

LES CAHIERS DE TUNISIE

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*TUNISIAN DIPLOMATIC
REPRESENTATION IN EUROPE
IN THE 19th CENTURY :
THE CONTROVERSY SURROUNDING
THE ESTABLISHMENT OF TUNISIAN
CONSULATES IN BELGIUM (1865-1866)*

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1. TUNISIAN REPRESENTATION ABROAD : OVERVIEW

One of the characteristics of a sovereign state is the fact that it has formal and official representation in other sovereign states. This involves a process of mutual recognition, which, on the part of the host state, is embedded in an exequatur.

With the appointment of the bailo in Constantinople, Venice became the first European state to have a permanent representative in a Muslim country¹. Although by the 16th century most European states had representatives in various Muslim countries, it was not until the end of the 18th century that a Muslim state, viz. Turkey, had permanent representation in Europe². The Ottomans were followed by Persia, Egypt and Tunisia. Of these, the last was the only one to have (or strive towards) a network as extensive as that of its liege lord.

Apart from practical reasons, the creation of a network of *de facto* consulates was yet another way for Tunisian Beys to assert their sovereignty under international law, and their independence from the Porte. As such, it was an outward sign, like the creation of a Tunisian flag, the use of the beylical seal on official documents, bilateral (trade) agreements with European states, the creation of a Tunisian currency (bearing the name of the Bey), the dispatching of official delegations all over Europe, and the participation in such prestigious events as the World Exhibitions³. However, it is worth noting that already in the second half of the 18th century the Ottoman hold on the Regency had relaxed to such an extent that it was all but nominally independent and as such signed treaties with

European powers, and traded with them as an independent territory. At the same time, Tunisian Beys at no point questioned the sultan's position as head of the Muslim community (umma), whereas they still paid tribute and supplied military assistance when required in conflicts. Equally telling is the fact that in the mosques the khutba never ceased to be pronounced in the sultan's name⁴.

Of the Barbary States (as the North African Ottoman Regencies were known in Europe), Tunis had always had the closest contacts with Europe, especially France, because of its great trade potential. Between the 17th and 19th centuries, Tunisia signed treaties with most European states as well as America. In the same period no fewer than twenty-three treaties were concluded with France alone⁵.

The semi-independent status of the Regency was confirmed by the Ottoman ruler in the 1288/1871 firman under which the Beylical dynasty obtained hereditary status. Furthermore, there was specific mention of Tunisia's relations with other states, with the country being allowed to enter into agreements except on political, military or territorial matters⁶.

From the point of view of European law, Tunisia's sovereign status was confirmed by the signing of agreements. Indeed, by signing the first Franco-Tunisian agreement (1605), France, in effect, officially recognized the legal status of the Regency under international law⁷. Second, Beylical envoys were not only commonly referred to as *Safir* ('ambassador') by successive Tunisian administrations⁸, but they were also received as such in Europe and considered to have the same powers of authority as other representatives of sovereign states. Yet, at the same time, European states had embassies in Constantinople, but only consulates in Tunis, whose duties centred on trade, etc⁹.

When it came to accepting official Tunisian diplomatic representation, however, European states tended to waver between indulgence (and flattery) of an important trading partner and a reluctance to cause umbrage to the more powerful Ottoman Empire, which was highly sensitive about this issue. Indeed, that Ottoman sovereignty over the Regency had been largely nominal under Husaynid rule was one thing, but to be shown up before the outside world was quite another. This became particularly irksome when a Tunisian consul would set up shop in a city where the Ottomans already had representation (e.g. Genoa)¹⁰, or, worse still, in a country (e.g. Belgium) or city (e.g. Marseille)¹¹ where they were not represented.

While some European countries (e.g. Britain) never recognized Tunisian consulates or agencies in any manner or form, the attitude of others varied with their relations with the Ottoman sultan. On the whole, however, the reluctance to upset the sultan seems to have predominated in Europe. For instance, the Tunisian consuls recognized in several Italian states were no longer exequatored under pressure of the Ottomans when a thaw occurred in Italo-Turkish relations. It is equally interesting to find that between the extremes of Britain, which insisted that all dealings should go through the Porte's ambassador in London, and the Italian states and Lisbon which awarded the exequatur, we find France, whose attitude was by far the most inconsistent and ambiguous. In spite of its extending a state reception to Ahmad Bey in 1846¹², the country never actually granted an exequatur to any beylical representative.

In the course of the 19th century, the Tunisian Beys had some thirty-odd representatives abroad¹³. The foundations were laid by Hammuda Pasha (1782-1814), who appointed agents in Mediterranean ports (Algiers, Tripoli, Constantinople, Alexandria, Smyrna) as well as in the Hijaz and in Europe : Candia, Ragusa, La Valetta, Gibraltar, Marseille, Trieste, Genoa and Livorno. Afterwards, his successors appointed representatives in Lisbon (1825), Palermo, Civita Vecchia (1842), Cagliari, Ancona (1859), Florence, Paris, Bordeaux, Toulon, Nice (1829), and Geneva (1862), while Vienna (1867), Stockholm and Copenhagen had honorary consulates.

Most of the representatives in the southern and eastern Mediterranean¹⁴ were native Tunisians. They were usually the leaders of the local Tunisian trading communities¹⁵, and received the official title of wakil (al-mahrusa) Tunis¹⁶. Naturally, since these were stationed within the Ottoman empire, they were devoid of any diplomatic rights or powers, and their status was generally that of the Ottomans' own tüccar vekili (commercial agents) within the Empire or in countries whose independence they did not recognize (e.g. Bulgaria)¹⁷, or that of the wakils of other Muslim states (Algiers, Tripoli, Morocco and Egypt) in Tunis. For political matters, Tunisia, like other provinces, was represented in Constantinople by a Kapi Ketkhuda, who was appointed by the Porte (but paid by the Bey), and served as an intermediary between the two administrations¹⁸.

