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AFRICA. No. 8 A (1890).

TRANSLATIONS

OF

PROTOCOLS AND GENERAL ACT

OF THE

SLAVE TRADE CONFERENCE

HELD AT

BRUSSELS, 1889-90;

WITH ANNEXED DECLARATION.

[The ANNEXES to the PROTOCOLS have not been translated: but the Originals will be found in "Africa No. 8 (1890)."]

*Presented to both Houses of Parliament by Command of Her Majesty.
August 1890.*

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No. 1.

Protocol No. 1.—Sitting of November 18, 1889.

THE Governments of Germany, Austria-Hungary, Belgium, Denmark, Spain, the Congo Free State, the United States of America, France, Great Britain, Italy, the Netherlands, Persia, Portugal, Russia, Sweden and Norway, Turkey, and Zanzibar, having resolved to seek, jointly and in a spirit of conciliation, the best means for bringing about the suppression of the Slave Trade, the Plenipotentiaries met in Conference at Brussels, on Monday, the 18th November, at 2 o'clock.

Present:

- For Germany—
His Excellency Count Alvensleben, German Minister at Brussels.
Dr. Arendt, German Consul-General at Antwerp.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch, Austro-Hungarian Minister at Brussels.
- For Belgium—
Baron Lambert, Minister of State.
M. Émile Banning, Director-General at the Ministry of Foreign Affairs.
- For Denmark—
M. F. G. Schack de Brockdorff, Danish Consul-General at Antwerp.
- For Spain—
His Excellency M. Gutierrez de Agüera, Spanish Minister at Brussels.
- For the Congo Free State—
M. Pirmez, Minister of State, President of the Supreme Council of the Congo Free State.
M. van Eetvelde, Administrator-General of the Department of Foreign Affairs of the Congo Free State.
- For the United States of America—
His Excellency Mr. E. H. Terrell, United States' Minister at Brussels.
- For France—
His Excellency M. Bourée, French Minister at Brussels.
M. Cogordan, Minister Plenipotentiary, Sub-Director in the Ministry of Foreign Affairs at Paris.
- For Great Britain—
His Excellency Lord Vivian, British Minister at Brussels.
Sir John Kirk, G.C.M.G.
- For Italy—
His Excellency Baron de Renzis, Italian Minister at Brussels.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen, Netherlands Minister at Brussels.

For Persia—

His Excellency Nazare Aga, Persian Minister at Brussels.

For Portugal—

His Excellency M. de Macedo, Portuguese Minister at Brussels.

For Russia—

His Excellency Prince Ourousoff, Russian Minister at Brussels.

His Excellency M. de Martens, Permanent Member of the Council of the Ministry of Foreign Affairs of Russia.

For Sweden and Norway—

His Excellency M. de Burenstam, Swedish-Norwegian Minister at Brussels.

For Turkey—

His Excellency Carathéodory Effendi, Turkish Minister at Brussels.

The Prince de Chimay, Minister of Foreign Affairs, addresses the Conference in these terms :—

“ Gentlemen,

“ I am happy to convey to you the feelings with which Belgium sees the Representatives of the Powers which have accredited you here, met together on Belgian soil, in the name of the brotherhood of nations and in that of civilization, for the attainment of one of the noblest aims that can animate humanity.

“ The work which you are about to undertake is great and pure—it is generous, it is disinterested. For it does not even entail the gratitude of those races, oppressed and decimated with the most revolting barbarity, whose safety it is your mission to organize; and who, unconscious of the good which their brothers, whom they do not know, have at once the will and the power to effect for them, will receive their liberty without knowing whence it comes, without being able to repay by their gratitude those who will have rescued and liberated them.

“ But your task is difficult and arduous, and you will need your great talents as well as the generous and humane sentiments of those who send you here to carry it through, and to raise, as an outcome of your deliberations, a monument to the glory of humanity, worthy both of the noble aim which has summoned you, of the efforts made by you to realize it, and the lofty inspiration which has animated the nations represented in this Conference.

“ Gentlemen, permit me to thank in your persons the States which have responded with so much alacrity and friendship to the appeal of the King my august Sovereign, which have understood so well the cordiality and sympathy contained in that appeal. Permit me to wish success to your labours, and to predict that your enterprise will be inscribed hereafter among the most glorious annals of the human race as one of the greatest and noblest acts of civilization and charity.”

Baron Gericke de Herwynen, Minister of the Netherlands and Doyen of the Diplomatic Corps, replies as follows :—

“ As the member of the Diplomatic Body who has been accredited for the longest time to the Court of His Majesty the King of the Belgians, I take the liberty of expressing on behalf of this high assembly our sincere thanks to his Excellency the Minister of Foreign Affairs for the kind words which he has just spoken.

“ We beg him, at the same time, to have the goodness to convey to the King his august Sovereign the respectful homage of our feelings of gratitude for the high and generous initiative taken by His Majesty in summoning us to the seat of his Government.

“ I venture to assert that we shall all do our utmost to respond to this noble initiative by seeking the most efficacious means for putting a stop to the odious Traffic which has too long dishonoured humanity.

“ Our presence here is the best proof of the unanimous desire of our Governments to co-operate in the great humanitarian work which his Excellency the Prince de Chimay has just sketched out.

“ It is needless to say that our most devoted personal aid is assured in advance to an enterprise so worthy of all our attention. We should be glad to be able to insure its success under the presidency of the Minister who has inaugurated our first meeting.

“ We trust, Prince, that you will favourably consider the wish that we have thus the honour to express.”

The Prince de Chimay replies:—

“Gentlemen,

“I cannot tell you how flattered, touched, and grateful I feel for the great honour which you wish to bestow on me—an honour which in no other circumstances should I dream of declining, so keenly do I feel that my zeal and my intense desire to assist your labours to your satisfaction would supplement all that I might lack in other respects for the conduct of such a task.

“But if, as you perceive, I am incapable of yielding to a sentiment of false modesty in face of a task imposed upon me, I cannot but yield to a superiority proved and universally recognized, and I should hesitate to deprive the Conference of the inestimable advantage of being under the guidance of one whose competence is unrivalled.

“Since you have been good enough to favour me with a signal mark of your confidence, permit me to accept it, and to make use of it in guiding your choice. You have had the goodness to offer the presidency, in my person, to a Belgian.

“Permit me to point out to you another Belgian who throughout a long career has given the most brilliant proofs of his capacity; who, preferring to remain in a relatively humble official position, has nevertheless received the greatest marks of honour which a Belgian citizen can receive—proofs of the esteem and confidence of the whole nation; who has been charged by two of the Great Powers here represented with a mission most flattering and honourable to his character and his talents; whose specially profound study of the African question—brilliantly tested at the Berlin Conference—naturally points him out as worthy of your confidence. Gentlemen, you have all recognized this Belgian whom I have not yet named. Allow me to add that my personal feelings and my national pride will be amply satisfied if you will have the goodness to summon Baron Lambertmont to preside over your labours.”

Baron Gericke de Herwynen says that the Conference, whilst regretting the decision taken by the Prince de Chimay, cannot fail to welcome with alacrity the proposal he has just made.

Baron Lambertmont replies:—

“Gentlemen,

“You will not be astonished at seeing my emotion, which has a twofold origin.

“The decision of the Prince de Chimay is the first cause of it. The high position of the Minister of Foreign Affairs, his knowledge of politics and diplomacy, the tact and kindness of which, as you all know, he is so perfect an example, the manner in which he has shown his appreciation of the work intrusted to the Conference—everything seemed to testify how valuable would have been for us his co-operation. I must bow to a determination which it is not in my power to modify; but while thanking the Prince de Chimay most sincerely for his far too flattering remarks on my humble career, I must add that if these compliments were due to anything but a too indulgent friendship I should regret at this moment having merited them.

“My anxiety does not spring, Gentlemen, from this source alone; my chief anxiety, my alarm, are due to the mandate which you confer upon me. The object which we are about to pursue others have pursued before us. In times gone by illustrious assemblies drew up and promulgated declarations on the subject of the Slave Trade inspired by the most generous intentions. Numerous Treaties have been concluded to give them a practical sanction. Nations have attacked and abolished slavery at home, or in their possessions abroad, at the cost of great sacrifices and even of heroic efforts. Others, in addition to what they have done against slavery, have displayed, in their efforts to suppress the Traffic itself, an untiring energy of which the world has been, and still is, witness. And yet, though under different conditions, the Trade still exists, the wound, still open, bleeds more copiously than before.

“For the evil is deep-seated, and the remedies are difficult and complex; but are the difficulties beyond our resources, our powers, our courage? Men, whose names are dear to the friends of humanity, even in the last century pleaded the cause of the unfortunate victims of an odious Traffic. Ever since then, and even quite recently, the hearts of men have been stirred by the appeals made to them.

It may truly be said that your work, at the moment when you are about to under-

take it, is sustained and forwarded by a universal and powerful spirit of sympathy and encouragement.

“But will our good-will and zeal need stimulating? We all know that the Trade annually sacrifices from 300,000 to 400,000 human beings. Feelings of humanity and pity are naturally aroused when we deliberate with our feet in blood.

“Gentlemen, you represent civilization in her most essential points—generosity, enlightenment, organized force. We are face to face with the greatest iniquity known in the history of mankind. Such a struggle may pass through various phases, prudence may claim a place in it by the side of energy, but the final result cannot be doubtful.

“In view of such considerations and such an outlook, personal questions have but a secondary interest. You may count on my absolute devotion, however insufficient it may be. As to the honour which you do me, and for which I shall remain profoundly grateful, allow me not to accept it for myself. I shall not be deviating from your intentions, I am sure, if I regard it as altogether meant for the Sovereign, who during his life has taken such a great part in the grand and noble cause which we are called upon to serve.”

The Prince de Chimay having withdrawn, Baron Lambert proposes to the Conference to entrust the drawing up of the Protocols to Messrs. L. Arendt, Director-General at the Ministry of Foreign Affairs, Gosselin, First Secretary of Her Britannic Majesty's Legation, and Count Pierre van der Straten-Ponthoz, Director at the Ministry of Foreign Affairs, in the capacity of Secretaries, and to associate with them Messrs. Charles Seeger and Count André de Robiano, Head of Division and Head of Department respectively, in the Ministry of Foreign Affairs.

These proposals are adopted by the Conference.

Messrs. L. Arendt, Gosselin, Count Pierre van der Straten-Ponthoz, Charles Seeger and Count André de Robiano are introduced and take their places at the Secretary's table.

The President begs the Plenipotentiaries, who are not accredited to the Court of Brussels, to be so good as to place in the hands of the Secretaries the credentials appointing them to sit at the Conference. This request is complied with.

Mr. E. Terrell, by the order of his Government, addresses the Conference in the following terms:—

“The instructions of my Government direct me to represent the United States at the Conference in the capacity of Delegate *ad referendum*.

“In accordance with the precedents usually followed at Conferences of this nature, my Government think that probably the Resolutions of this Conference are intended to be presented in the form of recommendations, Protocols, or of a draft International Convention for the final decision of the Powers represented.

“It is for this reason that they have not thought it necessary to invest their Delegate with Plenipotentiary authority during the deliberations of the Conference.

“In sending a Representative to this assembly, the Government of the United States have wished to show the great interest and deep sympathy which they feel in the great work of philanthropy which the Conference seeks to realize.

“A country which has suffered so long from the ills of slavery, and which has not shrunk from one of the most bloody wars the world has known in order to free its territory from them for ever must feel beyond all others an immense interest in the work of this assembly.

“At the same time the President, in notifying to M. le Ghait, the Belgian Minister at Washington, his decision to accept the invitation to take part in the Conference, thought it his duty to state that this acceptance was subject to special reservations on certain questions which will probably be raised here, and on which his Government hold distinct views.

“I shall have the honour to make known these reservations when the opportunity presents itself during our deliberations.

“At the present moment I do not wish to do more than have recorded in the Minutes of this sitting the declaration I have had the honour to make.”

The President records the declaration of the Plenipotentiary of the United States. He adds that the only object of the powers of members not permanently accredited to Brussels is to authorize them to take part in the deliberations of the

Conference, but that it is well understood that the liberty of all the Government^s remains intact in regard to the Resolutions which may be discussed by the assembly.

The President then addresses the assembly with reference to the publicity which should be given to the deliberations of the Conference. The representatives of several journals had already asked to be furnished with the accounts of the sittings and with the official documents.

A distinction should be made with regard to this. Information respecting the general course of their deliberations and work is of a nature to satisfy public curiosity, and may be divulged without inconvenience.

It is not the same with regard to draft Conventions or texts of proposals. If these documents were made known as soon as they were laid on the table of the Conference, they would become the subject of criticism and argument which would make it difficult to discuss them in the assembly. The interest of the Conference therefore required that those documents should be confined to the Protocols.

In fine the task of determining what could be said without infringing the discretion imposed upon them all must be left to their individual judgment.

Several Plenipotentiaries then exchange their views as to the propriety of also furnishing other information, either by obtaining the authority of the assembly for the purpose, or by leaving to each Plenipotentiary the power of determining what communications he may think it useful to make.

Prince Ouroussoff is of opinion that each individual must be left to take the responsibility of his own communications without calling upon the Conference itself to interfere.

It should be the duty of the Bureau alone to communicate to the press such information as it is decided to give.

Lord Vivian draws attention to the interest taken in the question by the public of all countries, specially by that of England. He thinks that the matter might be safely left to the discretion and conscience of each individual member.

M. Bourée proposes that the Bureau alone should make such communications. The Secretariat should publish day by day an official report of the sittings.

Count Khevenhüller agrees with *M. Bourée*. It seems to him out of the question that members should daily be expected to divulge proposals which they might intend to make to the Conference, or which should form the subject of reports to be addressed to their Governments.

Carathéodory Effendi also agrees with the proposal of the First French Plenipotentiary. With regard to the documents which should be published, he considers that the Conference might decide this at each of its sittings.

The President sums up the discussion.

It is decided that the Bureau shall draw up day by day a brief report of the sitting, giving such details as to the progress made as can be published without harm.

With reference to documents, they will be made public as soon as the Bureau shall have taken the orders either of the Conference or the Commission in respect to them.

Respecting the communication of more precise details on the subject of their deliberations, it is understood that the assembly neither assumes any responsibility nor gives any authorization. Nobody refuses to recognize the part played by the press, or the assistance that, under certain circumstances, public opinion might render to the end the Governments represented have in view. But the members of the Conference recognize that it is the duty of all to assure the success of their labours by acting with discretion, without which success could never be attained.

The President then proposes to fix the next sitting for the following day, Tuesday, the 19th November.

After reading the invitation which has been addressed to the Governments represented, the Plenipotentiaries will be invited to produce all documents and information of every sort in their possession, and to state what course, in their opinion, the labours of the Conference should pursue.

As a discussion is impossible until these documents have been submitted to all the Plenipotentiaries, the President suggests to the Assembly the nomination of a Commission to receive and arrange them, and fix the mode in which they should be examined. The assembly would have to settle what should be the task of the Commission, and what part should be taken in it by the special Delegates of the Governments.

The President is of opinion that in this way an understanding will soon be come

to as to the order of their labours, and that in a few days the Commission may be called on to begin its work.

The proposal is adopted.

The meeting adjourned at a quarter to 4.

(Signed)

ALVENSLEBEN.
DR. ARENDT.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGÜERA.
E. PIRMEZ.
EDM. VAN EETVELDE.
EDWIN H. TERRELL.
A. BOURÉE.
G. COGORDAN.
VIVIAN.
JOHN KIRK.
J. DE RENZIS.
L. GERICKE.
NAZARE AGA.
H. DE MACEDO.
L. OUROUSSOFF.
MARTENS.
BURENSTAM.
ÉT. CARATHÉODORY.

True copy:

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Comte PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Comte ANDRÉ DE ROBIANO.

No. 2.

Protocol No. 2.—Sitting of November 19, 1889.

Present:

- For Germany—
His Excellency Count Alvensleben.
Doctor Arendt.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambermont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Agüera.
- For the Congo Free State—
M. van Eetvelde.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
- For France—
His Excellency M. Bourée.
M. Cogordan.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.

- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Persia—
His Excellency Nazar Aga.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency M. de Martens.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.

The President states that he has received a request from the Congress which met at Paris this year to discuss the Liquor question. It is decided that this document shall be transmitted to the Commission which is hereafter to be called together to examine what measures should be taken in the matter.

M. van Eetvelde announces that he has distributed to all the Plenipotentiaries an extract from the "Official Bulletin" of the Congo State, containing two Reports explaining: first, the legislation of that State with a view to the suppression of slavery and the protection of negroes; secondly, the political and military measures which have been or will be taken to suppress the Slave Trade in the territories of the State.

The President reads the Circular addressed by the Belgian Government to the Governments invited to take part in the Conference.

It is as follows:—

"The principles established at the Congresses of Vienna and Verona, the Treaty of 1841, and more recently the Declaration contained in Article IX of the General Act of the Berlin Conference, testify to the constant interest which the Powers have unceasingly attached to the suppression of the Slave Trade in Africa. Whilst recognizing the happy results produced by these International Acts it is impossible to deny that this odious Traffic still exists, and that it has even, in later times, shown signs of revival, which have much agitated public opinion. The moment therefore seems to have come for seeking, in common and in a broad spirit of conciliation, the means best calculated to encounter the evil at its source.

"With this object in view the Belgian Government, in concert with Her Britannic Majesty's Government, propose that Representatives of all the Powers who took part in the Congress of Berlin and signed the General Act of the 26th February, 1855, as well as of the Congo State, should assemble in Conference at Brussels on the 15th October next, to establish the bases of a mutual understanding. No disagreement exists concerning the object to be pursued, which is, the necessity of putting a stop effectually to the Slave Trade in the interior of Africa, to the capture of slaves intended for sale, and to their transport by sea; barbarous atrocities, which it will be only possible to check by a systematic display of force superior to that which the authors of this abominable Traffic have at their command. On the other hand, the duty of encouraging the Powers who enlist recruits with the meritorious intention of combating the Slave Trade is self-evident. The Government of His Majesty the King of the Belgians would consider it therefore inopportune to limit the sphere of action of the Conference; they desire to leave entire liberty of action to the Representatives of the Powers with regard to the suggestion of the practical measures which would seem the most appropriate under the circumstances."

The President begs those Representatives who have proposals to make or ideas to suggest to bring them to the notice of the Assembly.

In response to this invitation, *Lord Vivian* proposes to lay before the Conference a short historical résumé of the long struggle in which England has been engaged against the Slave Trade, and of the results obtained, adding further some general observations based on his country's experience in connection with the sea-borne Slave Trade, to the suppression of which Her Majesty's Government attaches primary importance. His Excellency expresses himself as follows:—

"The convocation of this Conference by the Government of a Sovereign who, by his great work in Africa, has manifested the deep interest he takes in the welfare of the African races, has enlisted the warm sympathy of Her Majesty's Government, the objects of the Conference being in complete harmony with the policy which England

has persistently followed for so many years, and for which she has made great sacrifices.

"It is now nearly half a century since the Great Powers, in the preamble to the Treaty of 1841, expressed their desire to give full and complete effect to the principles recorded in 1815 and 1822 at the Congresses at Vienna and Verona, at which the Powers had declared their readiness to concur in everything that might secure and accelerate the complete and final abolition of the Slave Trade.

"The Treaty of 1841 engaged the Signatory Powers to prohibit all trade in slaves under their respective flags, to declare such Traffic piracy, and to grant under certain conditions the reciprocal right of search of their respective merchant-vessels by their ships of war.

"At that time the institution of slavery was widely spread throughout the world, and the horrors of the Transatlantic Slave Trade disgraced civilization. By the operation of the Treaty of 1841 and similar Treaties, the Maritime Powers were enabled greatly to check this branch of the Slave Trade which happily has now entirely ceased through the abolition of slavery in all countries professing the Christian religion.

"But there are still Eastern countries in which the continued existence of domestic slavery keeps up a constant demand for African slaves.

"The extensive area of the territories in Africa from which the slaves are drawn, and the geographical situation of the transmarine slave-markets render it a work of extreme difficulty to cut off entirely from these markets the supply of African slaves.

"The Khedive of Egypt and the Sultan of Zanzibar have each, according to their respective ability, taken steps to lessen the evil in Africa; the former by his loyal fulfilment of the stipulations of the Treaty with Great Britain of the 4th August, 1877, whereby all sale of slaves, even between family and family, within the dominions he governs, has been stopped; the Sultan, by his recent Decrees, freeing all persons entering his dominions after the 1st of this month, and all children born within his dominions after the 1st January, 1890.

"England can thus point with satisfaction to the results of her persistent efforts to repress the African Slave Trade, but she recognizes that it can never be extinguished by the operation of her cruisers alone.

"The transmarine markets are well known.

"In the Mediterranean there is no reason to suppose that slaves have been shipped in cargoes for many years, notwithstanding the exclusion of that sea from the waters where the right of search can be exercised, but slaves intended for sale are undoubtedly clandestinely conveyed as servants or passengers from Egypt, Tripoli, and Morocco to the ports of the eastern Mediterranean. In the Red Sea the Slave Trade is rife. The climatic drawbacks, the shortness of the passage from shore to shore, the facilities which the configuration of the coast-lines gives to native craft engaged in the Trade, and the abuse by slave-traders of the protection of European flags, largely neutralize the efforts of the cruisers.

"In Hadramaut and Oman the Treaties concluded by Her Majesty's Government in 1873 have had a deterrent effect, and have been attended with considerable success. The Persian Gulf is no longer the safe market of olden times.

"In the territory of the Sultan of Zanzibar the action of Her Majesty's Government in the same year struck a heavy blow at an export trade in slaves then estimated at between 20,000 and 30,000 souls yearly, and the Traffic had at one time been reduced to little more than a precarious smuggling trade to the islands adjoining the mainland.

"But in recent years the increasing powers and wider range of the operations of the Arab slave-hunters, whose terrible ravages have been so powerfully described by Cardinal Lavigerie, and by African travellers, have given a new impetus to the Traffic, which finds its way partially through the harbours of the Zanzibar mainland to Arabia and the Persian Gulf, but principally to Madagascar and the other islands. From the Mozambique coast to the same islands there is always a certain exportation, which is peculiarly difficult to cope with, the numerous unexplored creeks along the coast giving facilities for concealment, and the winds and currents so prevalent in the Mozambique channel making it very difficult for boats or cruisers to keep up a constant watch.

"South of Mozambique, and on the whole West Coast of Africa, the export Slave Trade is happily a thing of the past.

"This sketch of the state of the sea-borne Slave Trade, and of the markets which it supplies, depicts the difficulties which have to be encountered in clearing the seas of this abominable Traffic, but shows that it is confined within a limited area. The

awakened conscience of Europe, and the altered political conditions of the African sea-board, hold out strong hopes of securing united action for the purpose of extirpating it on the part of the Powers, and more especially of those responsible for the control of the coast through which the exportation and importation of slaves is carried on.

"The Congresses of Vienna and Verona recorded general principles. The Conference of Berlin recognized and applied these principles to the territories forming the conventional basin of the Congo. The Powers are thus formally pledged as to principles, and the object of the present Conference, as it is understood by Her Majesty's Government, is to concert effective measures to be taken in common for putting these principles into practice, and to substitute united for individual action in the suppression of the Slave Trade.

"By the terms of the invitation to the Conference full latitude is left to the assembled Plenipotentiaries to suggest what these practical measures should be. In the opinion of Her Majesty's Government the suppression of the export of slaves by sea is the object to which the efforts of the Conference should be primarily directed, as being that which is most in their power to attain, and in this direction it might perhaps be practicable to frame an unanimous international agreement which, while carefully respecting the rights and interests of Powers not hitherto bound by Treaties, might embrace, and even amplify, the provisions of existing Treaties for which it might be substituted.

"The actual limitation of the export trade in slaves to the area comprised between the Red Sea and the Persian Gulf and the African coast southward as far as the Island of Madagascar will probably facilitate the labours of the Conference, and enable it to concentrate its attention on that zone. Within this area it will be necessary to concert measures for combined action against slave-vessels on both shores of the Red Sea and on the coast to the southward; for the infliction of adequate punishments on all persons, of whatever nationality, taken in the actual commission of this guilty Traffic; for establishing effective machinery for the detection and punishment of slave-dealers and those aiding and abetting them, and efficient Tribunals for trying them; for the liberation of slaves either imported or captured in course of transit; and for the adoption of a system which would render it impossible for a slave-trader to obtain, for his protection in his nefarious practices, registration under the flag of any of the Powers.

"The abolition of all markets in which sea-borne slaves are offered for sale is also a most important point which merits the serious consideration of the Conference, as this abolition cannot fail to discourage the internal slave raids for the supply of these markets, which are attended by such terrible atrocities and sacrifice of life.

"In view of their operation upon the social condition of Africa, and their consequent indirect effect upon the Slave Trade, it will probably be desirable that the Conference should direct its attention to the restriction of the commerce in ardent spirits and in munitions of war.

"These are, generally, the points bearing on the Slave Trade which, in the opinion of Her Majesty's Government, require to be discussed and settled in a practical form by the Conference. Their Representatives are instructed to lend their cordial co-operation in framing measures which will attain these objects, and at the same time commend themselves to the approval and sanction of all the assembled Powers."

M. de Macedo requests that Lord Vivian's speech may be printed and distributed.

He presents, in the name of his Government, a Memorandum respecting the abolition of slavery and of the Slave Trade on Portuguese territory.

This historical sketch shows the action taken by Portugal in regard to the questions before the Conference. He requests that the Memorandum may be added to the Protocol of the sitting. His Excellency communicates at the same time another document on the ancient Portuguese Catholic Missions on the Zambesi. *M. de Macedo* adds that he will be able in a few days to lay before his colleagues a collection of books, Reports, and Maps showing the work done in the cause of civilization by Portugal in Africa. These documents would be at the disposal of the members of the Congress, and placed in the Library of the Ministry for Foreign Affairs. His Excellency trusts that the Conference will accept these works.

The President states that Lord Vivian's speech and the observations made by the Plenipotentiary of Portugal will alike be added to the Protocol of the sitting. The President thinks that the Conference will not object to the insertion in the Protocol

of the first Memorandum presented by M. de Macedo, as is usual with such documents. The other works mentioned by M. de Macedo will remain at the disposal of the members of the Conference.

M. de Martens thinks it will be difficult to discuss proposals forthwith unless submitted to the Assembly beforehand in writing.

M. de Macedo is of opinion that the procedure followed in Parliament should be adopted, under which proposals properly so called would not be debated until printed and distributed to all the members of the Conference.

This rule, as *the President* points out, is observed at all diplomatic meetings. It is adopted by the Conference.

The President is of opinion that the Conference should now come to a decision as to its own procedure.

He thinks he need not go through the history, which, indeed, has in part already been given, of the question of the suppression of the Slave Trade. Since the beginning of this century several Congresses have made solemn declarations on the question, but unaccompanied by any sanction for their enforcement; many Treaties dealing with the matter have since been concluded.

Three facts become prominent in the history of the question.

The West Coast of Africa has been energetically and continuously watched.

The American markets have been closed one after the other.

The Slave Trade thus combated and held in check disappears from the West Coast, and breaks out in Central Africa and other places.

It is now necessary to consider what measures can be adopted against this plague in the regions which it still ravages, and thus to give full effect to the obligations assumed under the General Act of the Berlin Conference.

Before deciding to make new arrangements, it is wise to examine those which have already been made, and which are partly, at least, still in existence.

In order to lighten the labours of the Conference, the Belgian Plenipotentiaries have prepared a summary of the provisions of international law bearing on the question; this summary is in the shape of a methodical statement, and will at once be placed at the disposal of the members of the Conference.

But this part of the work was comparatively easy. It is, further, necessary to examine the present state of the Slave Trade; to find out its sources, its character, and its extent in the regions where it originates. With this view, a great number of books, papers, and Reports have been gone through.

After endeavouring to study the Slave Trade at its sources, the next logical step was to ascertain the routes by which it finds its outlet. The land routes are far less known than the sea routes; every effort has been made to throw as much light as possible on both.

In the third place, endeavours have been made to follow the Slave Trade to those countries which it supplies.

All this information has been gathered together in a volume also submitted to the Conference. In order to facilitate the use of this book the more salient points have been summarized in a short and carefully arranged Statement, which forms the introduction.

This work leads us to think that the same order of procedure might be followed by the Conference.

Would it not be well to ascertain, in the first place, what must be done in order to put down the Slave Trade at its source?

This part of the question has as yet rarely been examined. The papers presented by the Congo Free State will undoubtedly throw some light on the matter.

Might not some effective means be found of stopping the routes followed by the Slave Trade? Are there no new measures which might be taken in this direction?

The maritime part of the question presents special features on some points of which an agreement might be come to. The Plenipotentiary for Great Britain has already brought the matter before the Conference.

Lastly, in regard to countries beyond the African seas, we may well inquire whether it would not be possible to complete the Treaties, or to point out certain amendments in the existing Laws which have been enacted in such evident good faith.

The Conference will perhaps be of opinion that this would be the most reasonable and most simple way of dividing our labours. The adoption of such a scheme involves, however, no obligation with regard to the arrangements which may eventually be made. It is needless to say that each Plenipotentiary will preserve entire liberty of action in this respect.

