



Treaty Series No. 9 (1942)

# Agreement

between

the Governments of Belgium, Bolivia, the United Kingdom  
and the Netherlands

for the International Control of the

# Production and Export of Tin

[With Protocol of Signature]

London, September 9, 1942

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

LONDON

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# AGREEMENT FOR THE INTERNATIONAL CONTROL OF THE PRODUCTION AND EXPORT OF TIN.

*London, September 9, 1942.*

THE Governments of the Kingdom of Belgium, the Republic of Bolivia, the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the United Kingdom), and the Kingdom of the Netherlands:

Considering that it is necessary and advisable that steps should be taken to regulate the production and export of tin in and from producing countries with the object of keeping world stocks at a normal figure, adjusting in an orderly manner supply to demand, while at the same time making available all the tin that may be required and preventing rapid and severe oscillations of price, and being desirous of concluding an agreement for this purpose:

Have accordingly agreed to the following Scheme:—

## ARTICLE 1.

### *Participants.*

The obligations under this agreement of the Government of the Kingdom of Belgium apply to the Belgian-Congo, those of the Government of the Republic of Bolivia to Bolivia, those of the Government of the United Kingdom to the Federated Malay States, the Unfederated Malay States and the Colony of Malacca in the Straits Settlements (constituting, for the purposes of the present agreement, a single group of territories and hereinafter referred to as Malaya) and to Nigeria, and those of the Government of the Kingdom of the Netherlands to the Netherlands Indies.

## ARTICLE 2.

### *Definitions.*

For the purposes of the Scheme:—

(a) "Standard tonnages" means the annual rate of permissible export of metallic tin when the quota is 100 per cent.

(b) "Quota" means the percentage of the standard tonnages which may be exported in any quota period.

(c) "Quota period" means a quarter (*i.e.*, three calendar months) commencing on the first day of January, April, July and October.

(d) "International Tin Committee" means the Committee referred to in Article 10.

(e) "Control year" means any calendar year during the continuance of this agreement.

(f) "Tin" means metallic tin in ingot form.

(g) "True tin assay" means the percentage of pure tin metal contained in concentrates before any deductions are made by the smelter. The value of the assay shall be adopted to the nearest one-tenth of a unit. If the figure in the second decimal place is a 5 the adoption shall be made by taking the first decimal figure. The tonnage of metallic tin exported as concentrates shall be calculated by converting the concentrates into metallic tin on the basis of the true tin assay.

(h) "Territory" means a territory (or group of territories) to which the obligations of the present agreement apply in accordance with Article 1.

## ARTICLE 3.

*Enforcement of Scheme.*

(a) The contracting Governments undertake to take such measures as may be necessary to maintain and enforce the Scheme in the territories to which their respective obligations apply as defined in Article 1, so that the production and export of each territory shall correspond as closely as possible throughout the year to the quota, allowance being made in the case of production for the permitted stocks, as defined in Article 6.

Execution  
of  
Obligations.

(b) The said Scheme shall be regarded as having come into operation from the 1st January, 1942, and shall remain in force until the 31st December, 1946, as a minimum period.

Coming  
into Force  
and Dura-  
tion.

(c) Not less than twelve calendar months prior to the 31st December, 1946, the Committee shall make a recommendation to the contracting Governments as to the continuation or otherwise of the Scheme. The recommendation, if in favour of continuation, may suggest amendments to the Scheme and include proposals relating to the other provisions of this agreement.

Continua-  
tion after  
31st  
December,  
1946.

(d) Each contracting Government shall signify to the Committee its acceptance or rejection of the recommendation referred to in the immediately preceding paragraph within three calendar months after the date of the receipt of such recommendation.

Accept-  
ance of  
continua-  
tion.

(e) If the said recommendation is accepted by all the contracting Governments, the contracting Governments undertake to take such measures as may be necessary to carry out the said recommendation. The Committee shall inform the Government of the United Kingdom, which shall draw up a declaration certifying the terms of the said recommendation and its acceptance by all the contracting Governments, and the present agreement shall be deemed to be amended in accordance with this declaration as from the date specified in that declaration. A certified copy of the declaration, together with a certified copy of the agreement as amended, shall be communicated to all the other contracting Governments.

