by the Hedberg Formula as shown on Figure 1. Equatorial Guinea further indicates that it will undertake additional studies, including studies to determine where the occurrence of sufficient sediment thickness indicates additional areas of continental shelf beyond 200M from the territory of Equatorial Guinea.
6. Equatorial Guinea notes also for the purpose of operative paragraph 1(a) of SPLOS/183 that work to prepare a Submission in respect of this area has commenced, and the necessary legal, policy and technical expertise has been assembled for this purpose. ↴

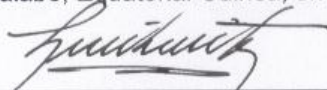
7. In addition to the resources that Equatorial Guinea has committed to this work, Equatorial Guinea will apply for funding from the *Trust fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the United Nations Convention on the Law of the Sea*, which would enable Equatorial Guinea to purchase specialized software and to undertake the requisite training.

8. Equatorial Guinea notes that it intends to lodge a Submission in respect of this area as soon as possible, mindful of the need to support the Commission in the performance of its function under the Convention in an efficient and timely manner. In this regard, Equatorial Guinea will continue to take advantage of available data and opportunities for scientific and technical capacity building, advice and assistance in order to prepare the Submission.

9. Equatorial Guinea notes that in accordance with the operative paragraph 1(b) of SPLOS/183, pending the receipt of the Submission, this Preliminary Information shall not be considered by the Commission. Equatorial Guinea further notes that in accordance with operative paragraph 1(c) of SPLOS/183, this Preliminary Information is without prejudice to the future Submission and its consideration by the Commission, and Equatorial Guinea reserves its rights to submit additional information and claims in such future Submission.

10. Equatorial Guinea requests that the Secretary-General inform the Commission and notify member States of the receipt of this Preliminary Information in accordance with operative paragraph 1(d) of SPLOS/183.

Signed in Malabo, Equatorial Guinea, on the 7th day of May 2009.



For the Government of the Republic of Equatorial Guinea

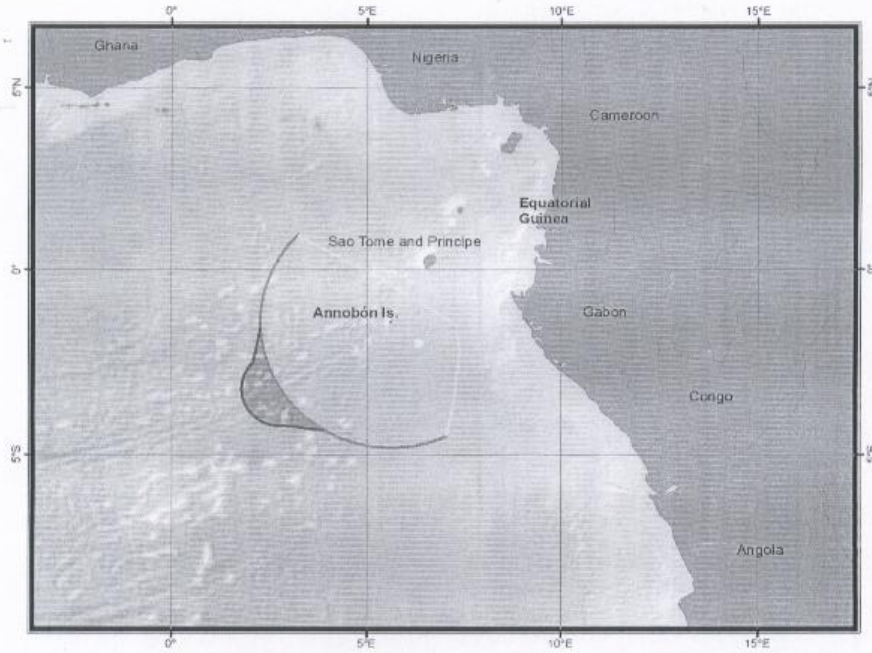


Figure 1: Preliminary indication of the outer limit of Equatorial Guinea's continental shelf in the vicinity of Ascension Fracture Zone.



**CONVENCIÓN DE LAS NACIONES UNIDAS SOBRE EL DERECHO DEL
MAR DE 1982**

INFORMACIÓN PRELIMINAR PRESENTADA POR

LA REPÚBLICA DE GUINEA ECUATORIAL

SOBRE LOS LÍMITES EXTERIORES DE LA PLATAFORMA CONTINENTAL

Presentada a la

Comisión de Límites de la Plataforma Continental

7 de mayo de 2009

**Convención de las Naciones Unidas sobre el Derecho del Mar de 1982
Información Preliminar presentada por la República de Guinea Ecuatorial sobre
los límites exteriores de la plataforma continental**

