GUATEMALA



Treaty Series No. 9 (1932)

Exchange of Notes

BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM

and

THE GOVERNMENT OF GUATEMALA
respecting the

Boundary between British Honduras and Guatemala

Guatemala, August 25/26, 1931

Presented by the Secretary of State for Foreign Affairs to Parliament by Command of His Majesty

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EXCHANGE OF NOTES BETWEEN HIS MAJESTY'S GOVERN-MENT IN THE UNITED KINGDOM AND THE GOVERNMENT OF GUATEMALA RESPECTING THE BOUNDARY BETWEEN BRITISH HONDURAS AND GUATEMALA.

Guatemala, August 25/26, 1931.

No. 1.

Mr. Grant Watson to Señor Skinner Klée.

British Legation,

Your Excellency, Guatemala, August 25, 1931.

The boundary between British Honduras and the Republic of Guatemala was laid down in the convention between the Republic of Guatemala and Her Majesty the Queen of Great Britain and Ireland, signed at Guatemala on the 30th April, 1859,(1) article 1 (paragraph 2) of which defines the line as "beginning at the mouth of the River Sarstoon in the Bay of Honduras and proceeding up the mid-channel thereof to Gracias á Dios Falls; then turning to the right and continuing by a line drawn direct from Gracias á Dios Falls to Garbutt's Falls on the River Belize and from Garbutt's Falls due north until it strikes the Mexican frontier."

It was further stipulated by article 2 of the convention that "Her Britannic Majesty and the Republic of Guatemala shall, within twelve months after the exchange of the ratifications of the present convention, appoint each a commissioner for the purpose of designating and marking out the boundary described in the preceding article. Such commissioners shall ascertain the latitude and longitude of Gracias á Dios Falls and of Garbutt's Falls, and shall cause the line of boundary between Garbutt's Falls and the Mexican territory to be opened and marked where necessary, as a protection against future trespass."

In consequence joint commissioners were appointed in 1860 for this purpose, who marked in situ the position of the terminal points of the southern section of the boundary, namely, Garbutt's Falls and Gracias á Dios Falls. However, the full survey of the frontier was not completed at that time.

The Governments of the United Kingdom and Guatemala are now desirous of completing the demarcation. As a first step towards this purpose, commissioners were reappointed, who met on the Sarstoon River on the 16th January, 1929, and who proceeded to inspect the terminal points of the southern section of the frontier. They inspected

the concrete monument on the north bank of the Sarstoon River at Gracias á Dios, 900 yards up-stream from the mouth of the Chocon branch. On the 22nd January, 1929, they inspected the piles of stones on either side of the Belize River at Garbutt's Falls, erected by the joint commissioners in 1861. They decided to accept these marks as indicating the exact position of the two terminal points. The marks were then replaced by new concrete monuments, erected under the supervision of the commissioners, the monument at Garbutt's Falls being placed on the southern side of the river, and the former piles of stones being demolished. The work, both on the Belize and the Sarstoon Rivers, was duly recorded in a report signed by the said commissioners at the Sarstoon River on the 29th May, 1929, of which I have received an original signed copy.

I have the honour to inform your Excellency that I am authorised by His Majesty's Government in the United Kingdom to confirm, on their behalf and in accordance with article 3, paragraph 3, of the convention, (2) this report as set forth in the accompanying copy, duly certified by me, to accept the concrete monuments erected by the said commissioners as correctly marking the terminal points aforesaid, and to state that they would be glad to receive a similar assurance on the

part of the Government of Guatemala.

The present note and your Excellency's reply will constitute the agreement between the Governments of the United Kingdom and Guatemala in the matter.

I avail, &c. H. A. GRANT WATSON.

Enclosure in No. 1.

Report.(3)

We, the commissioners appointed by the Governments of Guatemala and British Honduras to establish the permanent boundary marks at Garbutt's Falls, Belize River and at Gracias á Dios Falls, Sarstoon River, met at Fallavon, Belize River, on the 7th day of May, 1929. On the 8th we proceeded to demolish the pile of stones erected at Garbutt's Falls by the commissioners of 1861, and to erect in its place a concrete monument bearing on its top two copper plates marked "Guatemala" and "British Honduras" respectively. We completed this work on the 10th. From the 11th to the 15th we were engaged upon other work for our respective Governments, and on the 16th we left for Belize, where we arrived on the night of the 20th. Having made necessary preparations, we left Belize for Sarstoon River on the 24th and arrived at Gracias á Dios Falls on the 26th. There we erected

(2) See page 7.

⁽³⁾ For Spanish text, see page 5.

a monument similar to that at Garbutt's Falls, which we finished on the 29th. We then proceeded down the river to Sarstoon Bar, where we separated.

Signed at Sarstoon River Bar this 29th day of May, 1929.

FERNANDO CRUZ,

Commissioner for the Government of Guatemala.

FRED W. BRUNTON,

Commissioner for the Government of British Honduras.

No. 2.

Señor Skinner Klée to Mr. Grant Watson.

Secretaria de Relaciones Exteriores,

Señor Ministro,

Guatemala, 26 de agosto de 1931.

Tengo el honor de acusar recibo de la nota de Vuestra Excelencia, fechada el 25 del mes en curso.

El Gobierno de Guatemala está de acuerdo en reconocer los mojones de concreto erigidos en las caídas de Garbutt y en los rápidos de Gracias a Dios, que fijaron los comisionados de ambos Gobiernos, Señores Ingenieros Fernando Cruz y Frederick W. Brunton, el 8 y 26 de mayo del año de 1929, entre la frontera de Guatemala y Belice, según consta en el acta levantada en la Barra del Río Sarstoon por ambos delegados, el día 29 del mismo mes. Una copia del Acta, debidamente certificada, se acompaña como anexo.

Estos Mojones, asi terminados, forman parte de la linea fronteriza entre Belice y la República de Guatemala.

Aprovecho, &c.

A. SKINNER KLEE.

(Translation.)

Ministry for Foreign Affairs,

Your Excellency, Guatemala, A

Guatemala, August 26, 1931.

I have the honour to acknowledge receipt of your note of the 25th instant.