Pro-  
cedure on  
accept-  
ance of  
continua-  
tion.

(f) If the said recommendation is not accepted by all the contracting Governments, the Committee shall decide as soon as possible whether they desire to submit to the contracting Governments an amended recommendation. If the Committee submits an amended recommendation each contracting Government shall signify to the Committee its acceptance or rejection of the amended recommendation within one calendar month after the date of its receipt. If the amended recommendation is accepted by all the contracting Governments the provisions of paragraph (e) above shall apply.

Pro-  
cedure on  
refusal to  
continue.

(g) If the said recommendation is not accepted and the Committee decides not to submit an amended recommendation; or if the amended recommendation is not accepted by all the contracting Governments, the Committee shall so inform the Government of the United Kingdom, which may of its own accord and shall if requested by any other contracting Government convoke a conference of the contracting Governments to consider the situation.

Conference  
of Con-  
tracting  
Govern-  
ments.

(h) Unless a recommendation to continue the Scheme is accepted under paragraphs (d), (e) and (f) above, or unless an agreement for continuation is concluded between the contracting Governments at the conference referred to in paragraph (g) above, the Scheme and all the obligations arising out of this agreement shall terminate on the 31st December, 1946. If at the conference referred to in paragraph (g)

Termina-  
tion of  
Scheme.

above an agreement for continuation is concluded between some but not all of the contracting Governments, the Scheme and all the obligations arising out of this agreement shall terminate on the 31st December, 1946 in respect of any contracting Government not a party to the agreement for continuation.

Amendments to Scheme.

(i) Without prejudice to the provisions of paragraph (c) of this Article, the Committee may at any time make a recommendation to the contracting Governments for the amendment of any part of the Scheme or any of the other provisions of the present agreement. The recommendations of the Committee under this paragraph may include a recommendation that the present agreement should be made open to the accession of a non-signatory Government and proposals for such additions and amendments to the present agreement as may be necessary to determine the conditions of the participation of such Government. The provisions of paragraphs (d) and (e) of this Article shall apply as regards any recommendations made under the provisions of this paragraph. Recommendations under this paragraph if not accepted and put into force under paragraphs (d) and (e) shall fall, but without prejudice to the power of the Committee to present all or any of them again under paragraph (c) at the appropriate time.

Accession of Non-Signatory Governments.

#### ARTICLE 4.

##### *Standard Tonnages.*

The exports of tin shall be regulated in accordance with the following provisions:—

Quantities.

(a) The following annual quantities in tons of 2,240 English pounds avoirdupois shall be adopted as standard tonnages for each territory:—

##### *Table of Standard Tonnages.*

							<i>Tons.</i>
Belgian Congo	...	...	...	...	...	...	20,178
Bolivia	...	...	...	...	...	...	46,768
Malaya	...	...	...	...	...	...	95,474
Netherlands Indies	...	...	...	...	...	...	55,113
Nigeria	...	...	...	...	...	...	15,367
							232,900

Quotas.

(b) The Committee shall from time to time fix the quota which may be exported during each quota period. If no positive decision to change the quota is taken the quota shall remain unchanged.

(c) In each control year the quantity of tin which is represented by the total of the quotas of each territory during that year constitutes for that territory the permissible exportable amount for such territory.

#### ARTICLE 5.

##### *Exports.*

The nett exports of tin from each territory for any control year shall be limited to the permissible exportable amount.

Provided that—

Correction of over- or under-export.

(a) If the permissible exportable amount is exceeded in any control year the nett exports for the immediately following control year shall be limited to the permissible exportable amount for such year less the amount of such excess for the previous year.

If any territory has exported in any control year less than its permissible exportable amount, the nett exports from such territory for the immediately following year may be permitted to exceed the permissible exportable amount for such year by an amount equal to the deficiency below the permissible exportable amount for the previous year if such deficiency was less than  $8\frac{1}{3}$  per cent. of such permissible exportable amount or equal to  $8\frac{1}{3}$  per cent. of such permissible exportable amount if the deficiency exceeded  $8\frac{1}{3}$  per cent., provided that the quantity by which the exports may be permitted to exceed the permissible exportable amount for such year shall in no case exceed  $8\frac{1}{3}$  per cent. of the standard tonnage of the territory concerned.