We do not for a moment suppose that we shall at once discover a means of abolishing the Slave Trade. But if the Conference succeeds in coming to an agreement

as to the measures fitted for reaching the Slave Trade at its source, along the caravan routes, and at the markets, great progress will have been made towards the solution of this complicated question. Every one knows that there are parts of Africa which are still difficult, and sometimes even impossible, to reach. But it would be at once a great honour for the Conference, and a great gain to humanity, if in grouping the results obtained in these several fields of action it was found that a new barrier had been raised against the inroads of this scourge.

The Conference will probably agree to begin by considering one of the above-mentioned points. The examination of measures to be adopted at the sources of the Slave Trade naturally takes precedence under the division which has just been proposed.

As Lord Vivian does not insist that the maritime questions shall be considered first, and as no other objection is made, the *President* assumes that the Conference accepts his proposal.

The *President* lays on the table the documents mentioned in his speech. They will be distributed to the Plenipotentiaries and Delegates at the close of the meeting.

Lord Vivian lays on the table a list, prepared by the Foreign Office, of International Conventions respecting the Slave Trade. He also presents several Blue Books to the Conference.

Carathéodory Effendi makes formal reservations on points connected with Lord Vivian's speech.

It is agreed that the Turkish Plenipotentiary shall, if he deems it necessary, have the right of entering his reservations when the Protocol containing the speech in question shall have been distributed.

In accordance with the practice adopted at other Congresses, it is decided that a Committee of the Conference shall be chosen with instructions to carry out a preliminary examination of the first question on the agenda paper, namely, measures to be taken in regard to the Slave Trade at its source.

The following to be members of the Committee:—

The Plenipotentiaries of Germany, Belgium, Spain, the Congo Free State, France, Great Britain, Italy, and Portugal.

It is agreed that the other Plenipotentiaries may be present at the Committee's debates, and may take part in them. The Delegates will also be requested to appear.

The question of the expediency of appointing one or more other Committees who should sit simultaneously, or one after the other, for the purpose of examining other questions, gives rise to various observations, and is finally reserved.

The Committee will meet again on Thursday, the 21st November, at 2.

The meeting adjourned at 4.

(Signed)

ALVENSLEBEN.
DR. ARENDT.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGÜERA.
EDM. VAN EETVELDE.
EDWIN H. TERRELL.
A. BOURÉE.
G. COGORDAN.
VIVIAN.
JOHN KIRK.
J. DE RENZIS.
L. GERICKE.
NAZARE AGA.
H. DE MACEDO.
MARTENS.
BURENSTAM.
ÉT. CARATHÉODORY.

True copy :

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Comte PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Comte ANDRÉ DE ROBIANO.

Protocol No. 3.—Sitting of November 23, 1889.

Present:

- For Germany—
His Excellency Count Alvensleben.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambertmont.
M. Émile Banning.
- For Denmark—
M., F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra
- For the Congo Free State—
M. van Eetvelde.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
- For France—
His Excellency M. Bourée.
M. Cogordan.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
M. Catalani.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Persia—
His Excellency Nazare Aga.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency Prince Ouroussoff.
His Excellency M. de Martens.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.

Lord Vivian asks to be heard on a point of order.

“M. le Président, I have the honour to call your attention to a document which has been distributed to the Conference and which is called ‘List of Official Stations held in Africa by the Portuguese,’ a document which prejudges questions of territorial rights still in dispute with other Powers.

“I have to inquire of you, M. le Président, whether it is not the fact that to allow such a document to be inserted in, or annexed to, the Protocol, would be quite at variance with the well recognized principle that all such questions are beyond the powers of the Conference.

“I believe that your mature decision on this important point will have a great influence over the success of our deliberations. For if, in addition to the difficulties, already great enough, which we have to overcome, we are to discuss territorial questions which are in our opinion altogether beyond the scope of the

Conference, I am afraid that the solution of the problem of the suppression of the Slave Trade may be postponed to the Greek Calends."

M. van Eetvelde expresses his agreement with Lord Vivian's observations.

M. de Macedo thanks the British Minister for having given him notice of the action which he proposed to take, and he is also grateful to him for having called the attention of the Conference to the list of Portuguese stations, thus enabling him without delay to explain his intentions to that body. By producing this document before the Commission he had no desire to prejudge questions of territorial rights, but merely to elucidate by facts the purport of the Portuguese proposals. When he asserted that stations exist or are being established, he did not wish to raise questions of right with respect to the territories in which these stations are situated. He only mentioned the fact that stations exist, are being organized, or are in course of establishment. He maintains that not only has he not raised the question of right, but also that he could not even have allowed it to be discussed. He refers, in this connection, to the reservations made by the Portuguese Government themselves in replying to the invitation of the Belgian Government, and he hopes that these explanations will suffice to satisfy Lord Vivian and *M. van Eetvelde*.

The President having been warned of the incident which was going to arise, and after having ascertained, as he thought it his duty, the views of his Government, expressed himself as follows:—

"Gentlemen, before answering the question before us, it seems to me useful to remind you of a precedent.

"In 1884, at the outset of the deliberations of the Conference at Berlin, the President of that assembly made the following declaration:—

"The members of the Conference will have the opportunity of discussing among themselves the questions which are connected with the delimitation of colonial establishments belonging to their respective nationals or with the treatment of their countrymen; but it does not enter into the functions of the assembly to decide upon the validity of previous annexations."

"The Conference of Berlin adhered to this rule.

"The invitation addressed by the King's Government to the Powers represented here states that the object of the meeting is to seek out the best means of combating the Slave Trade; it does not include the discussion of territorial questions.

"The Conference, therefore, is not entitled to pronounce on the rights which any Power may have over this or that territory, or on the validity of titles, or the value of facts which may be adduced in support of similar claims, the examination of these titles, rights, and facts being outside their powers. Such is the point of view from which the King's Government have looked upon the mission of the assembly to which the Powers have been good enough to send Representatives at His Majesty's invitation.

"The King's Government have no reason to doubt that this view will be shared by each of you gentlemen, but they think it advisable to put on record the agreement of the Conference on this point, to prevent any misunderstanding. I beg you, therefore, Gentlemen, to express your views on this subject."

The Conference unanimously adheres to the preceding declaration.

The President continues:—

"The question of principle is accordingly decided.

"It will therefore be easy for me to define what should be the position of any papers which may be communicated to the Conference, directly or indirectly affecting questions of territory.

"I think it right to add to the precedent which I have already quoted, a declaration borrowed from the same source:—

"The Conference being composed of Representatives of Sovereign States, each of its members shall himself decide what communications to make to his colleagues in the name of his Government; but the Conference shall not be bound to discuss proposals which are not within the limits assigned to its discussions by the programme which accompanied the invitation.

"In accordance with this rule, the Berlin Conference left questions affecting territorial rights to be discussed, outside it, directly by the Governments interested.

"In accordance with the precedent thus set, and with the definition of our functions already given and accepted by us, we may conclude that mere communication to the assembly of documents or facts bearing on territorial questions, does not

imply that such papers or such facts have the approval or sanction of the Conference. The respective rights of the Powers to their possessions in Africa will be left by the Conference in the same position as it finds them."

In view of the statements made by the President, and confirmed by the assembly,

M. van Eetvelde thinks that it will be possible for him to abstain temporarily from laying stress on his reservations.

It is therefore clear that the rights of the Powers remain after the Conference, what they were before, whatever facts may have been brought before it, or whatever communications made, even if no objection has been raised by any of the Plenipotentiaries.

The President declares that, in accordance with the precedents of Berlin, the communication of any document whatever in nowise binds the Conference. If at any moment Portugal were to invite the discussion of her list of stations, the Conference will then have to decide whether or not it will enter on such a discussion, and reserves, on this point, complete liberty of action.

Lord Vivian again expresses his great regret that this question should have been raised. His Lordship is of opinion that the list in question ought never to have been presented. But since it has now been brought before the Commission, and since a list of so-called official stations has been presented by the Portuguese Minister, which undoubtedly prejudices questions of territorial rights, it would be impossible not to consider it otherwise than as an infringement of the rights of third parties. His Lordship suggests that the withdrawal of the list would be a means of avoiding this difficulty.

M. de Macedo says that he did not intend to raise any question. The communication of the list of stations to the Commission was not made with the intention which is attributed to him. He only wished to inform the Commission of a *de facto* situation, with a view to further the discussion of this proposal; and he repeats that he had no intention or desire to invite a discussion of rights on this point by the Conference, or even the Commission.

He can scarcely suppose that Lord Vivian's intention is to make him withdraw this list; and he therefore declines to discuss the matter from that point of view. He is the first to admit that the Conference and the Commission are in nowise bound to discuss the list, and he repeats that it has not been communicated with the view of the question of right, which he is quite aware would be contrary to the rule which defines the competency of the assembly.

The President, in summing up the discussion, says that it shows:—

1. That the facts explained by *M. de Macedo*, in so far as they relate to territorial questions, are not within the competency of the Conference;
2. That the Conference does not undertake to discuss them.

He points out that the Commission has not up to now decided to discuss the Portuguese list, or to embody it in its Report, and that, as regards the Conference, it will remain equally at liberty not to insert the list in its Protocols. He adds that, following the programme of the first Commission, the establishment of posts or stations might be regarded as one of the means of arriving at the suppression of the Slave Trade, but that it will be the duty of the Conference to solve this question without infringing the rights of any one, and with the greatest advantage to the object which it has in view, namely, the abolition of the Slave Trade. The President, in conclusion, expresses the view that the British Minister, in case his Lordship is unable to give an immediate answer, is of course free to refer to his Government.

Lord Vivian, whilst animated by the sincerest spirit of conciliation, cannot admit that the explanations given by the Portuguese Minister are satisfactory, and he prefers reserving his final answer in order to refer to his Government.

Baron de Benzis informs the assembly:—

1. That the Government of His Majesty the King of Italy, by Article XIV of a Treaty between Italy and Ethiopia, signed the 2nd May, 1889, has stipulated that "the Slave Trade being contrary to the principles of the Christian religion, His Majesty the King of Kings of Ethiopia engages to prohibit it by all the means in his power, so that no slave caravan shall be able to pass through his country;" and—
2. That the Royal Ministry, by Article VII of a Treaty concluded on the 9th December, 1888, with the Sultan of Aussa, Chief of all the Danachils, has stipulated that the latter shall not allow the Slave Trade in his territories and dependencies.

Lord Vivian, with the consent of his Italian colleague, communicates to the

Conference the text of the Treaty concluded on the 14th September, 1889, between Great Britain and Italy, relative to the suppression of the Slave Trade by sea. Copies of this Treaty will be shortly placed at the disposal of the members of the Conference. Lord Vivian adds that this Convention will not come into force, as regards Great Britain, till its promulgation by Her Majesty's Privy Council.

Carathéodory Effendi speaks as follows:—

“At our last plenary sitting I took the liberty of making formal reserves, suggested to me by the speech of the First British Plenipotentiary, in asking for permission to formulate them as soon as the text of the speech delivered by Lord Vivian should have been distributed.

“The complicated and difficult questions inherent in our discussions will, I am sure, be always treated by this assembly in a spirit of entire impartiality, moderation, and equity.

“In giving expression to this conviction in his speech at the opening of our Conference, our eminent President certainly did no more than reproduce the feelings which are shared by all present. Permit me to express the hope that every question capable of causing irritation or of making that unanimity, which must be our constant aim, more difficult of attainment, or even of wrecking it, will be carefully excluded from our debates.

“We are met here solely in order to discuss, in a spirit of mutual deference, actuated by the most friendly sentiments towards each other, the measures best calculated to bring about, if not the immediate suppression (which is, indeed, unattainable), at least the effectual repression of the African Slave Trade.

“No disagreement can, I hasten to state, exist as to our common aim.

“By accepting at once the friendly appeal made by the Government of His Majesty the King of the Belgians, in concert with the Government of Her Britannic Majesty, the Sublime Porte has furnished evident proof of its desire to take part heartily, within the limits laid down in the invitation, in this most philanthropic work.

“The opinions held by the Government which I have the honour to represent in regard to the abominable trade in African slaves, which we are about to discuss, are not of recent formation, and, I would add, they have never varied from the time when, almost immediately after his advent to supreme power, the late Sultan Abd-ul-Medjid, of glorious memory, moved by the spontaneous promptings of his own generous heart, and on his own initiative, ordered the slave markets of the Ottoman Empire to be closed.

“It would be easy to prove the assertion I have just made; but for the moment I will merely state the fact. During the course of our debates I shall no doubt find an opportunity for touching on certain misunderstandings and manifest errors, which are current—notwithstanding evidence to the contrary—both as to the importance of the amount of responsibility which—even according to the statements of his Excellency the British Plenipotentiary—should devolve on the institution of Eastern countries as to the cause of the African Slave Trade, and also as to the condition of negroes in the Mahomedan countries.

“The beneficent action of the august father of the present Sovereign was solemnly confirmed by the Imperial Firmans of 1273 (1857) and of 1294 (1878), addressed to the Khedive of Egypt as the expression of the unchangeable will of the Sovereign, and communicated also, under the form of instructions, to the Governors-General of Bagdad, the Hedjaz, the Yemen, and Tripoli in Africa. They form, in conjunction with the other Imperial Firmans, Circulars, and numerous Orders referring to special cases, always hostile to slavery, which has been addressed to the Valis of the African and Arabian Provinces of the Empire, a collection of legislative Acts to which I need do no more than allude.

“I have no occasion to remind this illustrious assembly of the high place occupied by the Emperor Abd-ul-Hamid II in the high esteem and respect of the civilized world, of its Sovereigns, and of its Governments.

“He continues with undiminished zeal the work of civilization and progress which he undertook when he came to the throne; he has but one aim, that, namely, of extending and completing the plans of those great reforms which were left to him by his august father; and the intentions which form the glory of his reign find faithful interpreters in the enlightened Ministers in whom His Imperial Majesty places confidence.

"It may be sufficient for me to refer, without further comment on it, to the Convention concluded in 1880 with the Government of Her Britannic Majesty.

"I desire to declare in the most formal possible manner that, conscious of the duties incumbent on it, the Sublime Porte fulfils scrupulously, and in every detail, and in so far as lies in its power, the international obligations it has assumed.

"I venture to remind his Excellency Lord Vivian that Her Britannic Majesty's Government have on many occasions testified, in official notes, to the efforts made in this direction by the Imperial Government and the Imperial authorities.

"But should the regulations be, nevertheless, sometimes infringed in isolated cases in a manner which the most active precautions unceasingly taken are unable to prevent, I need hardly add that the Imperial Government will always be the first, after having ascertained the correctness and exactitude of the alleged facts, to put down and to punish, with all the severity allowed by law, as it has always done in similar circumstances, such criminal offences, which it emphatically condemns."

Lord Vivian expresses his appreciation of the noble sentiments which have prompted his honourable colleague to give expression to these words.

But while maintaining the absolute correctness of his statements as to the existence, on a large scale, of Slave Trade in the Red Sea, the English Plenipotentiary adds that he by no means intended to impute that the Sublime Porte tolerates these proceedings or is even aware of them. On the contrary, he is anxious to declare that every time Her Majesty's Government have called its attention to any infractions of the Treaty of 1880, the Sublime Porte has fulfilled with scrupulous loyalty the duties imposed on it by that document. Quite recently the British Government have had occasion cordially to thank the Ottoman Government for the spontaneous liberation of 225 slaves who had been seized at Mecca and in other parts of the Hedjaz. Lord Vivian is happy to be able to state how highly Her Majesty's Government appreciate the noble and generous sentiments that His Majesty the Sultan has always manifested with regard to the Slave Trade. Of those sentiments His Majesty has given a signal proof by according his sanction to the Treaty of 1880 and sending a Representative to the present Conference.

Carathéodory Effendi thanks Lord Vivian for the homage thus rendered in the name of Her Majesty's Government to his august Sovereign and to the Sublime Porte.

The First English Plenipotentiary has reason to believe that the Slave Trade is carried on on a great scale in the Red Sea. This statement of his Excellency can only be based on the Blue Books which have been laid before the Conference or on Reports his Government may have received or on those presented by the Belgian Plenipotentiaries, and on which the Turkish Minister is unable to express any opinion till he has mastered the whole of their contents; but he thinks it necessary to repeat his express reservation already made in Commission with regard to all these publications and the character which should be attributed to them.

As for the English documents, to which more particularly he alludes, he supposes that even the British Government themselves do not look upon them as having an official character for anybody else. To give them that character it would be necessary that the other side should have accepted them after careful inquiry held into each one of the facts then set down.

The situation, then, of both sides remains unaltered.

The Ottoman Government are convinced that they scrupulously observe the Treaty of 1880; the Turkish Minister has had great pleasure in finding valuable support for the view thus taken in the friendly and cordial remarks made by Lord Vivian. His Excellency concludes by repeating that the Imperial Government desires above all things to co-operate to the best of their ability in the success of the humanitarian labours undertaken by the Conference.

The President says that the declarations which have just been made will be set forth in the Protocol. He adds that in the account of the efforts the different Powers have made to suppress the Slave Trade, it will be only just to mention those of the Ottoman Government.

If, thanks to a good-will of which no one doubts notable results have already been obtained, the very meeting of the Conference is a proof that there is still something to be done.

In the interchange of views that has taken place, the President is happy to see evidence of a favourable disposition which will do much to crown the success of their common labours.

The President inquires whether the Conference are of opinion that a second Commission should be appointed and intrusted with the examination of everything connected with the sea-borne Slave Trade.

After various observations from MM. de Macedo, de Renzis, Khevenhüller, de Martens, and Carathéodory Effendi, the formation of the Commission is decided on. It will arrange the course of its labours, and, should it appear desirable, will appoint a Sub-Commission, whose business it will be to study certain technical questions, and which will be composed of such Plenipotentiaries and Delegates as have special knowledge of the subject.

Are appointed to the Commission, the Plenipotentiaries of Germany, France, Great Britain, Italy, Persia, Portugal, Russia, and Turkey.

The assembly is unanimous in desiring that the Plenipotentiaries of Belgium should also be of the number.

The other members of the Conference can, when they deem it necessary, be present at the meetings of the Commission.

The Plenipotentiaries will be accompanied by such of their Delegates as they may consider will be of assistance.

The first meeting is fixed for Monday, the 25th November, at 2 P.M.

The President addresses his colleagues on the subject of their relations with the press. To satisfy, as far as may be, certain demands which have been made, he proposes:—

To communicate to the press a short summary of the projected work of the Conference, and to mention in the abridged account of to-day's sitting, that the Conference has adopted a declaration by virtue of which territorial questions are beyond its scope.

To communicate likewise the volume laid by the Belgian Plenipotentiaries containing the international Acts and the documents relative to the legislation of Oriental countries.

These proposals are adopted.

M. de Macedo announces that, at the next sitting of the Conference, he will ask for authority to publish the Memorandum of the Portuguese Government, which forms an appendix to the Protocol of the second sitting.

The meeting adjourned.

(Signed)

ALVENSLEBEN.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
EDWIN H. TERRELL.
A. BOURÉE.
G. COGORDAN.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
T. CATALANI.
L. GERICKE.
NAZARE AGA.
H. DE MACEDO.
L. OUROUSSOFF.
MARTENS.
BURENSTAM.
ÉT. CARATHÉODORY.

True copy:

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Comte PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Comte ANDRÉ DE ROBIANO.

No. 4.

Protocol No. 4.—Sitting of December 4, 1889.

Present :

- For Germany—
His Excellency Count Alvensleben.
Dr. Arendt.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambertmont.
M. Émile Banning.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Congo Free State—
M. Pirmez.
M. van Eetvelde.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
- For France—
His Excellency M. Bourée.
M. Cogordan.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Persia—
His Excellency General Nazare Aga.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency Prince Ouroussoff.
His Excellency M. de Martens.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.

The President announces to the Conference that His Majesty the King of Italy has appointed Baron de Brocchetti, a Captain in the Navy, as a Delegate of his Government.

He proposes presenting the new Delegate to the Maritime Commission the very next day, in order that it may elect him to take part in the Technical Committee. In case the Commission should not meet, the President asks the Conference for leave to authorize Baron de Brocchetti's taking part in the work of the Committee from that time forward.

The assembly gives its assent to this proposal.

The President then observes that if Admiral Humann desired to lay before the Technical Committee amendments to the English draft which was before that Committee, there was nothing to prevent such amendments being discussed on the following day by the Committee. But, if they were of the nature of a counter-proposal, it would be necessary to communicate them first of all to the Maritime Commission in order that all the Plenipotentiaries might be enabled to bring such proposal immediately to the knowledge of their Governments, as in the case of the English proposal.

M. de Martens expresses the opinion that the Committee is competent to discuss all proposals and counter-proposals submitted on subjects the examination of which had been intrusted to them, provided that they do not amount to a counter-draft; any other method of procedure would impede the progress of the labours of the Committee.

Dr. Arendt considers that as soon as a proposal, other than a mere amendment, was in question, it is necessary to send it to the Maritime Commission, which should be made cognizant of it before the Technical Committee can discuss it. According to him, the Committee was empowered by the Commission alone, and could only receive communications of an official nature from the Plenipotentiaries, instructed by their Governments for this purpose.

Summing up the debate, *the President* holds that this rule should only be applied in the case of proposals which would entail an essential modification of the principles on which the English draft was based. In fine, a certain latitude should be left to the Technical Committee in the accomplishment of their task.

The assembly agrees in these views.

Lord Vivian begs his colleagues to allow the British and Foreign Anti-Slavery Society to present to them a collection of papers relating to the Slave Trade, which they beg the Conference to accept.

This same Society, his Excellency explains, places at the disposal of the Conference the results of its investigations and its long experience. Since its foundation, more than fifty years ago, it has always been at the head of the Anti-Slavery movement by carrying on without intermission a difficult struggle against the Slave Trade. It is placed under the patronage of His Royal Highness the Prince of Wales, and includes among its members many eminent men who have devoted their existence to the work which it may be hoped the unanimous agreement of the Governments will now complete. It is only owing to the great age of the venerable President of the Society, Mr. Sturge, that he did not come to Brussels to pay his respects to the Conference, the meeting of which had realized the one idea of his life.

The British Minister also communicated a similar message addressed to the Conference by the Society founded under the presidency of the Duke of Westminster, with a view to prevent the demoralization of the native races from the traffic in strong liquor; and the Society for the Protection of Aborigines, of which His Majesty the King of the Belgians was an honorary member, one of the members of which had lately published an exhaustive treatise about the best means of opposing the Slave Trade.

These various Societies worked with absolute devotion for the progress of the African races, and would be very glad could they be of any use to the Conference.

Lord Vivian's communication is received with interest by the assembly.

The British Plenipotentiary says he will not fail to inform the Delegates of these Associations; he adds that they would naturally bear the responsibility of all the documents which they may think fit to present to the Conference.

These communications will have an entirely personal character.

Replying to an observation of *M. de Macedo*, *the President* declares, with his Excellency, that the affirmations contained in the documents in question, cannot bind either the Government of Great Britain, or the Conference which has received them.

He informs the assembly of a telegram of congratulations and good wishes, which

has been addressed to him by the President of a German Anti-Slavery meeting, held at Cologne on the 25th November last.

The meeting adjourned at half-past 2.

(Signed)

ALVENSLEBEN.
DR. ARENDT.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
J.-G. DE AGÜERA.
E. PIRMEZ.
EDM. VAN EETVELDE.
EDWIN H. TERRELL.
A. BOURÉE.
G. COGORDAN.
VIVIAN.
JOHN KIRK.
F. DE BENZIS.
L. GERICKE.
NAZARE AGA.
H. DE MACEDO.
L. OUROUSSOFF.
MARTENS.
BURENSTAM.
ÉT. CARATHÉODORY.

True copy :

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Comte PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Comte ANDRÉ DE ROBIANO.

No. 5.

Protocol No. 5.—Sitting of December 7, 1889.

Present :

- For Germany—
His Excellency Count Alvensleben.
Dr. Arendt.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambermont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Agüera.
- For the Congo Free State—
M. Pirmez.
M. van Eetvelde.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.

- For France—
His Excellency M. Bourée.
M. Cogordan.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
M. Catalani.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Persia—
His Excellency General Nazare Aga.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency Prince Ouroussoff.
His Excellency M. de Martens.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.

The President opened the debate as follows:—

“Gentlemen, the eyes of the whole world are to-day fixed upon two persons, who, for different reasons, deserve and justify this universal interest. I mean Stanley and Emin Pasha.

“Every one knows under what conditions, in the midst of what dangers, and at the cost of what exertions that memorable journey has been accomplished, which has just terminated at Zanzibar. Expressions of sympathy and admiration have emanated from Sovereigns themselves, as well as from all the organs of public opinion.

“The Conference is called upon to consider whether it will maintain a silence which might seem akin to indifference, or take a part, by some direct proceeding, in the movement which is everywhere apparent.

“Neither Stanley nor Emin Pasha have any official connection with the Conference. It is, however, true that among the great African explorers no one has contributed more than Stanley to make known the very country where are done those things which are the subject of our cares and our labours.

“As for Emin Pasha, he defended for thirteen years the last bulwark of civilization on the Upper Nile, and only gave way when compelled by the revolt and desertion of his troops. There is, therefore, a certain affinity between the events which have just taken place and the mission intrusted to us. I think it my duty to ask the Conference whether a congratulatory Address should or should not be sent to Stanley and Emin Pasha.

“I have prepared, in case your decision should be in the affirmative, a draft telegram worded as follows:—

“‘The Conference of Brussels, being justly touched by the sufferings and dangers which you have undergone, together with your companions, and admiring the energy which you displayed in the discharge of a noble mission, address to you their sincere congratulations. They know and appreciate the new and great services which you have rendered to science and humanity. They beg you to express their sympathy to Emin Pasha, who, faithful to duty, held a dangerous post so long, and to communicate to him their wishes for his complete recovery.’”

M. de Macedo declares his adherence to the President's proposal. Portugal has very serious grounds to complain of most unjust opinions expressed by one of the persons to whom the telegram refers. The Portuguese authorities have, however, only answered these strictures by services rendered on several occasions to Mr. Stanley. He would only remind the Conference of one fact, which happened

recently. When the explorer arrived at the Congo to commence his last journey, it was the offer of a Portuguese gun-boat, the "Massabi," which was placed at the disposal of Mr. Stanley by M. de Macedo himself, then Minister for the Colonies, which permitted the transport along a part of the Zaire of the supplies and members of the expedition, who just at that time were without any means of pursuing their journey.

The Conference could therefore judge of the sense and spirit in which the Portuguese Representative adhered to the President's proposal, which he considered to be simply a public recognition of the great services rendered to the cause of humanity and science by Emin and Stanley.

The President, while taking note of M. de Macedo's declaration, is of opinion that it is not for the Conference to discuss grievances of which it is not competent to judge. With this reservation, and in view of the unanimous adhesion of the assembly, the telegram signed by the President in the name of the Conference would be forwarded to its destination.

Mr. Terrell presents to the assembly Mr. Sanford, his colleague, whose arrival had already been notified to the members of the Conference.

The meeting adjourned at 3 o'clock.

(Signed)

ALVENSLEBEN.
 DR. ARENDT.
 R. KHEVENHÜLLER.
 LAMBERMONT.
 É. BANNING.
 SCHACK DE BROCKDORFF.
 J.-G. DE AGÜERA.
 E. PIRMEZ.
 EDM. VAN EETVELDE.
 EDWIN H. TERRELL.
 H. S. SANFORD.
 A. BOURÉE.
 G. COGORDAN.
 VIVIAN.
 JOHN KIRK.
 F. DE RENZIS.
 T. CATALANI.
 L. GERICKE.
 NAZARE AGA.
 H. DE MACEDO.
 L. OUROUSSOFF.
 MARTENS.
 BURENSTAM.
 ÉT. CARATHÉODORY.

True copy :

(Signed)

L. ARENDT.
 MARTIN GOSSELIN.
 Comte PIERRE VAN DER STRATEN-PONTHOZ.
 CH. SEEGER.
 Comte ANDRÉ DE ROBIANO.

No. 6.

Protocol No. 6.—Sitting of December 19, 1889.

Presents...

For Germany—

His Excellency Count Alvensleben.
 Dr. Arendt.

For Austria-Hungary—

His Excellency Count Khevenhüller-Metsch.

- For Belgium—
Baron Lambertmont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Congo Free State—
M. Pirmez.
M. van Eetvelde.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.
- For France—
His Excellency M. Bourée.
M. Cogordan.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
M. Catalani.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Persia—
His Excellency General Nazare Aga.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency Prince Ouroussoff.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
Sir John Kirk.
Dr. Arendt.

The President proposes to the assembly to devote a sitting, to take place on Friday, the 20th December, to reading the French proposals for the suppression of the sea-borne Slave Trade, which are announced to arrive to-day. The Conference could thereupon suspend its labours during the festivals of Christmas and the New Year, and resume them on the 15th January.

After some observations had passed between several members of the Conference, the date of the renewal of the sitting is fixed for the 18th January.

The President reads a telegram which he had received from the Marseilles Telegraphic Agency, and which was as follows:—

“Mr. H. M. Stanley begs you to accept his sincere thanks for yourself, and for the members of the Congress. He will communicate your telegram to Emin.—
GEO. F. LAWTON.”

The President informs the assembly that the King had requested him to communicate to the Conference a telegram addressed to His Majesty by the Sultan of Zanzibar, of which the following is the translation:—

“Zanzibar, December 17.