The Government of Guatemala agree to accept the concrete monuments erected at Garbutt's Falls and the Rapids of Gracias á Dios which were set up by the commissioners of both Governments, Engineers Fernando Cruz and Frederick W. Brunton, on the 8th and the 26th May, 1929, on the frontier between Guatemala and British Honduras according to the report drawn up at the Sarstoon River Bar by both delegates on the 29th day of the same month. A copy of the report duly certified is enclosed herewith.

These monuments, thus determined, form part of the boundary line

between British Honduras and the Republic of Guatemala.

I avail, &c.

A. SKINNER KLEE.

Enclosure in No. 2.

En infrascrito Subsecretario de Relaciones Exteriores certifica : que para el efecto ha tenido a la vista el acta que dice :

"Los suscritos comisionados y nombrados por Guatemala y Honduras Británica para colocar los mojones definitivos en Garbutt's Falls y en Gracias a Dios, en el río Sarstún nos reunimos en Fallabón, sobre el río Belice, el siete de mayo de 1929. procedimos a demoler la pirámide de piedra colocada en Garbutt's Falls por los Comisionados de 1861, y construimos en su lugar un monumento de concreto que lleva en la cara superior dos placas de dicen respectivamente: 'Guatemala' cobre que Terminamos dicho trabajo el día diez. Del once al Honduras.' quince nos ocupamos de otros asuntos que nos habían encargado nuestros gobiernos y el diez y seis salimos para Belice, a donde llegamos en la noche del veinte. Después de hacer los preparativos del caso el veinticuatro salimos de Belice en dirección al río Sarstún y llegamos a los rápidos de Gracias a Dios el veintiseis. Allí se construyó un monumento semejante al de Garbutt's Falls, el cual quedó terminado el veintinueve. Después caminamos río abajo hasta la Barra del Sarstún, en donde nos sepáramos. Firmamos la presente en la Barra del Sarstún el 29 de mayo de 1929. (f) Fernando Cruz, Com. por el Gob. de Guatemala. (f) Fred W. Brunton, Com. por el Gob. de Honduras British."

Y para agregarla como anexo a la nota número 11443, de esta fecha, extiendo, sello y firmo la presente certificación, confrontada con su original, en la ciudad de Guatemala, a los veintiseis días del mes de agosto de mil novecientos treinta y uno.

J. ED. GIRÓN.

(Seal.)

(Translation.)

The undersigned Sub-Secretary of Foreign Affairs certifies: that he has seen the report, which states:

(For English text, see enclosure to No. 1, page 3.)

And in order to annex it as an enclosure to note No. 11443 of this date I draw up, seal and sign the present certificate, compared with its original, in the City of Guatemala, on the twenty-sixth day of the nonth of August, nineteen hundred and thirty-one.

J. ED. GIRÓN.

(Seal.)

Appendix.

Convention between Her Majesty and the Republic of Guatemala, relative to the Boundary of British Honduras.(4)

Signed at Guatemala, April 30, 1859.

[Ratifications exchanged at Guatemala, September 12, 1859.]

Whereas the boundary between Her Britannic Majesty's settlement and possessions in the Bay of Honduras, and the territories of the Republic of Guatemala has not yet been ascertained and marked out; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Republic of Guatemala, being desirous, with a view to improve and perpetuate the friendly relations which happily subsist between the two countries, to define the boundary aforesaid, have resolved to conclude a convention for that purpose, and have named as their plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Charles Lennox Wyke, Esquire, Her Britannic Majesty's Chargé d'Affaires to the Republic of Guatemala;

And his Excellency the President of the Republic of Guatemala, Don Pedro de Aycinena, Councillor of State, and Minister for Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:—

ARTICLE 1.

It is agreed between Her Britannic Majesty and the Republic of Guatemala, that the boundary between the Republic and the British Settlement and Possessions in the Bay of Honduras, as they existed previous to and on the 1st day of January, 1850, and have continued to exist up to the present time, was and is as follows:—

Beginning at the mouth of the River Sarstoon in the Bay of Honduras, and proceeding up the mid-channel thereof to Gracias á Dios Falls; then turning to the right and continuing by a line drawn direct from Gracias á Dios Falls to Garbutt's Falls on the River Belize, and from Garbutt's Falls due north until it strikes the Mexican frontier.

It is agreed and declared between the high contracting parties that all the territory to the north and east of the line of boundary above described belongs to Her Britannic Majesty, and that all the territory to the south and west of the same belongs to the Republic of Guatemala.

(4) Signed in English and Spanish. Spanish text not reprinted.

ARTICLE 2.

Her Britannic Majesty and the Republic of Guatemala shall, within twelve months after the exchange of the ratifications of the present convention, appoint each a commissioner for the purpose of designating and marking out the boundary described in the preceding article. Such commissioners shall ascertain the latitude and longitude of Gracias & Dios Falls and of Garbutt's Falls, and shall cause the line of boundary between Garbutt's Falls and the Mexican territory to be opened and marked where necessary, as a protection against future trespass.

ARTICLE 3.

The commissioners mentioned in the preceding article shall meet at such place or places as shall be hereafter fixed, at the earliest convenient period after they shall have been respectively named; and shall, before proceeding to any business, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment, and according to justice and equity, without fear, favour, or affection to their own country, upon all the matters referred to them for their decision; and such declaration shall be entered on the record of their proceedings.

The commissioners shall then, and before proceeding to any other business, name some third person to act as arbitrator or umpire in any case or cases in which they may themselves differ in opinion. If they should not be able to agree upon the choice of such a third person, they shall each name a person; and in each and every case in which the commissioners may differ in opinion as to the decision which they ought to give, it shall be determined by lot which of the two persons so named shall be the arbitrator or umpire in that particular case. The person or persons so to be chosen shall, before proceeding to act, make and subscribe a solemn declaration, in a form similar to that which shall already have been made and subscribed by the commissioners, which declaration shall also be entered on the record of the proceedings. the event of the death, absence, or incapacity of either of such commissioners, or of either of such arbitrators or umpires, or of his omitting, or declining, or ceasing to act, another person shall be named, in the same manner, to act in his place or stead, and shall make and subscribe such declaration as aforesaid.

Her Britannic Majesty and the Republic of Guatemala shall engage to consider the decision of the two commissioners conjointly, or of the arbitrator or umpire, as the case may be, as final and conclusive on the matters to be respectively referred to their decision, and forthwith to give full effect to the same.

ARTICLE 4.