The wakils were prominent members of the Tunisian expatriate communities, and their primary task consisted of protecting the commercial interests of their compatriots. Originally, the main duty of the Tunisian

representatives in, for instance, Izmir, Chios, Crete and the Morea consisted of arranging the 'levy' (dewshirme) of soldiers destined for the Janissary militia (jund) in Tunis.

In Europe, all Ottoman possessions, which included Tunisia, were officially represented through the Ottoman ambassadors. On the whole, the Tunisian consulates (no Bey ever went so far as to attempt to set up embassies) performed the usual role of collecting commercial as well as political information, and it would therefore be wrong to assume that the consulates served no purpose other than to assert the country's sovereign aspirations to an international audience. Indeed, Tunisia's unique position within the Maghrib was to a large extent attributable to its network of agents which gave the country a window on the outside world, whether it be the West or the Muslim East.

Turning to the representatives in Europe (all of whom were European nationals)¹⁹, one finds that their Arabic titles mirrored the European diplomatic hierarchy : wakil 'amm (consul-general), wakil Tunis/al-dawla (consul), qa'im-maqam (vice-consul), and kanshilir (cf. French chancellor, i.e. head of a diplomatic chancery). The way in which these were translated in the host country varied substantially, and ranged from "Consul-general" (Console generale)²⁰ in, for instance, Genoa and Malta, to "General Agent" (agent général, wakil al-dawla) in Marseille, "Agent (of the Tunisian government)" in Paris or Gibraltar²¹, and "Consul" (e.g. Palermo, Rome)²². In addition, there were agents in Marseille (1810), Toulon and Nice (1818), and "diplomatic correspondents" – who may be equated to honorary consuls – in Vienna and Stockholm. Although many of these 'legations' were little more than a poorly organized, underfunded one-man show, some of them (e.g. Livorno) had a consul-general, a vice-consul, a kanshilir, as well as an interpreter and a secretary. Relations between the bey and his agents, which usually went through the qism al-wakala of the Foreign Ministry²³, were not always easy though, as witnessed by, for instance, the Vandoni case²⁴.

It should be stressed that even the countries who officially recognized Tunisian representatives or consuls did not feel very comfortable about the state of affairs. In order to demonstrate this, we propose first to take a look at the background to the representatives in France, the European state with which Tunisia had the closest relationship. This will be followed by a hitherto unknown chapter in Tunisia's international dealings, i.e. the controversy surrounding the setting up of two (!) Tunisian consulates in

Belgium (Brussels and Liège), which will also give a valuable insight into contemporaneous French and Italian foreign policy.

2. TUNISIAN DIPLOMATIC REPRESENTATION IN FRANCE

The first reference to a beylical agent on French soil dates back to requests made by the Tunisian Dey to the French consul regarding a commercial agent in Marseille as early as 1639²⁵ and 1641²⁶. Subsequently, the matter seems have been forgotten until it resurfaced in an article in the 1720 Franco-Tunisian trade treaty, under which the beys were specifically granted the right to appoint (commercial) representatives in France²⁷. Again, no action was undertaken. It is unclear whether it was because the French were able to stall, or because subsequent beys lost interest, or simply forgot about it. In any event, in the 1790s, we find César Famin (whose younger brother, Etienne, managed a trading house in Tunis) acting as the Bey's commercial agent in Marseille²⁸. In 1810 the Bey appointed a certain Peretier (« sujet du Grand Seigneur »!) « Consul général » for Tunis in that city²⁹. But then, things become highly complicated as the demise of Hammuda apparently led to a change in French policy on the matter, and in 1820 the French government refused a request by Mahmud Bey to recognize his agent in Marseille, the Tabarka-born dragoman Alexandre Gierra³⁰. This decision by the French soured relations for some time, with the Bey even threatening to oust the French consul. Eventually, France succeeded in appeasing the Bey by agreeing to allow the Tunisian agent to sign documents for Tunisians, albeit without being granted an official title. At the same time, the Foreign Minister Pasquier made clear that:

« Je n'ai point sollicité pour Gierra l'exéquatur de Sa Majesté et je l'ai autorisé, par une simple lettre, à soigner les affaires des sujets de la Régence qui viennent à Marseille dans l'intention d'y commercer ; on ne lui donnera d'ailleurs aucun titre »³¹.

Gierra's activities were further checked by the fact that his dealings with Tunisians had to go through the representative of the Foreign Ministry in Marseille!³².

In 1825, Mahmud Bey's successor, Husayn (1824-35), suffered the same treatment when he expressed the desire to establish a consul in Marseille. This elicited a vehement reaction from the French consul Guys who strongly advised the Ministry against this, explaining that

« La demande du Bey d'établir un Consul à Marseille présente plusieurs inconvénients et presque aucune utilité, même pour le gouvernement de la Régence. C'est une prétention de vanité plutôt que de l'intérêt (...) »³³.

Interestingly enough, no mention was made of the precedent (Peretier, Gierra), only of the already-mentioned treaty of 1720, as the relevant article appeared to be the only thing which

« pourrait donner quelque valeur à cette demande ; cet article n'est ni rappelé ni confirmé par les traités postérieurs »³⁴.

Even on this score, Guys had not done his homework. Indeed, although the article was never repeated, the treaty in which it appeared was subsequently ratified several times³⁵.

Besides Guys, the Bey also tackled baron de Damas, the French Foreign Minister, directly (though unofficially) through his envoy Mahmud Khuja (who was in France on the occasion of Charles X's coronation)³⁶. Needless to say that the Minister was, to put it mildly, evasive and did not commit himself to anything³⁷.