“To His Majesty King Leopold, Brussels,

“I wish to inform your Majesty that I have asked Sir John Kirk and Dr. Arendt to act as my Representatives at the Conference. Their respective Governments have assented to this. I trust that your Majesty will be good enough to consider these gentlemen as my Representatives, having full power to act in my name. I wish your Majesty prosperity and success.—KHALIFAH-BIN-SAÏD.”

The President points out that this letter inclosed powers which, under the circumstances, can be considered to be regular.

Lord Vivian speaks as follows:—

“After the discussion which took place at the plenary sitting of the Conference on the 23rd November, recorded in Protocol No. 3, we reserved our final answer, in order to refer the matter to our Government.

“Availing ourselves of the opportunity afforded by the present meeting of the Conference, and acting in accordance with the instructions which we have received, we request the Assembly to be good enough to take note of the following protest:—

“The Plenipotentiaries of Her Britannic Majesty at the Brussels Conference, acting in accordance with the instructions of their Government, formally protest against the claims advanced by his Excellency the Portuguese Plenipotentiary, and recorded in Protocol No. 3 of the plenary sitting of the Conference on the 23rd November, and in the Portuguese Memorandum appended to Protocol No. 2, with reference to certain districts north and south of the Zambesi, over which districts Her Majesty's Government do not admit that Portugal has any right.

“Her Majesty's Plenipotentiaries, recognizing the fact that the discussion of territorial questions is outside the competence of the Conference, confine themselves to making the formal protest embodied in this declaration.”

“The Plenipotentiaries of Great Britain are further instructed to protest against a passage which occurs in the Portuguese official Memorandum appended to Protocol No. 2, imputing to Great Britain toleration of slavery, and even of the Slave Trade in a country under her sovereignty, and in another over which her influence extends. They are authorized to declare in the most formal manner, that this imputation is without foundation, and that the author of the Portuguese Memorandum must have been misinformed.

“In conclusion, Gentlemen, allow me to express the sincere hope that it is for the last time that contentious questions of this character may be brought before the Conference, where, in my opinion, they are not only out of place, but very injurious to our work, which is purely humanitarian, and not at all political.

“You may rest assured that no statement made, no document presented by us, will contain anything which might give rise to a protest like that which we have just entered.

“In my opinion, a scrupulous abstention from any allusion to such contentious questions will not in any way weaken our respective rights, and will conduce to the dignity and usefulness of our deliberations.”

The President informs the Plenipotentiaries of Great Britain that the Conference takes note of their protest. It will be inserted in the Protocol with the explanations which accompanied it.

M. Pirmex speaks as follows:—

“At the plenary sitting on the 23rd November, the Plenipotentiaries of the Congo Free State made express reservations with regard to the claims of Portugal. In accordance with instructions from their Government, they now reiterate and

complete their protest. They protest in particular against certain statements made by his Excellency the Portuguese Plenipotentiary at the sitting referred to above. They consider it necessary to state explicitly that, if the facts alleged were proved (a question into which they do not wish to enter here, as the Conference is not called upon to take cognizance of it), those facts would constitute flagrant violations of the rights of the Congo Free State, which it possesses more especially in virtue of the Treaty concluded with Portugal on the 14th February, 1885."

The President likewise informs the Plenipotentiaries of the Congo Free State that the Conference takes note of this protest; it will be recorded in the Protocol.

M. de Macedo observes that he has understood the object of the protest read by Lord Vivian in so far as it concerns certain passages in the Portuguese Memorandum, in which mention is made of proceedings said to have taken place in British India.

But, as regards the other matters, he cannot explain the motives which have led the British Plenipotentiaries to take this step, and he is not aware of the pretensions to which they allude. He begs Lord Vivian to enlighten him on this point, in order that he may be enabled to give such explanations as may seem suitable.

Lord Vivian says that the pretensions put forward by the Portuguese Plenipotentiary, against which he has just protested, are the reiterated assertions of his Excellency, that official Portuguese stations are established, or in process of formation, or under consideration, in regions where England does not recognize the right of Portugal.

M. de Macedo replies that he had put forward no pretension, but a mere statement of facts. It is against these facts, therefore, that the English Minister protests. But the Conference is not competent to discuss territorial questions. *M. de Macedo* has already had occasion to explain why the matter in question has been mentioned in Committee. On this point he has nothing to add. If the words used by him at the sitting of the 23rd November, as recorded in the Protocols, require explanation, he is quite ready to give it. Perhaps these words would be clearer if they had run, "that he had no desire to raise questions of territorial right," and further on, "that he could not even allow the discussion of a question of right before the Conference." His views were, however, correctly expressed in the remainder of the Protocols.

M. de Macedo adds that, in his declarations, he concurs with Lord Vivian in the protest which he has just read. He had no more authority than the British Minister to let the discussion turn on any question of Portuguese territorial right.

The protest of the British Plenipotentiaries, moreover, refers to a passage of the Memorandum annexed to Protocol No. 2, and commencing with these words, "Portugal on her part has just founded," p. 49, as well as another passage of the same Memorandum, where the English authorities are accused of countenancing slavery in British India. *M. de Castilho*, who is the author of this Memorandum, has already explained this point. There was no desire to speak either of the Slave Trade or slavery, but only the relations existing between certain castes to be found in India.

As regards the statements contained in the first passage quoted of the Memorandum, and others of the same nature, *M. de Macedo* cannot understand why they have elicited a protest on the part of England. A protest may be made against a fact either on the grounds of its accuracy, or on account of the expediency of referring to it in an assembly, or from the point of view of its legality.

If Lord Vivian desires to contest the accuracy of the facts put forward by him, *M. de Macedo* has nothing to say. The well-known acts of his Government will constitute a sufficient reply.

If it turns on the expediency of mentioning the circumstances at the Conference, *M. de Macedo* calls attention to his having given complete explanations as to the production of the official list of Portuguese stations, and he does not deem it necessary to revert to the subject.

As to the legality of the facts, the Conference has itself declared its incompetency to consider the matter. To this declaration his Excellency does not think he need add anything.

M. de Macedo concludes by saying that his declarations apply equally to the protest of *M. Pirmez*.

M. Pirmez observes that it is agreed to recognize that the Conference is not competent to examine territorial questions which may arise among the Powers. He remarks that there are facts the mention of which necessarily raises those

questions. They are those which imply occupation or taking possession, and still more, those which may be contrary to a boundary Treaty.

The justification of the protest of the Congo State lies in this connection of fact and right which necessitated his opposing even a statement of facts which could not be examined here.

M. de Macedo remarks that if a protest based on the legal consequences which it is alleged can be deduced from a fact brought forward by others, involved the affirmation of a right in contradiction to that which is contested, the question of right would be raised by this protest itself, and the Representative of Portugal could no longer be reproached for having taken up this position. If a debate of this nature arose he should be the first to decline to take part in it, believing himself, moreover, bound before doing so to maintain the contested rights of the Power he represents.

The President says that the explanation given by the Portuguese Plenipotentiary will be recorded in the Minutes like the protests which preceded it.

He declares that the incident has reached a phase outside the competence of the Conference. The majority of the Governments have only consented to the Conference on condition that it does not occupy itself with territorial questions. This rule has been adopted and sanctioned by the Conference itself. The present discussion began before this decision, and it might reasonably end after it; but the President feels sure that no such discussion will occur again. Questions of this kind should be dealt with directly between the interested Governments and not at the Conference.

The President announces that he has received a letter from the United Committee established in England to protect native races and to check the liquor traffic, begging him to present to the Conference the documents which they have already been authorized to send to it.

These documents are placed on the table. An answer will be sent that there is nothing to prevent the United Committee, according to its expressed desire, from sending the same documents to every member of the Conference.

The meeting adjourned at 3:30.

(Signed)

ALVENSLEBEN.
DR. ARENDT.
R. KHEVENHÜLLER.
LAMBERMONT.
E. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUËRA.
E. PIRMEZ.
EDM. VAN EETVELDE.
EDWIN H. TERRELL.
H. S. SANFORD.
A. BOURÉE.
G. COGORDAN.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
T. CATALINI.
L. GERICKE.
NAZARE AGA.
H. DE MACEDO.
L. OUROUSSOFF.
BURENSTAM.
ÉT. CARATHÉODORY.
JOHN KIRK.
DR. ARENDT.

True copy :

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Cte. PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Cte. ANDRÉ DE ROBIANO.

No. 7.

Protocol No. 7.—Sitting of February 24, 1890.

Present:

- For Germany—
His Excellency Count Alvensleben.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambermont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Congo Free State—
M. van Eetvelde.
M. van Maldeghem.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency M. de Martens.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
Sir John Kirk.

The President informs his colleagues that after the death of the Sultan of Zanzibar the King invited his successor to continue to the Conference the assistance which the late Saïd Khalifah had given it. His Highness had graciously answered this invitation and has confirmed the powers already given to Sir John Kirk and Dr. Arendt.

The President states that the Sovereign of the Congo Free State has been compelled to take into consideration the state of M. Pirmez's health, which has prevented him from being present at the sittings. His Majesty has thought it requisite to choose a Plenipotentiary who might take M. Pirmez's place, and has named M. A. van Maldeghem, Councillor of the Belgian Court of Appeal, to discharge these functions. The President presents their new colleague to the members of the Conference.

Lord Vivian is confident that he will rightly interpret the feelings of each member of the Conference in expressing the regret which they have felt on learning the news of the serious illness by which M. Pirmez has been attacked. His Lordship

begs the President to be good enough to convey to M. Pirmez an expression of the sincere regret and profound sympathy of his colleagues.

This proposal meets with unanimous approval.

The President willingly accepts this duty, which is entirely in harmony with his own feelings.

The President states that a draft of Chapter IV relating to Slave Trade in countries of destination has been laid. He proposes to submit it to the examination of a new Commission, composed of the Representatives of Powers who from different standpoints may be interested in these measures, and of the other Plenipotentiaries who may desire to take part in this examination.

After an exchange of observations between several members of the Conference, it is decided that the third Commission shall be composed of the Plenipotentiaries of Germany, Austria-Hungary, Belgium, United States, France, Great Britain, Italy, Persia, Portugal, Russia, Turkey, and Zanzibar.

The President again calls attention to the fact that in the earlier meetings of the Conference he had communicated Petitions from an Anti-Alcoholic Congress assembled at Paris in 1889 and from certain English Associations which pointed out the abuses connected with the trade in arms and munitions of war and the melancholy consequences of the importation of strong liquors into Africa. Since then several deputations have visited Brussels for the same purpose; they have been received by the President; fresh Petitions have also come to hand from England and Switzerland, several of which forward the Resolutions voted at these meetings.

All these documents have the same object; their authors express a wish for the success of the work undertaken for the repression of the Slave Trade, and point out, as requisite measures, the total or partial suppression of the importation of arms and munitions of war, as well as the establishment of restrictive measures, as severe as possible, against the trade in alcoholic drinks in Africa.

Several of the applications deal exclusively with the latter traffic; others recommend the abolition of the legal status of slavery as one of the essential aims of the Conference's mission.

The great number of these Petitions does not allow of their being read, nor even of a résumé being given of each. The President has had a complete list of them drawn up, which will forthwith be communicated to the assembly. The original Petitions will remain deposited in the bureau at the disposal of the members of the Conference.

M. de Macedo first wishes to correct an inaccuracy which had occurred in his speech delivered at the séance of the 7th December, and printed in Protocol No. 5, p. 83. The Portuguese gun-boat placed at the disposal of Mr. Stanley's expedition, on the occasion of his last voyage on the Congo, was named "Cacongo," and not "Massabi," which had erroneously been given.

Subsequently, recurring to the subject of the Petitions, which the Conference was dealing with, *M. de Macedo* declares that he did not wish to minimize the interest presented by the question raised in these documents. It certainly deserved the close attention of the respective Governments, but his Excellency asks whether this subject was not outside the scope of the Conference's deliberations. The traffic in alcoholic drinks had no closer connection with the Slave Trade than any other kind of commerce. It could not be admitted that the Conference had the requisite powers to regulate African commerce in general. Trade in arms and munitions of war was connected with the Slave Trade, as it provided the means for carrying it on. But, from this point of view, there was no more reason for placing alcoholic liquors under special regulations than any other sort of merchandize imported into Africa. The Portuguese Minister does not think the Conference competent to act in this matter. He, however, merely expresses a personal opinion, and he has no wish to oppose the Petitions being answered in the sense indicated by the President.

The President also desires to offer a few observations on this subject. It is not the first time, he says, that the question is asked what connection the importation of strong drinks into Africa has with the Slave Trade. Alcoholic liquors are not, it is true, like arms and munitions of war, the instruments serving for the capture and transport of slaves. But the question ought to be looked at in a broader spirit. If the Conference, in fulfilling the mission with which it is intrusted, seeks specially for means to attack the Slave Trade directly and indirectly, it cannot neglect any measure which leads to that end by different ways; from this point of view, all such measures which may tend to obtain the co-operation of the negroes themselves in the work of repression, are of great importance. In the present state of affairs, the African races

are not capable of assisting in their own defence. It is nevertheless desirable that steps should be taken to prepare them for so doing by gradually raising the standard of their intelligence and morality. In each of the phases of the problem which the Conference is called together to settle, it finds, under different aspects, the same idea imposing itself as a necessary condition of the efficiency of all the measures which have been proposed. A like anxiety was exhibited by the Conference of Berlin, and traces of it appear in an Article of the General Act of the 26th February, 1885.

The question raised by the trade in strong drinks deserves the attention of all who pretend to work for the civilization of the negroes, whether by the suppression of the Slave Trade or in any other way.

Nobody denies that the abuse of spirituous liquors supplied by Europeans is one of the chief causes of the degradation and destruction of the negro race. Public opinion has never ceased to denounce this evil: it now demands that the Governments represented at Brussels should come to some understanding with a view to staying its ravages. Would it be possible to take no notice of these manifestations?

When the proper moment comes, the Conference will have to decide if it is expedient to bind the Powers to take steps for the better regulation or prohibition of this traffic. The President in nowise wishes to prejudge the decisions which may be come to, but he begs his colleagues not prematurely to make light of the gravity of the considerations which are justified by well-established facts, and whose close connection with the aim of the assembly's labours cannot be called in question.

Lord Vivian thinks that a discussion on this question would be premature, because the Conference had not yet decided on the direct means of combating the Slave Trade, but declares that he entirely shares the liberal ideas enunciated by the President. Like him, he draws attention to the fact that the present Conference has the duty of carrying on the humanitarian work in Africa the foundations of which were laid by the Conference of 1885. That Conference was conscious of that task when it proclaimed that it was the duty of the Powers to watch over the preservation of the native races, and the improvement of their material and moral welfare. The meeting assembled at Brussels, on which has devolved the task left still unaccomplished by that of Berlin, has, therefore, without the slightest doubt, the right to continue this work by concerting measures which may tend to its realization.

Such is the opinion of the English Plenipotentiaries. It will probably be their duty before the end of the Conference to submit proposals with regard to the sale of strong liquors as carried on with the natives of Africa.

M. de Macedo answers that, far from contesting the importance of this question from a humanitarian point of view, he has insisted that every Government interested is in duty bound to seek some settlement of it. He confines himself to expressing doubts, in order to learn whether the Conference was bound to discuss a subject which is not included in the matter concerning which it has been empowered to treat.

His Excellency adds that the President of the assembly at the opening sketched out a programme of work for the Conference which did not allude in any way to the regulation of the trade in spirits.

M. de Macedo goes on to observe that this problem is so complicated that even the European States have not yet discovered a beginning of the solution of the difficulties raised by it. The question, therefore, naturally arises how it could be dealt with in Africa.

Baron Gericke de Herwynen supports to a certain extent the arguments put forward by the Portuguese Minister. He also points out that, up to now, no mention of the question of spirituous liquors has been made either in the meetings of the Conference, nor in the documents communicated to the Plenipotentiaries. His Excellency wishes to know in what manner and at what time the assembly will consider it.

Lord Vivian replies that immediately after the adoption of the different draft proposals which are now being discussed, and which have a more direct bearing on the actual suppression of the Slave Trade, the British Plenipotentiaries intend to submit a proposal relating to the regulation of the trade in spirituous liquors carried on with the natives of Africa.

The President believes that after the exchange of views which has taken place, it is impossible to hold that any real divergence of opinion exists between the Plenipotentiaries on the question of principle. He expresses the hope that the Governments will agree to make an effort towards the end which all consider as highly desirable. Reverting to the scheme that he had explained in one of the earlier meetings, he

reminds the Conference that the prohibition of the trade in arms was, like the traffic in spirits, not alluded to. Both of them are comprised among the means for putting down the Slave Trade, which the Conference has to look into, but whose details were not then indicated. Nothing was further from his thoughts than the exclusion from the programme of the Conference of the question of the abuses which the trade in strong drinks gives rise to.

The meeting adjourned at 3 o'clock.

(Signed)

ALVENSLEBEN.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. AGÜERA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN E. TERRELL.
H. S. SANFORD.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
L. GERICKE.
H. DE MACEDO.
MARTENS.
ÉT. CARATHÉODORY.
JOHN KIRK.

True copy :

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Comte PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Comte ANDRÉ DE ROBIANO.

No. 8.

Protocol No. 8.—Sitting of March 3, 1890.

Present :

For Germany—

His Excellency, Count Alvensleben.

For Austria-Hungary—

His Excellency Count Khevenhüller-Metsch.

For Belgium—

Baron Lambermont.
M. Émile Banning.

For Denmark—

M. F. G. Schack de Brockdorff.

For Spain—

His Excellency M. Gutierrez de Agüera.

For the Congo Free State—

M. van Eetvelde.
M. van Maldeghem.

For the United States of America—
His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.

For Italy—
His Excellency Baron de Renzis.

For the Netherlands—
His Excellency Baron Gericke de Herwynen.

For Portugal—
His Excellency M. de Macedo.

For Russia—
His Excellency Prince Ouroussoff.
His Excellency M. de Martens.

For Turkey—
His Excellency Carathéodory Effendi.

The President speaks as follows :—

“Gentlemen, I discharge a sad duty in informing you of the death of M. Pirmez, one of the Plenipotentiaries of the Independent State of the Congo. It is not requisite that to you—who have witnessed the discharge of his duties—that I should deliver a speech in praise of our excellent colleague. M. Pirmez has, you are aware, contributed to our discussions the discriminating judgment which characterized him and a courtesy which never failed him. You have, on several occasions, been more or less able to judge of his ready wit by the flashes which escaped him. He was unwell when the Conference was called together, and he accepted the duty with which the King wished to intrust him on account of his devotion to the great cause which he was called upon to serve. Illness and then death have cut short his career. But, if he fell before reaching the goal of the race that he ran with us, if he was prevented from putting forth all his strength, he still did enough to deserve the gratitude of every friend of humanity and to gain a place in our recollections which can never be lost.”

M. le Baron Gericke de Herwynen, as mouth-piece of his colleagues, expressed the deep regret which they experienced on learning this sad news. If the loss of this eminent man, whose praise the President so justly expressed, is serious for Belgium—his country—it will also be sensibly felt by the Conference, which set a high value on the aid which M. Pirmez gave to its labours.

M. le Baron Gericke de Herwynen proposes that the sitting should be raised as a token of respect for the memory of the deceased.

Baron de Renzis hastens to support the motion of the Netherlands Minister. He asks whether it would not be proper for the Conference to take part in the funeral.

M. van Maldeghem with deep regret supports *M. le Baron Gericke de Herwynen's* proposal. Intrusted, in conjunction with M. Pirmez, to represent the interests of the Congo Free State, the Plenipotentiaries of the King-Sovereign are able to appreciate, better than any one else, the value of a support of which they now see themselves deprived.

Carathéodory Effendi believes that he expresses his colleagues' views in suggesting that a letter of condolence, in the name of the Conference, may be addressed to M. Pirmez's widow.

The President states that the Ministers of France and Great Britain, prevented from being present at the sitting, had begged him to communicate their feelings to the Conference.

After testifying to the sympathetic welcome that the proposals of the Netherlands, Italian, and Turkish Ministers had met with from all the members of the Conference, the President adds that he is particularly touched by the great respect which the assembly shows for the memory of the man who was one of the most efficient servants of his country. As a Belgian, he must express his thanks to all his colleagues.

In conformity to the general wish, the Bureau of the Conference will be present at M. Pirmez's funeral. The Plenipotentiaries and Delegates will be asked to support their President.

A letter of condolence will be addressed to the widow of the deceased.
The meeting adjourned at 2:30 P.M.

(Signed)

ALVENSLEBEN.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
H. S. SANFORD.
J. DE RENZIS.
L. GERICKE.
H. DE MACEDO.
L. OUROUSSOFF.
MARTENS.
ÉT. CARATHÉODORY.

True copy :
(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Comte PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Comte ANDRÉ DE ROBIANO.

No. 9.

Protocol No. 9.—Sitting of March 14, 1890.

Present :

- For Germany—
His Excellency Count Alvensleben.
M. Göhring.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambermont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Congo Free State—
M. van Eetvelde.
M. van Maldeghem.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.
- For France—
His Excellency M. Bourée.
M. Cogordan.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
M. Catalani.

- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency Prince Ouroussoff.
His Excellency M. de Martens.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
Sir John Kirk.

M. van Eetvelde speaks as follows :—

“Gentlemen, at the last sitting you were kind enough to express the sympathy of the Conference in the mourning caused by the death of M. Pirmez, one of the Plenipotentiaries of the Congo Free State.

“The King-Sovereign was informed of the marks of sympathy shown to the memory of our regretted colleague—the adjournment of the sitting as a sign of mourning, the letter of condolence written by desire of the Conference to Mme. Pirmez, the attendance of the clerical staff, as well as of many of the members, at the funeral. His Majesty was much touched thereat, and charges me to express to you his sincere gratitude.

“In appointing M. Pirmez one of his Plenipotentiaries at the Conference, the King-Sovereign wished not only to honour an eminent statesman and a faithful friend, but also to show by this choice the special interest His Majesty takes in your labours, and his great desire to see them crowned with success.

“His Majesty had given instructions to M. Pirmez, as well as to his other Plenipotentiaries, to use every effort in their power to bring about the realization of the noble task which you have undertaken.

“I am also charged to tell you, Gentlemen, that pressing orders have been sent to our Agents at the Congo to hasten the execution of the measures which are to contribute to the abolition of the Slave Trade. As for the decisions to which the Conference may come with the same object, I beg you, Gentlemen, not to doubt that they will be promptly and energetically executed in the Congo Free State, whatever may be the expenses of so doing. The King-Sovereign has desired me to give to the Conference these assurances, which M. Pirmez had not had an opportunity of communicating to you when death struck him down, and to express His Majesty’s renewed thanks.”

The President answers :—

“The words of the Plenipotentiaries of the Congo Free State will be entered in the Reports of the Conference.

“I think, Gentlemen, that I am expressing your unanimous feelings by adding that the Conference, who have already been able to appreciate the generous views of the Sovereign of the Congo State, have heard with the greatest interest the declarations which have just been made, and which insure the active and devoted assistance of the young State in the execution of our programme.”

The President then communicates to his colleagues a letter from Mlle. Arendt, expressing the deepest gratitude for the marks of sympathy shown to her by the Conference on the occasion of her brother’s death, which occurred at the moment when, in consequence of the state of his health, he had been relieved of the mission he was fulfilling among them.

Count *Alvensleben* desires also to express to his colleagues the thanks of the German Plenipotentiaries for the marks of high respect and regret with which they honoured the memory of M. Arendt. The short time during which M. Arendt assisted at the labours of the Conference proved how capable he was of contributing to the success of their common labours.

Count *Alvensleben* adds that he has himself lost an old and devoted friend, whose merits he can appreciate better than any one else.

The President presents to the Conference M. Göhring, who has been appointed, in the place of M. Arendt, to perform the functions of Second German Plenipotentiary.

The President requests one of the Secretaries to communicate to the Conference the list of Petitions arrived since the last meeting insisting on the prohibition of trade in arms and spirits in Africa.

After the reading of this list, it is decided that the Petitions shall be placed upon the table, and shall be answered in the same sense as those which the Conference previously considered.

The President begs those members who may have any proposals to make to the Conference to bring them forward.

Lord Vivian reminds the Assembly that, in the sitting of the 24th February, he announced that the British Plenipotentiaries had the intention of submitting, when they thought fit, proposals concerning the regulation of the liquor trade with the natives of Africa. The solution of the questions which have a more direct bearing on the suppression of that trade having since made great progress, the moment appears to have now arrived for the fulfilment of that promise.

Lord Vivian adds that in drawing up proposals for this purpose Her Majesty's Government have not lost sight of the important interests engaged in the trade in question. They have sought to conciliate them as much as possible with the infinitely more important interests of humanity and civilization in Africa.

The British Minister is convinced that when the Conference has taken cognizance of these proposals they will do justice to the spirit of great moderation and conciliation which has inspired them, and he hopes that they will in consequence give them a favourable reception.

His Excellency reads the draft proposal and the statement of grounds which precedes it.

Statement.

“At the Berlin Conference in 1885 the Powers took mutual engagements to watch over the preservation of the native population of Africa, and the improvement of their moral and material conditions of life.

“In signing this declaration and decreeing at the same time complete freedom of commerce over a considerable area of the African Continent, the Powers showed their anxiety to extend to the natives all the benefits of commerce and civilization. The success of these aims has unfortunately often been endangered by the introduction of spirituous liquors into Africa on a large scale, often among populations who up till then had not acquired the habit of consuming them. The demoralizing and degrading effect of the abuse of intoxicants on African races, which encourages slavery among the tribes and makes them an easy prey to the slave-dealers, has been sufficiently established by the accounts of missionaries, travellers, &c. This point was lately mentioned in the last discussions which took place on the subject in the Parliaments of Great Britain and Germany.

“The improvement of moral and material conditions of life of the African races is closely connected with the suppression of this evil, which assumes more serious proportions as the ever-increasing liquor trade throws more temptation in the way of the ignorant natives. The question, therefore, comes within the scope of this Conference, which is the continuation of that of Berlin.

“As regards the consumption of spirituous liquors, the African races may be divided into three groups:—

“1. The races, estimated at 40,000,000 souls, who inhabit the basin of the Middle Niger and the Western Soudan, and who, there is every reason to believe, are not consumers of spirits. It is of the utmost importance to prevent the demoralization of those races, for it is impossible to exaggerate the pernicious consequences of introducing strong liquors among the warlike and fanatical tribes who form the majority of the Mussulman population.

“Great Britain, who holds one of the keys of these regions, by her Protectorate over the Lower Niger, would undertake to prohibit absolutely all trade in spirits in the countries situated beyond the junction of the Niger and Benué (the point of access to the Mussulman territory), on condition that the Signatory Powers of the General Act of Berlin assist her by sanctioning the suppression of the transit of spirituous liquors on the Niger, and that France, who holds the other key of these regions, by her Colony of Senegambia, takes the same engagement in similar conditions for the Upper Niger, where the French Government exercise their influence.

“2. The second group of natives who do not consume alcohol comprises the pagan tribes who inhabit the heart of Africa, and who have not yet acquired a taste for strong liquors. In this case, also, we would propose to prohibit absolutely the trade in spirits,

which object can perhaps be partially attained by preventing the transport of spirits on the Upper Congo.

"If the Conference received favourably these proposals they could congratulate themselves on having greatly contributed to preserving a large part of the Continent of Africa from a terrible scourge, which is entirely caused by the advance of European commerce towards the interior; while the traders in spirits, not having hitherto penetrated into these regions, could not bring forward any good cause for complaint against the prohibition of markets which do not yet exist.

"3. With regard to the third group, which comprises the natives of the coast, who are more or less in contact with civilization, and have therefore acquired the habit of drinking strong liquors, the Conference, while desiring to limit abuses, must necessarily consider the existence of that want, and the right of trade to supply it within reasonable limits.

"We would, then, propose to control and restrict that commerce in all those parts where it is not prohibited, by the imposition of a minimum import duty on all spirituous liquors above a certain alcoholic standard, and by the imposition of an equivalent excise duty on spirits manufactured in the country. In the face of the difficulties and objections which would be raised by the immediate establishment of a high duty, the Government of the Queen being convinced that such a duty could be efficaciously levied only with the loyal concurrence of all the Governments interested, propose to the Powers to impose a lower duty than the one at first contemplated, as a provisional and temporary measure, subject to revision later.

"It will be necessary to take efficacious measures to insure this duty not being merely imposed nominally, but equally imposed everywhere, for the evident result of an unequal application would be to create a contraband trade, ruinous to those administrations who conscientiously levy the duty, and profitable only to those who only impose it nominally, without the measure being of any advantage to the natives of Africa. The Republic of Liberia, owing to its large extent of coast, should obviously be requested to adhere to the engagement taken by the Powers."

Proposal.

"Being justly anxious about the moral and material consequences to the native inhabitants entailed by the abuse of spirituous liquors, and desiring to realize as far as possible the wishes expressed by the Conference of Berlin, the Signatory Powers have agreed to adopt the following measures, and to execute them within a zone limited by the 20th degree north latitude, and the 22nd degree south latitude, and bounded on the west by the Atlantic, and on the east by the Indian Ocean and its dependencies.

"Within the regions comprised in this zone over which the Signatory Powers exercise sovereignty or a Protectorate, and where, either on account of religious belief or other causes, the consumption of distilled liquors does not exist, or has not been developed, the said Powers undertake to forbid their importation. It will also be forbidden to manufacture distilled liquors for consumption within the country.