7 de mayo de 2009

1. La República de Guinea Ecuatorial es Parte de la Convención de las Naciones Unidas sobre el Derecho del Mar (la Convención). Guinea Ecuatorial firmó la Convención el 30 de enero de 1984 y ratificó la misma el 21 de julio de 1997.
2. Guinea Ecuatorial es consciente de sus obligaciones bajo la Convención y de la importancia de la labor de la Comisión de Límites de la Plataforma Continental (la Comisión) tanto para los Estados ribereños como para la comunidad internacional en general.
3. De acuerdo con la *Decisión sobre el volumen de trabajo de la Comisión de Límites de la Plataforma Continental y la capacidad de los Estados, particularmente los Estados en desarrollo, de cumplir lo dispuesto en el artículo 4 del anexo II de la Convención de las Naciones Unidas sobre el Derecho del Mar, así como la decisión que figura en el párrafo a) del documento SPLOS/72, ("SPLOS/183")*, Guinea Ecuatorial presenta la siguiente Información Preliminar con el fin de suministrar una indicación de los límites exteriores de la plataforma continental en áreas más allá de las 200 millas marinas ("M") desde el territorio de Guinea Ecuatorial según lo permitido bajo las disposiciones del Artículo 76 de la Convención.
4. Guinea Ecuatorial reconoce que, en cuanto a las áreas más allá de las 200M, es posible que existan reivindicaciones concurrentes sobre la plataforma continental extendida. Guinea Ecuatorial presenta su Información Preliminar con el entendimiento de que no afecta la delimitación de la plataforma continental extendida. Según se dispone en el párrafo 10 del Artículo 76 de la Convención y el Artículo 9 del Anexo II de la Convención, esta Información Preliminar se somete sin perjuicio de cualesquier delimitaciones marítimas que estén pendientes.
5. De acuerdo con el párrafo operativo 1(a) de SPLOS/183, Guinea Ecuatorial informa a la Comisión que los límites exteriores de su plataforma continental más allá de 200M están ubicados costa afuera de la Isla de Annobón en las inmediaciones de la Zona de Fractura de Ascensión y consisten en una serie de líneas rectas de no más de 60M de largo que se juntan en puntos fijos provisionales establecidos de acuerdo con la Fórmula Hedberg, tal como se muestra en el Diagrama 1. Guinea Ecuatorial además indica que emprenderá estudios adicionales, incluyendo estudios para determinar en qué lugares existe el suficiente grosor sedimentario como para indicar áreas adicionales de la plataforma continental más allá de las 200M desde el territorio de Guinea Ecuatorial. ↴

6. Guinea Ecuatorial también señala para los propósitos previstos en el párrafo operativo 1(a) de SPLOS/183, que los trabajos conducentes a preparar una Presentación con respecto a esta área han comenzado y la pericia jurídica, de políticas y técnica necesaria ya ha sido establecida con este fin.

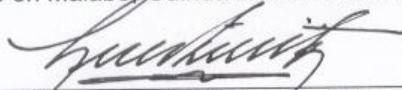
7. Aparte de los recursos que ha destinado para estos trabajos, Guinea Ecuatorial solicitará la asistencia financiera del *Fondo Fiduciario para facilitar la preparación de las presentaciones que hagan a la Comisión de Límites de la Plataforma Continental los países en desarrollo, particularmente los países menos adelantados y los pequeños Estados insulares en desarrollo, y el cumplimiento de lo dispuesto en el artículo 76 de la Convención de las Naciones Unidas sobre el Derecho del Mar*, lo cual permitiría que Guinea Ecuatorial compre software especializado y emprenda la capacitación necesaria.

8. Guinea Ecuatorial hace constar que tiene la intención de someter una Presentación sobre esta área lo más pronto posible, teniendo en cuenta que es necesario apoyar a la Comisión de manera eficiente y oportuna en el cumplimiento de las funciones que le competen bajo la Convención. En este respecto, Guinea Ecuatorial seguirá aprovechando la información y oportunidades disponibles para el desarrollo de capacitación científica y técnica, asesoramiento y asistencia para preparar la Presentación.

9. Guinea Ecuatorial hace notar que, de acuerdo con lo dispuesto en el párrafo operativo 1(b) de SPLOS/183, en tanto no se reciba la Presentación, esta Información Preliminar no será examinada por la Comisión. Adicionalmente, Guinea Ecuatorial hace notar que de acuerdo con lo dispuesto en el párrafo operativo 1(c) de SPLOS/183, esta Información Preliminar se somete sin perjuicio de la futura Presentación y del estudio de la misma por la Comisión y que Guinea Ecuatorial reserva sus derechos a presentar información y reclamaciones adicionales en dicha Presentación futura.

10. Guinea Ecuatorial solicita que el Secretario General informe a la Comisión y notifique a los Estados miembros de la recepción de esta Información Preliminar de conformidad con el párrafo operativo 1(d) de SPLOS/183.

Firmado en Malabo, Guinea Ecuatorial el 7 de mayo de 2009.