Nevertheless, it seems that shortly afterwards, Guys came up with a solution, stating very matter-of-factly that

« Le Bey a un agent à Trieste, mais l'Autriche n'a pas voulu le reconnaître officiellement comme Consul »³⁸.

Commercially, the Marseille agency was undoubtedly the most important³⁹, but the ultimate political prize to be grasped was, of course, Paris. Because of the great political sensitivity, it would take a little while longer for the Tunisians to have their official agent, though they were never allowed a consul. Indeed, when Ahmad Bey used his visit to Paris to discuss this in person with the French Foreign Minister, Guizot, the latter flatly rejected the request, stating that any such person would be considered merely a private representative of the Bey⁴⁰. In fact, Guizot simply repeated what he had told the Bey's envoy, Mahmud b. 'Ayyad, earlier that year in May when the matter of a Tunisian agent in Paris was first officially broached⁴¹.

Ahmad Bey's trip to France drove home some unpleasant truths. Not only did France maintain its decision regarding any kind of official representation, the Bey was also openly snubbed by two other incidents. The Ottoman ambassador refused to meet with him, nor did he send anyone from the embassy to pay his respects to the Tunisian ruler⁴². Furthermore, the French Foreign Minister Guizot even felt compelled to write an official letter to the Sublime Porte justifying the official honours extended to

Ahmad Bey⁴³. The same problem had come up a year earlier, when the Egyptian ruler's son, Ibrahim Pasha, had visited France. Despite an official meeting with the Ottoman Foreign Minister Mustafa Resid, who even visited Ibrahim Pasha at his hotel, the fact of whether or not the Egyptian prince had to be formally introduced to the court by the Ottoman ambassador was an equally thorny question. Ultimately, it was resolved by Ibrahim bowing to Ottoman wishes. Even so, the French authorities made sure that the ambassador and Ibrahim were never invited to the same official functions since, by recognizing Ottoman suzerainty, court etiquette would have required the seat of honour be given to the ambassador, and not to the vassal⁴⁴.

More importantly, however, the Bey cut short his European journey which was to have included Britain since the latter even refused to receive the Bey unless he was formally introduced by the Ottoman ambassador, which demand proved unacceptable to the Bey, who explained his position in an official letter to the then Foreign Secretary, Lord Aberdeen⁴⁵. In the letter, which his secretary Ahmed Ibn Abi Dhiaf duly included in his chronicle, the Bey remarked on the seeming inconsistencies in the entire affair :

"My reliance on the Ottoman State is built on firm foundations and solid pillars. We have well-established customs with them. And as you have received our envoys (*rusulana*) without mediation, and the ambassador is a proxy (*na'ib*) how can you insist on mediation when it comes to receiving the proxy's mandator (*al-munawwib*)? We have favourable ties with you, and our visit to your country is a visit to strengthen the ties of affection, whereas you insist on mediation! The excuse that has been given is that it would break a custom in my family. However, I do not see any reason why my visit should necessitate the breaking of any habits. This is my reason for not coming".

While Britain had in the past indeed received beylical agents⁴⁶, this by no means implied that it recognized Tunisia as anything other than an Ottoman province, with direct dealings being warranted solely for practical purposes, and with the approval of the Ottoman State.

During Ahmad Bey's state visit to Paris, the Porte enlisted the help of the Egyptian Khedive 'Abbas to persuade the Tunisian Bey to make an official visit to Constantinople shortly afterwards, and thus officially show his allegiance to the sultan. However, the Bey remained adamant on this point throughout his reign and like his successors never visited Constantinople⁴⁷.

The first Tunisian representative in Paris was the former diplomat Jules de Lesseps (1809-1887)⁴⁸, one of the Regency's most successful businessmen. The third son of Mathieu de Lesseps, and elder brother of Ferdinand, Jules started his diplomatic career as apprentice vice-consul with his father in Aleppo and Latakia, and was appointed vice-consul in Bogota at the ripe old age of 19. After his *mise en disponibilité* (1846), he became the Bey's official agent (1881), and in this capacity played an important role in the loan negotiations that took place in Europe with the emissaries of the Khaznadar (Treasury Minister). The choice seemed an obvious one, as de Lesseps, who was a member of an old aristocratic family and a regular guest at the French royal palace, would give the Bey an agent through whom he would get the respect and prestige that he craved in France. Moreover, de Lesseps had spent 18 years in the Regency, where his father had been Consul (1827-1833), and his brother Ferdinand vice-consul (1828-1831). He was also fluent in Arabic, and had always enjoyed good relations with the Bardo⁴⁹, where his main ally was Ibn 'Ayyad, in many of whose commercial and financial deals he had previously acted as an intermediary.

As far as the French were concerned, the choice was not exactly bad either for the same reasons, to which one should also add the fact that the eldest of the de Lesseps brothers, Theodore (d. 1874), was a high-ranking civil servant in the Foreign Ministry (and future senator), who in 1848 was put in charge of the consular division at the Ministry, where he also headed the Tunis desk.

The Paris mission, which was located in the fashionable rue Montaigne, was considered extremely important by the Bey, who, besides de Lesseps, also employed a number of secretaries⁵⁰. Although things are still slightly sketchy, it is safe to say that, despite his exorbitant annual salary of FF 25,000⁵¹, de Lesseps was hardly a zealous diplomat. The correspondence seems to have been quite meagre, and did not go further than mentions of contemporary political events. Furthermore, for reasons still unknown, the agency was closed between 1853 and 1857. After this (forced?) 'sabbatical', which, it is worth pointing out, coincided with Khayr al-Din's stay in Paris for the Ibn 'Ayyad trial⁵², de Lesseps simply notified the Bey he would regain his post⁵³. However, the Bey had other cards – two to be more precise – up his sleeve in the guise of Oscar Gay⁵⁴, the son of the bey's former Chief Physician, Laurent Gay, and Gustave Robert. The latter was officially

appointed as press correspondent to the Tunisian mission. Their task consisted of promoting Tunisia and the Tunisian cause to the French public (e.g. through newspaper articles)⁵⁵. However, Tunisian politics being what they were, the two men sometimes tended to defend the Khaznadar's personal interests rather than those of Tunisia, whereas Khayr al-Din suffered the vengeance of his enemies through articles in the European press by hired hacks, with acerbic exchanges taking place between, on the one hand, the hostile *L'Italie*, *La République française*, and pro-Khayr al-Din publications like *Paris Journal* and *La Correspondance Universelle*, on the other⁵⁶.