"The prohibition to introduce liquors shall only be set aside in the case of limited quantities destined for the consumption of the non-native population, and under conditions to be determined by the Governments.

"In those parts of the zone which do not come under the preceding head, there shall be an import duty representing 50 fr. per hectolitre of 50 degrees centigrade, and the Governments will be bound to take the necessary measures to prevent these liquors penetrating into new zones of consumption.

"Distilled liquors, which are manufactured in the latter regions, cannot be sold for consumption in the interior except on the same conditions and under the same limitations as imported spirits, and will be charged with an excise duty equal to the import duty.

"It should be understood that in those parts of these regions where the prohibition, or a higher tax than the one suggested above, already exists, the preceding stipulations will not prevent the continuance of the existing system."

The President says that these documents will be copied immediately, and distributed. He proposes to appoint the Commission to be charged with examining them.

After an exchange of remarks between several members, the new Commission is composed of the Plenipotentiaries of Germany, Belgium, Spain, the Congo Free State, the United States of America, France, Great Britain, Italy, the Netherlands, Portugal, Sweden and Norway, and Turkey.

Mr. Sanford says that neither his colleague *Mr. Terrell* nor himself have received the necessary instructions to discuss such a regulation of the liquor trade in Africa. Without wishing to discuss the question which has been raised whether the Conference, which was assembled to take measures for the suppression of the Slave Trade, is competent to deal with the matter, he thinks it advisable to remind the Conference how anxious the United States showed themselves at Berlin to contribute towards the improvement of the lot of the natives of Africa. It was partly owing to the insistence of the American Plenipotentiaries, when they could not succeed in obtaining the acceptance of their proposals, that the Conference of Berlin expressed the desire formulated in the General Act with regard to the trade in spirituous liquors.

Count Alvensleben cannot take part in a preliminary discussion of the English proposals before he has received instructions from his Government.

M. de Macedo has nothing to add to what he declared at a previous meeting concerning the competence of the Conference in the matter of the liquor traffic. Being unable to foresee the sense of the instructions which will be addressed to him, his Excellency would enter upon a discussion of the English proposals only under the same reservations.

M. Bourée is not able to discuss the scheme without having received instructions, which cannot reach him for several days.

The President thinks that, even if the complete examination of the scheme must be deferred, the Commission would be doing useful work in proceeding to a preliminary review. They would thus receive explanations and information of a nature to make clear the sense or the object of the projected measures. Certain objections might be set aside and obscurities made clear; the Governments would be more in a position to give their instructions, and the discussion of the scheme itself would be easier and more rapid. If the Conference accepts these views, a meeting might be fixed for to-morrow which would be devoted to such an exchange of views.

This proposal is agreed to.

The meeting adjourned at 3 o'clock.

(Signed)

ALVENSLEBEN.
GÖHRING.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
H. S. SANFORD.
A. BOURÉE.
G. COGORDAN.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
T. CATALANI.
H. DE MACEDO.
OUROUSSOFF.
MARTENS.
BURENSTAM.
ÉT. CARATHÉODORY.
JOHN KIRK.

True copy:

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Count PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Count ANDRÉ DE ROBIANO.

No. 10.

Protocol No. 10.—Sitting of April 23, 1890.

Present:

- For Germany—
His Excellency Count Alvensleben.
M. Göhring.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambertmont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Congo Free State—
M. van Eetvelde.
M. van Maldeghem.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
- For France—
His Excellency M. Bourée.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
M. Catalani.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Russia—
His Excellency Prince Ouroussoff.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
Sir John Kirk.
M. Göhring.

THE Conference opens at half-past 2.

The President announces to the Conference that the Second Commission appointed by it has concluded its labours. The Report has been communicated to all the members of the Conference. It is therefore unnecessary to read it out, and, if no objection is raised, the Conference can at once proceed to discuss the draft Treaty and the draft Regulations annexed to it.

This proposal being accepted, the President reminds the Conference that the Maritime Commission has decided that the provisions comprised under the head of "Draft Regulations" are to be inserted in their entirety in the body of the Treaty. Chapter III of the General Act will accordingly consist of two parts: the first will comprise the general provisions grouped under the head of "Draft Treaty" by the Commission; the second, those provisions which are more of the nature of special Regulations. The embodying of the two parts in the General Act will be left to the Drafting Committee which the Conference will, no doubt, consider it advisable to appoint after it has examined the entire Act.

The President then lays the draft Treaty before the Conference for discussion.

Articles I and II do not elicit any remarks, and are adopted.

With regard to Article III, *Count Khevenhüller-Metsch* says that the Austria

Government, who are one of the Signatories of the Treaty of 1841, would like to know whether the Article is to be interpreted as meaning that the provisions of that Treaty will be abrogated by the ratification of the General Act.

Lord Vivian answers that the meaning of Articles III and V is perfectly clear. According to those Articles, the right of search will in future be confined to the region defined by the preceding provision, but all the other clauses of the Conventions concluded for the suppression of the Slave Trade remain in force, in so far as they are not modified by the General Act.

Count Khevenhüller-Metsch having accepted this interpretation, Article III is adopted.

The President brings forward Article IV for discussion.

Lord Vivian says that Her Majesty's Government understand the words, "au fur et à mesure," in § 2, as meaning that the preceding paragraph will be revised as soon as such revision becomes necessary, that is to say, as soon as it is proved that the Slave Trade is carried on by means of ships of more than 500 tons.

Carathéodory Effendi states that he has no special instructions from his Government; he is therefore unable to accept the decisions of the Conference otherwise than *ad referendum*.

The President reminds the Conference that the Commission decided to postpone the examination of the bearing of this Article until the final Chapter which will settle all matters connected with the revision of the General Act is dealt with. As it stands the provision to which *Lord Vivian* refers gives rise to certain doubts. It may be asked whether the action taken by a Power with a view to a revision taking place will necessarily oblige the other Powers to at once carry out such a revision.

Lord Vivian observes that he has not put forward any reservations with regard to this Article, but that he has interpreted it as involving a revision which must be undertaken as soon as the necessity for it arises. His Excellency adds that this is the meaning which the Maritime Commission has always attached to the Article.

The President replies that it might be taken to mean that the revision shall become obligatory when the fact is established, that is, as soon as it is proved that the Slave Trade is carried on by means of ships of more than 500 tons.

In accordance with *Lord Vivian's* proposal, the words, "au fur et à mesure," are changed to "dès que."

The assembly then adopts, without discussion, Articles IV and then Articles V, VI, and VII.

On § 2 of Article VIII being reached, *the President* reminds the Conference that the Commission charged with the examination of Chapter V decided to transfer the paragraph in question to the latter Chapter, which arranges for the working of the Zanzibar Bureau. This is really nothing more than an executive provision: § 2 will, therefore, be eliminated from Article VIII and transferred to Chapter V.

Returning to § 1, *Lord Vivian* states that the British Government will be satisfied, for the moment, with the establishment of a single International Information Bureau on the East Coast of Africa, but they are convinced, for the reasons already given, that the necessity for establishing a second one in the Red Sea will very soon make itself felt. His Excellency reserves, on behalf of Her Majesty Government, the right to demand the establishment of this Bureau when the proper moment arrives.

The President observes that the Article under discussion contemplates the establishment of auxiliary Bureaux in the region defined by the General Act. Their organization will be regulated by Chapter V. The statement just made by the British Minister therefore properly comes in here.

Carathéodory Effendi asks the British Minister whether he can state in what part of the Red Sea the second Bureau would be established.

Lord Vivian replies that he has no instructions on this point. But it is expected that, if the measures adopted prove effective, the Slave Trade which is now carried on on the East Coast will probably be driven to a great extent towards the Red Sea, where it is already very active; if this expectation were realized, it would be necessary to establish a Bureau in that region.

Carathéodory Effendi remarks that it is distinctly understood that this second Bureau is not to be established without a preliminary agreement having been arrived at by all the Powers interested.

Lord Vivian allows that that is the view taken by the Commission.

Article VIII is adopted.

The President reads out Articles IX and X.

Carathéodory Effendi remarks that the first of these two Articles speaks of "every

slave," while in the second the words used are "every African slave." His Excellency would like the word "African" to be used in Article IX also; the Ottoman Government, indeed, has nothing to do with any slaves other than African. The Turkish Minister requests that his remark may be recorded in the Protocol, whatever may be the decision of the Conference in the matter.

M. Bourée says that each Power will interpret these words as it chooses. In certain cases, very rare it is true, escaped slaves have proved not to be Africans. His Excellency is of opinion that the wording of the two Articles should be uniform, and proposes to eliminate the word "African" in Article X.

Carathéodory Effendi replies that in the Treaties concluded by the Ottoman Government the term "African slave" has always been used. He is ready, however, to support the French Minister's proposal, on condition that his honourable colleague's statement and his own are recorded in the Protocol.

Count Khevenhüller-Metsch observes that, in Austria-Hungary, the moment a person declares himself a slave he is liberated whatever may be his nationality.

Lord Vivian is also in favour of eliminating the word "African," in order to include all slaves, whatever their nationality may be.

The President reminds the Conference of the discussion to which the expression "African slave" gave rise in the Commission. It was then decided that the Article was applicable to all slaves, whatever their nationality might be. The Report, moreover, expressly says so.

The Conference decides that the word "African" in Article X shall be eliminated, and adopts Articles IX and X.

The President observes that the insertion of the Regulations in the body of the General Act will entail a change in the wording of Article XI. He proposes to leave this to the Drafting Committee, which can, if necessary, eliminate the Article itself.

The Conference accepts this proposal.

The draft Regulations are then submitted for discussion.

After reading out Article 1, *the President* reminds the Conference that, with regard to this Article, the Italian Minister raised the question, in the Commission, of what rights would belong to the Powers adhering; his Excellency was of opinion that precautions would have to be taken with regard to certain native Governments which might be inclined to grant too easily the right of flying their flag. It was then agreed, the President adds, that the rights and obligations of the Powers adhering should be regulated by provisions to be inserted in the last Chapter. Article 1, then, like all the other Articles of the Treaty, only refers to the Signatory Powers.

Article I is adopted; so are Articles 1 *bis*, 2, 3, 4, 5, 6, 7, and 8, on which no remarks are made.

With regard to Article 8 *bis*, *Lord Vivian* reminds the Conference that the French Minister had made a reservation in favour of the coasting trade of the Comoro Islands, and that the Portuguese Minister had requested that an exception should likewise be made in favour of the coasting trade which is carried on between certain islands on the coast of Mozambique. The British Plenipotentiaries accept these reservations, on condition, however, that it is clearly understood that the exception applies only to boats carrying on the coasting trade between the islands themselves, and not to those engaged in the coasting trade between the islands and the coast, if the distance which separates them from the coast is more than 5 miles.

M. Bourée states that that is how he understood the matter.

Lord Vivian thinks that the Portuguese Minister extended his reservation to certain islands more than 5 miles distant from the coast.

The President reminds the Conference that Sir J. Kirk had remarked that these islands were situated outside the limit.

M. Banning believes that M. de Macedo's reservation applied to the coasting trade between the coast and the islands; among those mentioned by the Portuguese Minister there are some which are situated within the limit and 6 and 8 miles from the coast.

The President says that, under these circumstances, it is understood that the Protocol will remain open for the Portuguese Minister, who is absent to-day.

The Conference adopts Article 8 *bis*, and Articles 9 and 10.

With regard to Article 11, *Lord Vivian* would like to know what meaning the Conference attaches to the term, "bâtiment de guerre." Will every vessel of war, being within the maritime zone, have the right of search, even if she does not carry the special orders which hitherto have been required in accordance with the Treaties?

According to the Report, she will. But Lord Vivian doubts whether it will be enough for the mention of special orders to be omitted from the text of Article 11, in order that it may supersede on this point the former Treaties which expressly require such special orders. He would like to know the views of the Conference on this point.

Count Alvensleben says that the German Government were perfectly aware that the old Treaties were superseded in the case in question. His Excellency has already had occasion to observe that, even in cases where special orders would be required, according to the Treaty of 1841, it would be necessary to refrain from making them compulsory in the case of vessels of war acting within the zone. The German Minister thinks that the Article, as it stands, leaves no room for doubt on this point.

M. van Maldeghem thinks that it would be better to state expressly that the Article supersedes the Treaty of 1841. This is generally done in cases where a Treaty radically alters the provisions of a former Convention.

M. Bourée observes that the Conference has already expressed an opinion on this point with regard to the whole Treaty. If the Conference accepts *M. van Maldeghem's* suggestion with regard to the Article under discussion, the same course will have to be adopted with regard to many other Articles.

M. van Maldeghem observes that the Report is very clear on this point.

The British Minister says that the British Plenipotentiaries still think, in spite of the opinion expressed by their German colleagues with regard to the interpretation of the Article, that some doubt may arise as to its meaning.

The President adds that the departure from the Treaties has already been referred to in the Report, and that it will be also referred to in the Protocol. It will therefore have twice been recorded that all vessels of war are here intended. Therefore, there is no longer the smallest uncertainty in the matter.

Lord Vivian mentions that there remains the reservation made by the Russian Plenipotentiaries.

The President answers that it is for the latter to repeat their reservation. If they do not do so, that reservation will be effaced by the signature of the General Act.

Lord Vivian remarks that Article 9 of the draft Regulations presented by *M. de Martens* contained the words, "or the vessels specially commissioned." The British Government would be glad to have these words replaced in the Article, seeing that, as their cruizers now found it impossible to act efficiently in the Red Sea, they might have to invent a special type of light vessel for dealing with the suppression of the Slave Trade in those regions. The Article should therefore be expressed in general terms, so as to include such vessels.

M. Bourée observes that the term, "vessel of war," comprises all descriptions of ships belonging to the Navy. In order, however, to be more precise from a technical point of view, the words, "or men-of-war's boats," might be used. In this way, vessels of a special class would be contemplated by the Article.

Carathéodory Effendi says that the vessels of a special type or men-of-war's boats which are meant should in any case bear the distinctive marks of the navy.

The President considers that the amendment proposed by the French Minister would leave no room for doubt.

Lord Vivian thinks that if mention were to be made in the Protocol of the explanations which have been given, the text of the Act might stand.

M. Bourée is also of this opinion.

The President says that it is therefore understood that Article 11 applies to vessels of war of all sizes, whatever they may be, armed with a view to the suppression of the Slave Trade, without distinction of tonnage.

Article 11 is adopted, as also Articles 12 and 13.

In Article 14, *Lord Vivian* asks that the words, "or who have the intention of concluding," should be inserted after the words, "who have concluded," in order to include any new Treaty which such and such Powers may conclude after the signature of the General Act.

M. Banning proposes to put, "or should come to conclude."

M. Göhring asks if the new Conventions which may be concluded can only be framed on the basis of the present Treaty.

The President answers that nothing would prevent two Governments from deciding upon more severe measures between themselves.

The Article is adopted, with *M. Banning's* amendment.

The Conference then adopts Articles 15 and 16.

Passing to Article 17, *the President* observes that, in discussing Chapter V, it was remarked, in regard to the corresponding Article of that Chapter, that there is no need

to send the documents in question to the territorial or Consular authorities except in case of a verification which has had no result. This discussion gives the sense which the Article is finally to bear, and it will be confirmed to-day by the Conference.

Article 17 is adopted, as also Article 18.

The President then reads Article 19.

M. Göhring declares that the German Government wish to make it clear that the procedure contemplated in Article 19 and the following Articles, concerning inquiry and sentence in the case of captured vessels, supersedes the corresponding provisions of the old Treaties, as has been acknowledged as regards Articles 15 to 18 which precede.

The Conference expresses its assent, and adopts Article 19.

Article 20 is likewise adopted.

At Article 21 the President observes that this is the place to insert the amendment proposed by the Portuguese Minister relative to the fate of freed slaves.

M. Banning proposes to simply deal with it in connection with Article VI of Chapter I.

Lord Vivian asks if it will be still obligatory to deliver these slaves to the territorial authority. This obligation would not in all cases be a safe means of guaranteeing their safety. Certain Treaties concluded by England reserve the right of disposing of the slaves otherwise. His Excellency proposes to suppress the word "territorial," which the British Plenipotentiaries could not admit, and to say "the competent authority."

Carathéodory Effendi suggests that the clause in Article VI of Chapter I should be reproduced in the Article under discussion, with the modification proposed by the British Minister.

Lord Vivian concurs in this proposal.

M. Bourée remarks that if the term, "competent authority," is used, it will first be necessary to define the competence.

M. Banning considers that Article VI of Chapter I might be reproduced here, with the addition of the words, "with the exception of the stipulations of special Conventions." The words, "territorial authority," could in this case be retained.

The President proposes to admit this wording, but not to adopt it formally before the return of *M. de Macedo*.

The Conference approves of this proposal, and agrees to Article 21.

Articles 22 and 23 give rise to no observations, and are agreed to.

At Article 23 *bis* *M. Göhring* points out that the German Plenipotentiaries have already drawn attention to the incompleteness of this Article in not providing for the case in which the parties shall not have agreed in choosing arbitrators, or the latter in choosing a superior arbitrator within the specified time.

They had proposed, to meet this case, to give the choice of the arbitrators or superior arbitrator to the International Office at Zanzibar. The Commission not having approved of this proposal, they again draw the attention of the Conference to the lacuna existing in Article 23 *bis*.

M. Bourée is of opinion that this lacuna will scarcely be noticed except in choosing the superior arbitrator. It had been proposed in this case to refer to the Tribunal.

M. Banning suggests saying that, in case no agreement is arrived at, action will be taken in accordance with the provisions of Article 26. Thus a solution would be provided for all cases.

The President thinks that yet another method is possible: that the superior arbitrator should be named by the national Tribunal.

M. Bourée points out that this method might in certain cases give rise to inconvenience.

Count Alvensleben agrees with the solution suggested by *M. Banning*.

The President proposes the following addition to Article 23 *bis*: "If the Court of Arbitration be not constituted within the specified time action will be taken, both as to the indemnity and compensation for damages in accordance with the provisions of Article 26, § 2."

Article 23 *bis* is agreed to with this amendment. The Conference also adopts Articles 24 and 25.

Lord Vivian at this point announces that the British Plenipotentiaries are authorized by their Government to withdraw the reservations made by them with regard to the new procedure referred to in Articles 19 and 25.

The President then reads Article 26.

Count Alvensleben points out that the Report, at p. 16, defines the meaning and scope of paragraph 2 of Article 26 by saying that the Tribunal is competent neither to investigate demands for compensation, nor to fix the amount to be paid.

The wording of the second paragraph of the Article does not agree clearly enough with the meaning and scope given to it by the Report. The German Government consequently proposes the following wording, which would be more exact:—

“In such case the captain or the owner of the vessel unjustly arrested, or which has been interfered with, will have the right to claim damages. The Government of the cruiser will be apprised of such claim. The Governments directly interested will decide, either by common agreement or by means of arbitration, whether compensation should be granted, and at what sum it should be fixed. In the event of such case arising it will be paid within six months from the date of the decision releasing the prize.”

The President recognizes that the text of the Article does not tally with the Report. But he thinks that it would be difficult to decide immediately on the amendment of the German Plenipotentiaries, and he suggests that the examination of it should be taken up again later on.

After an exchange of observations between M. Bourée and M. Göhring and Count Alvensleben, the Assembly adopts the view of the President.

The President observes that the form of section 1 of Article 26 should be altered in order to bring it into agreement with Article 24. It should run, “every judgment of the national Tribunal or of the authorities named in Article 24.”

This modification is adopted.

The second section of Article 26 is reserved.

In Article 27, at the request of M. Bourée, the words, “for the benefit of the captor,” are added at the end of the first paragraph.

The Conference subsequently adopts this Article.

The President, after having read Article 27 *bis*, asks the British Plenipotentiaries whether they desire to retain this provision, which was introduced in consequence of the reservation made by them with reference to the procedure established by Articles 19 to 26.

Lord Vivian replies that the Government of Her Britannic Majesty require the maintenance of this clause.

The Article is adopted by the Conference.

Article 27 is also adopted.

The meeting adjourned at 6 o'clock.

(Signed)

ALVENSLEBEN.
GÖHRING.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
VAN MÅLDEGHEM.
EDWIN H. TERRELL.
A. BOURÉE.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
T. CATALANI.
L. GERICKE.
OUROUSSOFF.
BURENSTAM.
ÉT. CARATHÉODORY.
JOHN KIRK.
GÖHRING.

True copy :

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Count PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Count ANDRÉ DE ROBIANO.

No. 11.

Protocol No. 11.—Sitting of May 7, 1890.

Present :

- For Germany—
His Excellency Count Alvensleben.
M. Göhring.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambermont.
M. Émile Banning.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Independent State of the Congo—
M. van Eetvelde.
M. van Maldeghem.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
- For France—
His Excellency M. Bourée.
M. Cogordan.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency Prince Ouroussoff.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
Sir John Kirk.
M. Göhring.

The President says that, Mr. Sanford being absent, and being about to receive, shortly, instructions on the subject of the questions which are on the order of the day for the present sitting, the Protocol will remain open for the United States' Plenipotentiary.

The President has received the Reports of the First Commission on Chapters I and II of the General Act. They have been communicated to each of the members of the Conference. A discussion will, therefore, take place of the texts settled by the Committee, which are annexed to the Reports.

M. de Macedo, who was not present at the last sitting, says that, before taking part for the first time in Conference, in the discussion of drafts which are to be embodied in the General Act, he wishes it to be recorded in the Protocol that the votes given by the members of the Conference are binding on them only with the reservation that they shall be free to refer to their Governments. This declaration appears necessary to the Portuguese Minister, on account of the diversity of the powers with which the Plenipotentiaries are provided, and in order to place them all in the same position. Although he is himself furnished with full powers, *M. de Macedo* will accordingly not take part in the discussions except on this condition.

Prince Ouroussoff states that his powers do not authorize him to act in any other manner.

Baron de Renzis remarks that, so far as he is concerned, he has already expressed himself in the same sense while on the Committee.

These reservations seem superfluous to *M. Bourée*. His Excellency says that there can be no doubt that the Governments retain entire freedom with regard to their decisions till they have authorized their Representatives to sign the General Act.

Prince Ouroussoff adds that the Imperial Government propose, after the General Act has been closed, to reserve, not only the right of signifying their approval of it, but also that of proposing any modifications they may consider necessary.

M. Bourée considers that all the Governments have this right up to the moment of the signature of the Treaty.

Carathéodory Effendi having received from the Porte simple instructions only, and no full powers, considers that he is bound to join in all the reservations which some of his colleagues have made.

The President says that undoubtedly the Governments have a right to defer their final decisions until the moment when the General Act is to be signed. When all the Chapters of which it is composed have been settled by the Conference, the Governments will have to give the necessary powers for signing to those of the Plenipotentiaries who have not received them before.

Nevertheless, the President trusts that the various Cabinets will not wait till the last moment before giving their decisions. They have all been kept informed of the progress of the work of the Conference; they have controlled the votes of their Plenipotentiaries, and all the texts adopted have been communicated to them. The competent authorities have thus been enabled to form their opinions, and there is no doubt ground for hoping that, thanks to the cordial co-operation of all, the interval between the closing of the Conference and the signature of the General Act will be made as short as possible.

Carathéodory Effendi thinks that a sufficiently extended period, the length of which cannot be exactly determined, should be allowed to the Governments, in order to give them time for the thorough examination of the drafts and Reports which will necessarily have to be made after the close of the deliberations of the Conference, an examination which will have to be preceded, in the case of Turkey for instance, by the translation of the documents. It is only after this examination has been made that the Conference can meet and proceed to the signature of the General Act.

The President does not think there is any absolute rule with regard to this point. It is, however, usual not to delay the signature of Treaties, all the parts of which have been successively elaborated by International Conferences. He would not like to say anything which might tend to put pressure on the Governments, but he asks his colleagues to reflect that if the deliberations of the Conference were followed by a period, more or less long, of uncertainty as to the results obtained, there would be a risk of reviving difficulties with regard to points on which an agreement has been arrived at, and perhaps of bringing about a state of things which would undo all that had been done. The President again gives expression to the hope that the Governments will approve the decisions come to by the Conference without delay.

M. de Macedo states that the Report read in the Commission had given rise to certain remarks on his part with regard to the Map annexed to one of the collections of papers which the Belgian Plenipotentiaries presented at the opening of the labours of the Conference.

His remarks, his Excellency adds, have been accurately taken down by the Reporters, but the reply made to him is imperfectly given in the Report as finally settled. *M. de Macedo* attaches some importance to this, and asks that it may be inserted in the Protocol.

M. de Macedo had said that, if this Map had not been presented formally for information only, he would have considered it his duty to protest, because the Map was calculated to prejudice questions of disputed territory. Under the circumstances, he confined himself to pointing out to the Committee that it would be much more correct to make use of a simple outline Map, that is to say, a Map with only the coasts of the continent and the routes of the Slave Trade marked upon it. He was informed in reply that the time had been lacking to draw up an absolutely correct Map, and that an old Map had been taken on which the routes of the Slave Trade had been marked. These explanations were considered satisfactory by his Excellency, but he did not find them in the Report.

M. Banning answers that several times he has had occasion to declare that there had been no time to draw up a special Map containing all the indications given in the Belgian document. They have had to confine themselves, consequently, to marking on an old Map the area and routes of the Slave Trade. A note added to the Table of Contents of the volume in question would leave no doubt on this subject. The Map would only serve to direct the reader as to the seat and the routes of the trade; it would not be,

from the point of view of territorial jurisdiction, a document. In fact, it is not possible at a time when the negotiations in progress modify the line tracing the respective frontiers from day to day, to draw up a political Map of Africa which is likely to be of any durable value. Besides which, some observations having been made about the direction of some of the routes of the Slave Trade, M. Banning proposes to replace the present Map by another, corrected in the manner desired.

M. de Macedo answers that he has never asked for a new Map with the territorial delimitations; that he even thought the Conference could not give its authorization to such a publication without going beyond its proper functions. He adds that it would be better not to mark any boundaries in the outline Map he desired which might give rise to further discussions.

The President says that the observations offered by the Portuguese Minister will be borne in mind. The intention of the Belgian Plenipotentiaries now, as at the first, is to avoid any difficulty arising on ground on which the Conference is not qualified to tread.

The assembly then proceeds to examine the draft of Chapter I.

Article I is adopted without remarks.

On Article II, *Carathéodory Effendi* declares that he will not revert to the explanations which he made at the last sitting of the Commission on the subject of the third paragraph of this Article, with regard to the request of the Portuguese Plenipotentiary that it should be specified that the Missions worthy of the encouragement of the Conference should be Christian Missions. His Excellency expresses the wish that the Protocol should mention the thanks he addressed to the President for the answer given by Baron Lambertmont to M. de Macedo, which answer was inspired by the precedents of the Conference of Berlin.

Carathéodory Effendi also thanks M. de Macedo for not insisting on his amendment.

Article II is adopted, as well as Articles III and IV.

On Article V, *Lord Vivian* asks what are the Tribunals in the Capitulation countries competent to try delinquents who may have taken refuge there.

M. Cogordan answers that they would be the Tribunals of the nationality of the accused.

Lord Vivian adds that he had interpreted the Article in this manner. His Excellency is also of opinion that at Zanzibar, for instance, where the system of special Treaties, and not of Capitulations is in vogue, the fugitive should be tried by the competent Tribunal of his own nation.

M. Cogordan proposes that the Conference, to avoid any uncertainty, should formally state that, in case a delinquent should have escaped to a country where either Capitulations or special Treaties exist, he should be tried by the competent Tribunal of his own nation.

Lord Vivian replies that if this view is assented to by the Conference, he will be perfectly satisfied.

The Conference expresses its assent.

Baron Gericke de Herwynen states that he has requested the Netherlands Government to inform him whether they still adhere to the views which he had communicated with regard to States which have no possessions in Africa being bound to propose new penal laws. His Excellency, not having yet received a reply, is anxious that the Protocol may remain open for him with regard to this point.

The President says that the request of the Netherlands Minister will be complied with.

Carathéodory Effendi, not having been a member of the Committee, declares his adhesion to the interpretation of Article V given in the declaration of the German Minister inserted in the Report. His Excellency, further, desires to point out that the Ottoman Law of the 4th (16th) December, 1889, is already sufficiently in harmony with the spirit of this Article, as regards the penal enactments it contains.

Article V is adopted, as well as Articles VI and VII.

On Article VIII, *M. de Macedo* says that Articles VIII to XI of the draft form a complete series of provisions with regard to trade in arms, on the subject of which he desires to offer some remarks to the Conference.

The Portuguese Minister, while willingly admitting that the Reporters are doing their work with precision and impartiality, wishes to point out that the reservations made by him in the course of the discussion on the control of arms are very briefly reported. He therefore takes the liberty of again referring to the subject.

His reservations were on two points: firstly, with regard to the kind of arms, the importation of which was to be prohibited or restricted. *M. de Macedo* declares that he withdraws these reservations, because the restrictive measures adopted by the Committee appear to him to answer the requirements of the situation.

The second class of reservations are on the subject of the delimitation of the territories within which the system is to be exercised. His Excellency thinks it necessary to uphold his reservations. He is, in fact, of opinion that the scheme which has been adopted is not calculated to restrain sufficiently the trade in dangerous arms.