Por el Gobierno de la República de Guinea Ecuatorial

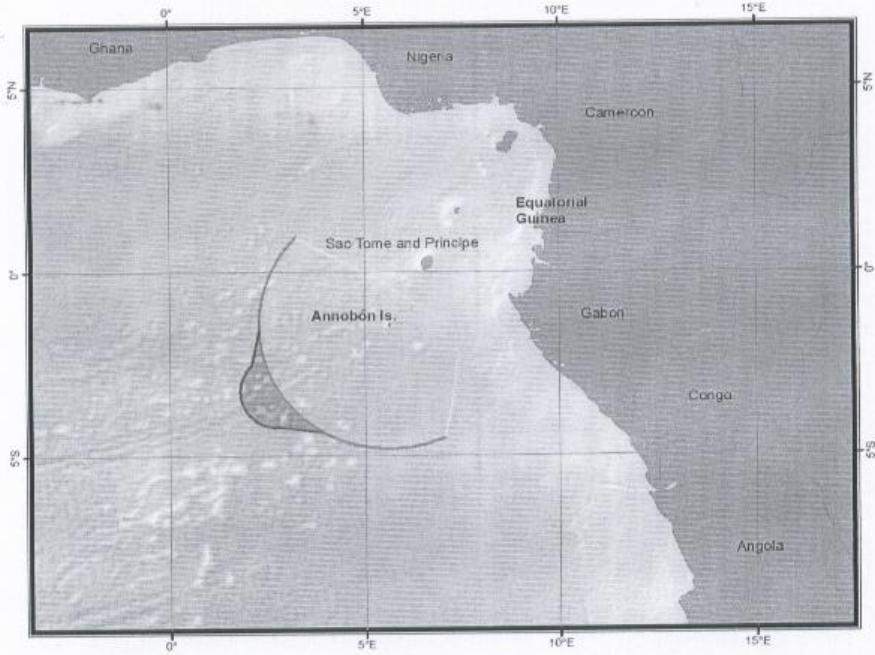


Diagrama 1: Indicación preliminar del límite exterior de la plataforma continental de Guinea Ecuatorial en las inmediaciones de la Zona de Fractura de Ascensión.

Annex 41

“Border Agreement Creates Model for Other African Nations”, *Voice of America*
(29 October 2009)

Border Agreement Creates Model for Other African Nations - 2004-07-08

voanews.com/archive/border-agreement-creates-model-other-african-nations-2004-07-08

Archive

October 29, 2009 09:38 PM

With much fanfare, the West African countries of Equatorial Guinea and Gabon have signed an agreement to settle their border dispute. At the African Union's summit this week in Addis Ababa, the agreement was seen as an example of how other African countries can resolve border disputes.

Gabon's President Omar Bongo and Equatorial Guinea's President Obiang Nguema Mbasogo hugged for the cameras after signing the agreement and pledged to end their often violent dispute over the ownership of an island called Mbanie and the waters around it.

Mr. Bongo said he was optimistic the rival territorial claims will be settled soon.

He says he thinks it is important to show the world that the two countries will keep their promise.

His counterpart from Equatorial Guinea was also upbeat, calling Mr. Bongo his brother.

He says the conflict is rooted in the historic struggle between the two colonial powers, Spain and France, over the island, and it is now up to Gabon and Equatorial Guinea to settle it.

Both countries inherited the territorial dispute from their colonizers, Spain and France. The two colonial powers signed a treaty in 1900 to mark the borders in the Gulf of Guinea, but did not resolve a rival claim to three small islands, including Mbanie.

Gabon and Equatorial Guinea have been quarreling over the border since their independence, coming close to blows in the early 1970s. That lasted until last year when the two countries accepted a UN offer to act as a go-between in negotiating a solution.

UN Secretary-General Kofi Annan told reporters at the African Union summit earlier this week the Gabon-Equatorial Guinea agreement is a historic event for Africa.

"This is one of the rare occasions when two African leaders come together to resolve their differences peacefully," he says. "This is a continent with lots of conflicts and I think this is an example for other leaders that differences can be resolved peacefully."

A UN adviser on the border dispute, Stephen Drymer, says oil is at the heart of the dispute.

"The territorial dispute has not been resolved but the parties have agreed that, pending resolution of their territorial dispute, they will work together to implement a joint development agreement which will allow them to benefit from the resources jointly, even as the mediation of their territorial dispute continues," he says.

He says other countries in Africa should follow this as a model in dealing with their own border disagreements.

One such disagreement is between Ethiopia and Eritrea. The exact location of the border was the cause of a brutal war between the two countries from 1998 to 2000 in which an estimated 70,000 people died.

As part of a peace deal signed in 2000, a boundary commission was set up to mark the borderline. But Ethiopia rejected the commission's subsequent decision to award an area called Badme to Eritrea and the commission pulled out.

Ethiopian Prime Minister Meles Zenawi has admitted the two countries are at loggerheads over Badme, but pledged to work out the dispute peacefully.

Eritrea, which was notably absent from the AU summit, maintains Ethiopia should accept the boundary commission's ruling and says there is nothing to negotiate.

But negotiation is producing results in another border dispute between Nigeria and Cameroon over the oil-rich areas around Lake Chad and the Bakassi Peninsula.

Following a 2002 ruling by the International Court of Justice, the two countries set up a mixed commission to determine the borderline in the disputed territory. Nigerian presidential spokeswoman Remi Oya says only an agreed solution will have a lasting effect.

"Political solutions last long because the people are committed to one another. And, after all, what is Africa? Africa has just been divided by the colonialists. We're all one. And it is important for us to continue to realize that," she says.

She says the best way to do tackle problems is to seek political, not military, solutions.