#### ARTICLE 6.

##### *Stocks.*

The stock of tin and tin concentrates within any territory shall not at any time exceed 25 per cent. of the standard tonnage of that territory. Permitted quantity.

The Committee may, however, permit this percentage to be exceeded in particular cases.

#### ARTICLE 7.

##### *Statistics.*

(a) Each territory shall furnish the Committee with the monthly figures of production and export and of the assay value used in their determination within 15 days of the end of each month. Monthly returns.

(b) Each territory shall furnish not later than three calendar months after the end of each half-year the true tin assay of the concentrates actually exported from the territory during each half-year commencing the 1st January and the 1st July. True tin assay.

(c) Each territory shall furnish such additional statistics as will enable the Committee to estimate world's production and stocks. Additional statistics.

#### ARTICLE 8.

##### *Adjustment of Statistics.*

(a) On receipt of the detailed figures specified in Article 7 (b) the excess or deficiency due to change in assay value shall be determined for each territory and the figures of export adjusted accordingly. Adjustment for assay value

(b) Within three months of the commencement of the Scheme the total exports of each territory during the period of the Scheme terminating on the 31st December, 1941 shall be calculated finally, in metallic tin, on the true assay basis. The total exports so determined shall be compared with the permissible exportable amount, and any excesses or deficiencies, subject in the case of the latter to a limit of  $8\frac{1}{3}$  per cent. of the permissible exportable amount or  $8\frac{1}{3}$  per cent. of the standard tonnage, whichever is the less, shall be brought forward for adjustment in the first year of this Scheme.

#### ARTICLE 9.

##### *Irregularities.*

The contracting Governments and the administrations of the territories to which the present agreement applies shall co-operate with each other to prevent smuggling, evasion and other abuses of the Scheme. Co-operation to prevent.

## ARTICLE 10.

*Administration.*

- Com-  
mittee. (a) A Committee to be designated the International Tin Committee shall be constituted as soon as possible.
- Dele-  
gations. (b) The said Committee shall be composed of delegations representing the territories to which the present agreement applies. Each delegation shall consist of not more than three members, and its composition may be changed by formal intimation to the Chairman. Members may be nominated as alternates to such substantive members of delegations.
- Advisers. (c) Each territory may associate with its delegation such advisers, not exceeding two in number, as it may consider desirable and may change such advisers. The Chairman may, at the request of any delegation, invite any other person to attend a meeting in an advisory capacity.
- (d) The Government of the United Kingdom shall be informed as soon as possible by the other contracting Governments of the persons first designated as members of delegations representing their respective territories.
- (e) The Government of the United Kingdom shall convoke the first meeting of the Committee as soon as possible.

## ARTICLE 11.

*Committee.*

- Head-  
quarters. (a) The principal office of the Committee shall be in London. The Committee shall make such arrangements as may be necessary for office accommodation and may appoint and pay such officers and staff as may be required. The remuneration and expenses of members or delegations shall be defrayed by the Government by whom they are designated.
- Language. (b) The proceedings of the Committee shall be conducted in English.
- Chairman  
and Vice-  
Chairman. (c) The Committee shall at its first meeting elect its Chairman and Vice-Chairman. The Chairman need not necessarily be a member of a delegation.
- (d) The Committee may pay the Chairman such remuneration as they consider appropriate.

## ARTICLE 12.

*Procedure.*

- Meetings. (a) Meetings shall be convened by the Chairman or in his absence by the Vice-Chairman. Not more than three calendar months shall normally elapse between any two consecutive meetings. An extraordinary meeting shall be convened at any time at the request of any delegation within fourteen days of the receipt of the request by the Chairman.
- Decisions  
by corres-  
pondence. (b) If no delegation opposes, decisions of the Committee may be taken without a meeting by correspondence between the Chairman and all delegations. Notice of any decision taken shall be given to all delegations as soon as possible; such decision shall be recorded in the minutes of the next meeting.
- Duties of  
Com-  
mittee. (c) The Committee shall carry out the provisions of this Scheme and shall in addition collect and publish such statistical information and make such other recommendations to Governments relevant to the subject matter of this agreement as may seem desirable. The Com-

mittee shall do all such other lawful things as may be necessary, incidental or conducive to the carrying out of its functions and give such publicity to its actions as it may deem necessary or desirable.