In the course of the discussion on Article IX, an amendment was moved, the object of which was to establish an exception to the prohibition to import arms of precision and munitions of war, if these arms and munitions of war have to pass, in transit, through the possessions of a Power occupying the coast towards territories situated in the interior, which are under the sovereignty or the Protectorate of another Power. M. de Macedo had said at the first discussions, and had lately repeated, that he could not accept this exception if it bore the obligatory character attributed to it. He had suggested that it should be made optional, pointing out that it had no connection with the object which the Conference had in view. According to him, a Regulation of this kind, which was only of interest to two Governments, should not appear in the General Act to be drawn up, but should be the object of a special Agreement between those Powers.

Later on, the discussion has shown him that in certain cases a regulation of this kind might have great value in connection with the repression of the Slave Trade, and might even, on other grounds, interest the Powers in general. The Portuguese Minister accordingly does not hesitate to admit that the exception is justified in principle, and that a civilized Power should not be prevented from coming to the assistance of a civilized neighbour who has established stations in the interior of the continent. But he remains convinced that by making the rule optional a sufficient safeguard would be provided for the rights of humanity and of civilization concerned.

M. de Macedo accordingly maintains the position which he has adopted, and declares that the Portuguese Government cannot at the present moment agree to the establishment of international obligations which might be dangerous in certain cases, and which would not be required by the interests of civilization.

His Excellency adds that, with these reservations, he will admit the Articles relative to the regulation of the commerce in arms.

The President says that the last remark of the Portuguese Minister concerns paragraph 6 of Article IX. There will, therefore, be an opportunity of reverting to it when the Conference pronounces its decision on that paragraph.

Count Alvensleben begs the French Plenipotentiaries to say if they are in a position to furnish information about the views of their Government on the subject of the delimitation of the zone of prohibition. Madagascar and the Comoro Islands are excluded from it. The German Plenipotentiaries had expressed their fears that those islands might become depôts of arms destined for the African Continent.

M. Bourée answers *Count Alvensleben*. His Excellency says that when the question was first raised in Committee, it was shown that those islands were separated from the mainland by so great a distance that it was impossible to class them with countries bordering on the zone of prohibition. Dr. Arendt, however, quoted several cases which seemed to show that abuses had sprung up. These cases have been carefully considered by the Government of the Republic. Being anxious to satisfy the German Government on this point, and in consideration of the circumstances which impel them to favour the most stringent measures in connection with this question, they authorized the French Plenipotentiaries to make the following declaration to the Conference:—

“The Government of the Republic declare that they bind themselves to adopt the necessary measures to prevent the exportation of arms and munitions of war from Madagascar and the Comoro Archipelago for the German possessions on the East Coast of Africa, and to exercise an effective control over the trade in arms at the ports of those islands.”

Count Alvensleben thanks the French Minister for this declaration, which he thinks will satisfy the Imperial Government.

Carathéodory Effendi then makes some remarks on the whole group of Articles relating to the control of arms.

His Excellency states that, according to Article VI of the Berlin General Act, the Powers engage to take steps for the preservation of the native races, and for the improvement of their moral and material condition. Inspired by this Article, the Conference has made considerable efforts to reconcile the observance of the general principles of the Berlin Act with the necessary regard for interests of another kind which are involved in the matter.

It seems, however, that more stringent measures, involving the absolute prohibition

of traffic in arms in Africa, would have been better calculated to secure the end in view. It has been found impossible to go so far as this; the Turkish Minister regrets the fact, while admitting that important considerations made it impossible to go beyond what had been stipulated.

He accordingly gives his personal assent to these Articles as a whole, as it is impossible not to recognize their value, and especially as they embody the most stringent Regulations which it was found possible to introduce. But he would have wished to see the absolute prohibition extended to the whole of Africa, and reminds the Conference of the opinion recently expressed by Mr. Stanley on this point. That explorer, the weight of whose authority cannot be questioned, maintains that the importation of arms and munitions of war is the principal cause not only of the evils which accompany slave-hunting, but also of those—and they are much greater evils—attending elephant-hunting.

Article VIII is adopted.

On Article IX *Lord Vivian* is not sure whether he has quite understood the meaning of M. de Macedo's remarks on paragraph 6 of that Article. Did the Portuguese Minister simply intend to maintain his previous reservations without giving them a definitive character? *Lord Vivian* hopes that his interpretation is the true one.

The President answers that M. de Macedo would admit the arrangement in question, if it simply had an optional character, but that his instructions do not at present allow him to go any further. The President therefore proposes to defer the investigation of this point until the two Governments concerned have given definitive instructions to their Plenipotentiaries.

Lord Vivian concludes from the above that the reservations made by M. de Macedo are definitive; he would consent, therefore, to the President's proposal, if it were of a nature to facilitate an eventual agreement. But it is his duty to point out that the British Plenipotentiaries have received on this point very precise and categorical instructions which admit of no doubt.

The President states, in answer to the British Minister, that all rights have been reserved.

Baron de Renzis makes the following declaration:—

“The Conference was informed at the beginning of its labours of the obligations imposed on Italy in her African possessions by the Treaties concluded with some neighbouring African countries before the meeting of the Conference.

“I made reservations; I even presented an amendment which has not yet been discussed. Meanwhile it does not appear to me that Article IX solves these questions.

“I propose in another meeting of the Conference to communicate to the assembly the means by which we think we can insure the faithful execution of the Articles concerning arms, and of all measures calculated to put a stop to the Slave Trade on the Red Sea coast.

“For the present I maintain all my reservations on the Articles under discussion.”

M. Göhring calls attention to the fact that the word “Government” has been substituted for the words “Ministry of Foreign Affairs,” which appeared in the original text of paragraph 6. It must be understood that this substitution does not alter the meaning of the Article, that is to say, that the local authorities shall remain without the power to give certificates; under these circumstances the Imperial Government have no objection to paragraph 6 being adopted as it now stands.

After some discussion, the Conference declares that the Article refers to the Central Government only, and not to the local authorities.

M. van Eetvelde asks that in paragraph 7, after “powder” the words, “and other munitions of war” may be added.

The President replies that paragraph 2 of the Article provides that ammunition and cartridges cannot be taken from the magazine. It clearly follows that they must have been previously put there; it is therefore unnecessary to repeat the words in paragraph 7. The only object of this paragraph is to settle a question which has been raised as to whether gunpowder, the most important element in the manufacture of ammunition, ought to be treated in the same way as the latter as regards storage.

The wishes of the Plenipotentiary of the Congo might be met by the insertion in paragraph 2 of the Article of the word “imported” after “ammunition.”

This modification is adopted.

M. Bourée recalls the fact that in the Committee the German Plenipotentiaries had demanded an exception in favour of percussion guns, rifles and carbines. Fearing to see

these dangerous weapons being distributed throughout Africa, the French Minister had insisted that this exception should not be maintained. His Excellency wishes to know if the German Plenipotentiaries are not in a position to furnish any fresh explanations on this point.

Count Alvensleben replies that, in view of the anxiety manifested in France, the Imperial Government has authorized him not to press their exception. The German Plenipotentiaries will confine themselves to making the following reservation:—

“In the interests of maintaining and reviving the caravan trade after the re-establishment of a peaceful state of affairs, the Imperial Government cannot allow its right to be restricted within the German territories of East Africa, of supplying caravans in the future with percussion guns, necessary precautions being taken.”

M. Bourée observes that a reservation thus formulated is included in the general reservations made by all the Representatives of States having possessions in Africa. He believes that the power in question is a consequence of the right which had been expressed as sovereign prerogative, that is to say, the right which each Power possesses to provide for the defence of its caravans and to distribute arms on its own responsibility, and within the limits required for the safety of its people. The French Minister therefore concurs in the declaration of the German Plenipotentiaries. He adds that, in the event of circumstances demanding it, the French Government will make use of the same power within its own possessions.

The British Plenipotentiaries declare that Her Majesty's Government reserve the right to do the same within their territories.

After the above observations the text of paragraph 8 is restored to its original form by the suppression of the words: “and as an exceptional measure, on the East Coast, percussion guns, rifled and shortened, including caps.”

In consequence, the word “caps,” which had been struck out of paragraph 2, is replaced.

In the last paragraph of the same Article, on the proposal of *M. Bourée*, the Conference decides to suppress the words: “Through the intermediary of one of them, within the period of six months after the conclusion of each Statement,” in order not to prejudice the mode of communication of information between the Powers, which is to be definitely settled by Chapter V of the General Act.

Article IX, with the amendments and reservations above indicated, is adopted by the Conference.

On Article IX, *Count Khevenhüller-Metsch* states that his Government asks that this Article should apply only to Powers “having possessions or exercising Protectorates within the zone in which trade in arms is forbidden.”

In countries having possessions situated outside this zone the dreaded contingency will occur too seldom to justify the introduction of a Law, especially in a country in which, like Austria-Hungary, the mode of legislative procedure is very complicated. The Imperial and Royal Government could not accept the Article without this amendment.

M. Banning replies that several other Powers will find themselves in the same position. Article X has for its object to reach not only the authors, but also the accomplices, of the violations of the law provided against, who might be resident in Europe. If the Conference adopted the proposed amendment they would in many countries escape all proceedings.

Baron Gericke de Herwynen, referring to the observation already made by him on Article V, thinks, like the Austro-Hungarian Minister, that it would be inconvenient to oblige the Governments of Constitutional States to alter their laws to meet cases which would, no doubt, occur very seldom. It would, perhaps, be better to require that each Power should communicate to the Central Office, which it is proposed to establish, what are the Articles of its laws applicable to the infringements provided for in the Treaty.

Count Khevenhüller-Metsch adds that any Government having to complain of an infraction committed by a subject of another Power who had remained unpunished might claim, through the channel of diplomatic representation, the conclusion of some arrangement which would allow of the culprits being punished.

Lord Vivian asks how it would be possible, under the proposed amendment, to punish the nationals of all countries who had no possessions within the zone, and who had taken refuge in a country where Capitulations were in force, or at Zanzibar, or in their own country. The fact should not be lost sight of that such cases might occur, and that they might become more numerous as Africa becomes more opened up.

Prince Ouroussoff remarks that the difficulty would not be solved if the person providing the funds or other accomplice of the merchant engaging in illicit trade, resided, in cases

such as have been suggested, not in a country where Capitulations exist, but in Austria or the Netherlands.

The President proposes to reconcile these divergent views by dividing Article X in two paragraphs.

The first would impose on Powers having possessions or exercising Protectorates in Africa the obligation of passing the Laws required by the Article.

The second would impose this obligation on Powers having no possessions or Protectorates in Africa only in the event of cases occurring which would show the necessity for such a course.

M. Bourée thinks that such necessity will be felt immediately on the signature of the Treaty. In fact, dishonest people being assured of impunity in certain countries, they will lose no time in taking refuge there.

The President replies that the clause would come into operation as soon as cases of this nature occurred. He suggests leaving the question open until the Austro-Hungarian Minister has referred the matter to his Government.

Count Khevenhüller-Metsch undertakes to communicate to the Imperial and Royal Government the President's proposed compromise.

The President observes that it is understood that this amendment is proposed by him in a personal capacity, and that the Conference has pronounced no decision on it. Article X is reserved.

On Article XI *Count Alvensleben* makes the following declaration :—

“The provisions agreed upon for the trade in arms appear to the German Government incomplete without the co-operation of the Cape Colonies. The Imperial Government counts, therefore, upon the good offices of Her Majesty's Government with a view to induce those Colonies to adopt effective measures to control the trade in arms, as well as the importation of war material, within the zone described in Article VIII and in the territories in direct contact with the latter.”

The Conference adopts Article XI.

On Article XII, *M. de Macedo* states, that while considering the provisions of Article XI as insufficient to entirely prevent the importation of arms within the prohibited zone, he recognizes, nevertheless, that they will produce a certain effect.

It would, therefore, be desirable that the duration of the obligations imposed by Article XI on countries in contact with the zone should be the same as that for the entire scheme, and he proposes, for this reason, to add Article XI to those enumerated in Article XII.

Article XII is adopted, with the amendment of the Portuguese Minister.

The meeting adjourned.

(Signed)

ALVENSLEBEN.
GÖHRING.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
A. BOURÉE.
G. COGORDON.
VIVIAN.
JOHN KIRK.
F. DE RENZIS
L. GERICKE.
H. DE MACEDO.
OUROUSSOFF.
BURENSTAM.
ÉT. CARATHÉODORY.
JOHN KIRK.
GÖHRING.

True copy :

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
COUNT PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
COUNT ANDRÉ DE ROBIANO.

No. 12.

Protocol No. 12.—Sitting of May 9, 1890.

Present :

- For Germany—
His Excellency Count Alvensleben.
M. Göhring.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambertmont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Congo Free State—
M. van Eetvelde.
M. van Maldeghem.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.
- For France—
His Excellency M. Bourée.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Persia—
His Excellency General Nazare Aga.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency Prince Ouroussoff.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
Sir John Kirk.
M. Göhring.

The President presents the Conference with the draft of Chapter VII, which contains the "General Provisions."

These provisions are few in number, and he therefore thinks that they might be discussed by the Conference without its being necessary to send them back for examination by a special Commission.

The assembly approves of the suggested mode of procedure.

The President asks permission of the Conference to read the Articles contained in the Chapter, and at the same time to offer some preliminary explanations which will take the place of a preamble. The Conference will be able to proceed with the discussion as soon as the Plenipotentiaries shall have received the instructions of their Governments.

Article I embodies one of the general principles of law; the General Act will repeal those stipulations which are contrary to Conventions previously concluded

between the Signatory Powers. This clause appeared necessary, since the legislation of certain countries does not admit tacit repeal.

Lord Vivian inquires whether the clause is to be interpreted in the sense that England must make a declaration specifying the Treaties which she means to maintain. There might be a question as regards certain Conventions concluded by her which do not interest the majority of the Powers, but which it would be in the interests of the general welfare to maintain.

The President considers that it is a matter for the consideration of the British Government.

The President then observes that in the majority of Treaties it is customary, as is done by Article II, to provide for amendments which might be introduced by mutual agreement, should their utility be proved by experience. It has been necessary on the present occasion to reserve the special revision, provided for in the General Act, of certain specified matters, such as the regulations as to arms and spirits, and the limit of tonnage of vessels subject to verification.

Article III, which relates to adhesions, permits of the Powers placing on their adhesion such conditions as they may consider necessary. It was thought that certain States of Asia and Africa could not, without inconvenience, by their simple adhesion, be admitted to the enjoyment of all the rights and advantages provided for by the Treaty.

Baron de Renzis asks whether it would not be necessary to indicate precisely the States referred to.

The President replies that there would be inconvenience in naming beforehand, in the General Act, the States which would not be permitted to enjoy all the rights which it confers. Moreover, an agreement might be come to as to cases in which simple adhesion would be authorized.

Baron de Renzis is of opinion that it would be well for the Conference to discuss this point, as regards Morocco, for instance.

The President observes that the question relative to Morocco must form the subject of an agreement to be come to later on between the Powers. There are also other cases in which a solution must be sought. The President hopes that a satisfactory solution may be found.

Baron de Renzis takes note of the explanations of the President.

Article IV, continues *the President*, deals with the ratifications. The delay of a year, which is stipulated, is a long one; it was fixed in order to give sufficient latitude to those Governments who have to obtain the sanction of their Legislatures. They will, however, be able to consider whether it would not be well to take certain temporary measures of preservation in order to prevent abuses which might occur in the matter of the importation of arms and spirits.

Carathéodory Effendi again draws attention, with regard to this Article, to the considerations which he brought forward at the previous sitting, relative to the delay which should, he thinks, have been provided for between the conclusion of the deliberations and the signature of the Treaty. By postponing the date of the signature, his Excellency adds, they would be able to hasten that of the ratification, because the Governments would have been in the position to give their decision with a full knowledge of the facts before giving their Plenipotentiaries the order to sign the Treaty.

The President replies that the Treaty cannot stipulate with regard to the date of the signature, but only with regard to that of the ratifications. He has already drawn the attention of his colleagues to the serious inconvenience which would result from the signature being delayed. He recalls, as he did in the previous sitting, the circumstances under which the Conference has carried on its long and difficult deliberations, as also the evident urgency which existed for putting an end to the evils which desolate Africa, the ravages of which are evidenced in enormous and continual sacrifice of human life. He must, therefore, be allowed, independently of any other consideration, to invoke in this place the interests of humanity, which are the reason for the assembling of the Conference. The President expresses the hope that the Governments will make a point of hastening the moment at which the draft of the General Act will become definite.

Carathéodory Effendi asks whether the Conference will adjourn at the close of its labours, in order to permit of the various Governments being able to make an exhaustive examination of the engagements which they are to sign.

The President replies that he could not take the initiative in a proposition of this kind, although the Governments remain absolutely free in the choice of the moment at which they notify their decision.

Lord Vivian asks if the suggestion of the Turkish Minister is not contrary to all precedent.

Prince Ouroussoff expresses the hope that the Conference will lose no time in occupying itself with the question which has been raised.

Count Khevenhüller-Metsch says that when the Conference has terminated its labours each of the Plenipotentiaries will, or will not, sign this General Act, according to the instructions which he shall have received. Those members of the Conference who are not authorized to do so at the time will wait until they receive fresh instructions authorizing them to sign it.

The President thinks that, as the Governments have been kept regularly informed with regard to the labours of the Conference, it is to be assumed that they will be able to decide as soon as the business is terminated. It would be, furthermore, impossible to fix an interval between this termination and the signature of the General Act.

Lord Vivian asks whether the General Act was not signed without delay at Berlin in 1885. The same Powers are represented at Brussels, and the decisions of the two Conferences are equally important.

Carathéodory Effendi says that at Berlin the Conference assembled with a perfectly definite programme.

M. Bourée thinks that it will not be difficult for the Powers to come to a decision upon a number of provisions which they have already approved in detail.

Count Alvensleben agrees with the President. The German Plenipotentiaries are in a position to declare formally that, as far as they are concerned, the labours of the Conference will experience no delay; and that, on the contrary, everything has been and will be done to hasten them as much as possible.

Lord Vivian declares on his side that not the slightest delay will emanate from Her Majesty's Government.

Carathéodory Effendi says he equally will not fail to expedite matters as much as may be.

The President, returning to the examination of Chapter VII, observes with reference to Article V that the Treaty of Berlin contained a clause which has not been reproduced in the draft, in virtue of which the Treaty would come into force for each Power from the moment when that Power ratified it. It has been thought that the application of this clause to the General Act of Brussels would cause difficulties. It was, for instance, impossible to assign different dates to the terms of the revision of the Regulations respecting arms and spirits. It has therefore been considered preferable to adopt one date at which the whole Treaty will come into force; this would be the date of the Act notifying the deposition of all the ratifications.

The draft of Chapter VII will be circulated among the members of the Conference, and the date of discussion will be settled later on.

The sitting is suspended at half-past 12, and resumed at 3.

The President submits to the assembly the draft of Chapter II, which forms the object of a Report by the First Commission, and which has been communicated to all the members of the Conference.

Article I is adopted.

On Article II, *Lord Vivian* asks what the reservations are to which allusion is made.

The President answers that they refer to the outlays which will be occasioned by the establishment of the stations.

Carathéodory Effendi declares that he joins in the reservations made on this subject by the Plenipotentiaries of England and Germany.

The IInd, IIIrd, and IVth, as well as the Vth and last Article of Chapter II are adopted without further observations.

The President goes on to propose to the assembly that they should return to the examination of those provisions which had been reserved when Chapter III was adopted by the Conference.

The first provision deals with the authorization of a petty coasting trade, in conformity with Article 8 *bis* of the Regulations inserted in Chapter III, between the littoral of the Indian Ocean and certain islands situated more than 5 miles from the coast.

M. de Macedo reminds them that he had asked, in the Commission, that the provisions of the last paragraph of Article 8 *bis* should not be applied to vessels of a small tonnage which ply between the coast of Mozambique and the small islands situated near, but more than 5 miles away from that coast.

M. de Macedo hopes that the detailed explanation which he proposes to submit will enable those Plenipotentiaries who had not found themselves able to accept his reservation to reconsider their decision.

The Portuguese Minister proceeds to read the following list of these islands. The distances from the coast are measured between the extreme reefs of the mainland and the reefs of the most adjacent islands, that is to say, the part which is never dry at low water and which is more or less navigable.

DISTRICT OF QUILIMANE.

	distance	Miles.
Island of Silva,		12.5
„ Fogo,	„	9.5
„ Casuarina	„	6.0
„ Epidendron,	„	5.5

DISTRICT OF ANGOCHE.

Island of Moma,	distance	..	..	..	..	..	7.0
„ Caldeira	„	..	..	..	..	..	7.0
„ Mafamede,	„	..	..	..	..	..	5.5

DISTRICT OF CAPE DELGADO.

Island of Tambuzi,	distance	..	..	..	..	..	5.2
„ Suna	„	..	..	..	..	..	5.3

These islands, M. de Macedo adds, are peculiarly situated. They are, for the most part, deserted, and have no drinking water. The natives only go there to fish, and small proprietors from the coast cross over to them to gather fruit and till the ground. They are separated from the mainland by a channel, full of reefs, the waters of which can be considered as inland waters, and where navigation is beset by difficulties which render any unlawful trading and supervision by cruisers impossible. His Excellency appeals, for the accuracy of his information, to the testimony of Sir John Kirk. The application to these islands of the provisions of the last paragraph of Article 8 *bis* would be vexatious, useless from the point of view of the suppression of the Slave Trade, and injurious to the interests of the inhabitants of the coast.

M. de Macedo does not ask that the text of Article 8 *bis* should be modified, and he would be contented with the insertion in the Protocol of a declaration in virtue of which the provisions of this Article would apply to the nine islands situated along the coast of Mozambique, as if they were situated less than 5 miles distant from that coast.

Lord Vivian reminds them that the 5-mile limit was not fixed by the English Plenipotentiaries, but by a competent Technical Committee. It would therefore, on general grounds, be contrary to the principles which have been adopted to extend this limit. But the explanations given by the Portuguese Minister deserves serious consideration, and, besides, Sir John Kirk thinks that a petty coasting trade can be carried on without danger between these islands and the littoral. The British Plenipotentiaries are, however, bound by their instructions, and cannot, for the moment, signify their adhesion to M. de Macedo's proposal. They undertake, however, to recommend its adoption to Her Majesty's Government.

The President says it is understood that Article 8 *bis* will preserve its original wording, and that the explanations given by the Portuguese Minister on the geographical and economic situations of the islands on the coast of Mozambique will be inserted in the Protocol and will serve, if necessary, as a guide for the putting into execution of the said Article. If the English Government authorizes its Plenipotentiaries to sign the General Act without reproducing their objections, M. de Macedo's proposal will be considered as adopted.

The second point which was reserved refers to Article 21 of the Regulation. M. de Macedo not having been able to be present at the sitting of the 23rd April, the Conference, on the proposal of the President, left the Protocol open, to enable his Excellency to introduce the amendment which he wished to present.

M. de Macedo says that he accepts the Resolution which was adopted with reference to the proposition made, at his request, in the Conference at the sitting of the 23rd April, according to which a paragraph would be added to Article 21, reproducing the terms of Chapter I, Article VI, while reserving, as requested by the British Plenipotentiaries, the Special Conventions in existence.

The President proposes the following wording:—

“The slaves who are liberated under the circumstances provided for by this Article shall, unless it be otherwise stipulated by special Conventions, be handed over to the local authorities, to be sent, if possible, to their native country; failing this the local authorities shall assist them, as much as possible, with the means of livelihood and of settling down in the country should they so desire.”

M. de Macedo accepts this wording.

The President, after having ascertained that no one has any observations to make, declares it adopted.

Touching the third and last point, on which no agreement had been arrived at, and which has reference to Article 26, § 2, of the Regulation, the President recalls the divergencies of view which were expressed with reference to it by the Plenipotentiaries of Germany and France.

M. Bourée says that the French Plenipotentiaries thought that the second paragraph of this Article provided principally for the case of a vessel which, without having committed any reprehensible act, should have been found in an apparently irregular situation, justifying, for that reason alone, its arrest by a cruizer, without its being really in fault.

Starting from this point of view, the French Plenipotentiaries thought that the following wording would satisfy the Representatives of Germany, and meet one, if not the principal, of their objections:—

“The right to an indemnity shall not exist if the arrest of the vessel has taken place in consequence of an irregularity being discovered in the ship’s papers, of a nature falling under the terms of Article IX.”

M. Göhring admits that the wording proposed by *M. Bourée* is more or less in accordance with the views held by the German Government; but it leaves the principal question in suspense, namely, that of knowing whether the national Tribunal will have the right of pronouncing an opinion on the principle of compensation. *M. Göhring* is bound to declare that his Government does not find a completely satisfactory solution in the French proposal. That being so, it would be convenient to try and establish an understanding on some other basis.

M. Bourée says that the French Plenipotentiaries had only hoped that their proposal would completely correspond to the wishes of the German Government. On the supposition that it would not be considered as sufficient, they have been authorized to point out some modifications, which could be introduced, to the same effect, into the wording of the second paragraph of Article 26. The text which his Excellency has suggested could be combined with certain reserves which would meet the views of the Imperial Government. Such would, under these circumstances, be the wording which the French Plenipotentiaries would suggest for the second paragraph of Article 26:—

“In this case the captain or owner of the vessel which has been arrested without legitimate grounds for suspicion, or which has been subjected to any vexatious delay, shall have the right to claim compensation, the amount of which should be fixed by mutual agreement,” &c.

If this wording should appear acceptable, and if the Conference should think proper to express a definite opinion on the subject, a declaration to that effect might be inserted in the Protocol.

M. Göhring, after having thanked *M. Bourée* for having shown himself so ready to come to an understanding, says that the German Plenipotentiaries will not insist on the wording which they had proposed, and that they accept that of the French Minister, subject to the approval of the Imperial Government. *M. Göhring* adds that all misunderstanding would be avoided by inserting the following declaration in the Protocol:—

“The Conference is of opinion that the new text of Article 26 must be understood in the sense that it cannot be affected by any acquittal which the national authorities may have pronounced on the question of determining whether or no there have been grounds for awarding compensation for the seizure of a vessel. The decision of this question, as also that of the amount of compensation, shall be reserved for the mutual agreement of the Powers interested, or for the arbitration to which they may have had recourse.”

M. Bourée declares that he is authorized by his instructions to accept this declaration. His Excellency expresses the hope that all the members of the Conference will agree to it.

Lord Vivian says that the British Plenipotentiaries had instructions to support the

German proposal, but as the two Powers have come to an agreement, they see no objection to adopting the text upon which they have agreed.

The President declares that the solution which has just been arrived at is adopted.

The meeting adjourned.

(Signed)

ALVENSLEBEN.
GÖHRING.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
H. S. SANFORD.
A. BOURÉE.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
L. GERICKE.
NAZARE AGA.
H. DE MACEDO.
L. OUROUSSOFF.
BURENSTAM.
ÉT. CARATHÉODORY.
JOHN KIRK.
GÖHRING.

True copy :

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
COUNT PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
COUNT ANDRÉ DE ROBIANO.

No. 13.

Protocol No. 13.—Sitting of May 10, 1890.

Present :

- For Germany—
His Excellency Count Alvensleben.
M. Göhring.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambermont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Congo Free State—
M. van Eetvelde.
M. van Maldeghem.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.
- For France—
His Excellency M. Bourée.

- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
M. Catalani.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Persia—
His Excellency Nazare Aga.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency Prince Ouroussoff.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
Sir John Kirk.
M. Göhring.

The President says that he is charged to recommend to the favourable attention of the Conference the proposal which he is about to read :—

“ Statement of Grounds.

“The General Act of Berlin prohibited the imposition of import duties on goods introduced into the conventional basin of the Congo, but did not thereby intend to establish definitively and irrevocably the economic system under which the territories situated in the centre of Africa are placed, to make of them a sort of free market, and so artificially attract trade to those parts to the detriment of the remainder of the African Continent.

“The Powers only wished that the laborious and difficult undertakings which have as their object the opening up of these vast regions to civilization and commerce should not be fettered in their very commencement by fiscal charges which nothing in this first stage seems to justify.

“Once, says the Report of the Commission, the impulse has been given and some real progress made, new vistas will probably be opened up and new needs make themselves felt, and the moment will arrive when it will be no more than prudence and foresight require to revise a system chiefly adapted to a period of change and creation.

“While speaking of the establishment of a fiscal system in the Congo, one of the Plenipotentiaries, at the sitting of the 19th November, 1884, observed with truth that the taxes about to be established ought to represent compensation for continuous and effective Government protection. Such protection, he declared, did not exist; as long as such remained the case, so long it was only right that great moderation should be used in any financial schemes; but it was reasonable to make provision for the time when the existence of a really well-organized Government would justify charges for which in the beginning there was no reason.

“The Berlin Conference refused to bind the future for any period longer than that of creation and change mentioned in the Report of the Commission.

“This period, it was then estimated, might extend over about twenty years; and the Conference made the stipulation that the Powers reserved to themselves the right of considering whether, at the end of this time, the freedom of import should or should not be maintained.

“Five years only have elapsed, and the most cursory glance is sufficient to show that things have made faster progress than the most optimistic forecast could have foretold.

“Not only has geographical exploration of the Congo Basin discovered the richness of the vast regions which it comprises, but European trade, which did not extend beyond a short distance from the coast, has now penetrated to the very centre of Africa, into countries which till very lately were absolutely unknown. The march of civilization,

under its] various forms, has been no less considerable, and has created permanent settlements in the very heart of the Continent of Africa.