Annex 42

Note from United Nations Under-Secretary-General L. Pascoe, Background for the Deputy Secretary-General's Meeting with Joint Equatorial Guinea and Gabon Senior Delegations, New York on 18 March 2010 (15 March 2010)

Background for the Deputy Secretary-General's
meeting with joint Equatorial Guinea and Gabon
senior delegations

UN Headquarters in New York, 18 March 2010

Mediation of the border dispute between Equatorial Guinea and
Gabon

The longstanding dispute between Equatorial Guinea and Gabon regarding, in particular, sovereignty over the Mbaníé, Cocotiers and Congas islands, and the delimitation of their maritime and land boundaries, dates back to 1972. It has remained a source of periodic tension between the two nations over the years. The islands are believed to have substantial offshore oil deposits. In response to a request by the authorities of Equatorial Guinea and Gabon, in July 2003, the Secretary-General appointed a Special Adviser and Mediator, Mr. Yves Fortier (Canada), to help mediate a peaceful agreement on the border dispute between the two countries.

Despite several unsuccessful initiatives by the former Secretary-General to reach a negotiated settlement of the dispute between 2003 and 2006, through the UN mediation, the Secretary-General decided to renew his good offices. In June 2008, the parties agreed to discontinue the search for a negotiated resolution of their dispute, but to seek, with UN assistance, a judicial settlement through the International Court of Justice (ICJ). To that end, the new Secretary-General's Special Adviser and Mediator of the border dispute, Mr. Nicolas Michel, has engaged both parties in a process designed to conclude a special agreement ("compromis") to bring the case before the ICJ.

The efforts by the Mediator now seem to be entering a final phase. The parties last met in Geneva on 25 and 26 January 2010 where substantial progress was made on the draft proposed special agreement. However, the most difficult provision of the special agreement, namely the subject matter of the dispute, is still under discussion. The next high level mediation meeting is scheduled to take place at UN Headquarters in New York, from 18 to 20 March 2010.

DPA is currently funding the Mediator's good offices until May 2010, through the Trust Fund for Preventive Action.

Annex 43

The Gabonese Republic, *Submission Made by the Gabonese Republic for the Extension of its Continental Shelf Beyond 200 Nautical Miles Pursuant to Article 76 of the United Nations Convention on the Law of the Sea* (10 April 2012)

THE GABONESE REPUBLIC – ARTICLE 76 SUBMISSION**EXECUTIVE SUMMARY****SUBMISSION MADE BY THE GABONESE REPUBLIC FOR THE EXTENSION OF ITS CONTINENTAL SHELF BEYOND 200 NAUTICAL MILES PURSUANT TO ARTICLE 76 OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA****EXECUTIVE SUMMARY****1. INTRODUCTION**

This submission to the Commission on the Limits of the Continental Shelf is made by the Government of the Gabonese Republic pursuant to article 76, paragraph 8, of the Convention in support of the establishment of the outer limit of the continental shelf of the Gabonese Republic at the continental margin of West Africa in the Atlantic Ocean.

2. OUTER LIMIT OF THE CONTINENTAL SHELF OF THE GABONESE REPUBLIC

This submission concerns the outer limit of the continental shelf of the Gabonese Republic in its entirety and is the complete submission of Gabon.

3. PROVISIONS OF ARTICLE 76 INVOKED

The outer limits contained in this submission are based on the provisions of article 76, paragraphs 4 (a) (i), 4 (b), 5 and 7.

4. NAMES OF ANY COMMISSION MEMBERS WHO PROVIDED ADVICE DURING THE PREPARATION OF THE SUBMISSION

No advice was provided by any member of the Commission.

5. ABSENCE OF DISPUTES

In accordance with paragraph 2 (a) of annex I to the Rules of Procedure of the Commission, the Gabonese Republic hereby informs the Commission that the area of continental shelf to which this submission refers is not the subject of any dispute between the Gabonese Republic and any other State.

6. DESCRIPTION OF THE OUTER LIMIT OF THE CONTINENTAL SHELF OF THE GABONESE REPUBLIC

The outer limit of the continental shelf of Gabon may be delineated with reference to article 76, paragraph 4 (a) (i) (line where the thickness of sedimentary rocks is at least 1 per cent). Seven foot of the continental slope points have been identified along the continental margin (FOS 1 to FOS 7), two of which contribute to the outer limit (FOS 2 and FOS 6). From those two FOS points, seven fixed points (FP1 to FP7) have been determined in accordance with article 76, paragraph 4 (a) (i). None of these points is more than 350 nautical miles from the baseline and none is more than 60 nautical miles from any neighbouring point.