Thus, towards the middle of the century, French official policy on Tunisian representation changed drastically, and the Beys even appointed agents in Toulon (1847) as well as in Bordeaux (1866). The reason for this was the same as that behind Ahmad Bey's official visit to France, i.e. to woo a vital ally in North Africa in the wake of the Algerian occupation and subsequent attempts by the Ottomans to tighten their grip on its remaining North African Regencies⁵⁷.

In the middle of the century the Ottomans also stepped up their offensive against the Tunisian 'consuls' with considerable success. Turkish policy was quite simple and consisted of in effect forcing the European countries in question to choose between them and Tunisia. This type of action resulted in the refusal to exequatur Tunisian consuls, despite increasingly persistent attempts by the Bey, in, for instance, the Italian states⁵⁸, Geneva (1864), Spain, Prussia, Belgium, and the USA (1867)⁵⁹. It is the Belgian case which will be examined now.

3. TUNISIAN DIPLOMATIC REPRESENTATION IN BELGIUM

The Belgian Foreign Office records⁶⁰ related to this issue clearly show the ambiguity which pervaded Tunisian relations with European states, and the latter's hypocrisy.

Let us try and retrace the course of events, which started with a letter (dated 28/07/1863) to the Belgian Foreign Minister, Charles Rogier, from a certain Emile Vihlein, a trader and vice-consul of Brazil in Brussels. In it, he enclosed a "brevet"⁶¹, by which, so he stated, « le Mouchir Mohammed Essadok Pacha Bey, possesseur du Royaume de Tunis » had appointed him « Agent du Gouvernement tunisien (consul) » in Brussels, as well as a letter « de son Excellence Moustapha Khaznadar, Premier Ministre et

Ministre des Affaires étrangères m'informant de ma nomination »⁶². Vihlein therefore requested the Minister to grant him "the royal exequatur".

In diplomatic correspondence, more than anywhere else, it is, of course, the semantics that are of paramount importance. And one may safely assume that Vihlein himself was not quite sure how his request would be met, as witnessed, for example, by the adding of the word consul in brackets! From the ensuing correspondence, it becomes clear that this request took the Belgians by surprise. Indeed, for a start, there were few trading links⁶³ between the two countries (although a "traité de commerce et de navigation" had been signed on 14 October 1839)⁶⁴. Belgium's main partner in North Africa was Algeria⁶⁵, where it set up a consulate shortly after the French invasion (Algiers, 1832), and several vice-consulates (Bône, 1850; Oran, 1854)⁶⁶.

While the Belgian authorities did not particularly wish to snub the Tunisians, whose request was perhaps considered both odd and whimsical, they were not going to go against prevailing practice. So, on 17th August, the Minister sent a letter to the Belgian embassies in Turin and Paris to enquire about the exequaturing of Tunisian consuls.

After referring to the fact that there was a Belgian consul in Tunis⁶⁷, the Minister struck at the very heart of the issue, by adding that the signing of a treaty

« qui, bien qu'assez insolite dans sa forme, semble impliquer que nous reconnaissons au Bey le caractère de souverain indépendant ».

This clearly underlines the inherent contradiction in the policy towards Tunisia, which, for economic and commercial purposes only, was recognized as an independent state. The bind the Belgian minister found himself in was even more acute as

« cet acte (sc. the agreement) contient ... sous l'article 16 une disposition qui implique également que le bey a le droit de nommer des consuls en Belgique » (!)⁶⁸

However, the true political and diplomatic sting was in the coda; if the Bey had not appointed consuls in other (European) states, which have more important trading links with Tunis than Belgium, then, surely

« il semble que nous serions en droit de réclamer contre le traitement exceptionnel dont il veut nous gratifier sous ce rapport » (!)

The answers from France and Italy did not tarry. On 18 September, Firmin Rogiers, the secretary at the Belgian embassy in Paris, wrote the following:

« Le Gouvernement impérial ne reconnaît aucun caractère officiel aux Agents de la Régence, sous quelque titre que ce puisse être, et ne leur délivre pas d'exequatur, mais il les autorise à intervenir officieusement lorsque les circonstances l'exigent, dans l'intérêt particulier du Bey ou dans celui de ses sujets. »

From Italy, the reply (12 September) was more complete and provided a historical overview of the question of consular representation. Indeed, « cette question », so the Belgian ambassador H. Solyns wrote,