“The rapidity of this transformation ought to hasten the revision of the import system, as temporarily arranged by the Berlin General Act.

“That protection which is due to trade and to Missions, the establishment of a regular judicial system, the opening of roads which shall give easier access to the interior, the organization of public Departments to back up private enterprise, all stand in need of some financial support, which it is only reasonable that import duties levied on those who profit by the new order of things should supply.

“For whereas, in the majority of African Colonies, the Tariffs are one of the principal sources of revenue, those countries along which lie the conventional basin of the Congo are denied the right of levying import duties.

“And yet it is just these countries which take the most prominent part in the struggle with the Slave Trade.

“The Resolutions of the Brussels Conference, by imposing on them new duties, will increase the charges they will have to support in accomplishing their mission of civilization.

“The propriety of duties destined to meet such expenses as these cannot be contested.

“It may be added that, when established on a just basis, they would facilitate the development of the services necessary to the march of progress, and will thus favour commercial and industrial enterprise.

“If this source of revenue were to remain closed in the territories of the Congo Basin, other duties would have to be created, or those already existing would have to be unduly raised, to the detriment of business.

“Import duties, the maximum of which could not exceed 10 per cent. of the value of the goods, would not be open to any well-founded criticism; they would neither be any hindrance to exchange, nor stop increased consumption, as they would be equally applicable to produce from all parts of the world; they would not in any way contravene the principle of free trade, prescribed by the General Act of Berlin, which applies to its full extent to the territories of the conventional basin of the Congo, that is to say, to the English and German possessions on the West Coast, and the French and Portuguese possessions of the Congo and the Congo Free State.

“Nor will freedom of transit either suffer from this new system, since the duties will only affect goods used for consumption in the country, to the exclusion of those which are re-exported. Doubtless, too, each of the above-mentioned countries will be interested in the preservation and development of the present transit trade in its ports; and this interest will certainly influence it to establish as liberal a system as possible of warehouses and transit with a view of affording the merchants every facility for the re-exportation of their goods.

“*Proposal.*”

“In view of the fact that, on the one hand, since 1885 public Departments advantageous to the interests of trade and to the welfare of the various populations have been organized within the conventional basin of the Congo, and taking into consideration, on the other hand, the necessity of facilitating for the States or possessions comprised within this basin the means of coping with the expenses imposed upon them by the present Treaty in consequence of the suppression of the Slave Trade, the Signatory Powers allow the imposition of import duties upon merchandize imported into the above-mentioned States and possessions.

“Under no circumstances shall the scale of these dues exceed a rate equivalent to 10 per cent. of the value of the merchandize at the place of importation.”

Lord Vivian speaks as follows:—

“The assembly has listened with a keen and lively interest to the communication just made by the President on the establishment of import duties in the conventional basin of the Congo.

“My colleague and I are convinced that the assembly will be inclined to adopt the proposal.

“The perfect accuracy of the interpretation given in the preamble of the intentions of the Plenipotentiaries who have established the economic system now in force in the conventional basin is confirmed by the Protocols of the Berlin Conference.

"It cannot, however, be denied that this proposal implies an important modification of the General Act, and the first question is to know whether the Conference here assembled is competent to sanction this modification.

"There can be no doubt as to the answer: the Brussels Conference, being composed of the Representatives of the same Powers who signed the General Act of Berlin, has the right to modify it if all the members are agreed.

"Moreover, the Conference has already declared its competency in this respect by imposing restrictions on the trade in arms, and by imposing an import duty on spirits within the conventional basin.

"As to the question whether this modification is opportune, the fact must not be lost sight of that the Berlin Conference never intended to fix unalterably the economic system of the Free State, which, as was already then foreseen, would undergo radical modifications under the influence of progress, nor of establishing for an indefinite period regulations which might hinder, check, and even arrest its development. Provision was wisely made for the probability of future changes, which would require a certain latitude in economic matters in order to secure their easy realization.

"The Berlin Conference, in its anxiety not to bind the future too strictly, established a provisional régime, which, with the great freedom of action that it guaranteed, aimed at encouraging commercial enterprise. It was for this reason that the establishment of import duties was prohibited for a limited period, a step which was taken because it was in no wise expected that the changes then anticipated could take place before the expiration of the period in question. But thanks to the sagacity of the King-Sovereign who has so well fulfilled the mission intrusted to him by the Powers, thanks to the sacrifices which His Majesty has made, thanks to the devotion and the energy he has displayed in accomplishing his great humanitarian and civilizing task, this transformation has taken place more quickly than had been foreseen. The moment has now come when the marvellous progress made by the infant State is creating fresh needs, when it would be only in accordance with wisdom and foresight to revise an economic system primarily adapted to a creative and transitional period.

"Can we blame the infant State for a progress which, in its rapidity, has surpassed the most optimistic forecasts? Can we hinder and arrest this progress in refusing her the means necessary for her development? Can we condemn the Sovereign who has already made such great sacrifices to support for an indefinite period a burden which daily becomes heavier, and at the same time impose upon him new and heavy expenses necessitated by the suppression of the Slave Trade?

"We are convinced that there will be but one answer to these questions, and that we shall unanimously vote the proposal that has been made to us, but on condition that the new taxes should be the same for all, and that there should be neither differential dues nor any inequality of treatment.

"As to the amount of the dues to be fixed, we think the Conference might well accept that which has been proposed, since, if a lower figure were adopted, the greater part of the product accruing from this tax would be absorbed by the expenses entailed in the establishment of a Custom-house with its staff and buildings."

Count Alvensleben speaks as follows:—

"Though I am not provided with instructions, I think I can at once declare that the proposal just made will be most favourably received by the German Government.

"The Imperial Government will be glad to have such an opportunity of showing its sentiments of sympathy for the Congo Free State, which, under the wise direction of its august Sovereign, has given such striking proofs of vitality.

"The German Government will willingly lend its help to placing the Congo Free State in a position to dispose of the means which may seem necessary to assist its development and to enable it to continue its valuable services to the cause of civilization and humanity.

"I would especially concur in the happy terms in which his Excellency the British Minister has spoken of the illustrious Sovereign of the Congo Free State. Similar sentiments, I may say, are entertained by the Imperial Government.

"The proposal of the President to abolish Article IV of the General Act of the Berlin Conference will be examined at Berlin with the more interest, as this abolition will entail for certain German territories in Africa practical consequences which are not without importance.

"In connection with this subject, I believe that the German Government, if I interpret their intentions aright, will concur in the proposal to give a certain stability to

the new state of things, by adopting a limit which the import duties to be levied shall not exceed.

“We shall lose no time in asking our Government for instructions.”

Baron de Renzis speaks as follows :—

“It is my duty to declare that the Italian Government is equally favourable to the proposal which is made to us to modify the clause of the General Act of the Berlin Conference with regard to free trade in the conventional basin of the Congo.

“I believe that the views of my Government in this respect will be shared by all the others, and that the Conference will not lose this opportunity of expressing their good wishes for the development and prosperity of the Congo Free State, whose existence is so closely bound up with the object which it is seeking to realize.

“We have followed with the liveliest interest and most affectionate sympathy the efforts which have been made to advance civilization in this marvellous country. Only a few days ago we heard it described as an Eden by the most courageous of its pioneers. We have learnt the savage beauty of this country, the rich territories of which are as yet unexplored. There surely can be nobody here who would refuse to assist at the awakening of these countries, and who would wish, by depriving them of the means of which they stand in need, to hamper trade in its first beginnings in this vast land which now offers a field for the energy of everybody who is disposed to work.

“It will be the honour of the Berlin Conference to have given life to this Free State, to the welfare of which our best efforts should tend.

“But in order to open up the path to these regions, so long hidden from the eyes of the world, to assure our pacific and civilizing conquests, and effectively to combat the scourge of slavery, it is not enough that we should merely give our approval, our good wishes, and our advice. We conceive that the Congo State, just brought into existence, should be able to find in the legitimate resources which are the proper appanage of every Government a possibility of meeting its needs.

“We have been witnesses to the devoted personal efforts which have been made in the pursuit of this great ideal, which was placed by the Berlin Conference under an august patronage. We all know that this ideal would never have been attained if the necessary sums had not been with Royal prodigality unstintingly poured forth in the effort to carry out this unprecedented task.

“I should fear to offend the modesty of His Majesty the King of the Belgians if I recounted here all that he has done for the rising prosperity of the Congo Free State, or if I only recalled what civilization owes to his generous heart and his great mind. But if so great a virtue only seeks a recompense in what it believes to be the accomplishment of a duty, we cannot, for our part, remain indifferent.

“I think it is the duty of the Italian Plenipotentiaries, on this occasion, to add the expression of their respectful approbation and most sincere good wishes to the numerous assurances which have been given to His Majesty King Leopold with respect to the noble work to which he has given his name.”

M. de Macedo says that, having received no instructions from his Government, and being unable to make any forecast of what may be their intentions on this subject, he cannot speak in their name. But the experience he has gained of African affairs allows of his expressing a personal opinion, and this opinion is, in principle, favourable to the proposal which the President has just read. The efforts and the sacrifices of the King-Sovereign of the Congo Free State have been described in so clear and complete a manner that he has nothing to add. The Portuguese Minister concurs in the views on this subject expressed by his colleagues, and adds that he reserves to himself the privilege of making known at the proper moment the efforts and sacrifices made, not without success, by his country to attain this end in that part of the Congo which has been allotted to her by Treaty.

Count Khevenhüller-Metsch expresses himself as follows :—

“The Imperial and Royal Government are in entire sympathy with the principle laid down in the proposal which the honourable President has just read to us. Having been in ignorance of the rate of 10 per cent. *ad valorem*, which is to be the maximum limit of the import duties in the conventional basin of the Congo, I cannot express the opinion of my Government in advance, and I must, therefore, reserve their opinion. Nevertheless, I am convinced that this proposal will be examined with great favour by the Imperial and Royal Government, who are filled with admiration and respect for the energy and intrepidity which His Majesty the King-Sovereign has shown in founding the immense work of the Congo.

I cannot do better than declare my participation in the noble sentiments which have just been expressed by my colleagues of Great Britain, Germany, and Italy.

"On this subject our wishes are unanimous; we heartily wish that His Majesty should receive that satisfaction which his generous efforts deserve."

M. Bourée is without instructions authorizing him to reply in the name of the French Government. He is not, however, entirely ignorant what are their views and intentions, and he does not think he is going too far when he says that the proposal will meet with a very favourable reception at Paris. The nature of the relations between the French Congo and the Free State render it unnecessary for him to say in what way this question will be settled. He deems it useless to recapitulate all that has been accomplished by the King-Sovereign; His Majesty will certainly receive not only sympathy from the French Government, but also effective assistance.

M. van Eetvelde replies that the Plenipotentiaries of the Congo are profoundly touched by the favour with which the members of the Conference have received the proposal submitted to the assembly. He begs them to accept the expression of their gratitude.

Prince Ouroussoff agrees with all that has been said with regard to the activity and devotion displayed by the King-Sovereign in Africa. His Excellency thinks he may answer for the acquiescence of the Russian Government. From the commercial point of view, the question will no doubt call for an examination, which the Conference is not at present in a position to undertake. It is the humanitarian point of view which especially attracts the attention of the assembly: summoned as it is for the purpose of combating the Slave Trade, and favouring the development of civilization in Africa, the Conference cannot but welcome anything that will contribute to facilitating the task of the Congo Free State, which has itself been called upon to take an important part in this great mission. Prince Ouroussoff, therefore, entirely agrees with what has just been said by his English, German, and Italian colleagues.

Mr. Sanford says that, being without instructions which would enable him to consider a proposal which has not yet been brought to the knowledge of the United States' Government, his colleague, Mr. Terrell, and himself cannot pronounce upon it at present. He would like to know what consequences the proposal will have for the United States. He recalls the declarations exchanged between his Government and the International Association, which has since become the Congo Free State. Mr. Sanford adds that his Government have not yet ratified the General Act of the Conference of Berlin; but, having personally taken part in the work of that Conference, he thinks it his duty to remark, in view of the observations of Lord Vivian, that, as far as he remembers, it was not the intention of the Conference of Berlin, nor of the Committee of which he formed part, that the freedom of import should be abrogated or annulled at the end of twenty years, and that it was in order to be able to decide according to the interests of commerce, in view of these two systems (import and export duty), that the door of revision has been left open.

Baron Gericke de Herwynen does not wish to raise a dissentient voice amidst the plaudits accorded by his colleagues to the great work undertaken by the King of the Belgians. He recollects with pleasure that he has himself rendered well-merited homage to this work from its very commencement. His Excellency reserves the privilege of offering any observations which he may consider opportune during the course of the debate which is about to take place.

M. Schack de Brockdorff agrees with the declarations of his colleagues; he thinks he may certainly say that the Danish Government will approve of the proposal.

Carathéodory Effendi will hasten to request instructions from his Government on this question, as he is at present without them. He thinks he may add that the proposal will be examined at Constantinople with that sympathy and deep respect which the Sublime Porte attaches to all the actions of His Majesty the King of the Belgians.

M. Gutierrez de Agüera expresses in like manner his feelings of deep respect towards the King, and his sympathy with the task undertaken by His Majesty on the Congo. He has not yet received instructions from his Government, but hopes they will be favourable to the proposal.

M. de Burenstam says that he too agrees with what Lord Vivian has just said. Yet it must be well understood that his assent is purely personal until the arrival of instructions from his Government.

The President, in reply to Mr. Sanford, says that the declarations exchanged between the United States and the Congo Free State have not been lost sight of. It is for the two Governments to come to an understanding upon this matter. As for the General Act of Berlin, it is true that it has not been ratified by the United States, but that is a matter concerning the Federal Government, and not the Conference now assembled. It is self-

evident that the Act of Berlin, so long as it has not received the ratification of the United States, only exists between the Powers that have ratified it. At an opportune moment these questions will be examined, and there is no reason to doubt that the States concerned will show themselves equally well disposed.

Mr. Sanford says he considers it superfluous to dwell upon the good-will, and he may say the keen sympathy, which the Government and the people of the United States have always shown with the work of the King, and of which they have given striking proof.

The President remarks that the United States were the first to recognize the International Association of the Congo, and adds that this proof of good-will has not been forgotten.

The President, addressing all the members of the Conference, then says that he congratulates himself on having twice in his life witnessed such a manifestation as that which has just taken place. In 1885, at the close of the deliberations of another diplomatic assembly, the recognition of the Congo Free State was the point at issue. The Representatives of the Powers with one voice welcomed the new State. They all wished it well in the future, and warmly approved of the noble mission with which it was to be intrusted. Reality has surpassed all these expectations. Now that experience has spoken, now that the task is growing, and that with it responsibilities and burdens are increasing, the Representatives of these same Powers mention in the same terms of sympathy the work carried on with such courage and devotion. It is not for Baron Lambert to celebrate the merits of the Sovereign who is the originator of this work, but he thinks he may say the King will find in the homage now rendered him the highest reward of his toil and sacrifices, which will at once be a great encouragement and a source of legitimate pride. He says that in thanking, in the King's name, the members of the Commission, he is but anticipating His Majesty's wishes.

The Conference decides to refer the examination of the proposal to the Fourth Commission, which, as it has dealt with the system of alcohol tariff, has already had to decide upon a first modification of the Berlin Treaty.

The meeting adjourned at 3 o'clock.

(Signed)

ALVENSLEBEN.
GÖHRING.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
H. S. SANFORD.
A. BOURÉE.
VIVIAN.
JOHN KIRK.
J. DE RENZIS.
T. CATALANI.
L. GERICKE.
NAZARE AGA.
H. DE MACEDO.
L. OUROUSSOFF.
BURENSTAM.
ÉT. CARATHÉODORY.
JOHN KIRK.
GÖHRING.

True copy :

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Count PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Count ANDRÉ DE ROBIANO.

Protocol No. 14.—Sitting of May 14, 1890

Present :

- For Germany—
His Excellency Count Alvensleben.
M. Göhring.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambermont.
M. Emile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Congo Free State—
M. van Eetvelde.
M. van Maldeghem.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.
- For France—
His Excellency M. Bourée.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency Prince Ouroussoff.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
Sir John Kirk.
M. Göhring.

Mr. Terrell requests permission to make the following statement:—

“ I desire to add a few remarks to those already made by my colleague at the sitting of the 10th May, in regard to the proposal put forward by the honourable President, Baron Lambermont, respecting the question of authorizing the States within the conventional basin of the Congo to levy a duty of 10 per cent. on the value of imported goods.

“ As my colleague has already remarked, the Representatives of the United States have no instructions which bear upon this special point.

“ I do not intend, at this moment, to enter into the question whether the Conference is competent to deliberate on a matter of this nature. I must, however, observe that, as far as the United States are concerned, the invitation which their President received from the Belgian Minister at Washington, to take part in the labours of the Conference, seemed

to limit the sphere of its action to the elaboration of a programme on which it would be possible to arrive at a common understanding, with a view to the abolition of the Slave Trade in Africa, by suppressing this Trade in the interior of the Continent, by capturing the slaves destined for sale and by preventing the Traffic by sea.

"According to the terms of this invitation, the competence of the Conference to examine the question of the importation of fire-arms and alcoholic liquors, and to propose the adoption of legislation on the subject, could only result from the fact that it has been superabundantly demonstrated that the unrestricted use and sale of these articles are the most important factors in the maintenance and vitality of the Trade. Moreover, the restrictive legislation on this special matter, which the Conference proposes to adopt, should be applied to the entire zone within which the Traffic exists, including almost the whole interior of the Continent of Africa, and not limited to a particular section of that region.

"As I have just remarked, the Representatives of the United States are not at present in a position to communicate the views of their Government on the question raised in the proposal submitted by Baron Lambertmont.

"Their instructions, however, are in a general sense to the effect that they should draw the attention of the Conference to the following fact, namely, that if the result of our deliberations is to extend or modify the conclusions of the General Act of Berlin it would be difficult to foresee the effect which this proceeding might produce on the decision to be taken by the United States upon the General Act of Brussels, for the fact must not be lost sight of that our country has not yet ratified the Treaty of Berlin.

"Taking this circumstance into consideration, it seems preferable that the legislation recommended by this Conference touching the Slave Trade should take a form entirely independent and distinct from the Treaty of Berlin.

"Consequently, if the competence of the Conference were recognized so far as relates to the authorization to be granted for the establishment of the duties in question, and if the proposal formulated in this sense were admitted, we might be allowed to suggest that the decisions arrived at should form the subject of a separate Act entirely distinct from the General Act. We should thus avoid the complications which might arise on the part of the United States, and which might present a serious obstacle to their adhesion to the General Act.

"I have the honour to request that these observations may be inserted in the Protocol of to-day's sitting."

The President observes that the invitation to take part in the Conference was addressed to all the Powers in identic terms. The inquiry into the means best adapted to prevent the Traffic in Slaves was indicated therein, as Mr. Terrell reminds us, as the principal object of the projected meeting. But the invitation did not stop there. It affirmed the impossibility of preventing the Trade without the employment of forces superior to those which those engaged in this odious Traffic have at their disposal, and this clearly foreshadows fresh burdens for the States who should be engaged in the struggle. It added that the Government of the King of the Belgians thought it inopportune to limit the sphere of action of the Conference; that it wished to leave to the Representatives of the Powers complete liberty with regard to the suggestion of the practical measures which might seem the best adapted to the circumstances. These terms do not seem to be consistent with a limitation of powers as to the choice of means. It may be presumed that this is the opinion of the great majority of the members of the assembly; at the sitting of the 10th May they gave a very sympathetic reception to the proposal for the purpose of establishing a duty on entering the conventional basin of the Congo, a proposal of which the object is more especially to put the Congo Free State in a position to meet the burdens which the invitation had in view.

The President continues to hope that the Government of the United States, which was the first to recognize the Congo Free State, will not be one of the last to give it the assistance of which it may stand in need. The United States' Minister, in his declaration, stated his opinion that the decisions to be arrived at on the proposal submitted to the Conference might be made the subject of a separate Act, entirely distinct from the General Act. The President is unable at first sight to appreciate this suggestion.

Mr. Terrell's declaration shall be inserted in the Protocol: it will be the duty of the Commission, and afterwards of the Conference, to discuss what action might be taken upon it.

The President then submits the draft of Chapter IV, the Report of which was addressed to all the members of the Conference.

Carathéodory Effendi desires to make a general observation on this Chapter. The

Report, says his Excellency, is a compromise between different views, such as the General Act will itself be. This document expresses the agreement arrived at by the Commission. Nevertheless, independently of the reservations which he made, and which are stated in the Report, the Turkish Minister wishes it to be recorded in the Protocol that, whenever mention is made of slavery in regard to Ottoman possessions, domestic slavery is meant, and not that which results from the Slave Trade.

Articles I, II, III, IV, V, and VI do not give rise to any observation.

Respecting Article VII, *Lord Vivian* asks whether his Excellency the Persian Minister has let it be understood that His Majesty the Shah of Persia will accept this Article, and whether, to the knowledge of the President, His Majesty has already issued a Law concerning the suppression of the Slave Trade.

The President answers this last point in the negative. He adds that General Nazare Aga informed him that his Government were in possession of all the documents, and that His Majesty the Shah had commanded him to be present at the last stage of the labours of the Conference.

Articles VIII, IX, X, and XI are adopted without remark.

M. de Macedo would like it declared in the Protocol that Chapter IV had been adopted by the Conference without discussion, and with the interpretation indicated on p. 16 of the Report, that is to say, with the reservation that the Chapter shall only be applied in those of the countries to which it was addressed, whose institutions give legal sanction to domestic slavery.

Mr. Banning answers that the addition which will be made to the heading of the Chapter will meet the observations of the Portuguese Minister.

The meeting adjourned at half-past 3 o'clock.

(Signed)

ALVENSLEBEN.
GÖHRING.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
H. S. SANFORD
A. BOURÉE.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
L. GERICKE.
H. DE MACEDO.
L. OIROUSSOFF.
BURENSTAM.
ÉT. CARATHÉODORY.
JOHN KIRK.
GÖHRING.

True copy :

(Signed)

ARENDT.
MARTIN GOSSELIN.
Count PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Count ANDRÉ ROBIANO.

No. 15.

Protocol No. 15.—Sitting of May 22, 1890.

Present :

- For Germany—
His Excellency Count Alvensleben.
M. Göhring.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambertmont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Congo Free State—
M. van Eetvelde.
M. van Maldeghem.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
- For France—
His Excellency M. Bourée.
- For Great Britain—
His Excellency Lord Vivian.
- For Italy—
His Excellency Baron de Renzis.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency Prince Ouroussoff.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
M. Göhring.

The President submits the draft of Chapter V for the consideration of the meeting.

The Report, communicated to all the members of the Conference, records the debates to which this draft gave rise in the Commission. The care bestowed on its preparation will doubtless facilitate the work of the Conference.

Section I deals with "the International Maritime Bureau."

Article I is adopted.

With regard to Article II, *Baron de Renzis* inquires how the Zanzibar Bureau will be convoked when the time comes for establishing it.

The President replies that each Signatory Power is entitled to act. The same course, moreover, applies to all that concerns the other provisions of the Treaty when they have to be put into force.

Baron de Renzis considers that the Powers, in forwarding to the Belgian Government the act of ratification of the Treaty, can intimate whether they propose to send a Delegate to the Zanzibar Bureau. The invitation to establish the Bureau would then be sent by the

Belgian Government to all the Powers who had expressed an intention to be represented thereon.

Lord Vivian, in like manner, considers that the duty of convoking the Zanzibar Bureau devolves on the Belgian Government, who have invited the Powers to take part in the Conference.

The President remarks that the convoking can only take place after the exchange of ratifications. The record of the deposit of ratifications provided for in the draft of Chapter VII, submitted to the Conference, will be followed by a notification to the Signatory Powers. Those who desire to be represented will at the same time be invited to proceed to establish the Bureau.

It is therefore understood that the Belgian Government will undertake the convoking.

Article II is adopted.

The Conference next adopts Articles III, IV, and V.

In Article VI, at the suggestion of *Lord Vivian*, and in order to avoid any confounding with the Brussels Bureau, it is decided that the words "Central Bureau" shall be replaced by "Zanzibar Bureau."

Article VI is adopted as well as Article VII.

The Conference proceeds to examine section II, which relates to the exchange between Governments of documents and information respecting the Slave Trade.

In Article VIII, *Baron Gericke de Herwynen* calls attention to the fact that the Netherlands Government have expressed a wish that the clause imposing the obligation of enacting repressive laws in execution of the General Act should not be applied to Powers who have no possessions or who have established no Protectorates in Africa.

The President replies that the Conference adjourned its decision on this point when Articles V and X of the 1st Chapter were discussed. The matter can be reverted to when the Conference expresses an opinion on those provisions of this Chapter which have been reserved.

Articles VIII, IX, X, and XI are adopted.

In Article XII *the President* calls attention to two questions raised in the Commission. The first relates to the estimate of expenses. It has been recognized that it would not be possible to fix them beforehand; and it has been agreed that the duty should devolve on the Belgian Government of drawing up a provisional Budget, and of communicating to the Powers the result of its labour, as soon as there appeared to be sufficient experience to state definitely the amount of expense.

The Conference adopts the views of the Commission in this matter. It is therefore understood that the Belgian Government shall make the first advance on account of the expenses of the Brussels Bureau.

As to the distribution of expenses, the President continues, two plans have been suggested. One is that of the draft submitted to the Conference. It allots an equal share to all the Signatory Powers. In consequence of certain objections, another solution has been suggested. It consists in imposing the cost of the Bureau solely on those Signatory Powers having possessions or exercising Protectorates in Africa.

Carathéodory Effendi concurs with *Baron de Renzis* that all the Signatory Powers should bear the cost of the Brussels Bureau in equal proportions.

Baron de Renzis expresses the opinion that all the Signatory Powers, without exception, should be called on to bear the cost, which would be very small for each, of the Brussels Bureau. The sole object of the Bureau is to carry out the provisions of the General Act, namely, to combine in repressing the Slave Trade, which is in the common interest of all the Powers represented.

Count Khevenhüller-Metsch calls attention to the reservations which he made in Commission on the subject of this Article. The Powers are free to be represented on the Zanzibar Bureau, and consequently to have a voice in its expenses. They cannot, therefore, be bound to contribute to the cost of that at Brussels, which, moreover, in its final form will no longer be an international institution.

The Imperial and Royal Government, therefore, desire that the question of sharing expenses should be optional, and not obligatory on the Signatory Powers.

Baron Gericke de Herwynen concurs in this view. He remarks that every charge of this nature entails on each State the necessity of seeking the consent of the Legislature.

M. de Burenstam would divide the expenses on a *pro rata* scale according to the population of the different Signatory States; or else that a quarter of the expenses should be borne by those who have no possessions in Africa, and who do not count as Great Powers.

Lord Vivian suggests recognizing a general obligation to pay expenses, without

fixing any proportion in the Treaty. The words "in equal parts" and "all" (the Powers) would then be eliminated from the Article.

M. Bourée suggests adding to the Article, after the words "the Powers," the following: "who may wish to receive documents communicated by the Bureau."

The President considers it necessary to remind the Conference that the exchange of the documents enumerated in Article VIII has been held to be one of the most efficacious means of insuring the carrying out of the General Act. This exchange is to be effected through the Brussels Bureau. The Powers have entered into an engagement to do so; they cannot, therefore, get rid of the obligation of communicating the documents which concern them, and of receiving those emanating from other Governments.

Still, a difference of opinion having arisen as to the proportion in which the Powers would have to bear the cost resulting therefrom, the President proposed to defer the decision until all the Plenipotentiaries have received definite instructions from their Governments.

Article XII is reserved for discussion.

Section II having been thus carried, the President mentions that the Committee at its last sitting instructed the Secretaries to lay before the Conference a proposal to be added to the Protocol. If the Assembly approves, it might be drawn up in the following terms:—

"The proposal just carried by the Conference is not the only one which has formed the subject of the Committee's deliberations. Another scheme, originating from the Plenipotentiaries of Great Britain, had been laid before it with the intention of giving the Central Bureau, to be established at Brussels, the character of an international institution, invested with the necessary powers for seeing to the execution of all the clauses of the General Act, and for exercising an active control over the Maritime Bureaux established on the East Coast of Africa.

"The scheme drawn up on these lines had been examined by the Committee, and taken the following form:—

"A Bureau is established at Brussels, the office of which will be to centralize the exchange among the different Powers of the documents and information hereinafter mentioned, and thus to enable them to observe the carrying out of the clauses of the present Treaty, as well as the improvements that may result therefrom.

"The Representatives of the Signatory Powers at Brussels, who might desire it, constitute, with a Representative of Belgium, the Administrative Council of the Central Bureau.

"They meet at least twice a-year, in the months of _____, at the summons of the Representative of His Majesty the King of the Belgians, to hear the annual analytic Report mentioned below, and the working accounts of the Bureau, and to approve the same.

"The measures laid down for the method of nominating and remunerating employés at the Central Bureau, with regard to their duties, and the accounts of receipts and expenditure, as well as the means of putting the same into force, spoken of farther on, form the subject of a separate Protocol.

"The Administrative Council of the Brussels Bureau will exercise a right of control over the administrative and financial proceedings of the International Bureau of Zanzibar, as well as of the auxiliary Bureaux connected with it. They approve its organization and Budget.