THE GABONESE REPUBLIC – ARTICLE 76 SUBMISSION

EXECUTIVE SUMMARY

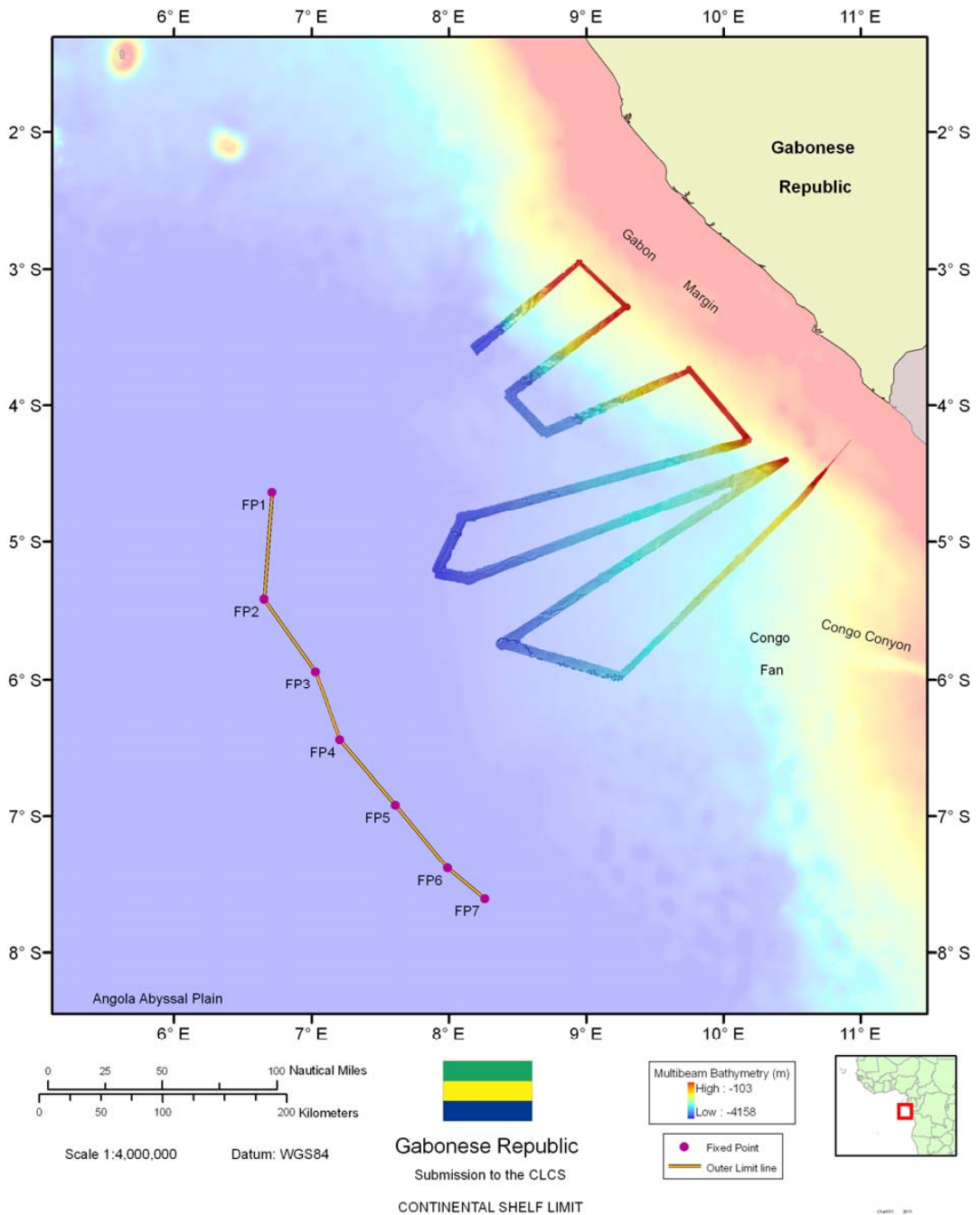


Figure 1 Outer limit of the continental shelf of the Gabonese Republic beyond 200 nautical miles.

THE GABONESE REPUBLIC – ARTICLE 76 SUBMISSION**EXECUTIVE SUMMARY**

| F P | Latitude (S) | Longitude (E) | Method | From FP | To FP | Distance (M) |
|--------|--------------|---------------|--|------------|----------|-----------------|
| 1 | 4.63277 | 6.71311 | Fixed point where the thickness of sedimentary rocks is greater than 1 per cent of the distance from point FOS 2 | | | |
| 2 | 5.41406 | 6.65525 | Fixed point where the thickness of sedimentary rocks is greater than 1 per cent of the distance from point FOS 2 | 1 | 2 | 46.77 |
| 3 | 5.9439 | 7.03018 | Fixed point where the thickness of sedimentary rocks is greater than 1 per cent of the distance from point FOS 2 | 2 | 3 | 38.78 |
| 4 | 6.44559 | 7.20841 | Fixed point where the thickness of sedimentary rocks is greater than 1 per cent of the distance from point FOS 6 | 3 | 4 | 31.79 |
| 5 | 6.92166 | 7.61136 | Fixed point where the thickness of sedimentary rocks is greater than 1 per cent of the distance from point FOS 6 | 4 | 5 | 37.24 |
| 6 | 7.38301 | 7.99342 | Fixed point where the thickness of sedimentary rocks is greater than 1 per cent of the distance from point FOS 6 | 5 | 6 | 35.75 |
| 7 | 7.60803 | 8.26381 | Fixed point where the thickness of sedimentary rocks is greater than 1 per cent of the distance from point FOS 6 | 6 | 7 | 20.98 |

Table 1 List of coordinates and method of determining each fixed point describing the outer limit.