« a donné lieu entre le gouvernement italien et la Porte ottomane à des contestations et finalement un arrangement qui, dans les faits, n'a pas tranché de difficulté. Avant 1859 les Gouvernements de Sardaigne et de Toscane accordaient fréquemment l'exequatur à des Consuls de Tunis. A cette époque la Turquie n'avait pas de représentant diplomatique en Italie qu'à Naples, et la reconnaissance officielle d'agents consulaires de Tunis à Gènes, dans l'île de Sardaigne et à Livourne, passaient (*sic*) inaperçus à Constantinople. Cette tolérance dut cesser à l'arrivée à Turin d'un représentant ottoman qui réclama énergiquement contre ce qu'il appelait avec raison des mesures tout à fait irrégulières. Le Cabinet de Turin résista s'appuyant sur une sorte de prescription qui datait d'une époque antérieure à celle où l'ancien gouvernement Sarde avait pour la première fois noué des relations diplomatiques avec la Turquie. Après bien des pourparlers il fut convenu, le 9 avril 1863⁶⁹, que l'Italie ne délivrerait plus d'exequatur aux Consuls nommés par le Bey de Tunis mais elle ne s'interdisait pas par cet arrangement la faculté de munir d'une recommandation administrative les personnes qu'il plairait au Bey de désigner comme des agents commerciaux dans les ports italiens. Voici donc ce qu'il y a eu lieu : le Bey nomme un consul; on ne lui délivre pas d'exequatur; on n'insère pas son nom dans l'Almanach officiel⁷⁰; on ne lui accorde pas le droit d'arborer de pavillon sur sa demeure; mais on l'autorise à se mettre en rapport avec l'autorité locale qui, d'un autre côté, est chargé d'avoir pour lui les égards qu'il aurait pour tout autre consul ».

Meanwhile, Vihlein had started to get worried and wrote a reviver on 25 September, enquiring about the delay and pointing out that he had not even received an « accusé de réception ». Four days later, he finally received a reply from the Belgian Government. The letter clearly reveals that Rogier had decided to toe the French line – to the extent of copying the actual phrasing :

« (...) Si je n'ai pas répondu plus tôt, c'est que votre demande prélevait des doutes qu'il était de mon devoir d'éclaircir. C'est la première fois que la

Régence de Tunis manifeste l'intention de nommer un consul en Belgique : j'ai voulu savoir s'il existe des consuls tunisiens en d'autres pays et sur quel pied ils y sont admis. J'ai pris à ce sujet des renseignements en France et dans le Royaume d'Italie, deux Etats qui entretiennent avec la Régence de Tunis plus de relations commerciales que la Belgique. Or, il résulte de ces renseignements qu'en France le Gouvernement ne reconnaît aucun caractère officiel aux agents de la Régence, sous quelque titre qu'il puisse être, et ne leur délivre pas d'exequatur, mais les autorise à intervenir officieusement lorsque les circonstances l'exigent. C'est sous ces conditions que le seul agent commercial tunisien résidant en France, exerce ses fonctions à Marseille.»⁷¹

And, after referring to a similar attitude in Italy, the Minister concluded that

« dans cet état de choses, le Gouvernement ne saurait acquiescer à la demande (...) – ce n'est pas à la Belgique qu'il appartient de prendre l'initiative. »

However, the door was left slightly ajar as the Belgian Government might be inclined to deliver an exequatur

« qu'après que des consuls tunisiens auront été officiellement reconnus comme tels par les principaux Puissances. Je m'empresse d'ajouter qu'il (sc. the Government) fera un plaisir en toutes circonstances de faciliter autant qu'il dépendra de lui, à titre officieux, la mission dont vous êtes chargé ».

Shortly afterwards (8 October), the Ministry in an official letter to the Governor of the Province of Brabant announced the appointment of E. Vihlein as « agent commercial du Bey de Tunis à Bruxelles », explaining (?) that "it is not customary to grant an exequatur in cases such as these", and that Vihlein is only authorized to intervene

« officieusement dans les circonstances où l'intérêt particulier du bey de Tunis ou celui de ses sujets pourraient l'exiger ».

Furthermore, the Governor was instructed that

« aucune publication ne doit être faite à ce propos. Dans la pratique, la qualité donnée à Mr. Vihlein peut d'autant moins donner lieu à quelques différends qu'il est déjà revêtu des fonctions de vice-consul, for which position he already enjoyed "immunités" ».

From this, it becomes clear that somehow Belgium wanted to keep this a secret.

The answer, of course, lies in the fact that they did not wish to upset the Ottomans. Indeed, there are two documents which bear this out. The first is an official letter (in French) sent by the Turkish embassy in London to the

Belgian Ministry for Foreign Affairs (13 October 1863), in which the ambassador⁷² voiced his disapproval of the entire situation in no uncertain terms:

« La Sublime Porte a appris d'une source digne de foi que le Gouverneur Général de Tunis fait faire des démarches auprès du la cour de S. M. le Roi des Belges pour que les consuls de Tunis soient admis dans les ports de la Belgique, et que des exequaturs leur soient accordés. Comme des personnes chargées de ces démarches ne peuvent manquer de chercher à surprendre la religion du Gouvernement de S. M. le Roi, en interprétant faussement ce qui se pratique dans quelques uns des pays de l'Europe et notamment en Italie, et en exploitant comme un précédent quelques abus qui ont existé à cet égard. Dans ce dernier Royaume, la Sublime Porte, qui n'a jamais cessé de protester contre l'existence de ces soi-disant consuls de Tunis, et qui a obtenu du Gouvernement d'Italie l'engagement de mettre fin à l'avenir de tels abus, s'empresse d'informer de ce qui précède le Gouvernement de S.M. le Roi des Belges, pour le prémunir contre les tentatives qui seraient faites en vue de l'induire en erreur et d'amener ainsi une infraction des règles internationales au préjudice des droits de la Sublime Porte, infraction qu'Elle ne pourrait laisser passer sous silence si elle venait à être commise ».

There are a number of things about this letter which merit our attention. First, there is the rather aggressive, and even menacing tone, which, one may imagine, was prompted more than anything else by frustration with what the Ottomans perceived to be Tunisia's persistent attempts to cock a snook at them. What compounded matters was of course the fact that they themselves did not have official representation in Belgium. Second, one may wonder which steps the Ottomans would eventually have been prepared to take if their warnings had gone unheeded. The third interesting element consists of the rather strong religious bias, with the peculiar allusion to an attack on Christianity itself. Naturally, the importance of this letter lies in the fact that it clearly shows the extreme sensitivity regarding this issue, with the acceptance of Tunisian consuls being considered nothing short of an impugment of Ottoman sovereignty. A few years later, this could indeed have resulted in a major diplomatic row as sultan Abdulaziz paid a state visit to the Belgian King Leopold II on the former's return from the Paris World Exhibition (July 1867). And although the sultan's European tour was decided only in 1867, one can easily imagine the possible ramifications of a Belgian decision in favour of the establishment of a Tunisian consulate.

