

LIQUOR TRAFFIC IN AFRICA

*Convention signed at Saint-Germain-en-Laye September 10, 1919
Senate advice and consent to ratification, with a reservation, February 28, 1929*¹

*Ratified by the President of the United States, with a reservation,
March 7, 1929*¹

*Ratification of the United States deposited at Paris March 22, 1929
Entered into force July 31, 1920; for the United States March 22, 1929
Proclaimed by the President of the United States March 26, 1929*

46 Stat. 2199; Treaty Series 779

[TRANSLATION]

THE UNITED STATES OF AMERICA, BELGIUM, THE BRITISH EMPIRE,
FRANCE, ITALY, JAPAN AND PORTUGAL

Whereas it is necessary to continue in the African territories placed under their administration the struggle against the dangers of alcoholism which they have maintained by subjecting spirits to constantly increasing duties;

Whereas, further, it is necessary to prohibit the importation of distilled beverages rendered more especially dangerous to the native populations by the nature of the products entering into their composition or by the opportunities which a low price gives for their extended use;

Whereas, finally, the restrictions placed on the importation of spirits would be of no effect unless the local manufacture of distilled beverages was at the same time strictly controlled;

Have appointed as their plenipotentiaries:

The President of the United States of America:

The Honorable Frank Lyon Polk, Under-Secretary of State;

The Honorable Henry White, formerly Ambassador Extraordinary and Plenipotentiary of the United States at Rome and Paris;

¹ The U.S. reservation reads as follows:

"Should any dispute whatever arise between any of the high contracting parties and the United States relative to the application of the present convention which can not be settled by negotiation, such dispute shall be submitted to the Permanent Court of Arbitration at The Hague established by the convention of October 18, 1907 [TS 536, *ante*, vol. 1, p. 577], or to such other arbitral tribunal upon which the parties to the dispute may agree."

General Tasker H. Bliss, Military Representative of the United States on the Supreme War Council;

His Majesty the King of the Belgians:

Mr. Paul Hymans, Minister for Foreign Affairs, Minister of State;

Mr. Jules van den Heuvel, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Belgians, Minister of State;

Mr. Émile Vandervelde, Minister of Justice, Minister of State;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions Beyond the Seas, Emperor of India:

The Right Honorable Arthur James Balfour, O.M., M.P., His Secretary of State for Foreign Affairs;

The Right Honorable Andrew Bonar Law, M. P., His Lord Privy Seal;

The Right Honorable Viscount Milner, G.C.B., G.C.M.G., His Secretary of State for the Colonies;

The Right Honorable George Nicoll Barnes, M.P., Minister without portfolio; and:

for the Dominion of Canada: The Honorable Sir Albert Edward Kemp, K.C.M.G., Minister of the Overseas Forces;

for the Commonwealth of Australia: The Honorable George Foster Pearce, Minister of Defence;

for the Union of South Africa: The Right Honorable Viscount Milner, G. C. B., G. C. M. G.;

for the Dominion of New Zealand: The Honorable Sir Thomas Mackenzie, K.C.M.G., High Commissioner for New Zealand in the United Kingdom;

for India: The Right Honorable Baron Sinha, K.C., Under-Secretary of State for India;

The President of the French Republic:

Mr. Georges Clemenceau, President of the Council, Minister of War;

Mr. Stephen Pichon, Minister for Foreign Affairs;

Mr. Louis-Lucien Klotz, Minister of Finance;

Mr. André Tardieu, Commissary-General for Franco-American Military Affairs;

Mr. Jules Cambon, Ambassador of France;

His Majesty the King of Italy:

The Honorable Tommaso Tittoni, Senator of the Kingdom, Minister for Foreign Affairs;

The Honorable Vittorio Scialoja, Senator of the Kingdom;

The Honorable Maggiorino Ferraris, Senator of the Kingdom;

The Honorable Guglielmo Marconi, Senator of the Kingdom;

The Honorable Silvio Crespi, Deputy;

His Majesty the Emperor of Japan :

Viscount Chinda, Ambassador Extraordinary and Plenipotentiary of H. M. the Emperor of Japan at London ;

Mr. K. Matsui, Ambassador Extraordinary and Plenipotentiary of H. M. the Emperor of Japan at Paris ;

The President of the Portuguese Republic :

Dr. Affonso da Costa, formerly President of the Council of Ministers ;

Dr. Augusto Luiz Vieira Soares, formerly Minister for Foreign Affairs ;

Who, having communicated their full powers found in good and due form, Have agreed as follows:

ARTICLE 1

The High Contracting Parties undertake to apply the following measures for the restriction of the liquor traffic in the territories which are or may be subjected to their control throughout the whole of the continent of Africa, with the exception of Algiers, Tunis, Morocco, Libya, Egypt, and the Union of South Africa.

The provisions applicable to the continent of Africa shall also apply to the islands lying within 100 nautical miles of the coast.

ARTICLE 2

The importation, distribution, sale and possession of trade spirits of every kind, and of beverages mixed with these spirits, are prohibited in the area referred to in Article 1. The local Governments concerned will decide respectively which distilled beverages will be regarded in their territories as falling within the category of trade spirits. They will endeavor to establish a nomenclature and measures against fraud as uniform as possible.

ARTICLE 3

The importation, distribution, sale and possession are also forbidden of distilled beverages containing essential oils or chemical products which are recognised as injurious to health, such as thuyone, star anise, benzoic aldehyde, salicylic ethers, hyssop and absinthe.

The local Governments concerned will likewise endeavor to establish by common agreement the nomenclature of those beverages whose importation, distribution, sale and possession according to the terms of this provision should be prohibited.