7. STATE BODIES RESPONSIBLE FOR PREPARING THE SUBMISSION

This submission, together with all maps, figures, enclosures, annexes and digital databases, was prepared by:

- the National Committee on the Project for the Extension of the Continental Shelf of the Gabonese Republic, GABEx-PC, Office of the President;
- the Ministry of Foreign Affairs;

And external consultants:

- DOF Subsea, AS, Norway;
- Maritime Zone Solutions Limited, United Kingdom.

Annex 44

Organisation of African Unity, *Resolutions Adopted by the First Ordinary Session of the Assembly of Heads of State and Government Held in Cairo, UAR (17-21 July 1964)* (excerpt)



ORGANIZATION OF AFRICAN UNITY

Secretariat

Addis Ababa

AHG/Res. 1 (1)
- **AHG/Res. 24 (1)**

RESOLUTIONS ADOPTED BY THE FIRST ORDINARY
SESSION OF THE ASSEMBLY OF HEADS OF STATE AND
GOVERNMENT HELD IN CAIRO, UAR,
FROM 17 TO 21 JULY 1964

Recalling resolution 1904 (XVIII) of the General Assembly of the United Nations adopted on 20 November 1963: the Declaration on the Elimination of all Forms of Racial Discrimination;

Recalling other resolutions of the General Assembly and the Specialized Agencies of the United Nations calling for the elimination of all forms of racial discrimination;

Taking into account the resolution adopted at the Conference of Heads of State and Government in Addis Ababa in May 1963 condemning racial discrimination in all its forms in Africa and in all parts of the world;

Considering that one hundred years have passed since the Emancipation Proclamation was signed in the United States of America;

Noting with satisfaction the recent enactment of the Civil Rights Act designed to secure for American Negroes their basic human rights;

Deeply disturbed, however, by continuing manifestations of racial bigotry and racial oppression against Negro citizens of the United States of America:

- 1. REAFFIRMS its belief that the existence of discriminatory practices is a matter of deep concern to Member States of the Organization of African Unity;**
- 2. URGES the Government authorities in the United States of America to intensify their efforts to ensure the total elimination of all forms of discrimination based on race, colour, or ethnic origin.**

AHG/Res. 16(I)

BORDER DISPUTES AMONG AFRICAN STATES

The assembly of Heads of State and Government meeting in its First Ordinary Session in Cairo, UAR, from 17 to 21 July 1964,

Considering that border problems constitute a grave and permanent factor of dissention;

Conscious of the existence of extra-African manoeuvres aimed at dividing African States;

Considering further that the borders of African States, on the day of their independence, constitute a tangible reality;

Recalling the establishment in the course of the Second Ordinary Session of the Council of the Committee of Eleven charged with studying further measures for strengthening African Unity;

Recognising the imperious necessity of settling, by peaceful means and within a strictly African framework, all disputes between African States;

Recalling further that all Member States have pledged, under Article IV of the Charter of African Unity, to respect scrupulously all principles laid down in paragraph 3 of Article III of the Charter of the Organization of African Unity:

- 1. SOLEMNLY REAFFIRMS the strict respect by all Member States of the Organization for the principles laid down in paragraph 3 of Article III of the Charter of the Organization of African Unity;**
- 2. SOLEMNLY DECLARES that all Member States pledge themselves to respect the borders existing on their achievement of national independence.**

AHG/Res. 17(I)

FINANCING OF THE UNITED NATIONS PEACE OPERATIONS

The Assembly of Heads of State and Government meeting in its First Ordinary Session in Cairo, UAR, from 17 to 21 July 1964,

Annex 45

The African Union, *Constitutive Act of the African Union* (11 July 2000) (excerpt)

Constitutif Act of African Union

**CONSTITUTIVE ACT OF THE
AFRICAN UNION**

Constitutive Act of African Union

30. The President of the Republic of Malawi
31. The President of the Republic of Mali
32. The President of the Islamic Republic of Mauritania
33. The Prime Minister of the Republic of Mauritius
34. The President of the Republic of Mozambique
35. The President of the Republic of Namibia
36. The President of the Republic of Niger
37. The President of the Federal Republic of Nigeria
38. The President of the Republic of Rwanda
39. The President of the Sahrawi Arab Democratic Republic
40. The President of the Republic of Sao Tome and Principe
41. The President of the Republic of Senegal
42. The President of the Republic of Seychelles
43. The President of the Republic of Sierra Leone
44. The President of the Republic of Somalia
45. The President of the Republic of South Africa
46. The President of the Republic of Sudan
47. The King of Swaziland
48. The President of the United Republic of Tanzania
49. The President of the Togolese Republic
50. The President of the Republic of Tunisia
51. The President of the Republic of Uganda
52. The President of the Republic of Zambia
53. The President of the Republic of Zimbabwe

INSPIRED by the noble ideals which guided the founding fathers of our Continental Organization and generations of Pan-Africanists in their determination to promote unity, solidarity, cohesion and cooperation among the peoples of Africa and African States;

CONSIDERING the principles and objectives stated in the Charter of the Organization of African Unity and the Treaty establishing the African Economic Community;

RECALLING the heroic struggles waged by our peoples and our countries for political independence, human dignity and economic emancipation;

Constitutive Act of African Union

CONSIDERING that since its inception, the Organization of African Unity has played a determining and invaluable role in the liberation of the continent, the affirmation of a common identity and the process of attainment of the unity of our continent and has provided a unique framework for our collective action in Africa and in our relations with the rest of the world.