Belgian Foreign Ministry officials were not going to be stuck with this hot potato, and in a confidential intelligence memo to the Minister the refusal of Vihlein's application was recommended because of the « direction politique par égard pour le Gouvernement Ottoman ».

In any event, the Tunisian 'consulate' in Brussels, like so many of its counterparts in other European countries, was never really active as no further traces of it could be found anywhere else.

But the story does not end here. Indeed, the Bey, it appears, even had plans for a vice-consulate in Liège.

On 29 March 1865 the Governor of this Province wrote that he had been approached by « une personne honorable occupant une très bonne position dans l'industrie »⁷³, who had enquired whether the Ministry « serait disposé à lui (sc. the future consul) donner l'exéquatur ». This time, the reply (7 April) was swift and equally peremptory:

« pour des raisons politiques, "le Gouvernement" n'a pas délivré l'exequatur au titulaire (sc. Vihlein) (...) Nous devrions agir de même si un agent tunisien était nommé à Liège, chose que le Gouvernement ne désire pas » !

So, rather than 'a well-kept secret', it is obvious that any form of Tunisian representation in Belgium was primarily an embarrassment. In another memo, the Governor was apprised of what had happened in Brussels and advised that

« l'agent tunisien ne pourrait jouir des immunités consulaires ni être exempté du service de la garde civique ».

Being forewarned, the Liège Governor wisely refrained from making any further steps in that direction.

In conclusion, one may say that although this entire episode did not in any way affect Tunisia's foreign policy or economy, it was another serious blow to the Bey's ego, and once again drove home the message that the Tunisians were the poor relations from the country, whom nobody wished to frequent in public. At the same time however, the Belgian venture also shows the lengths to which the Beys would go in order to assert their international rights; indeed, as there was hardly any trade with Belgium, what was the need for a consul? And if there was a need, why have one in Brussels and Liège – both of which are landlocked cities – instead of in, for instance, the port of Antwerp?

NOTES

1. Cf. *El'*, s.vv. "Balyôs" (Cl. Huart), "Consul" (Cl. Huart); *EF*, s.v. "Safir" (M. J. Viguera).
2. Selim III set up permanent embassies in various European capitals: London (1793), Vienna (1794), Berlin (1795), and Paris (1796). After the sultan's fall (1807) the system was suspended (with only the Vienna post remaining open) until the 1830s when it was restored by Mahmud II. See C. Findley 1989, 127-132; S. Kuneralp 1986; R. Davison 1985.
3. See D. Newman 1998, 99 ff.
4. For an overview of relations between the Ottoman state and Tunisia, see M. Bayram V 1884-93 (hereinafter referred to as *Safwa*), I, 132ff.; A. Ibn Abi Diyaf 1963-65 (hereinafter referred to as *Ithaf*), VI, 13-30; R. Mantran 1959.
5. See E. Plantet 1893-99, *passim*; A. Rousseau 1864, 475ff.; E. Rouard de Card 1906, *passim*.
6. *Safwa*, I, 154-156, II, 61; *Ithaf*, VI, 139; G. Van Krieken 1976, 158 ff.
7. Cf. Y. Debbash 1957, 27ff. For an excellent discussion of Tunisian statehood under international law, see J. M. Mössner 1968. It is worth adding that the opening article of the first Franco-Tunisian paix centenaire (1685) still stated: « Que les Capitulations faites et accordées entre l'Empereur de France et le Grand Seigneur (sc. the Porte) ..., ou celles qui sont accordées... par l'ambassadeur de France envoyé exprès à la Porte ... » (E. Plantet 1893-99, I, 349).
8. *Ithaf*, *passim* (e.g. III, 39).
9. France was the first country to open a consulate in 1577. Afterwards the following states had representation in Tunisia: Venice (1580), England (1599), the Low Countries (1612), Ragusa (1757), Genoa (1757), Spain (1788), Batavia (1784), Austria (1781), Livorno, Sicily, Sweden (1784), Naples, Denmark (1783), the USA (1797), Tuscany, Cagliari, Sweden, Prussia, and Russia. See E. Plantet, *op. cit.*, *passim*; R. Al-Imam 1980, 414-415; A. Rousseau 1864, *passim* (e.g. 185, 193, 196-197, 218-219, 266).
10. Cf. A. Cayci 1966, 43.
11. The Ottoman consulate in Marseille was set up in the early 19th century, but abolished in 1812, after which time Turkey only had an honorary consul-general in the city, i.e. Casimir Emeric (1838-1879). Cf. S. Kuneralp 1986, 311.
12. See *Ithaf*, IV, 96-110.
13. Essential reading on this subject is M. Smida 1991. Also see A. Raymond 1994, II, 120.
14. These were Algiers, Skikda, Bône, Benghazi, Tripoli (Tarabulus al-Gharb), Cairo, Alexandria, Mekka, Izmir, Constantinople, Crete, and Chios.
15. Alternatively, they might be appointed by the Bey upon recommendation by the expatriate community. Tunisia had substantial trading colonies (mainly inhabitants of Djerba and Sfax) in Algiers, Tripoli, Alexandria, Cairo, and Izmir. See M. Smida 1991, 43; A. Raymond 1959, 362 (n. 129). After the French invasion of Algiers, the Bey's consuls in Bône were Europeans; cf. A. Martel 1968.
16. *Ithaf*, *passim*. Interestingly enough, Bayram V (*Safwa*, II, 25) at some point talks about a *rasul siyasi* ('political envoy'). Sometimes the position would even remain within one family; e.g. al-Badri in Alexandria. Cf. M. Smida 1991, 88.
17. C. Findley 1989, 259.
18. Cf. *El'*, s.v. "Ketkhuda" (Cl. Huart). In European accounts, this title was often rendered as ambassador; e.g. E. Plantet 1893-99, III, 282-286.
19. This should come as no surprise, since European countries (e.g. France) had regulations aimed at dissuading Tunisian traders from settling there. Second, there was the fact that international trade in Tunis was the preserve of the Europeans.
20. The diplomatic *linguae francae* used by the Tunisian ministry were French and Italian, with Arabic being used very rarely (only with the Florence and Malta agents). Cf. M. Smida 1991, 59.
21. Cf. *Ithaf*, VII, 77.
22. M. Smida 1991, 46-51.
23. *Ibid.*, 22.
24. Cf. H. Hugon 1918; P. Grandchamp 1919; J. Ganiage 1959, 206, 532.
25. Cf. E. Plantet 1893-99, I, 134.