"The Powers will communicate to the Bureau, in so far and with as little delay as they may think possible—

"1. The text of the Laws and Administrative Regulations already existing, or passed by the application of the clauses of the present Act.

"2. Statistical information concerning the Treaty, the arrest and liberation of slaves, traffic in arms, ammunition, and alcohol.

"The International Bureau established at Zanzibar will communicate to it every year the Report mentioned in Article VII of Chapter V of the General Act, on its operations during the past year, and on those of the auxiliary Bureaux established in accordance with Article VII of the same Chapter, as well as the accounts of the past statistical year.

"The documents and information shall be from time to time collected and published, and addressed to all the Signatory Powers. This publication shall be accompanied every year by an analytical summary of the legislative, administrative, and statistical documents above mentioned.

"The expenses of the Central Bureau at Brussels shall be borne equally by all the

Powers which shall have expressed a wish to be represented on the Administrative Council
They must not exceed francs yearly.

"On the occasion of the last investigation to which paragraph 2 of Chapter V was subjected by the Committee, this text gave rise to a question as to occasion. It was asked if the organization thus provided for, which might be justified after the carrying out of the Treaty had undergone a certain period of probation, would not perhaps seem premature at the actual time. It was then suggested to reserve the proposal for a future occasion in the latest form which it had taken, and to found a proposal upon it which would be placed in the Protocol of the Conference. This idea having been approved by the Committee, its President has been instructed to lay before you the following proposal:—

"The Conference having taken cognizance of the scheme undertaken by the Committee at the instance of the Plenipotentiaries of Great Britain, for establishing an International Bureau to be founded at Brussels, with larger duties than those of the Central Bureau provided for at paragraph 2, Chapter V, of the General Act, in order to enable the Powers to keep watch over the carrying out of the Treaty, and, if need be, to add to it any improvement that might be necessary, expresses the hope that this institution may be called upon to take the place of the actual Bureau on the day when with one accord the Powers shall have recognized that circumstances render the adoption of this measure possible."

M. Bourée agrees to the proposed wording, which appears to him to correspond perfectly with the intentions of the French Government.

Lord Vivian makes the following declaration:—

"Her Majesty's Government regret that the Government of the French Republic have not hitherto thought it possible to consent to the insertion in the General Act of the proposal laid before the Committee by the British Plenipotentiaries, according to which larger powers would be conferred on the Central Bureau at Brussels.

"In consenting to the insertion of this proposal in the Protocol of the Conference, and not in the General Act, the Government of the Queen can only hope that the moment is not far distant at which it will be able to be carried."

M. Bourée is the more sensible of the importance of the assent given by the British Plenipotentiaries to the proposal which the Conference has just heard read, from the fact that the words uttered by *Lord Vivian* give evidence of the weight attached by the Government of Her Britannic Majesty to the project brought by himself before the Committee.

The President states the agreement of the Conference to the wording thus submitted to it. The proposal will therefore be added in the proposed terms to the Protocol of the sitting.

The Assembly then proceeds to examine section III, treating of the liberation of slaves.

At Article XIII *M. Bourée* calls attention to the fact that the French Colonies in Africa, and other countries, already possess institutions similar to those provided for in this clause, and suggests the insertion, after the words "to be established," of the words "if there are none already in existence."

Article XIII is carried with this amendment.

Articles XIV and XV are also carried; at Article XV the words "both sexes" are omitted.

Article XVI is carried without discussion.

Lord Vivian reminds the Conference that he has made a reservation with respect to the insertion of section III in Chapter V. The Government of Her Majesty, said his Excellency, is still of opinion that the Regulations included in this section are here out of place. It has, however, authorized its Plenipotentiaries not to insist on the reservation made by them on this point, leaving it to the President's discretion to do what is befitting.

The President agrees that it is not without importance to lay stress on the Regulations relative to the protection of liberated slaves; from this point of view it might have been made the subject of a distinct Chapter. But it is true, notwithstanding, that these measures are included in the compass assigned to the present Chapter by reason of its title, which includes all measures for carrying out the General Act. If it were cut up, would there not be a risk of taking away its character? It must be observed, moreover, that the measures in question would not lose their value from appearing among the number of

the methods destined to put into practice the views of the Conference on various subjects, among which the protection of slaves is to be found.

The President, therefore, believes that the IIIrd section of the Chapter might be left in the place assigned to it in the scheme.

The meeting adjourned.

(Signed)

ALVÉNSLEBEN.
GÖHRING.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
A. BOURÉE.
VIVIAN.
F. DE RENZIS.
L. GERICKE.
H. DE MACEDO.
L. OUROUSSOFF.
BURENSTAM.
ÉT. CARATHÉODORY.
GÖHRING.

True copy :

(Signed)

L. ABENDT.
MARTIN GOSSELIN.
COUNT PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
COUNT ANDRÉ DE ROBIANO.

No. 16.

Protocol No. 16.—Sitting of May 24, 1890.

Present :

For Germany—

His Excellency Count Alvensleben.
M. Göhring.

For Austria-Hungary—

His Excellency Count Khevenhüller-Metsch.

For Belgium—

Baron Lambertmont.
M. Émile Banning.

For Denmark—

M. F. G. Schack de Brockdorff.

For Spain—

His Excellency M. Gutierrez de Aguëra.

For the Congo Free State—

M. van Eetvelde.
M. van Maldeghem.

For the United States of America—

His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.

For France—

His Excellency M. Bouréc.

For Great Britain—

His Excellency Lord Vivian.

Sir John Kirk.

For Italy—

His Excellency Baron de Renzis.

For the Netherlands—

His Excellency Baron Gericke de Herwynen.

For Portugal—

His Excellency M. de Macedo.

For Russia—

His Excellency Prince Ouroussoff.

For Sweden and Norway—

His Excellency M. de Burenstam.

For Turkey—

His Excellency Carathéodory Effendi.

For Zanzibar—

Sir John Kirk.

M. Göhring.

The President recalls the fact that the Report of the Commission charged with examining questions relating to the trade in spirituous liquors has been sent to all the members of the Conference, and submits to the assembly the draft of Chapter VI as prepared by the Commission.

Articles I and II are adopted without further remark.

With regard to Article III, Lord Vivian expresses himself as follows:—

“Gentlemen,

“The amount of import duty which should be imposed upon alcohols in those parts of Africa which are not comprised in the zone of prohibition, having already been exhaustively discussed in the Commission, the British Plenipotentiaries are convinced of the uselessness of reopening the debate in the Conference.

“They are still convinced that the duty which has been fixed will be absolutely useless for checking, in any appreciable manner, the entrance of alcohols into Africa. Their views on this head have been embodied in the Report, which also sets forth the arguments they adduced to justify them.

“Experience will show whether these views are well founded.

“Those who, like us, are apprehensive on this point, have, however, been greatly consoled in seeing the Conference adopt the principle, in virtue of which the entry of spirituous liquors will be absolutely forbidden in those vast regions of Africa which have not yet been contaminated. This important and happy decision, on which we cannot but congratulate the Conference, will have the effect of assuring the great part of Africa against the scourge by which it is menaced.

“Recognizing the evident impossibility of procuring the unanimous adoption of an initial duty any higher than that proposed by the draft, we are charged by Her Majesty's Government to make the following declaration:—

“‘Her Majesty's Government have learnt with profound regret that, in consequence of the insurmountable objections entertained by a minority of the Conference, it will be impossible to bring them to establish an initial duty higher than 15 fr. the hectolitre on alcohols imported into those parts of Africa which are situated outside the zone of prohibition. Her Majesty's Government are convinced that a duty so low will prove an insufficient and useless check upon the increased consumption of strong drink by the natives of Africa, and if they consent to accept this duty it is only that they may not com-

promise the important results which have already been obtained on other points by the deliberations of the Conference.

“The proposals presented to the Conference by the British Plenipotentiaries, and the efforts which they have made to induce the Representatives of the Powers to accept them, are set forth in the Report of the Commission and the Protocols of the Conference. The British Plenipotentiaries can only hope that these proposals may, under more favourable circumstances, serve as bases for negotiations which may be crowned with success.”

M. Bourée entirely agrees with the ideas and principles set forth in the declaration of the British Plenipotentiaries. He recalls the fact that during the deliberations of the Commission he had suggested a compromise with the object of reconciling various divergent views. The French Minister wishes to place it on record that he was one of the majority of the Commission, and not of the minority, and that he entirely shares the hopes which Lord Vivian has expressed.

M. Göhring says that the Imperial Government regret that, after having, out of regard to friendly Powers, consented to discuss in Conference the question of alcohols, they have not been able to give their complete consent to the proposals of the British Plenipotentiaries.

He feels sure, however, that the Conference will recognize that his attitude has been governed by serious considerations which are worthy of all attention from the Powers. The Imperial Government will watch the results of the experiment which is going to be made. On that experiment it will depend, particularly in so far as concerns the numerous questions which have been raised in Commission by the German Plenipotentiaries, and not satisfactorily answered, whether the Imperial Government will persevere in the course which has been entered upon by adopting this scheme, or whether they will withdraw.

M. Göhring declares that he is anxious to follow the example given by Lord Vivian in not reopening the discussion of the question and in confining himself to a reference to the discussions which have taken place in Commission and which are set forth in the Report.

Lord Vivian replies that the British Plenipotentiaries have never doubted the perfect sincerity of the conviction expressed by those members of the Conference who have considered it their duty to oppose their proposals. They do not deny that the arguments adduced by the German Plenipotentiaries were deserving of serious consideration.

Mr. Sanford speaks as follows:—

“At the sitting of the Commission which took place on the 1st April, just before our holidays, I had the honour of presenting an amendment to Article III. As I was absent when the Commission met, you were good enough to leave its discussion open.

“Since my return, I have utilized certain observations on its practical details, I have redrafted the amendment, and I hope that those who criticized it before will now be fully satisfied.

“As I said when I presented it, I did so on my own responsibility, and, besides, it was understood at the time, that the discussion of this question of spirituous liquours must be looked upon in this light, since we were without instructions from our Governments.

“This amendment has now been entirely approved by our Government ‘as a measure which would largely contribute to remedy one of the disastrous results of this traffic, an efficacious means for stopping the entry of deleterious and adulterated drinks which are palmed off on the Africans as spirituous liquours,’ and our Government expresses the hope ‘that this measure, or another of the same kind, will receive the assent of the Conference.’

“The following is the text of the amendment:—

“ I.

“The import of impure or insufficiently rectified alcohols, or those which contain ingredients which may be injurious to health, is strictly prohibited.

“ II.

“All alcoholic liquors imported into Africa must in future be accompanied by a certificate of analysis showing the purity of the products in question, and given by a certificated chemical agent recognized by the Government of his country. Any spirituous liquors which any one has imported or attempted to import, which are not accompanied by such certificate shall be confiscated. The vessels in which spirits are contained shall bear a seal which cannot be removed, in order to prevent fraud.

" III.

"All spirituous liquors found by an expert to be adulterated shall be confiscated and not allowed to be used, and a fine of twice the amount of the value of the goods confiscated shall be levied.

"1. The import of impure or insufficiently rectified alcohols, or those which contain ingredients which may be injurious to health, is strictly prohibited."

"Impure and adulterated alcohols are the most dangerous and poisonous. It is by them that is caused that terrible malady which is now so wide-spread and which is known under the name of alcoholism. These alcohols are poisons which cause terrible ravages in the human body, and which entail hereditary degeneracy on the drunkards' descendants. These are they which cause the illness, the madness, the suicides, the misery, and the numberless crimes which alcohol has to answer for.

"Pure alcohol which was formerly extracted from wine, and which, on that account, bears the name of vinous or ethylic alcohol, is much less dangerous. Previous to the discovery of modern commercial alcohols, alcoholism was unknown.

"*Conclusion.*—We must especially oppose the importation of alcohols which are impure, unrectified, and saturated with poisonous ingredients, which will certainly bring about at no distant date the sure and speedy poisoning of a whole people, and that to satisfy the contemptible rapacity of a few merchants.

"2. All alcoholic liquors imported into Africa must in future be accompanied by a certificate of analysis showing the purity of the products in question, and given by a certificated chemical agent recognized by the Government of his country.

"Any spirituous liquors which any one has imported or attempted to import, which are not accompanied by such certificate, shall be confiscated. The vessels in which spirits are contained shall bear a seal which cannot be removed, in order to prevent fraud."

"These measures are indispensable. It is well known that the trial of the purity of alcohols is a complicated operation which requires special and extensive knowledge and the use of perfect instruments, and can only be practised by chemical experts. It is not at present possible that a minute analysis should be carried on in African ports.

"A certificate of analysis from an official chemist will be a substantial guarantee which will certainly prevent the importation of impure alcohols.

"3. All spirituous liquors found by an expert to be adulterated shall be confiscated and not allowed to be used, and a fine of twice the amount of the value of the goods confiscated shall be levied."

"This proposal will give the authorities the right to institute a chemical analysis of the imported alcohols.

"To sum up. These three proposals will not in any way interfere with the freedom of commerce. Their only object is to secure the purity of alcohol and thus to protect the consumer from the terrible dangers which are the result not only of the abuse but even of the mere use of drinks which contain ingredients injurious to health. It is to be feared that if the above proposals are not adopted, the invasion of alcohols will shortly bring about the degeneration and the speedy extinction of the negro race. From the humanitarian point of view these measures are the greatest concession which can be made to the commercial spirit. Our experience in America has proved that in spite of repressive measures the native races would at length have entirely disappeared owing to the ravages of alcoholism if a radical preventative measure, such as the complete prohibition of the sale of alcohol, had not intervened to save the remainder of their people.

"The establishment of prohibitive zones in those regions of Africa which have not as yet been polluted by the introduction of alcohol, is a measure of great practical value, and one which, let us hope, will be permanent and inviolable. With regard to the duty to be laid upon alcohols to be imported into the other parts of the continent, we cannot refrain from declaring this measure to be insufficient so far as the consumption of alcohol is concerned.

"Looking at the matter from the point of view of the health and prosperity of the population of Africa, we recommend the hygienic measures which we have had the honour of proposing above as an amendment to Article III. Among the hundreds of addresses presented to the Conference, we find one from the International Congress of Paris of 1889, which agrees so entirely with the ideas which have been the motive of this amendment, that we think it right to add its text to our observations."

Lord Vivian expresses his regret that a proposal so important as that which *Mr. Sanford* has just read should not have been sooner laid before the Conference. Without instructions the Plenipotentiaries could not for the moment give any opinion. Any proposal which might lead to the restraint of the trade in alcohols by any means more effectual than the imposition of a slight import duty, would not fail to meet with sympathy from Her Majesty's Government. Most of the spirituous liquors which are now being introduced into Africa are probably falsified or adulterated. But it appears to be doubtful whether the Conference would be competent to examine a proposal of the kind in question, in view of the technical question it raises.

Lord Vivian declares, lastly, that it is for the President to pronounce as to the advisability of beginning a discussion on the subject, which would begin just when the Conference is on the point of terminating its labours, and which, by reason of its technical character, might be the cause of great delay.

Mr. Sanford says he is not to blame for the delay there has been in examining his amendment, which he brought forward as long ago as the 1st April.

Carathéodory Effendi observes that he has already made known to the Commission the attitude taken up with regard to this question by the Ottoman Government. His Excellency thanks the Conference for having, by voting Article II, sheltered from the scourge of alcoholism the numerous Mussulman tribes which inhabit Central Africa.

The Turkish Minister entirely agrees with the declarations of their Excellencies *Lord Vivian* and *M. Bourée*, while, at the same time, admitting that the observations offered by the German Plenipotentiaries were of a nature to attract the attention of the Conference. With regard to *Mr. Sanford's* proposal, *Carathéodory Effendi* approves of it in principle, because it would have the effect of sensibly diminishing the importation of spirituous liquors into Africa, and he considers that any consumption of alcohol is harmful. A great step in advance would be made if the importation of spirituous liquors could be checked, and their quality at the same time in some measure assured. The last point, however, seems in practice to offer great difficulties. The Turkish Minister proposes to refer the examination of the matter to a Technical Committee to be chosen by the Conference from among its members.

Mr. Sanford agrees with the suggestion which his Excellency *Carathéodory Effendi* has just made, and insists on the importance of the proposal upon which he has been enlarging.

Baron de Renzis points out that whether or no *Mr. Sanford's* amendment has been discussed in Commission, the Conference itself has not heard anything of it before. The Plenipotentiaries have accordingly not been able to bring it to the knowledge of their Governments, and it is they with whom the decision rests: the opinion of a Technical Committee chosen from among the members of the assembly would not be enough.

M. Göhring is of opinion that the Imperial Government will take the view indicated by the Italian Minister. *Mr. Sanford's* amendment, brought forward in Committee, cannot be considered in the light of a formal proposal till it has been laid before the Conference in a definite form.

The *Second German Plenipotentiary* draws attention to the fact that besides this, if the Powers should prove willing to adopt a uniform mode of procedure for the confiscation of such spirituous liquors as might be found to be of harmful nature, before any engagement could be entered into on this subject it would be necessary first for all to agree on the various questions raised by the adulteration of necessary articles of food. Such an agreement could not be arrived at at once. Any discussion of the matter into which the Conference might enter would, therefore, greatly delay the labours of the assembly. And, besides, a Regulation on the subject could not be inserted in the General Act, which was concerned with the measures which were to be taken for the suppression of the Slave Trade.

Mr. Sanford answers that the delay which has occurred was inevitable owing to the fact that the Representatives of the United States were obliged to take the instructions of their Government.

Lord Vivian points out that *Mr. Sanford's* amendment was presented successively in different shapes in the sittings of the Committee of the 1st April and 21st May. The text now proposed, which has been once more altered, introduces new elements. On the other hand, it did not appear as if the amendment had been made on behalf of the United States' Government.

Count Khevenhüller-Metsch also considers that the amendment presented by *Mr. Sanford* as a new proposal in consequence of the changes it has undergone. Being without sufficient instructions on the point he can only express his personal opinion.

M. Bourée is unable to share the opinion of the Turkish Minister as to the amend-

ment being referred to a Technical Commission. Mr. Sanford's proposal has at once an administrative and a scientific side. There is no one in the Conference who could have the necessary scientific knowledge. As to the administrative point of view, it is exclusively a matter for the different Governments.

The President declares that the notion of forming a Technical Committee meets with such objections as do not allow of its being further entertained, partly because the Conference has not the necessary powers, and partly because its members have not sufficient scientific knowledge to be in a position to study the question from a technical point of view.

On the other hand, however, Mr. Sanford's proposal raises a serious question as to which, in principle, everybody is agreed, and the idea by which it has been inspired is to be applauded. All the Governments attach great importance to the prevention of a trade which, by the introduction of alcohols of an injurious character, does so much harm to the health of Africans. Each country has its own legislation in the matter. The laws are, it is true, perhaps different in each country, but it is not to be denied that they all offer certain guarantees. When the Conference established the penal sanction of several of the clauses of the General Act, it was of opinion that every latitude was to be left to the Powers as to the details of the laws which should be necessary. It appears that in the present case the same action should be taken. Legislative measures having been everywhere taken to prevent the adulteration of liquors, there is ground for drawing the attention of the Governments to the necessity of supervising the cargoes which are dispatched to Africa.

With regard to the Conference, it does not appear to be competent in the matter in which are involved questions at once technical and administrative. Besides, its labours being now nearly ended, it has no time for a careful examination. But the United States' Plenipotentiaries would be satisfied, and the end they have in view would be attained, if their proposal were inserted in the Protocol of the Conference, together with the remarks it called forth. It would thus be recommended to the favourable consideration of the Powers. The Governments would be warned, and it would be their business to see that the existing laws were strictly carried out, and to decide upon the necessity or otherwise of making new ones.

The President asks the Representatives of the United States if they have any objection to such a mode of procedure.

Mr. Sanford declares that he places himself in the hands of the Conference. He had hoped that his proposal would have met with a more thorough examination, and that the Conference would not have confined itself to the expression of feelings purely platonic.

Carathéodory Effendi does not insist on the formation of a Technical Committee, as the proposal meets with objections. But he is still of opinion that Mr. Sanford's amendment is deserving of the most serious attention of the Conference.

If it were possible to take measures such as those therein indicated, their adoption would certainly be of the greatest utility. Alcoholism is everywhere the cause of great and irreparable ills, and it is important that the population of Africa should be preserved from them. From this point of view the proposal is too important to be set aside or simply ignored. If the Conference is of opinion it does not possess the powers necessary for an examination of the question, why should it not intrust this examination to a Commission composed of specialists not necessarily chosen from its own body, and by whom it might be advised upon the matter?

Baron de Renzis thinks the Protocol should record the favourable reception the principle of the amendment has met with from all the members of the Conference, while at the same time stating that the means of execution proposed do not appear to be within the competence of the assembly. Several times already ideas have been ventilated in the course of the discussion, and have had to be abandoned as impossible to be realized.

Mr. Sanford considers it his duty to remind the Conference that his Government attach real importance to this proposal, which is the first the initiative of which has been taken by him.

M. de Macedo is of opinion that the matter might be proceeded with in the same manner as the Conference has done with regard to the proposals which have been regularly introduced, that is so say, that the question should be discussed in the same way as the other amendments to the Articles of Chapter VI.

Lord Vivian says that it is the opportuneness of the amendments and the technical character of the measures proposed which have been discussed, and not the principle of the interdiction of spurious and adulterated spirituous liquors, a thing highly to be desired.

The amendment suggested by Mr. Sanford having now assumed the shape of a

proposal regularly made by the Plenipotentiaries of the United States, in the name of their Government, it should, on that account alone, be taken into serious consideration by the Conference. His Excellency expresses his wish that the text, together with the preamble, may be communicated to the Plenipotentiaries in order that they may obtain the instructions from their Governments.

The President says that the proposal shall be distributed to all the members of the Conference, and the discussion shall take place at a later meeting.

Article III is adopted under these conditions.

The Conference subsequently adopted Article IV.

With regard to Article V, *Count Alvensleben* makes the following declaration:—

“When Article XI of Chapter I was being discussed in the full sitting of the 7th May I declared that the arrangements made with regard to the trade in arms appeared to the Imperial Government to be incomplete without the concurrence of the Cape Colonies.

“The Imperial Government are of opinion that difficulties of the same kind will present themselves in the case of alcohols and even in a still greater degree.

“We have accordingly been instructed to declare that the Imperial Government count upon the good offices of Her Majesty’s Government to induce the South African Colonies to take severe measures for the control of the trade in alcohols as well as of their introduction into the zones laid down in Article I of this Chapter, and into the territories in contact with the latter.”

Article V is adopted without further observation.

At Article VI *Mr. Sanford* makes the following declaration:—

“Our Government, leaving on one side the question of the competence of the Conference, but recognizing that spirituous liquors and arms are powerful aids to the Slave Trade; will readily adhere to any measures which the Conference may take to regulate the traffic in these articles; they would have willingly accepted the maximum of duties as proposed by England.

“The United States have never ceased to afford their moral support and such active aid as they could give to such other civilized nations as have desired to protect ignorant natives against the fatal and demoralizing influences of this lamentable trade in spirituous liquors.

“They have, it is true, no territorial interests in the African Continent, but in order to help the control of the trade in arms and spirituous liquors by means of a uniform system of duties in African ports;

“To contribute to the repression of this trade not only among the coast tribes, but among the native races of the interior as well;

“And to induce the adoption of so useful a preventive system throughout the extent of the African Continent;

“Our Government authorize us to say that the United States will willingly lend their good offices to induce the Liberian Government to adopt like repressive measures relative to the trade in arms and spirituous liquors as may be accepted by the other Powers in order that the coast and territories of Liberia may not become an exception to the protective measures to be taken by the Conference for the repression of this cruel Traffic.

“For the same reasons, and only because these two Articles are intimately connected with the repression of the Slave Trade, we are authorized to declare that the Government of the United States will hasten to renounce their rights to free entry for spirituous liquors and arms into the Congo in the same manner as may be done by the other Powers. They do not doubt that such American manufacturers and merchants as are interested in the trade in question will exhibit a like readiness to give up for such a cause the privileges which are theirs by the Declaration of Washington.”

The President believes he is only carrying out his colleagues’ wishes by thanking *Mr. Sanford* for this declaration, which makes known the enlightened views entertained by the United States’ Government on the question on which the Conference has been occupied to-day. The assembly cannot but accept with great satisfaction what has just been said about the United States intervening with the Liberian Government with a view to procure their adhesion to the General Act, an adhesion which will be requested very soon.

M. van Eetvelde alludes to a declaration which has just been made, and says that the Plenipotentiaries of the Congo Free State consider no international stipulation could limit

the right possessed by their Government of restraining a traffic which they should consider incompatible with the preservation of the peoples under their rule.

The President answers that each State has the right to take steps for its own preservation, and that, consequently, it can put a stop to a trade which would injure the inhabitants of its territory. This is a principle which cannot be disputed.

Article VI is adopted.

The meeting adjourned.

(Signed)

ALVENSLEBEN.
GÖHRING.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
H. S. SANFORD.
A. BOUREE.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
L. GERICKE.
H. DE MACEDO.
L. OUROUSSOFF.
BURENSTAM.
ÉT. CARATHÉODORY.
JOHN KIRK.
GÖHRING.

True copy :

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Count PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Count ANDRÉ DE ROBIANO.

No. 17.

Protocol No. 17.—Meeting of May 29, 1890.

Present :

For Germany—

His Excellency Count Alvensleben.
M. Göhring.

For Austria-Hungary—

His Excellency Count Khevenbüller-Metsch.

For Belgium—

Baron Lambermont.
M. Émile Banning.

For Denmark—

M. F. G. Schack de Brockdorff.

For Spain—

His Excellency M. Gutierrez de Aguëra.

For the Congo Free State.
M. van Eetvelde.
M. van Maldeghem.

For the United States of America—
His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.

For France—
His Excellency M. Bourée.

For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.

For Italy—
His Excellency Baron de Renzis.

For the Netherlands—
His Excellency Baron Gericke de Herwynen.

For Portugal—
His Excellency M. de Macedo.

For Russia—
His Excellency Prince Ouroussoff.

For Sweden and Norway—
His Excellency M. de Burenstam.

For Turkey—
His Excellency Carathéodory Effendi.

For Zanzibar—
Sir John Kirk.
M. Göhring.

The President says that the Conference has been summoned to resume the consideration of some questions which, having been made the object of reservations by several Plenipotentiaries, have not yet been settled.

The first of these reservations was made by Baron Gericke de Herwynen. It refers to Article V of Chapter I, and deals with the obligation to issue new penal Laws, which, by the terms of that Article, is incumbent even upon Powers who have no possessions or Protectorates in Africa.

The President asks the Netherland Minister whether he has received any instructions from his Government on this subject.

Baron Gericke de Herwynen replies that the Netherlands Government are still of the same opinion. It would be difficult for them to submit to Parliament a Law modifying the legislation which already exists on this subject. His Excellency had asked that some formula of words might be found which would leave greater latitude to the Powers.

The President says that no formula modifying in this sense Article V has been proposed. It was remarked that it would be necessary that the penal legislation of the Powers not having possessions in Africa should allow of their punishing slave-dealers or their accomplices who may take refuge in the territory of these Powers.

M. Banning is of the opinion that Articles 274 and following of the Netherlands Penal Code already provides for the offences referred to in Article V of Chapter I of the General Act. It does not, therefore, seem necessary for the Netherlands to make new Laws on this subject, and the Netherlands Government could carry out the provisions of Article V by declaring what are the sections of their criminal law which could be applied.

The President remarks that it is the part of each Government to determine if the

existing legislation is sufficient ; if the answer is in the affirmative there will be no Laws to make. If such is the situation of the Netherlands Government, the objection which they urge against Article V would no doubt be dropped.

The President hopes that these explanations will be of a nature to give every satisfaction to the Netherlands Government.

M. Banning adds that Article V formally states that the Powers are not obliged to make new penal Laws if they already possess Laws which conform to the spirit of this Article.

Baron Gericke de Herwynen hopes that these explanations will be considered satisfactory by the Netherland Government, in which case they would only have to send to the Office at Brussels the text of the penal Laws in force.

The President thinks that the Netherlands Minister can now have no motive in maintaining his objections to this Article.

Baron Gericke de Herwynen assents.

The President then observes that Article IX of Chapter I is in suspense owing to a reservation made by the Portuguese Minister on paragraph 6 of this Article.

Lord Vivian asks if *M. de Macedo* maintains this reservation.

M. de Macedo replies that, not having received fresh instructions, he is unable to resume the discussion of the Articles relating to arms and ammunition, with regard to which it was that he had made his reservations.

Lord Vivian regrets that the Portuguese Minister cannot give a more satisfactory answer, the British amendment, which formed paragraph 6 of Article IX, having been deposited in Commission as long ago as the 16th March.

His Excellency wishes to take this opportunity of making known the views of Her Majesty's Government to the assembly. He thinks that if absolute discretion be given to a Power occupying the coast to prohibit the transit of arms and munitions of war through her territory towards the stations of another European Power established in the interior of Africa, grave inconvenience and great danger might ensue, under certain circumstances, to these stations.

He fears that European colonists at these stations would be thus indefinitely deprived of means of defence against the Arabs and savage tribes, who find no difficulty in renewing their stores of arms and ammunition ; that the lives of these colonists might be thus placed in danger, and the work of civilization gravely compromised, if a mishap occurred or if they were obliged to leave their stations in face of an invasion of slave-raiders.