DETERMINED to take up the multifaceted challenges that confront our continent and peoples in the light of the social, economic and political changes taking place in the world;

CONVINCED of the need to accelerate the process of implementing the Treaty establishing the African Economic Community in order to promote the socio-economic development of Africa and to face more effectively the challenges posed by globalization;

GUIDED by our common vision of a united and strong Africa and by the need to build a partnership between governments and all segments of civil society, in particular women, youth and the private sector, in order to strengthen solidarity and cohesion among our peoples;

CONSCIOUS of the fact that the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent and of the need to promote peace, security and stability as a prerequisite for the implementation of our development and integration agenda;

DETERMINED to promote and protect human and peoples' rights, consolidate democratic institutions and culture, and to ensure good governance and the rule of law;

FURTHER DETERMINED to take all necessary measures to strengthen our common institutions and provide them with the necessary powers and resources to enable them discharge their respective mandates effectively;

RECALLING the Declaration which we adopted at the Fourth Extraordinary Session of our Assembly in Sirte, the Great Socialist

Constitutive Act of African Union

People's Libyan Arab Jamahiriya, on 9.9. 99, in which we decided to establish an African Union, in conformity with the ultimate objectives of the Charter of our Continental Organization and the Treaty establishing the African Economic Community;

HAVE AGREED AS FOLLOWS:

Article 1
Definitions

In this Constitutive Act:

“**Act**” means the present Constitutive Act;

“**AEC**” means the African Economic Community;

“**Assembly**” means the Assembly of Heads of State and Government of the Union;

“**Charter**” means the Charter of the OAU;

“**Commission**” means the Secretariat of the Union;

“**Committee**” means a Specialized Technical Committee of the Union;

“**Council**” means the Economic, Social and Cultural Council of the Union;

“**Court**” means the Court of Justice of the Union;

“**Executive Council**” means the Executive Council of Ministers of the Union;

“**Member State**” means a Member State of the Union;

“**OAU**” means the Organization of African Unity;

“Parliament” means the Pan-African Parliament of the Union;

“Union” means the African Union established by the present Constitutive Act.

Article 2 *Establishment*

The African Union is hereby established in accordance with the provisions of this Act.

Article 3 *Objectives*

The objectives of the Union shall be to:

- (a) achieve greater unity and solidarity between the African countries and the peoples of Africa;
- (b) defend the sovereignty, territorial integrity and independence of its Member States;
- (c) accelerate the political and socio-economic integration of the continent;
- (d) promote and defend African common positions on issues of interest to the continent and its peoples;
- (e) encourage international cooperation, taking due account of the Charter of the United Nations and the Universal Declaration of Human Rights;
- (f) promote peace, security, and stability on the continent;
- (g) promote democratic principles and institutions, popular participation and good governance;

Constitutive Act of African Union

- (h) promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments;
- (i) establish the necessary conditions which enable the continent to play its rightful role in the global economy and in international negotiations;
- (j) promote sustainable development at the economic, social and cultural levels as well as the integration of African economies;
- (k) promote co-operation in all fields of human activity to raise the living standards of African peoples;
- (l) coordinate and harmonize the policies between the existing and future Regional Economic Communities for the gradual attainment of the objectives of the Union;
- (m) advance the development of the continent by promoting research in all fields, in particular in science and technology;
- (n) work with relevant international partners in the eradication of preventable diseases and the promotion of good health on the continent.

Article 4
Principles

The Union shall function in accordance with the following principles:

- (a) sovereign equality and interdependence among Member States of the Union;
- (b) respect of borders existing on achievement of independence;
- (c) participation of the African peoples in the activities of the Union;
- (d) establishment of a common defence policy for the African Continent;

Constitutive Act of African Union

- (e) peaceful resolution of conflicts among Member States of the Union through such appropriate means as may be decided upon by the Assembly;
- (f) prohibition of the use of force or threat to use force among Member States of the Union;
- (g) non-interference by any Member State in the internal affairs of another;
- (h) the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity;
- (i) peaceful co-existence of Member States and their right to live in peace and security;
- (j) the right of Member States to request intervention from the Union in order to restore peace and security;
- (k) promotion of self-reliance within the framework of the Union;
- (l) promotion of gender equality;
- (m) respect for democratic principles, human rights, the rule of law and good governance;
- (n) promotion of social justice to ensure balanced economic development;
- (o) respect for the sanctity of human life, condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities;
- (p) condemnation and rejection of unconstitutional changes of governments.