The commissioners hereinbefore mentioned shall make to each of the respective Governments a joint report or declaration, under their hands and seals, accompanied with a map or maps in quadruplicate (two for each Government), certified by them to be true maps of the boundary defined in the present treaty, and traversed and examined by them.

ARTICLE 5.

The commissioners and the arbitrator or umpire shall keep accurate records and correct minutes or notes of all their proceedings, with the dates thereof, and shall appoint and employ such surveyors, clerk or clerks, or other persons, as they shall find necessary to assist them in the transaction of the business which may come before them.

The salaries of the commissioners shall be paid by their respective Governments. The contingent expenses of the commission, including the salary of the arbitrator or umpire, and of the surveyors and clerks, shall be defrayed in equal moieties by the two Governments.

ARTICLE 6.

It is further agreed that the channels in the water-line of boundary described in article 1 of the present convention shall be equally free and open to the vessels and boats of both parties; and that any islands which may be found therein shall belong to that party on whose side of the main navigable channel they are situated.

ARTICLE 7.

With the object of practically carrying out the views set forth in the preamble of the present convention, for improving and perpetuating the friendly relations which at present so happily exist between the two high contracting parties, they mutually agree conjointly to use their best efforts, by taking adequate means for establishing the easiest communication (either by means of a cart-road, or employing the rivers, or both united, according to the opinion of the surveying engineers), between the fittest place on the Atlantic coast, near the settlement of Belize, and the capital of Guatemala; whereby the commerce of England on the one hand, and the material prosperity of the Republic on the other, cannot fail to be sensibly increased, at the same time that the limits of the two countries being now clearly defined, all further encroachments by either party on the territory of the other will be effectually checked and prevented for the future.

ARTICLE 8.

The present convention shall be ratified, and the ratifications shall be exchanged at London or Guatemala as soon as possible within the space of six months.

In witness whereof, the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Guatemala, the thirtieth day of April, in the year one thousand eight hundred and fifty-nine.

- (L.S.) CHARLES LENNOX WYKE.
- (L.S.) P. DE AYCINENA.

(Translation.)

TREATY REGULATING THE IMPORTATION INTO ETHIOPIA OF ARMS, AMMUNITION AND IMPLEMENTS OF WAR.

His Majesty the Emperor of Ethiopia; the President of the French Republic; His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India; His Majesty the King of Italy:

Whereas an undertaking was given by Ethiopia at the time of the admission of Ethiopia as a Member of the League of Nations to conform, as regards the import of arms and munitions, to the principles laid down in the Convention relative to the Supervision of Traffic in Arms and Munitions and the Protocol thereto signed at Saint-Germain on the 10th September, 1919(2); and

Whereas the said Convention of 1919 has not received the number of ratifications necessary to bring it generally into force; and

Whereas the four Powers above mentioned are signatories of the Convention for the Supervision of the International Trade in Arms and Munitions and in Implements of War signed at Geneva on the 17th June, 1925(3); and

Whereas paragraphs (1) and (2) of Article 28 of the said Convention of 1925, which the four Powers above mentioned have accepted, provide as follows:-

"Ethiopia, desirous of rendering as effective as possible the supervision of the trade in arms and ammunition and in implements of war, which is the subject of the present Convention, hereby undertakes, in the free exercise of her sovereign rights, to put in force, so far as concerns her own territory, all regulations which may be necessary to fulfil the provisions of Articles 12 to 18 of the said Convention relating to exports, imports and the transport of arms, ammunition and implements of war.

"The High Contracting Parties take note of the above undertaking, and, being in full sympathy with the desire of Ethiopia to render as effective as possible the supervision of the trade in arms and ammunition and in implements of war, hereby undertake to conform to the provisions of the above-mentioned articles so far as concerns Ethiopian territory, and to respect the regulations put into force, in accordance with the said under-

taking, by Ethiopia as a sovereign State," and

Whereas the said Convention of 1925 was intended to replace the Convention of 1919 above mentioned; and

Whereas the said Convention of 1925 has not yet received the number of ratifications necessary to bring it into force; and

Whereas the four Powers above mentioned are equally desirous, in conformity with the spirit of Ethiopia's undertaking on admission to the League, of ensuring an effective supervision over the trade in arms and munitions in Ethiopia and in the territories adjacent

^{(2) &}quot;Treaty Series No. 12 (1919)," Cmd. 414. (3) "Miscellaneous No. 11 (1929)," Cmd. 3448.

thereto, with the object on the one hand of enabling His Majesty the Emperor of Ethiopia to obtain all the arms and munitions necessary for the defence of his territories from external aggression and for the preservation of internal order therein, and, on the other hand, of preventing the menace to the peace of Ethiopia and the adjacent territories of the other three Powers which is caused by the acquisition of arms and munitions by unauthorised persons; and

Being of the opinion that this end can best be attained by the conclusion of a treaty between them providing for the immediate application in Ethiopia and the adjacent territories of the régime laid down in the Convention of 1925 with such modifications as the

circumstances require; and

Being determined always to act in conformity both with the principles of the Covenant of the League of Nations in general and in particular in the matter of respecting and preserving the territorial integrity and political independence of the Members of the League, and with the principles of the General Pact for the Renunciation of War signed at Paris on the 27th August, 1928. (4) to both of which the four Powers above mentioned are parties;

Have, accordingly, appointed as their plenipotentiaries for this

purpose:---

His Majesty the Emperor of Ethiopia:

Bitwoded Getatcho Abate, his Envoy extraordinary and Minister plenipotentiary at Paris;

The President of the French Republic:

M. Aristide Briand, Minister of Foreign Affairs;

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

For Great Britain and Northern Ireland, Ronald Hugh Campbell, Esquire, his Envoy extraordinary and Minister plenipotentiary at Paris;

His Majesty the King of Italy:

His Excellency Count Manzoni, his Ambassador extraordinary and plenipotentiary at Paris;

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

Part I.

ARTICLE 1.

The Categories of articles referred to in subsequent provisions of the present Treaty are the categories of arms, ammunition and implements set out hereafter.

^{(4) &}quot;Treaty Series No. 29 (1929)," Cmd. 3410.

Category I.—Arms, Ammunition and Implements of War exclusively Designed and Intended for Land, Sea or Aerial Warfare.