26. Cf. "Instructions" to de Montmeillan, envoy to Tunis in April 1641: « que ceux de Tunis aient un homme de condition en France comme il en tiendra un à Tunis, afin de tenir le commerce et trafic libre de part et d'autre » (E. Plantet 1893-99, I, 141).
27. Article XXI : (E. Plantet 1893-99, II, 127) : « Et pour faciliter l'établissement du commerce et le rendre ferme et stable, les très illustres Pacha, Bey, Dey, Divan, Agha et Milice de Tunis enverront, quand ils le jugeront à propos, une personne de qualité d'entre eux résider à Marseille, pour entendre sur les lieux les plaintes qui pourront arriver sur les contraventions au présent traité auquel il sera fait dans la dite ville toute sorte de bon traitement ».
28. In 1800 Jean Famin was appointed the French Foreign Ministry's agent in Marseille. I have been unable to locate any further references to Famin's activities, and one may speculate that he subsequently ceased to be the Bey's commercial agent. Cf. E. Plantet 1893-99, III, 266, 267, 268, 273; H. de Gérin-Ricard 1905, 180. On the Famin family, see de Gérin-Ricard, *ibid.*, 178.
29. Cf. E. Plantet 1893-99, III, 487 (letter by Billon to de Champagny, dated 6/03/1810). According to H. Hugon (1913 : 5-6), Hammuda also had a permanent consul in Marseille at the end of his reign.
30. Cf. E. Plantet 1893-99, III, 578, 579, 643.
31. *Ibid.*, III, 579 (letter dated 16/07/1820).
32. *Ibid.*, III, 643.
33. *Ibid.*, III, 616 (letter by French consul Guys to baron de Damas, dated 20/06/1825).
34. *Ibid.*
35. e.g. Article II of the 1728 treaty : « ... le dernier traité ..., du 20 février 1720, sera exécuté dans tous ses points (...) » (*ibid.*, II, 220); Article II of the 1824 treaty : "Tous les traités antérieurs et suppléments sont renouvelés et confirmés par le présent (...) » (*ibid.*, III, 604).
36. See H. Hugon 1933; A. Demeerseman 1971.
37. This is clear from his letter to Guys (15/07/1825) : « Sidi Mahmoud a présentée plusieurs demandes, entre autres celle d'un Consul tunisien à Marseille. Je me suis borné à lui faire une réponse évasive, en lui donnant à entendre que la lettre du Bey dont il était porteur n'annonçait nullement qu'il fût chargé de traiter cette affaire ». (E. Plantet, 1893-99, III, 618-619).
38. E. Plantet 1893-99, III, 619 (letter dated 17/08/1825).
39. In the 1850s the Tunisian representative was Paul Pastré, head of the silk factory Pastré. Cf. B. Mokaddem (& P. Grandchamp) 1946 : 73 (n. 12).
40. Cf. M. Smida 1991, 111.
41. Cf. J. Serres 1925, 335.
42. *Ithaf*, IV, 100. The ambassador at the time was Süleyman Pasha (1846-1848). He had only shortly before taken over from Mustafa Rashid (Resid) Pasha, who had had no fewer than three stints as ambassador to Paris (1834-1835, 1841-1842, 1844-1845). Cf. S. Küneralp 1986, 306, 307.
43. *Ithaf*, IV, 102.
44. Cf. G. Wiet 1948, 94-95, 99-103.
45. *Ithaf*, IV, 109. Also see Safwat, I, 147.
46. The last of these before the Bey's visit to France was the Khaznadar's brother, Ahmad, who had been sent to London with gifts for Queen Victoria in April of 1846 and was accompanied by Felice Raffo, Ahmad b. Turkiyya, and Richard Reade (the son of the English consul in Tunis, sir Thomas Reade). Previously, J. Raffo (1839, June 1840, August 1841), the Khaznadar (1839), and Abu 'Abd Allah Muhammad Khuja had also been on official missions to London. The last one even married an English woman while he was over there. Cf. J. Serres 1925 : 253-254, 276, 336; A. Raymond 1994 : II, 154-155; O. Kahl 1986; C. Masi 1935, 95-97.
47. *Ithaf*, IV, 119ff. Also see K. Chater 1984, 507-508.
48. J. Ganiage 1959, 302; J. Serres 1925, 16 (note 1), 290, 335 et *passim*; E. Plantet 1893-99, III, 358-359, et *passim*; M. Smida 1991, *passim*; G. Vapereau 1893, 986; L. C. Brown 1974, 289.
49. According to J. Serres (1925 : 313), Jules de Lesseps had even been sent on a secret mission to Paris by the bey (on the recommendation of Ibn 'Ayyad) to discuss French help in the face of Anglo-Turkish pressures. Unfortunately, it has proved impossible to find any trace whatsoever to a mission of this kind.
50. M. Smida 1991, 77.