Annex 46

African Union, “Report of the Chairperson of the Commission on Conflict Situations in Africa”,
Executive Council, Fifth Ordinary Session 25 June - 3 July 2004, Addis Ababa, Ethiopia,
EX.CL/106 (V) (3 July 2004)

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, ETHIOPIA

P. O. Box 3243

Telephone 517 700 Fax : 517844

**EXECUTIVE COUNCIL
Fifth Ordinary Session
25 June – 3 July 2004
Addis Ababa, ETHIOPIA**

EX.CL/106 (V)

**REPORT OF THE CHAIRPERSON OF THE COMMISSION
ON CONFLICT SITUATIONS IN AFRICA**

103. The AU delegation conferred with the authorities and several political and military players in the country on the sidelines of this 3rd Session. The Representatives of former Buffalo Battalion could not join in the consultation because they were absent from the country. It emerged from the discussion that in addition to the military situation, one of the problems facing the Republic of São Tomé and Príncipe was correlated to the difficult cohabitation between President Fradique de Menezes Member of the Movement of the Democratic Forces for Change (MFDM, with 27 seats in the National Assembly) and the Prime Minister Ms. Maria das Neves Member of the Coalition of the Movement for the Liberation of the People of São Tomé and Príncipe (MLSTP, with 24 seats) and the Independent Democratic Action Party (ADI, 4 seats). The political opponents of President Fradique de Menezes accuse him of constantly trampling on the powers of the Prime Minister and of not respecting the separation of powers, a situation which is allegedly at the root of the current political instability in the country. All the players do however agree on the need to organize the National Forum, preparations for which are underway.

104. This latent political problem recently resurfaced in the form of a crisis between Prime Minister Maria das Neves and the Foreign and Natural Resource Ministers both Members of the MFDM. The crisis was such that Maria das Neves demanded the dismissal of the two Ministers failing which she herself would resign. In reaction, all the MFDM Ministers presented their resignations *en bloc*. President Fradique had to appoint a new Foreign Affairs and Cooperation Minister as a way of ending the impasse.

105. May I recall, at this juncture, that the 11th Ordinary Session of the ECCAS Heads of State and Government had mandated Gabon, the Republic of Congo and Angola to monitor the situation in São Tomé and Príncipe. Pursuant to this mandate, the Gabonese and the Congolese Foreign Ministers proceeded to São Tomé on 12 March 2004. While in the country, the Ministers urged all the political players to work hand-in-hand to consolidate the on-going normalization process.

i) Equatorial Guinea

106. Early in March 2004, a group of mercenaries were arrested in Equatorial Guinea on accusation of involvement in planning a coup d'état in the country. The President Obiang Nguema accused opposition member Severo Moto Nsa living in exile in Spain of having masterminded the plot, but he rejected the accusation. It should be mentioned that soon after the arrest of the mercenaries in Malabo, President Obiang Nguema indicated that they would be judged in a "tribunal of international standing" and that they could be executed if found guilty.

107. Soon after the announcement of the coup d'état, the authorities of Zimbabwe, in turn, stated that they had impounded an aircraft in Harare airport with 67 men on board on the way to Equatorial Guinea. A total of 70 people were arrested and detained in Zimbabwe where they are currently undergoing questioning.

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108. An AU delegation led by the Deputy Chairperson of the Commission proceeded to Malabo on 22 March to obtain first-hand information on the situation. While in Malabo, the delegation was received in audience by President Obiang Nguema and also held talks with other Equatorial Guinea leaders. The AU delegation also met Mr. Nick du Toit leader of the mercenaries in the presence of several Equatorial Guinea officials including the Foreign Minister, the Speaker of the National Assembly and Security Agents. At that meeting, Mr. du Toit was said to have admitted the accusations, expressed regret for his crime and pleaded for the clemency of the Equatorial Guinea authorities.

109. On 13 April 2004, I had a meeting in Addis Ababa with the Ambassadors of Equatorial Guinea and Zimbabwe, as well as Representatives of the Namibian and South African Embassies. Some nationals of these two countries were among those arrested in connection with the attempted coup d'état. At that meeting, I underscored the need for greater collaboration among Member States in order to eliminate the scourge of mercenarism which constitute a threat to stability in African States.

110. In this connection, the Commission intends to take the appropriate initiative to up-date the OAU Convention on Elimination of Mercenarism in Africa adopted in Libreville in July 1977, so as to take on board the developments that have since taken place in the Continent. This would be consistent with the African Common Defence and Security Policy which provides for a mechanism to periodically examine the continental instruments on peace and security.

111. Council may also wish to be informed that legislative and municipal elections were held in Equatorial Guinea on 25 April as scheduled. No particular incident was reported. However, one month later, specifically in the night of 28 – 29 May, a group of rebels attacked the military camp in Corisco Island. The Equatorial Guinea authorities later announced that five of the attackers were killed and five others arrested. They further stated that the situation in the Island of Corisco and in the rest of the country was under control, and that normalcy and calm had been restored.

112. I also wish to draw the attention of the Council to the dispute between Equatorial Guinea and Gabon over the Islets of M'Banié, Conga and Cocotiers. In the bid to arrive at a peaceful and satisfactory solution to the problem, the two parties requested in July 2003, on the sidelines of the Assembly of the Union held in Maputo, the mediation of the United Nations Secretary General who agreed to the request. Mr. Kofi Annan entrusted the matter to Mr. Yves Fortier who, on several occasions, held talks with the Gabonese and Equatorial Guinea delegations in both Geneva and New York. Mr. Fortier was received in audience on 7 – 8 June by President Obiang Nguema, and on 9 – 10 June by President El Hadj Omar Bongo Odimba. At the end of the talks, Mr. Fortier indicated that "the mediation was in progress and that solutions were in the offing".