(A)—Arms, ammunition and implements exclusively designed and intended for land, sea or aerial warfare, which are or shall be comprised in the armament of the armed forces of any State, or which, if they have been but are no longer comprised in such armament, are capable of military to the exclusion of any other use, except such arms, ammunition and implements which, though included in the above definition, are covered by other categories.

Such arms, ammunition and implements are comprised in the

following twelve headings:

1. Rifles, muskets, carbines.

- 2. (a) Machine-guns, automatic rifles and machine-pistols of all calibres;
 - (b) Mountings for machine-guns;

(c) Interrupter gears.

- 3. Projectiles and ammunition for the arms enumerated in Nos. 1 and 2 above.
- 4. Gun-sighting apparatus, including aerial gun-sights and bombsights, and fire-control apparatus.

5. (a) Cannon, long or short, and howitzers, of a calibre less than 5.9 inches (15 centim.);

(b) Cannon, long or short, and howitzers, of a calibre of 5.9 inches (15 centim.) or above;

(c) Mortars of all kinds;

- (d) Gun carriages, mountings, recuperators, accessories for mountings.
- 6. Projectiles and ammunition for the arms enumerated in No. 5 above.
- 7. Apparatus for the discharge of bombs, torpedoes, depth charges and other kinds of projectiles.
- 8. (a) Grenades;
 - (b) Bombs:
 - (c) Land mines, submarine mines, fixed or floating, depth charges:

(d) Torpedoes.

9. Appliances for use with the above arms and apparatus.

10. Bayonets.

- 11. Tanks and armoured cars.
- 12. Arms and ammunition not specified in the above enumeration.
- (B)—Component parts, completely finished, of the articles covered by (A) above, if capable of being utilised only in the assembly or repair of the said articles, or as spare parts.

Category II.—Arms and Ammunition capable of use both for Military and other Purposes.

(A)—1. Pistols and revolvers, automatic or self-loading, and developments for the same, designed for single-handed use or firing from the shoulder, of a calibre greater than 6.5 millim. and length

of barrel greater than 10 centim.

2. Fire-arms designed, intended or adapted for non-military purposes, such as sport or personal defence, that will fire cartridges that can be fired from fire-arms in Category I; other rifled fire-arms firing from the shoulder of a calibre of 6 millim. or above, not included in Category I, with the exception of rifled fire-arms with a "break-down" action.

- 3. Ammunition for the arms enumerated in the above two headings, with the exception of ammunition covered by Category I.
 - 4. Swords and lances.
- (B)—Component parts, completely finished, of the articles covered by (A) above, if capable of being utilised only in the assembly or repair of the said articles, or as spare parts.

Category IV.

- 1. Aircraft, assembled or dismantled.
- 2. Aircraft engines.

Category V.

1. Gunpowder and explosives, except common black gunpowder.

2. Arms and ammunition other than those covered by Categories I and II, such as pistols and revolvers of all models, weapons with a "break-down" action, other rifled fire-arms of a calibre of less than 6 millim., designed for firing from the shoulder, smooth-bore shot-guns, guns with more than one barrel of which at least one barrel is smooth-bore, fire-arms firing rimfire ammunition, muzzle-loading fire-arms.

ARTICLE 2.

The High Contracting Parties agree that, for the import into Ethiopia of articles covered by Categories I, II and IV, the only evidence which shall be accepted showing that the import of these articles has been authorised by the Ethiopian authorities and that such articles are required for lawful purposes, shall be an order in writing or endorsement signed by His Majesty the Emperor of Ethiopia or a Minister duly authorised by His Imperial Majesty, and sealed with the seal of His Majesty the Emperor of Ethiopia.

Such order in writing or endorsement signed and sealed in the manner above mentioned, shall also constitute, in the case of articles covered by Category I, the order in writing which must be presented to the competent authorities of the exporting country by a representative of the Ethiopian Government duly authorised so to act

before the export takes place.

Such order or endorsement, signed and sealed in the manner provided in paragraph 1 of this Article, shall constitute, in the case of articles covered by Category II, the endorsement of a duly authorised representative of the Ethiopian Government, which must be submitted to the competent authorities of the exporting country before the export shall take place.

ARTICLE 3.

The orders and endorsements referred to in Article 2 above shall give full particulars of the consignments of articles in respect of which they are issued, and shall state:—

- (a) In the case of articles covered by Category I, that the articles are required for a direct supply to the Government of Ethiopia, or a public authority subordinate to that Government authorised to receive them, and are for the use of that Government or authority, or that the articles are samples exported for demonstration purposes direct to a trade representative of the exporting manufacturer, such representative being duly authorised by the Ethiopian Government to receive them:
- (b) In the case of articles covered by Categories I, II, and IV, that their import is authorised by the Ethiopian Government and the lawful purpose for which they are required;
- (c) In the case of all articles covered by Categories I, II and IV, the places in Ethiopian territory designated by the Ethiopian Government for the admission of the articles;
- (d) In the case of all articles covered by Categories I, II and IV, that the said articles shall not at any time be sold or otherwise transferred, contrary to the provisions of this Treaty.

ARTICLE 4.

The High Contracting Parties agree not to permit the import of articles covered by Categories I, II, IV and V into Ethiopia, unless an export licence or export declaration is issued in respect of them by the proper authorities of the country of export after the presentation (except in the case of articles covered by Category V) of the order in writing or endorsement in conformity with Articles 2 and 3 above.

The said export licences or export declarations must contain:—

- (a) A description sufficient for the identification of the articles to which it relates and giving their designation according to the headings of the Categories, and their number and weight;
- (b) The name and address of the exporter;

(c) The name and address of the importing consignee;

(d) A statement that the Ethiopian Government has authorised the import.

These licences or declarations, in original or certified copies thereof, and the orders in writing and endorsements referred to above, shall accompany all consignments of articles covered by Categories I, II, IV and V destined for Ethiopia. Further, in the case of articles covered by Category V for which no order in writing or endorsement is required, a copy of the export licence or declaration shall be sent to the Ethiopian authorities before they are imported.

ARTICLE 5.