51. For instance, his colleagues in Constantinople and Genoa received FF3,000 and FF8,000, respectively! M. Smida 1991, 96.
52. A top official in the Beylical administration and one of the closest allies of Mustafa Khaznadar, Mahmud Ibn 'Ayyad (ca 1810-80) controlled much of the Regency's state industries as well as the national Bank, as a result of which he had acquired a formidable fortune. After his fall from grace in 1852, he fled to France (with his ill-gotten gains), leaving a trail of bankruptcies behind. In order to recoup some of the funds, as well as olive oil export licences, the Bey instituted legal proceedings against Ibn 'Ayyad (who had taken the precaution of acquiring French citizenship) before the French courts. See G. Van Krieken 1976, 25ff.; J. Ganiage 1959, 181ff.; M. Mzali & J. Pignon 1934, 184-86.
53. Cf. M. Smida 1991, 77.
54. In the 1870s Gay would become a powerful player in the beylical administration; see J. Ganiage 1959, 327 *et passim*. He was also the author of a booklet on Tunisia, *La Tunisie, notice historique* (Paris, Goupy et Cie, 1861, 73 pp.).
55. J. Ganiage 1959, 78-80. One may again draw a parallel with the Ottomans; cf. R. Davison 1995.
56. M. Mzali & J. Pignon 1938, 101 (note 31), 119-20 (note 60); *idem.*, 1940, 75 ff.; M. Smida 1991, 80.
57. Cf. J. Serres 1925.
58. The Sardinians were the first to be put under pressure by the Ottomans, when in 1851 the Tunisians appointed a consul-general in Genoa. It was not until after unification that the Ottomans succeeded in their attempts, with authorities of the newly formed kingdom of Italy pledging that they would no longer grant the exequatur to Tunisian representatives (1863). In 1866 the Bey was officially informed that his consuls would no longer receive the exequatur. Although the Italian move was mainly a gesture towards the Porte, one may suspect that they also wanted to bring their foreign policy in line with that of other European powers. Cf. M. Smida 1991, 53, 56; A. Cayci 1966, 45 ff.
59. A. Cayci 1966, 48; M. Smida 1991, 113.
60. AEB A/F 7 1832-1884 ('Colonies françaises'), and, particularly, Ext. Pers. 1502.
61. Vihlein must be talking about the beylical *manshur* (edict), by which all consuls/consular agents were appointed on the recommendation of the Minister for Foreign Affairs (cf. M. Smida 1991, 50). Unfortunately, this document (as well as the French translation made at the French legation in Tunis) is no longer to be found in the Archives.
62. This document is also missing from the file.
63. For instance, in 1865, the total export to Tunis amounted to FF17,700! Cf. C. Cubisol 1867, 77.
64. A. Rousseau 1864, 454-56.
65. Soon after the invasion, Belgium became an important exporter (mainly various types of cloth) : e.g. 1834 : BF2,990,614; 1835 : BF2,750,235; 1836 : BF4,185,718; 1837 : BF4,900,000. Cf. report by trader J. Lecocq, dated 10/03/1838 (AF 7: 1832-1884).
66. The only other Belgian representation in Africa was in Tangier, and in Gorée - « avec juridiction sur toute la côte de Sénégal » (1851).
67. Belgium had had three consular agents in the Regency (1838, 1848, 1855), who had all been granted the exequatur by the Bey. Later on, Belgian interests were protected by the French vice-consul in La Goulette, François Gaspary, who was succeeded by Charles Cubisol. The arrival of the first Belgian consul, Jean-Baptiste d'Egremont, had given rise to some controversy since he had been cleared with Constantinople and arrived with a firman of the sultan. This was taken as an insult by the Tunisian bey, who delayed the exequatur for a few months. It is worth bearing in mind that no other country had taken such a step since the 16th century. In fact, the only other nation to do so after Belgium was Austria (1845), whose representative de Köster was even denied entry to the Regency because of it. Some other countries, e.g. Sardinia, did clear the appointment of consuls with the Sublime Porte but always made sure that the Beys never found out. In a secret memo (also dated 17 August), an official at the Belgian Foreign Ministry made a comparison with Egypt where « on a procédé d'une manière toute différente », as « la condition politique n'est pas la même ». Also see J. Serres 1925, 323-325; J. Ganiage 1955, 398; *idem.*, 1960 : 23 (note 21).

68. « Les biens des sujets Belges décédés dans les Etats du Bey, comme les biens des sujets du Bey décédés dans les Etats de S. M. le Roi des Belges, seront remis entre les mains des Consuls ou Vice-consuls des deux pays respectifs... ». Cf. A. Rousseau 1864, 456.
69. Cf. A. Cayci 1966, 47.
70. This was a particular eyesore for the Ottomans; cf. A. Cayci 1966, 46.
71. It is extraordinary that only this representative should be mentioned, rather than Jules de Lesseps.
72. The ambassador at the time was the Ottoman Greek Kostaki Musurus (1851-1885), whose son Istefanaki would occupy his father's post at the beginning of this century (1902-1907), succeeding Rıstem Pasha (1885-1902). It is strange that it was the London embassy which took up this issue, as Belgium was part of the 'catchment area' of the Paris embassy until Brussels got its own Ottoman representative, viz. Etienne Karatodori (Karatheodori) (1875-1900). When the latter was dismissed, the Brussels post, together with that of Bern, was again subsumed into the Paris embassy. Cf. C. Findley 1989, 225-227, 229.
73. In view of the fact that Liège was a major mining province, one may conjecture that certain industrialists were hoping to gain economic advantages from supporting beylical aspirations.

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