ARTICLE 4

An import duty of not less than 800 francs per hectolitre of pure alcohol shall be levied upon all distilled beverages, other than those indicated in Articles 2 and 3, which are imported into the area referred to in Article 1, except in so far as the Italian colonies are concerned, where the duty may not be less than 600 francs.

The High Contracting Parties will prohibit the importation, distribution, sale and possession of spirituous liquors in those regions of the area referred to in Article 1 where their use has not been developed.

The above prohibition can be suspended only in the case of limited quantities destined for the consumption of non-native persons, and imported under the system and conditions determined by each Government.

ARTICLE 5

The manufacture of distilled beverages of every kind is forbidden in the area referred to in Article 1.

The importation, distribution, sale and possession of stills and of all apparatus or portions of apparatus suitable for distillation of alcohol and the redistillation of brandies and spirits are forbidden in the same area, subject to the provisions of Article 6.

The provisions of the two preceding paragraphs do not apply to the Italian colonies; the manufacture of distilled beverages, other than those specified in Articles 2 and 3, will continue to be permitted therein, on condition that they are subject to an excise duty equal to the import duty established in Article 4.

ARTICLE 6

The restrictions on the importation, distribution, sale, possession and manufacture of spirituous beverages do not apply to pharmaceutical alcohols intended for medical, surgical or pharmaceutical establishments. The importation, distribution, sale and possession are also permitted of:

(1) Testing stills, that is to say, the small apparatus in general use for laboratory experiments, which are employed intermittently, are not fitted with rectifying heads, and the capacity of whose retort does not exceed one litre;

(2) Apparatus or parts of apparatus intended for experiments in scientific institutions;

(3) Apparatus or parts of apparatus employed for definite purposes, other than the production of alcohol, by pharmacists holding a diploma, and by persons who can show good cause for the possession of such apparatus;

(4) Apparatus necessary for the manufacture of alcohol for industrial purposes, and employed by duly authorized persons, such manufacture being subject to the supervision established by the local administration.

The necessary permission in the foregoing cases will be granted by the local administration of the territory in which the stills, apparatus, or portions of apparatus are to be utilized.

ARTICLE 7

A Central International Office, placed under the control of the League of Nations, shall be established for the purpose of collecting and preserving

documents of all kinds exchanged by the High Contracting Parties with regard to the importation and manufacture of spirituous liquors under the conditions referred to in the present Convention.

Each of the High Contracting Parties shall publish an annual report showing the quantities of spirituous beverages imported or manufactured and the duties levied under Articles 4 and 5. A copy of this report shall be sent to the Central International Office and to the Secretary-General of the League of Nations.

ARTICLE 8

The High Contracting Parties agree that if any dispute whatever should arise between them relating to the application of the present Convention which cannot be settled by negotiation, this dispute shall be submitted to an arbitral tribunal in conformity with the Covenant of the League of Nations.

ARTICLE 9

The High Contracting Parties reserve the right of introducing into the present Convention by common agreement after a period of five years such modifications as may prove to be necessary.

ARTICLE 10

The High Contracting Parties will use every effort to obtain the adhesion to the present Convention of the other States exercising authority over territories of the African Continent.

This adhesion shall be notified through the diplomatic channel to the Government of the French Republic, and by it to all the signatory or adhering States. The adhesion will come into effect from the date of the notification to the French Government.

ARTICLE 11

All the provisions of former general international Conventions relating to the matters dealt with in the present Convention shall be considered as abrogated in so far as they are binding between the Powers which are parties to the present Convention.

The present Convention shall be ratified as soon as possible.

Each Power will address its ratification to the French Government, which will inform all the other signatory Powers.

The ratifications will remain deposited in the archives of the French Government.

The present Convention will come into force for each signatory Power from the date of the deposit of its ratification, and from that moment that Power will be bound in respect of other Powers which have already deposited their ratification.

On the coming into force of the present Convention, the French Government will transmit a certified copy to the Powers which under the Treaties

of Peace have undertaken to accept and observe it, and are in consequence placed in the same position as the Contracting Parties. The names of these Powers will be notified to the States which adhere.

In faith whereof, the above-named Plenipotentiaries have signed the present Convention.

Done at Saint-Germain-en-Laye, the tenth day of September, one thousand nine hundred and nineteen, in a single copy which will remain deposited in the archives of the Government of the French Republic, and of which authenticated copies will be sent to each of the signatory Powers.

[For the United States:]

FRANK L. POLK [SEAL]
HENRY WHITE [SEAL]
TASKER H. BLISS [SEAL]

[For Belgium:]

HYMANS [SEAL]
VAN DEN HEUVEL [SEAL]
E. VANDERVELDE [SEAL]

[For the United Kingdom:]

ARTHUR JAMES BALFOUR [SEAL]
MILNER [SEAL]
GEO. N. BARNES [SEAL]

[For the Dominion of Canada:]

A. E. KEMP [SEAL]

[For the Commonwealth of Australia]

G. F. PEARCE [SEAL]

[For the Union of South Africa:]

MILNER [SEAL]

[For the Dominion of New Zealand:]

THOS. MACKENZIE [SEAL]

[For India:]

SINHA OF RAIPUR [SEAL]

[For France:]

G. CLEMENCEAU [SEAL]
S. PICHON [SEAL]
L. L. KLOTZ [SEAL]
ANDRÉ TARDIEU [SEAL]
JULES CAMBON [SEAL]

[For Italy:]

TOM. TITTONI [SEAL]
VITTORIO SCIALOJA [SEAL]
MAGGIORINO FERRARIS [SEAL]
GUGLIELMO MARCONI [SEAL]

[For Japan:]

S. CHINDA [SEAL]
K. MATSUI [SEAL]

[For Portugal:]

AFONSO COSTA [SEAL]
AUGUSTO SOARES [SEAL]