(d) Any delegation may at any time, if it considers that any contracting Government has failed to comply with its obligations under this agreement, request the Chairman to call a special meeting of the Committee to decide whether a major infringement of the agreement has taken place and, if so, what recommendations should be made to the contracting Governments in view of that infringement. On receipt of such a request the Chairman shall immediately convene a meeting of the Committee.

Infringements.

(e) The Committee shall have power to decide what constitutes a major infringement within the meaning of this agreement and may in their discretion decide that a number of minor infringements shall in the aggregate constitute a major infringement. In particular, a major infringement is constituted if, subject to the provisions of Article 5 (b), the exports from any territory, for any period of three consecutive months, exceed the quota for that period by an amount equal to 10 per cent. of that quota.

Power of Committee to decide.

ARTICLE 13.

*Consumers' Representation.*

The Committee shall, within one month of its first meeting, invite

- (i) two persons to represent the tin consuming interest of the United States of America, of whom one shall be appointed by the Government of the United States of America and the other shall be appointed as the direct representative of the tin consumers in the United States of America; and
- (ii) one person appointed to represent the tin consumers other than the tin consumers of the United States of America

to attend its meetings and to tender advice to the Committee regarding world stocks and consumption.

ARTICLE 14.

*Voting.*

(a) Each delegation shall vote as one unit. In case of delegations composed of more than one member the name of the member entitled to exercise the vote shall be communicated in case of the first meeting to the Government of the United Kingdom and thereafter to the Chairman of the Committee. The voting member may, in case of absence, by communication to the Chairman nominate another member to act for him. The delegations shall be entitled to cast the following number of votes, namely:—

Method.

Belgian Congo	...	...	...	...	2
Bolivia	...	...	...	...	4
Malaya	...	...	...	...	5
Netherlands Indies	...	...	...	...	4
Nigeria	...	...	...	...	2

(b) The presence of voting members of at least three delegations shall be necessary to constitute a quorum at any meeting, provided that if within an hour of the time appointed for the meeting a quorum as above defined is not present, the meeting may be adjourned by the Chairman to the same day in the next week, and if at such adjourned meeting a quorum as defined above is not present, those delegations who are present at the adjourned meeting shall constitute a quorum.

Quorum.

**Majority.**

(c) At such an adjourned meeting decisions shall be taken by a simple majority of votes. If at such an adjourned meeting the votes are equally divided, the Chairman shall have an additional casting vote.

(d) At any meeting other than such an adjourned meeting, a total of ten votes in favour shall carry any proposal.

**ARTICLE 15.***Financial.***Budget.**

(a) The Committee shall at the beginning of each control year draw up its budget for the forthcoming year. The budget shall show under appropriate headings and in reasonable detail the estimate of the Committee of its expenses for that year. The budget shall be communicated to the contracting Governments and to the administrations of the territories to which the present agreement applies, and shall show the share of the expenses falling upon each territory.

**Contributions.**

(b) The expenses of the Committee shall be defrayed by the administrations of all territories to which the present agreement applies. The contribution of each territory shall bear the same proportion to the total contributions as the standard tonnage of the territory bears to the total of the standard tonnages.

**Rules.**

(c) The Committee may draw up, put into force, modify or abrogate rules for the conduct of its business and procedure as may from time to time be necessary, provided that its rules of procedure shall be at all times in conformity with the provisions of this Scheme.

**ARTICLE 16.***Withdrawal from and Suspension or Abandonment of Scheme.***Production criterion.**

(a) If the Committee is satisfied that the estimated production of all territories not specified in Article 4 has, over a period of six consecutive months, exceeded 20 per cent. of the estimated world production during that period, or 18,000 tons of metallic tin, whichever is the less amount, it shall be competent for any contracting Government to give six months' notice to the Government of the United Kingdom of its intention to withdraw from the Scheme.