His Majesty the Emperor of Ethiopia will cause to be compiled and published, in respect of exports from and imports into his territories, the following returns:—

(a) In the case of all articles covered by Categories I and II, a statistical return to be published within two months of the close of each quarter of exports and imports within the quarter; this return to be drawn up in accordance with the specimen form contained in Annex I to this Treaty and showing under each heading appearing in Categories I and II in Article 1 the value and the weight or number of the articles exported or imported under a licence or export declaration, allocated according to country of origin or destination;

In all cases where the consignment comes from or is sent to a territory possessing an autonomous customs system, such territory to be shown as the country of origin

or destination;

The first return published to be for the quarter beginning on the first day of January, April, July or October following the date of the coming into force of the

present Treaty;

(b) In the case of all articles covered by Category IV, a return to be published, within six months of the close of each quarter, of exports and imports within that quarter of aircraft and aircraft engines, giving quantities exported or imported and their allocation according to country of origin or destination:

(c) In the case of all articles covered by Category V, a return to be published within the same time limits and at the same intervals as those provided in paragraph (a) above, and containing, as far as possible, the same particulars.

ARTICLE 6.

His Majesty the Emperor of Ethiopia undertakes that all firearms covered by Categories I or II imported for a direct supply to the Government of Ethiopia or a public authority subordinate to that Government shall, before their arrival in the adjacent territories of any of the other three High Contracting Parties, be marked in the manner indicated in the Annex III of this Treaty, and that all firearms covered by the Categories above mentioned now in the possession of the Ethiopian Government shall be so marked before they are sold or otherwise disposed of.

ARTICLE 7.

His Majesty the Emperor of Ethiopia undertakes—

(a) That articles covered by Categories I, II, IV and V shall be admitted into Ethiopia only at such places as the Ethiopian authorities shall designate for this purpose;

(b) That the trade in Ethiopia in articles covered by Categories I, II, IV and V shall be placed under the supervision of officials of the Ethiopian authorities and that the import and transit of and trade in such articles in Ethiopia shall also be subject to the provisions of sections 1 and 2 of Annex II of the present Treaty. An authorisation shall be given by a duly authorised representative of the Ethiopian authorities in each case before any such articles may be reconsigned to any place outside Ethiopia;

(c) That the manufacture, assembly and repair within Ethiopia of articles covered by Categories I, II, IV and V shall be subject to the provisions of section 3 of Annex II of the

present Treaty.

The regulations referred to in Article 8 below will indicate the Ethiopian officials appointed to supervise in Ethiopia the trade in articles covered by Categories I, II, IV and V, the public warehouses in Ethiopia instituted in accordance with section 1 of Annex II of the present Treaty, and what, if any, establishments in Ethiopia are instituted for the manufacture, assembly or repair of articles covered by these Categories, in accordance with section 3 of Annex II of the present Treaty.

ARTICLE 8.

His Majesty the Emperor of Ethiopia undertakes, in the free exercise of his sovereign rights, to put into force in his territories all the regulations necessary to fulfil the provisions of Articles 2, 3, 4, 5, 6 and 7 of the present Treaty.

Part II.

ARTICLE 9.

His Britannic Majesty, the President of the French Republic and His Majesty the King of Italy undertake to permit the transit to Ethiopia, across their respective territories adjacent thereto, of arms and ammunition and of implements of war under the following conditions:—

(a) In the case of articles covered by Categories I and II, that they are accompanied by an order in writing or endorsement of the Ethiopian Government in the form and manner provided in Articles 2 and 3 above, and by an export licence or declaration as provided in Article 4 above and that they are marked in accordance with Article 6 above:

(b) In the case of articles covered by Category IV, that they are accompanied by an order in writing or an endorsement, and by an export licence or declaration as described in

paragraph (a) above;

(c) In the case of articles covered by Category V, that they are accompanied by an export licence or declaration as described in paragraph (a) above, and the consent of the Ethiopian authorities to their admission is assured.

The three High Contracting Parties above mentioned further undertake that they will not permit such transit unless such articles are duly accompanied by the documents required by the provisions

of the preceding paragraph of the present Article.

The transit of articles covered by Categories I, II, IV and V shall not, however, be permitted unless the Ethiopian authorities so request and guarantee that the articles which are the subject of their request shall not at any time be sold or otherwise transferred contrary to the provisions of the present Treaty. In the case of articles covered by Categories I, II and IV, the order or endorsement referred to in paragraphs (a) and (b) above shall be accepted as such a request and guarantee on the part of the Ethiopian authorities.

Notwithstanding anything aforesaid, if the attitude or disturbed condition of Ethiopia constitutes a threat to peace or public order, the authorities of the adjacent territories shall refuse to authorise the transit until this threat has ceased to exist. Nothing in the preceding sentence shall be deemed to prevent transit in cases where arms and ammunition are necessary to enable the legitimate authorities in Ethiopia to assure the maintenance of public order.

ARTICLE 10.

The three High Contracting Parties above mentioned undertake to compile and publish returns in the forms and at the intervals specified in Article 5 above in respect of all articles covered by Categories I, II, IV or V which have arrived, consigned to Ethiopia, in their respective territories adjacent thereto, stating which of them, if any, have not proceeded to Ethiopia at the date of the return, and the reasons therefor.

ARTICLE 11.

The three High Contracting Parties aforesaid undertake that they will immediately put in force in their respective territories adjacent to Ethiopia all the regulations necessary to comply with the conditions provided in Articles 9, 10 and 12 above, and the following provisions:—

(a) The import of articles covered by Categories I, II, IV and V into these territories shall not be permitted unless their import has been authorised by the authorities of the territory concerned, and further, in the case of articles covered by Categories I, II and IV unless they are required for lawful purposes. Such articles shall only be admitted into these territories at such ports or other places as the

authorities of the territory concerned shall designate for

this purpose;

(b) The trade in those territories in articles covered by Categories I, II, IV and V shall be placed under the supervision of the authorities in those countries, and the admission and transit of and trade in such articles in those territories shall also be subject to the provisions of sections 1 and 2 of Annex II of the present Treaty. An authorisation must be given by a duly authorised representative of authorities of the territories in question in each case before any such articles may be reconsigned to any place outside those territories;

(c) The manufacture, assembly and repair within these territories of articles covered by Categories I, II, IV and V shall be subject to the provisions of section 3 of Annex II

of the present Treaty.

ARTICLE 12.

The three High Contracting Parties aforesaid will cause to be compiled and published in their respective territories adjacent to Ethiopia returns of all articles covered by Categories I, II, IV or V imported into those territories or exported therefrom, in the form and at the intervals mentioned in Article 5 of the present Treaty.

Part III.

ARTICLE 13.

The High Contracting Parties undertake to exchange at Addis Ababa, not later than three months from the date of the coming into force of the present Treaty, copies of all regulations put into force in their respective territories in accordance with Articles 8 and 11 above. Copies of any subsequent regulations supplementary to or in modification of the regulations above mentioned shall be similarly exchanged not later than three months from the date of their enactment.

The High Contracting Parties agree, however, not to make any substantial modification in their respective regulations affecting the objects of the present Treaty without prior negotiations with each other.

Copies of the returns compiled and published by the High Contracting Parties in accordance with Articles 5, 10 and 12 of this Treaty shall be exchanged between the representatives of the High Contracting Parties at Addis Ababa not later than two months after the date at which, under the provisions of this Treaty, they are required to be published.

ARTICLE 14.

His Britannic Majesty undertakes that he will recommend the Government of the Sudan to observe and to apply in that territory the provisions of Articles 9, 10, 11 and 12 of this Treaty, and to

supply to His Britannic Majesty's Legation at Addis Ababa copies of the regulations and returns provided for by the said Articles for exchange in accordance with the provisions of Article 13. Upon the acceptance by the Government of the Sudan of the said recommendations, (5) the references in the preceding Articles to the territories of the High Contracting Parties adjacent to Ethiopia shall be construed as including the Sudan.

ARTICLE 15.

The High Contracting Parties agree that the provisions of the present Treaty do not apply:—

- (a) To arms or ammunition or to implements of war forwarded from territory under the sovereignty, jurisdiction, protection or tutelage of a High Contracting Party for the use of the armed forces of such High Contracting Party, wherever situated; nor
- (b) To arms or ammunition carried by individual members of such forces or by other persons in the service of a High Contracting Party and required by them by reason of their calling; nor
- (c) To rifles, muskets, carbines, and the necessary ammunition therefor, carried by members of rifle clubs for the sole purpose of individual use in international competitions in marksmanship.

ARTICLE 16.

The present Treaty shall not prejudice the rights and obligations of any of the High Contracting Parties under the Convention of 1925 when that Convention comes into force, and shall, subject to the provisions of Article 20 below, in that event be regarded as supplementary to the said Convention.

Save as expressly stated above, all the provisions of general international conventions anterior to the date of the present treaty, such as the Convention for the Control of the Trade in Arms and Ammunition and the Protocol signed at Saint-Germain-en-Laye on the 10th September, 1919, shall be considered as abrogated in so far as they relate to the matters dealt with in the present treaty and are binding between the parties to the present treaty.

The present Treaty shall not be deemed to affect any rights and obligations which may arise out of the provisions either of the Covenant of the League of Nations or of the Treaties of Peace signed in 1919 and 1920 at Versailles, Neuilly, Saint-Germain and Trianon, or of any other Treaty, Convention, Agreement or Engagement concerning prohibition of import, export or transit of arms or ammunition or of implements of war.

(5) The Government of the Sudan agreed December 7, 1930, and on February 5, 1932, published in the "Sudan Government Gazette" "The Arms, Ammunition and Explosives Ordinance, 1932," and Regulations made thereunder.

ARTICLE 17.

The High Contracting Parties agree that disputes arising between them relating to the interpretation or application of this Treaty shall, if they cannot be settled by direct negotiation, be referred for decision to the Permanent Court of International Justice. In case either or both of the parties to such a dispute should not be parties to the Protocol of the 16th December, 1920,(6) relating to the Permanent Court of International Justice, the dispute shall be referred, at the choice of the parties and in accordance with the constitutional procedure of each party, either to the Permanent Court of International Justice or to a Court of Arbitration constituted in accordance with The Hague Convention of the 18th October, 1907, (7) or to some other Court of Arbitration.

ARTICLE 18.

The present Treaty shall bear this day's date. It shall be ratified and the instruments of ratification shall be exchanged as soon as possible at Addis Ababa and deposited in the archives of the Government of Ethiopia. It shall come into force on the date of the signature of the proces-verbal of the exchange of ratifications, and shall be registered with the League of Nations in accordance with the provisions of Article 18 of the Covenant.

ARTICLE 19.

The present Treaty may be denounced by any High Contracting Party at any time after the expiry of five years from the date of its coming into force. Denunciations shall be effected by means of a notification in writing addressed to the Government of Ethiopia, or in the case of a denunciation by His Majesty the Emperor of Ethiopia, to the Minister at Addis Ababa of the French Republic, and shall take effect one year after the date of the receipt of such notification. If, within a month of the date of any such denunciation, any High Contracting Party shall so request, the Government of the French Republic shall convene a Conference to determine the régime to replace that instituted in the present Treaty. present Treaty is denounced by any High Contracting Party, it shall cease to be in force in respect of all the High Contracting Parties at the date on which the first notice of denunciation takes effect. Copies of all notifications of denunciation shall be immediately transmitted to the Ministers at Addis Ababa of the other High Contracting Parties.

ARTICLE 20.

If, while the present Treaty is in force, the Convention of 1925 shall come into force in respect of all the present High Contracting Parties, a conference shall be summoned by the Government of the French Republic, if any High Contracting Party shall so request, to consider what, if any, modifications in the present Treaty are desirable in view of this circumstance.

^{(6) &}quot;Treaty Series No. 23 (1923)," Cmd. 1981.(7) "Miscellaneous No. 6 (1908)," Cd. 4175.

The High Contracting Parties declare, each so far as he is concerned, that they consider that the provisions of the present Treaty give full effect to their respective obligations as defined in the first and second paragraphs of Article 28 of the Convention of Geneva of the 17th June, 1925, quoted in the Preamble of the present Treaty.

In faith whereof the above-mentioned plenipotentiaries have signed the present Treaty.

Done at Paris this 21st day of August, 1980, in a single copy, which shall remain deposited in the archives of the Government of the French Republic, by whom certified true copies shall be transmitted to the Governments of the other High Contracting Parties.

- (L.S.) GETATCHO ABATE.
- (L.S.) A. BRIAND.
- (L.S.) R. H. CAMPBELL.
- (L.S.) G. MANZONI.

Annex I.

STATISTICAL FORMS.