**Suspension on grounds of national security.**

(b) Any contracting Government may at any time, if it considers that its national security is endangered and that the continuance of its obligations under this agreement would be inconsistent with the requirements of its national security, give notice to the Government of the United Kingdom that it desires the suspension for the period of the emergency of all its rights and obligations under the agreement, and all such rights and obligations shall thereupon be suspended until the Government which has given notice informs the Government of the United Kingdom of the termination of the emergency.

**Withdrawal on account of infringements.**

(c) If, in accordance with Article 12 (d) and 12 (e) of this agreement, either the Committee should decide that a major infringement of the agreement has taken place, or a major infringement is proved to the satisfaction of the Committee, the Committee shall at once notify the Government of the United Kingdom, who shall inform the other contracting Governments. Any contracting Government may then, by written notice given to the Government of the United Kingdom, withdraw from this agreement; such withdrawal shall take effect from the end of the three months' quota period following that in which the notice of withdrawal is received.

(d) The Government of the United Kingdom shall immediately inform all the other contracting Governments on receipt of any notice

of withdrawal or suspension under paragraphs (a), (b) or (c) of this Article, and each of the other contracting Governments shall have the right to notify the Government of the United Kingdom within one month of the receipt of this information that, in the circumstances, it desires to withdraw from the Scheme or to suspend its rights and obligations.

(e) If notifications of suspension are received under paragraphs (b) and (d) from two or more contracting Governments, the agreement shall be suspended in respect of all contracting Governments until the suspension is terminated by the Government which first gave notice under paragraph (b). Otherwise the agreement will remain in full force between the contracting Governments who have not given notice of suspension. General suspension of Agreement.

(f) If the Committee at any time, at a meeting at which all delegations are represented, adopts by an unanimous vote a resolution that it is desirable that the scheme should be abandoned forthwith, the Chairman of the Committee shall at once inform the Government of the United Kingdom of this resolution. The Government of the United Kingdom shall, without delay, communicate this resolution to all the other contracting Governments, and the whole of the present agreement shall terminate as from the end of the quota period current at the date of the communication from the Government of the United Kingdom. Abandonment of Scheme.

#### ARTICLE 17.

##### *Research.*

The continuance of international co-operation in research into problems connected with the tin industry and stimulation of consumption of tin is accepted as most desirable.

In witness whereof the undersigned plenipotentiaries, being authorised to this effect by their respective Governments, have signed the present Agreement and affixed thereto their seals.

Done in London this 9th day of September, 1942, in a single copy, which shall remain deposited in the archives of the Government of the United Kingdom, and of which duly certified copies shall be communicated by the Government of the United Kingdom to each of the other contracting Governments.

For the Government of the Kingdom of Belgium:

(L.S.) TH. DE LANTSHEERE.

For the Government of the Republic of Bolivia:

(L.S.) A. PATINO R.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

(L.S.) ANTHONY EDEN.

For the Government of the Kingdom of the Netherlands:

(L.S.) E. TEIXEIRA DE MATTOS.

## PROTOCOL OF SIGNATURE.

At the moment of signing the Agreement for the International Control of the Production and Export of Tin of this day's date, the undersigned Plenipotentiaries, being duly authorised thereto, have agreed as follows:

(1) It is understood that the provisions of Articles 4(a) and 14 of the Agreement shall be reconsidered as soon as the status of Malaya and the Netherlands East Indies prior to the occupation of those territories by the Japanese forces has been re-established and it has become possible to determine the actual productive capacity of those territories.

(2) Notwithstanding the provisions of Article 15(b) of the Agreement, the expenses of the Committee shall be defrayed in equal shares by the administrations of all the territories to which the above-mentioned Agreement applies until the status of Malaya and the Netherlands East Indies prior to the occupation of those territories by the Japanese forces, has been re-established.

Done in London this 9th day of September, 1942, in a single copy, which shall remain deposited in the archives of the Government of the United Kingdom, and of which duly certified copies shall be communicated by the Government of the United Kingdom to each of the other contracting Governments.

For the Government of the Kingdom of Belgium:

TH. DE LANTSHEERE.

For the Government of the Republic of Bolivia:

A. PATINO R.

For the Government of the United Kingdom of  
Great Britain and Northern Ireland:

ANTHONY EDEN.

For the Government of the Kingdom of the  
Netherlands:

E. TEIXEIRA DE MATTOS.