FORM I.

Imports1 into									
		(name of importing count	ry)						
during	the	quarter of 19							

	Countries of Origin.								Total.		
Description ² of arms and ammunition and implements of war according to the headings in attached schedule.	articles.	A.*	ed value.		articles.		ed value.	articles.	ئد	Declared value.	
	No. of	Weight.	Declared		No. of 8	Weight.	Declared	No. of	Weight.	Declar	
Totals											

EXPLANATORY NOTES.

¹ The imports included in this table shall be the general imports of arms and ammunition and of implements of war set out in the attached schedule, arriving from abroad, i.e., the total of the goods imported for home consumption, into warehouse, free zones, free ports and all other places outside Customs territory, also temporary imports, improvement trade, &c., but excluding goods for transit or transhipment.

When temporary warehousing pending transit or transhipment is permitted, arms and ammunition and implements of war arriving under these conditions shall not be considered as imports, provided that the consignments are accompanied by a licence or similar document mentioned in Article 3 of the present Treaty showing some other country as

destination.

² Arms and ammunition and implements of war covered by Category I

shall be tabled separately from those in Category II.

3 Name of country which issued the licence or similar document mentioned in Article 3 of the present Treaty. But when the goods come from a Colony or Dependency, not issuing licences in its own name, but having an autonomous Customs system, such Colony or Dependency shall be shown as the country of origin.

4 In legal currency of the importing country. In cases where the values are the result of conversion on a gold standard basis, this fact should be expressly mentioned in the heading of this column. In all cases the value shall be shown, except in the case of samples referred to in Article 3,

paragraph (a), of the Treaty, when it is not required.

FORM II.

Exports and Re-exports from									
			(na	me c	of ex	portin	ıg c	ountry)	
during	the				qı	arter	of	19	

Description ²		Countries of Dest				z.3			Total.		
of arms and ammunition and implements of war according to the headings in attached schedule.	No. of articles.	Weight.	Declared value.4		No. of articles.	Weight.	Declared value.4	No. of articles.	Weight.	Declared value.4	
Totals	-										

EXPLANATORY NOTES.

¹ The exports and re-exports included in this table shall be the general exports and re-exports of arms and ammunition and implements of war set out in the attached schedule leaving for abroad, i.e., the total of the goods exported and re-exported from the internal market, from warehouse, free zones, free ports and all other places outside Customs territory, also temporary exports and re-exports, improvement trade, &c., but excluding goods for transit or transhipment.

When temporary warehousing pending transit or transhipment is permitted, arms and ammunition and implements of war arriving under these conditions shall not be considered as imports, provided that the consignments are accompanied by a licence or similar document mentioned in Article 3 of the present Treaty showing some other country as

estination.

² Arms and ammunition and implements of war covered by Category I

shall be tabled separately from those in Category II.

³ Country in whose favour the licence or similar document mentioned in Article 3 of the present Treaty has been issued. In the case of an application by a mother-country on behalf of a Colony or Dependency having an autonomous Customs régime, such Colony or Dependency should be shown as country of destination.

In legal currency of the exporting country. In cases where the values are the result of conversion on a gold standard basis, this fact should be expressly mentioned in the title of this column. In all cases value shall be shown, except in the case of samples referred to in Article 3,

paragraph (a), of the Treaty, when it is not required.

SCHEDULE.

Category I .- Arms, Ammunition and Implements of War exclusively designed and intended for Land, Sea or Aerial Warfare.

Arms and ammunition and implements exclusively designed and intended for land, sea or aerial warfare, which are, or shall be, comprised in the armament of the armed forces of any State, or which, if they have been, are no longer comprised in such armament but are capable of military to the exclusion of any other use, except such arms, ammunition and implements which, though included in the above definition, are covered in other categories.

Such arms, ammunition and implements are comprised in the following

twelve headings :--

1. Rifles, muskets carbines (number).

2. (a) Machine-guns, automatic rifles and machine-pistols of calibres (number);

(b) Mountings for machine-guns (number);

(c) Interrupter gears (number).3. Projectiles and ammunition for the arms enumerated in Nos. 1 and 2 above (number).

4. Gun-sighting apparatus including aerial gun-sights and bomb-sights, and fire-control apparatus (number).

5. (a) Cannon, long or short, and howitzers, of a calibre less than
5.9 inches (15 cm.) (number);
(b) Cannon, long or short, and howitzers, of a calibre of 5.9 inches

(15 cm.) or above (number); (c) Mortars of all kinds (number);

(d) Gun carriages (number), mountings (number), recuperators (number), accessories for mountings (weight).
6. Projectiles and ammunition for the arms enumerated in No. 5

above (number).

7. Apparatus for the discharge of bombs, torpedoes, depth charges and other kinds of projectiles (number).

8. (a) Grenades (number);

(b) Bombs (number);

(c) Land mines, submarine mines, fixed or floating, depth charges (number);

(d) Torpedoes (number).

9. Appliances for use with the above arms and apparatus (number).

10. Bayonets (number).

11. Tanks and armoured cars (number).

12. Arms and ammunition not specified in the above enumeration (number or weight).

Component parts, completely finished, of the articles covered by the above headings, if capable of being utilised only in the assembly or repair of the said articles, or as spare parts, should be entered separately, by weight, under each of the above headings or sub-headings to which they belong.

Category II .- Arms and Ammunition capable of Use both for Military and Other Purposes.

- 1. Pistols and revolvers, automatic or self-loading, and developments of the same, designed for single-handed use or fired from the shoulder, of a calibre greater than 6.5 mm. and length of barrel greater than 10 cm. (number).
- 2. Fire-arms designed, intended or adapted for non-military purposes, such as sport or personal defence, that will fire cartridges that can be fired from fire-arms in Category I. Other rifled fire-arms, firing from the

shoulder of a calibre of 6 mm. or above not included in Category I, with the exception of rifled fire-arms with a "break-down" action (number).

3. Ammunition for the arms enumerated in the above two headings, with the exception of ammunition covered by Category I (number).

4. Swords and lances (number).

Component parts, completely finished, of the articles covered by the above headings, if capable of being utilised only in the assembly or repair of the said articles, or as spare parts, should be entered separately, by weight, under each of the above headings or sub-headings to which they belong.

ANNEX II.

Supervision.

§ 1.

Articles covered by Categories I, II, IV and V admitted into Ethiopia or into any of the adjacent territories, except such articles imported by individuals for their personal use under an authorisation issued by the authorities of the territory concerned, shall be deposited by the importer at his own expense and risk in a public warehouse maintained under the exclusive custody and permanent supervision of the authorities aforesaid or their officials, of whom at least one must be a member of their armed forces, and who shall keep an official record of such deposit.

Every withdrawal from a public warehouse must be authorised beforehand by such authorities. No such authorisation shall be given except for the purposes of transfer to another public warehouse or to a private warehouse duly approved by the said authorities or for delivery to individuals who have proved to the satisfaction of the said authorities that the articles are necessary to them for their personal use.

Articles required for the equipment of the national forces or for the defence of the territory are exempted from all formalities in connection with deposit in or withdrawal from a public warehouse.

§ 2.

No private warehouse for articles covered by Categories I, II, IV and V shall be allowed within Ethiopia or the adjacent territories unless authorised by the authorities of the territory concerned. Such warehouse must consist of enclosed premises, reserved for that purpose and having only one entry, which must be fitted with two locks, one of which can be opened only by officials of the authorities.

The person in charge of the warehouse shall be responsible for all such articles deposited therein and must account for them on demand by the authorities.

Such articles must not be withdrawn from the warehouse nor be transported or transferred without a special authorisation. The particulars entered on such authorisations shall be noted in a special register numbered and initialled.

Every arm imported under the provisions of § 1 of the present Annex by an individual for his personal use or transferred under the provisions of the same § from a public warehouse to a private warehouse or a private individual must be registered. A mark shall be stamped thereon if it does not already bear another mark or a number sufficient for identification. The mark or number shall be noted in the licence to carry arms issued by the authorities.

§ 3.

The manufacture or assembly within Ethiopia or the adjacent territories of articles covered by Categories I, II, IV and V is prohibited otherwise than in establishments instituted for the defence of the territory or maintenance of public order by the authorities of the territory concerned.

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The repair of such articles shall only be carried out in establishments instituted by the authorities or in private establishments which shall have been authorised for this purpose by the said authorities. Such authorisation shall not be granted without guarantees for the observance of the rules of the present Treaty.

ANNEX III.

1. The mark to be stamped on firearms in accordance with Article 6 of the present Treaty shall be the impression of the Lion of Ethiopia of the same size and pattern as on the one piastre piece of the currency of Ethiopia.

2. The various component parts of the firearms in question need not all be marked. A mark should, however, always be stamped on the barrel of the firearm, in the corresponding place in the case of all arms of the same kind and pattern, and in each case on the left-hand side of the barrel near the breach as near as possible to the backsight.

3. A specimen of the mark will be communicated at the same time as the

regulations of the Ethiopian Government referred to in Article 13.

4. If it shall not have been found possible to mark any firearms in the manner provided above before their importation into Ethiopia, the Ethiopian Government undertakes to have them so marked before they are issued for service.

5. Before firearms belonging to the Ethiopian Government or authorities subordinate to that Government are sold or otherwise disposed of, they shall be marked or re-marked with the mark indicated in paragraph 2 above, symmetrically as regards the position of the latter, that is to say on the right-hand side of the barrel as close as possible to the backsight.

Declaration relative to the Creation at some future date of Depots, Free Ports or Free Zones.

The undersigned, acting in virtue of their full powers, hereby declare that, in the event of there being created in any of the territories adjacent to Ethiopia a depot for the Government of Ethiopia, a free port, or a free zone, the introduction of such modifications into the regulations already exchanged as may be necessary in order to insure the application of the Treaty signed this day will constitute a "substantial modification" for the purpose of Article 18 of the Treaty.

Done at Paris this 21st day of August, 1930.

(L.S.) GETATCHO ABATE.

(L.S.) A. BRIAND.

(L.S.) R. H. CAMPBELL.

(L.S.) G. MANZONI.

Declaration regarding proposed Purchases of Arms and Ammunition by the Government of Ethiopia.

I, the undersigned, acting in virtue of my full powers, hereby declare that:

In order to conform with the budgetary practice of the other Powers members of the League of Nations, His Majesty the Emperor of Ethiopia, in free exercise of his sovereign rights, will inform the other High Contracting Parties on the 1st December each year what sum of money he proposes to devote to armaments during the year following.

His Imperial Majesty states here and now that, for the period ending the 31st December, 1931, he proposes to devote 10 million French francs per annum to the purchase of rifles, portable firearms

(machine guns, &c.) and suitable ammunition.

His Imperial Majesty, concerned above all else with the economic development of his country, intends strictly to limit his purchases of arms to the requirements of a policy of peace and reform, which makes it his duty to assure the safety of his Empire and to maintain internal order. In this spirit he will purchase no heavy artillery nor fighting aircraft.

Done at Paris this 21st day of August, 1930.

(L.S.) GETATCHO ABATE,

Protocol of Signature.

At the moment of signing the Treaty of this day's date, the undersigned Plenipotentiaries declare on behalf of their respective Governments that they have agreed as follows:—

1. That the ratification of the present Treaty shall be effected as soon as possible. Pending the coming into force of the Treaty, their respective Governments will act in accordance with the spirit of the Treaty and as far as possible and as soon as possible put into

operation its provisions.

2. The recommendation to the Government of the Sudan referred to in Article 14 of the Treaty shall be made immediately and the reply of the Government of the Sudan to this recommendation shall be made known by the Government of the United Kingdom of Great Britain and Northern Ireland to the three other Governments concerned before the date of the deposit of ratifications.

3. The undersigned Plenipotentiaries have exchanged the draft regulations referred to in Article 13 of the Treaty and, after having examined them in consultation, have found them to comply with

the requirements of this Treaty.

4. That a copy of the Treaty shall, through the intermediary of the Government of the French Republic, be communicated immediately to the Council of the League of Nations (with reference to the undertaking given to the League of Nations by Ethiopia on her admission to the League) and to the Governments of all countries on whose behalf the Convention of 1925 has been signed.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Treaty.

Done at Paris in a single copy this 21st day of August, 1930.

- (L.S.) GETATCHO ABATE.
- (L.S.) A. BRIAND.
- (L.S.) R. H. CAMPBELL.
- (L.S.) G. MANZONI.