The clause introduced by the British Plenipotentiaries will appear justified if it is considered that the essential object of this Conference is to strengthen the civilizing elements of Africa, to promote their introduction into the interior, and to assist them in the struggle with the Slave Trade. Her Majesty's Government are not only upholding the interests of their nationals, though they attach a high importance to them ; they invoke a higher and more general principle, which appears to them essential to the civilizing work of the Conference ; and they could not allow of a difference between two European Powers compromising that work, or giving to one the right of endangering the colonists and the stations of another by depriving them of their means of defence against the common enemy—the slave-traders.

The British Minister expresses the wish that the Portuguese Minister will have the goodness to communicate to his Government the views he has just expressed.

M. de Macedo replies that he will communicate them to the Portuguese Government.

Count Alvensleben says that the German Plenipotentiaries are instructed to support the views of their British colleagues as to the retention of the text of paragraph 6 of Article IX, as approved by the Commission.

M. Bourée observes that when he was authorized to accept the form proposed for paragraph 6 of Article IX, he declared that his Government shared the views of which the English amendment was the expression.

The French Minister is of opinion that the Conference could not, without inconsistency, throw over a principle which it was the object of the General Act to affirm. In certain circumstances, it is true, this principle would, perhaps, give rise, in practice, to international difficulties ; but these do not appear to be insurmountable. Consequently, *M. Bourée* still hopes that a *modus vivendi* will be found which will satisfy the requirements of Powers having establishments in the interior, without wounding the susceptibilities of those possessing territory on the coast, whose rights it will safeguard.

In conclusion, the French Minister wishes to make it clear, so as to leave no room for doubt, that the French Government admits the truth and justice of the principle enunciated

by the British Minister, and that it seems to them inadmissible to leave to themselves, in their struggles with savage tribes, the European Colonies established in the interior of the Continent.

The President says that the question raised by section 6 of Article IX will remain open until the Portuguese Minister has received instructions from his Government.

Lord Vivian remarks that, at the meeting of the Conference on the 7th May, the French Minister had made a declaration, according to which the French Government, in order to meet the wishes of the German Government, undertook to take the necessary measures for preventing the export of arms from Madagascar and the Comoro Islands into the German possessions on the East Coast of Africa, and to exercise an effective control over the trade in arms in the ports of those islands.

The British Minister asks if the Government of the Republic is disposed to extend the benefit of this declaration to the entire littoral, including the British possessions.

M. Bourée replies that he made this declaration after his Government had been asked by the Imperial Government to prohibit the traffic in arms between Madagascar and the Comoro Islands, and that part of the East Coast where Germany has settlements. The instructions which the French Minister has received admit of his assuring the British Minister that if the British Government expressed the wish to the French Government to have the effects of this declaration extended to the relations between Madagascar, the Comoro Islands, and the British possessions, the latter would hasten to comply with their desire.

M. de Macedo asks the French Minister to inform him if the Government of the Republic would give the same answer to all similar requests on the part of a Power having possessions on the African coast.

M. Bourée replies that he is authorized to hold the same language to the Portuguese as he has done to the English Minister. If the Portuguese Government were to address a similar request to the Government of the Republic, he could give an assurance that the benefit of the declaration would be applied to the Portuguese possessions on the East Coast.

The President invites the Italian Minister to say whether he maintains the reservations put forward by him as to the control over the ("régime des") arms and the suppression of the Slave Trade in the Red Sea.

Baron de Renzis says that these reservations refer to another point, which belongs to Chapter VII, and is still undecided. He hopes that the solution of this point will do away with the necessity for the reservations in question, and that they may thus be withdrawn.

The President then remarks that Article X of Chapter I brought out a reservation on the part of the Austro-Hungarian Minister.

Count Khevenhüller-Metsch replies that he lost no time in communicating to his Government the remarks which passed in the Conference on his presenting, according to instructions, an amendment intended to restrict the application of Article X to Powers having possessions or exercising Protectorates in the zone within which the trade in arms is to be prohibited. His Excellency is now in a position to announce that the Imperial and Royal Government, having carefully gone into the remarks in question, has authorized him to withdraw his reservations, and accepts the Article in its present shape.

Lord Vivian then asked to be allowed to speak, and reads the following declaration:—

"At the general meeting of the Conference on the 7th instant, his Excellency the First German Plenipotentiary made the following declaration relative to Article XI:—

"The Imperial Government counts on the good offices of Her Majesty's Government in endeavouring to persuade the Cape Colonies to take severe measures to control the traffic in arms, as well as the introduction of war material into the zone laid down in Article VIII, and into the territories in direct contact with that zone."

"As we were then without instructions, we were not in a position to reply.

"By instructions which we have just received from Her Majesty's Government, we are authorized to state that the above declaration appears to rest on an imperfect knowledge of the facts.

"The Laws now existing in the British South African Colonies on the subject of the export of arms give the Colonial authorities discretionary power to take measures quite as severe as those recommended by the Conference, and Her Britannic Majesty's Government has no reason for believing that the South African Colonies will do away with those Laws.

"It is, consequently, impossible for the British Plenipotentiaries to admit that the Laws of either of those Colonies are defective, or that they want amending as far as concerns the control of the traffic in arms and munitions of war. Her Majesty's Government, moreover, has no Constitutional power of binding autonomous Colonies as to their future legislation.

"Although the Laws and Ordinances already in existence in those Colonies are in no wise defective, we are authorized to declare that the Conference can count on the good offices of Her Majesty's Government in bringing the decisions of the assembly to the notice of the South African Colonies. They will at the same time be invited to take these decisions into serious consideration, and to take the necessary steps in case any local Laws may seem to require amendment."

M. de Macedo says that during the discussion in Conference of Chapter III, the British Minister undertook to submit to his Government the proposal of the Portuguese Plenipotentiary relative to the coasting trade in small boats ("petit cabotage") between the shore of the Indian Ocean and certain Portuguese islands situated more than 5 miles from the coast.

Lord Vivian states that he is authorized to withdraw the reservations which he had made in regard to the islands mentioned by the Portuguese Minister at the meeting of the Conference of the 9th May.

His Excellency then expresses the wish to submit an amendment to the additional paragraph of Article 21 of the Maritime Regulation, which was inserted at the request of the Portuguese Minister, and provides that "freed slaves, in the cases provided for by this Article, shall be handed over to the local authorities, unless where otherwise provided by special Conventions." To give a less peremptory character to this provision, *Lord Vivian* proposes to replace the words "shall be" by the words "may be." It might happen that special Conventions would contain no provisions relating to freed slaves, and that it would not be to the advantage of the latter to be handed over to the local authorities. In that case it would be desirable to leave a certain latitude to the Commanders of the cruisers.

M. de Macedo replies that he could not accept the modification proposed by the British Minister without reference to Lisbon. Even allowing a permissive character to the amendment presented in the name of the Portuguese Government, this modification alters its sense and scope.

Lord Vivian recognizes the justice of this objection, but observes that the modification he proposed applies solely to those very rare cases in which the Conventions contain no stipulations on this point.

M. de Macedo replies that he might admit this modification if it referred to European authorities, but not if it stipulated for handing over freed slaves to native authorities.

His Excellency thinks it would be possible to find a form of words which would prohibit handing slaves over to local authorities.

The President says that an attempt will be made to draft a phrase such as will reconcile the opinions of the British and Portuguese Ministers.

Then, reverting to Chapter V, the President recalls the fact that no agreement has yet been come to on the question of the division of the expenses which will be caused by the creation of the Brussels Bureau.

Count Khevenhüller-Metsch informs the Conference that his Government concurs in the regret expressed by the British Minister on the subject of the abandonment of the scheme submitted to the Commission of the 2nd April for the creation of an International Bureau with a Council of Administration. The Bureau having been given a different organization, the Imperial and Royal Government were no longer sufficiently interested in it to feel justified in sharing the expenses it would entail. Still, in a spirit of conciliation, and in order not to hinder the work of the Conference, the Austro-Hungarian Government has authorized its Representative to withdraw the reservations he had been instructed to make in regard to it, and accept the Article in its present shape.

The President, having recognized the conciliatory disposition of the Austro-Hungarian Government, states that the Article no longer gives rise to any observations, and declares it adopted.

He then approaches the last subject on the order of the day, namely, the examination of Chapter VII, containing the general provisions.

Articles I and II are adopted.

Article III refers to a question which has not yet been solved.

The President postpones its examination to a future sitting.

Article IV and the Vth and last Article of Chapter VII are also adopted by the assembly.

The meeting adjourned.

(Signed)

ALVENSLEBEN.
GÖHRING.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
H. S. SANFORD.
A. BOURÉE.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
L. GERICKE.
H. DE MACEDO.
L. OUROUSSOFF.
BURENSTAM.
ÉT. CARATHÉODORY.
JOHN KIRK.
GOHRING.

True copy :

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Count PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Count ANDRÉ DE ROBLANO.

No. 18.

Protocol No. 18.—Meeting of June 2, 1890.

Present :

- For Germany—
His Excellency Count Alvensleben.
M. Göhring.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambermont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Congo Free State—
M. van Eetvelde.
M. van Maldeghem.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.
- For France—
His Excellency M. Bourée.

- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency M. de Martens
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Zanzibar—
Sir John Kirk.
M. Göhring.

The President announces that the Turkish Minister has excused himself from taking part in the sitting, and reminds them that his sympathies were already on the side of the proposal which the Conference was about to discuss.

The President adds that his Excellency had previously addressed to him a communication to the effect that the Ottoman Government gave its consent to the proposal for establishing import duties in the conventional basin of the Congo.

The Conference having been summoned at the request of the Plenipotentiaries of the Congo Free State, the President calls upon *M. van Maldeghem* to speak, who makes the following communication to the assembly:—

“At the moment when, as we hope, the Conference is about to conclude its labours and put the finishing touch to a work worthy of the humanitarian sentiments of our time, and of the Powers which have been good enough to honour us by meeting at Brussels for the purpose of agreeing on the repression of the Slave Trade, the Representatives of the Congo Free State consider it an absolute duty to lay stress before the Conference on a measure which they hold to be indispensable as regards their territory, to assure the Resolutions of the Conference being carried out.

“At the sitting of the 10th May a proposal was laid before you relative to the establishment of import duties in the conventional basin of the Congo. It is this proposal, the scope of which has not been everywhere equally understood, and which certain organs of the press have not represented in its true light, that we have received instructions to defend before you.

“Up till now the part played by the Plenipotentiaries of the Congo Free State in this assembly has been a modest one. But if they have respectfully left all initiative to be taken by the Powers, the interest which they take in the practical success of your efforts is none the less deep, and they cannot but feel that they would be failing in their duty if they kept silence any longer on the means at the disposal of the Free State for carrying your resolutions into effect, energetically and at once, as it would wish.

“Gentlemen, the import duties have been represented as a hindrance to commerce. Is there need to call attention to the fact that the interests of the State and of trade are here identic? That the prosperity of the State depends essentially on the development of trade, and that we should run counter to our fundamental interest if we were to recommend a measure which would compromise this development? Doubtless the establishment of differential dues might have such a prejudicial character; but such could not be the case with the import duties which we recommend. We maintain that the time for them is come; that circumstances call for them, and that to establish them now would be continuing the work of the Berlin Conference in adapting it to a new situation marked by a progressive character surpassing all expectation.

“How can a drawback to trade be seen in those import duties which are paid in advance, indeed, by the importer, but which in the end come out of the consumer's pocket? The smallness of these duties removes all fear of a disastrous effect on the increase of consumption. Free from any protective character, these duties favour no national product, since no foreign industry is, or will be for a long time, in a position to compete with native manufacture. The principle of free trade remains intact.

“Transit will also remain free. Products entering the ports for re-exportation, or passing through the country on their way to neighbouring lands, will naturally pay no

duty. The Congo State, we say emphatically, will establish as liberal a Tariff as possible, in order that transit trade may have to undergo no vexatious formality. The State is even more interested than the merchants in keeping the trade of its ports from declining. That is to say, it will afford to trade every facility which is not of a nature to give rise to fraud. Are not the export duties which we actually levy also attended by formalities? Yet, has their existence hindered trade from increasing under conditions which are everything which is favourable? Are there not import duties, often higher than those proposed, in nearly every possession on the African coast? Is the prosperity of trade in any way thereby hindered?

“The right of internal police, which it cannot be disputed we possess, authorizes us, even as it is, to keep a check on all imports. The programme of the Conference renders this duty still more important where the introduction of arms and spirits is concerned. There is no reason for believing that the exercise of this right will be rendered more vexatious by the levying of duties for certain classes of goods.

“No one would deny that a State must have resources in order to fulfil its political and humanitarian duties, to protect persons and property, and to render the transaction of business possible.

“Those who are opposed to looking to obtain some portion of these resources from import duties imply thereby that the whole burden should be laid on direct taxation. To ask everything from direct taxation would be to hamper trade in a thousand other ways, and we have no hesitation in thinking that moderate customs duties would be found less burdensome a charge than the various and heavy taxes which would directly affect business houses, and would be levied at once on the value of their buildings, the number of their employés, and the supposed total of their business. What a number of costly formalities would be involved by the levying of such taxes, if pushed to its last extreme!

“It is not in reality a question of granting to the Powers possessing territory in the conventional basin resources levied on foreign capital, but simply the power to get from those whose work they protect and facilitate a certain share of the public expenditure.

“The Berlin Conference wished to open up Central Africa to trade. Now trade is rushing to it in a ceaselessly increasing tide. On every side commercial establishments are being started. Business follows the agents of the different States step by step in their forward march. The current is formed: moderate duties will never stop it. But these commercial establishments, these branch houses, whose number is ever on the increase, which we found established, five years ago, at the mouth of the Congo or in its immediate neighbourhood, and which to-day spread over more than 300 leagues of the coast, what do they need above all? We do not hesitate to answer that they must before all things have security; but without increasing our resources we cannot assure them this security when every day brings a change in their position. New stations, new camps, cannot be established without expense. Import duties will furnish us, at any rate partially, with these resources.

“Should they fail us, it would be impossible for us to contend effectually against the Slave Trade, or with any success to arrest the depopulation which, while diminishing the number of consumers for the future, destroys the most certain market of commerce.

“You do not now hear for the first time of the firm determination of the Congo State to contribute to the utmost of its ability to carrying out the programme of the Conference. At your sitting of the 14th March last we had the honour to make a declaration before you on this point which you no doubt remember no less well than ourselves. Whatever might be the consequences, the decisions of the Conference would, we declared, be promptly and energetically carried out in the Congo Free State.

“To-day we repeat this assurance. We declare again that the infant State will devote all its strength and all its resources to the task which it accepts with readiness. But while using every resource to the uttermost, she must ask herself if they will be sufficient for the complete and effective carrying out of the obligations incurred by her here.

“A feeling of strict loyalty compels us to tell you that, without import duties, and what they will give us, it would be useless for us to associate ourselves with the completion of your labours.

“The Congo State wishes to conceal nothing. Any dissimulation on their part towards the Signatory Powers of the Berlin Conference, or towards the United States, who on the other side of the Atlantic have, by their generous moral support, guided their first steps, would be ingratitude.

“We have promised to open our territories in Central Africa to progress. Our most sanguine hopes, as well as our anticipations, have been surpassed.

“And now we ask you to give us the means to consolidate this progress, and

energetically to carry out your resolutions, so that we may have the great honour of associating ourselves with the Act of Brussels."

M. de Macedo gives notice that he is authorized to adhere, without restrictions, to the general idea of the proposal now before the Conference.

The experience which he has personally gained in African matters enables him to appreciate the value of the arguments upon which *M. van Maldeghem* has just been enlarging, and on this ground he entirely concurs with them.

Count d'Alvensleben speaks as follows:—

"We have all heard with interest, I believe I may say with painful interest, the speech of the Plenipotentiary of the Congo Free State.

"On the occasion of the first discussion of the proposal I gave it as my own and my colleague's opinion that it would be most favourably received by the Imperial Government.

"I am to-day in a position to state that the Imperial Government have approved this view, and that they will with pleasure take advantage of this opportunity of showing their interest and sympathy with His Majesty the King and the Congo Free State.

"I believe that all of us, animated as we are by the same sentiments, will find means of giving them practical expression."

M. Bourée says that what he predicted at the sitting of the 10th May, when the proposal was submitted to the Conference, has now come to pass. As he had foreseen, the Government of the Republic had given him instructions to support this proposal in the most formal and sympathetic manner. The views expressed by the Plenipotentiaries of the Congo Free State corresponded exactly with those of the French Government. He appreciates the great difficulties encountered by the Congo State in establishing order in the centre of Africa. He recognized that to enable it to carry out the object aimed at by the Conference it should, in common justice and reason, contrive to give it the necessary resources, and thus assist to carry out the admirable task undertaken by the King-Sovereign.

The French Minister repeats, in conclusion, that he willingly supports the proposal, and will give it his entire support.

Baron de Benzis speaks as follows:—

"The speech which I made during the sitting of the 10th May, in which the proposal of *Baron Lambert* was read to us, would render it unnecessary for me to make known the views of my Government on the subject. But since my honourable colleagues have in some sort ratified by their speeches the opinion expressed the first day, I have to state that the instructions of my Government with regard to this question enjoin on me to give to the Congo State the warmest and most effective support.

"We must therefore decline all responsibility if the Plenipotentiaries of the Congo State should find it impossible to sign the Treaty, which would render ineffectual a work which has met with so much sympathy from the different Governments, and has been supported with so much zeal by their Plenipotentiaries.

Lord Vivian speaks in the following terms:—

"At the full sitting of the 10th May my colleague and I, acting in accordance with our instructions, cordially supported the proposal introduced by the President for establishing import duties on merchandize imported into the conventional basin of the Congo, which had been rendered necessary by the new charges imposed on the Free State by the Convention for the suppression of the Slave Trade.

"Since that time Her Majesty's Government, after having considered the Protocol of the meeting, have entirely approved our attitude, and have thus shown that they, too, entertain the most cordial sympathy for the proposal which we made on that occasion.

"The declaration just read to us by the Plenipotentiary of the Congo Free State requires, in our opinion, the most serious consideration.

"The King-Sovereign declares, through his Representatives, that the progress and development of the work of civilization undertaken by His Majesty in the centre of Africa are hampered and compromised by reason of the insufficiency of the resources actually at the disposition of the State, and that consequently he could not loyally concur in the work of the Conference, or undertake the new obligations entailed thereby in view of the

suppression of the Slave Trade, obligations which he alone has accepted without reservation, if the new source of income which he has asked for is not granted him.

"This statement of the situation of the infant State has been received in this assembly by a truly remarkable display of unanimous sympathy, and if there should unhappily be any Power which should stand aloof, I would exhort its Representatives to paint his Government a faithful picture of the aspect of this assembly, and of the unanimity which reigns on this point, and I would entreat him to reflect very seriously on the enormous responsibility which would fall upon any one who, by being the sole opponent of this unanimity of opinions on a point of the first importance, should, the very moment of its completion, endanger the whole edifice which has been raised by the Conference with so much care and labour."

M. de Martens says that Prince Ouroussoff, having been without instructions at the time when the question was first raised, had only been able to declare his personal opinion, which was, however, most favourable. The Second Russian Plenipotentiary is to-day authorized to declare that the Imperial Government approved the proposal, and desired to express their entire sympathy with the great work of the King of the Belgians. In the opinion of the Russian Government the Conference is competent to take the initiative in examining into and solving the question submitted to it.

M. de Martens, from a legal point of view, and for his own part, was of opinion that the declarations exchanged by the International Association of the Congo with certain Powers cannot have the effect of restraining the scope of the General Act of Berlin, which created a new state of things, on which the foundation of the Congo Free State was laid. It is, therefore, indispensable to furnish this State with the necessary means of existence, and to put it in a position to meet the expenses which will be imposed upon it by the Brussels Conference.

Count Khevenhüller-Metsch remarks that at the sitting of the 10th May he had already indicated the favourable reception which the proposal would receive at the hands of the Imperial and Royal Governments. In accordance with the instructions which he has received, his Excellency states that the Austro-Hungarian Government accept this proposal in its entirety, and will give it their whole support.

"We cannot require," adds Count Khevenhüller-Metsch, "a great sacrifice at the hands of a new State without offering an equivalent in exchange. The Imperial and Royal Government would greatly regret that a refusal to support the proposal should wreck the work constructed by the Conference. The responsibility would be a heavy one for the Power which caused it."

M. Gutierrez de Aquëra, knowing the sympathy always shown by his Government to the work of civilization undertaken by the King of the Belgians, and in accordance with his general instructions, hastens to give his support to the views expressed by Lord Vivian, which appeared to meet with unanimous approval from the assembly.

M. Schack de Brockdorff speaks as follows:—

"Knowing, on the one hand, the lively sympathy which the Government of His Majesty the King of Denmark takes in the great work undertaken by the King-Sovereign, and, on the other hand, taking into consideration the pertinence of the arguments brought forward with such clearness by the Second Plenipotentiary of the Congo, I will repeat what I have already had occasion to state at the sitting of the 10th May, namely, that I have no doubt that an entirely favourable reception awaits the proposal."

M. de Burenstam had already made known his personal opinion on the subject of the proposal. In accordance with the instructions which he has received from his Government, he declares that he supports it.

Baron Gericke de Herwynen says:—

"At this moment, I can neither enter into discussion on the communication which has just been made to us, nor compromise in any way my Government. But I wish to share in the sympathy manifested by all the members of this assembly with respect to the Congo State, its august Sovereign, and the great work of suppressing the Slave Trade.

"I may add the assurance that this feeling will be equally sincerely shared by my Government, and that the important communication just made to us, which I shall hasten to convey to it, will be received with the most lively sympathy, and examined with an attention at once serious and well-disposed."

M. van Maldeghem expresses in his own name and in that of his colleague, *M. van Eetvelde*, the feelings of deep gratitude caused him by such a favourable reception on the part of the members of the Conference of the communication which he had been instructed to make to them. The Representatives of the Congo Free State considered it their duty to make the truth known to the Conference. They are happy to see that their sincerity has been re-echoed, and they are convinced that the unanimity which appears in the views of the members of the Conference would enable them to overcome the last obstacles which may still be in the way of the adoption of the scheme.

The President is happy to be able to recognize not only the mere adhesion, but even the warm support given by the Representatives of the Powers to the proposal that he has had the honour to lay before the Conference. Their language admits of no doubt as to the intentions of the different Governments. It seems allowable also to reckon on the sympathies of those who, owing to their instructions, have felt themselves obliged to reserve their definite answer.

The demonstration, besides, which has just occurred, bore no reference to the author of the proposal; its aim was higher. Supported as it is at present, the proposal appears to have a good chance of being accepted, even by those who at present had not given it their support. There may still be differences of opinion on the point: certain interests had taken alarm, groundlessly, no doubt. The President, therefore, wishes to confine himself to begging such of his colleagues as have not definitive instructions to bring to the knowledge of their Governments what has passed at this sitting. He feels no doubt as to their personal sentiments, and relies on the dispositions of the different Governments who have on former occasions given proof of an interest in the work now under discussion, which has not been forgotten.

The meeting adjourned.

(Signed)

ALVENSLEBEN.
GÖHRING.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
H. S. SANFORD.
A. BOURÉE.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
L. GERICKE.
H. DE MACEDO.
MARTENS.
BURENSTAM.
JOHN KIRK.
GÖHRING.

True copy :

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Count PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Count ANDRÉ DE ROBIANO.

Protocol No. 19.—Meeting of June 6, 1890.

Present :

- For Germany—
His Excellency Count Alvensleben.
M. Göhring.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambermont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Congo Free State—
M. van Eetvelde.
M. van Maldeghem.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.
- For France—
His Excellency M. Bourée.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency Prince Ouroussoff.
His Excellency M. de Martens.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
Sir John Kirk.
M. Göhring.

The President reminds the assembly that, in consequence of an amendment proposed by the English Minister to Article 21 *bis*, paragraph 2, of the Marine Regulation, it had been decided that the Bureau should prepare a new wording of this paragraph.

M. Banning reads the following formula, which seems to be in accordance with the two hypothetical cases which the Plenipotentiaries of England and Portugal wish to provide for :—

“In the cases provided for by this Article, liberated slaves will be disposed of in accordance with the particular Agreements concluded, or to be concluded, between the Signatory Powers. Failing these Agreements, the said slaves can be handed over to the local authorities,” &c.

Lord Vivian and *M. de Macedo* assent to the proposed wording.

The President declares that Article 21 *bis*, paragraph 2, now become Article LII in the draft of the Final Treaty, is adopted.

The amendment proposed by Mr. Sanford then comes up for discussion.

Lord Vivian says that Her Majesty's Government, by the proposals laid by him before the Conference, have borne sufficient witness to their sincere desire to hinder, by every possible means, the introduction of strong drinks into Africa. He cannot therefore but approve in principle Mr. Sanford's proposal.

But, while regarding with favour the object aimed at by this amendment, Her Majesty's Government are doubtful whether it is not too late to lay this proposal before the Conference. It should, in their opinion, have been brought forward at the time when the Commission was discussing the question of spirituous liquors, and not after the close of that discussion.

The serious opposition with which the efforts made to impose greater restrictions on the trade in spirituous liquors in Africa have been met in the Conference make it probable that the same opposition would be made to the amendment presented by Mr. Sanford. It is equally to be feared that by insisting on this proposal they would arrive at no useful result, and would only endanger, by the consequent delay, such measures as have been already adopted by the Conference.

Count Khevenhüller-Metsch is charged by his Government to express their admiration for the generous ideas inspired by the amendment of the Plenipotentiaries of the United States. At the same time, he feels a certain apprehension as to how it is to be carried out. Austrian legislation, in fact, does not contemplate any measures similar to those which must be passed in order to carry out this amendment, and the Imperial and Royal Government do not think that it would be possible at this moment to modify the Laws at present in force. On the other hand, it seems to him that it would be a little late to insert in the General Act a provision of this kind, which the advance of civilization will perhaps one day carry into execution.

M. Göhring remarks that the German Government are of opinion that the question raised by the Plenipotentiaries of the United States cannot be solved in reality on account of technical difficulties. It would doubtless be desirable that these difficulties should be overcome, but the decisive result of the experiment lately made in Germany proves that the question is not yet ripe.

Three years ago a Law was passed in that country for the establishment of a general regulation for the refining of alcohols. This attempt had not succeeded. After two years' trial the system had to be abandoned, and the Law abrogated. The science of chemistry was not yet sufficiently advanced to answer satisfactorily the various questions which presented themselves, such as: What are the really injurious substances contained in alcohol; in what proportion may they be got rid of; what are the methods of refining which offer the requisite guarantees, &c. Since then scientific investigations had been continued, and were increasing, in the hopes of finding a solution.

But the proposal of Mr. Sanford gives rise to a still more difficult problem than that which the Imperial Government has unsuccessfully attempted to solve. While in Germany the question was only to invent a system which would satisfy the requirements of a single country, on this occasion they would have to devise an unique method, applicable to the whole of Europe and America. Since the necessary knowledge for attacking so vast a problem was at present wanting, any decision on this point, and, consequently, the completion of the labours of the Conference, would be deferred to a distant date. The Imperial Government could not take upon itself the responsibility of making the results already attained by the Conference subject to the solution of a problem having no direct connection with the object of its aims.

At the same time, Mr. Sanford's proposal would, however, have a useful result if its consequence were to point to definite stated facts as its cause, and to show the direction in which the suspicion of adulteration tended. On this point the author of the proposal says nothing; he confines himself to generalities which are difficult to disprove.

M. Göhring adds that it is not his business to undertake the defence of all the alcohols, wherever they may come from, which are destined for Africa. He only wants to say a few words where Germany is concerned. The complaints made of the alcohols of that country are not of recent date, and for a long time past have been attracting the serious attention of the Government. In the note presented by him to the Conference, the Netherlands Delegate reminded them that specimens of alcohol actually taken in Africa had been sent to Europe for analysis, and had been found to be injurious. Neither the persons who had dispatched them, nor the distinguished experts who had carried out the analysis, could be suspected of partiality. As for the German authorities, they had done all they could in setting certain inquiries on foot. The German alcohols, as far as the Imperial authorities had been able to exercise any control, had been recognized as absolutely pure and free from any injurious ingredient. It was, moreover, well to observe that surveillance by Government was facilitated in Germany, on

the one hand, by the fact that the production takes place on a large scale, and in accordance with all the latest improvements, and on the other, because in German ports the export of alcohol is in the hands of merchants who, by their integrity and high position, are raised above any accusation of dishonest practices.

It was not without interest to call attention to a fact resulting from the investigations now going on in Germany for the refinement of alcohol. The latest inquiries had shown that alcohols made from potatoes, more especially those manufactured in Germany, have this advantage over all others, that they are more easily refined, and that they contain only a very small proportion of injurious ingredients.

In conclusion, M. Göhring says that he had thought it of importance to explain these facts, in the name of the German Government, since it was too frequently repeated as an axiom that alcohol destined for Africa must, on account of its low price, be regarded as adulterated. At the sitting of the 24th May Lord Vivian had appeared to express an opinion of this kind, yet such is not the case, at any rate so far as alcohol of German origin is concerned.

Lord Vivian replies that he had intended to refer to no country in particular; he had said that, in his belief, the prohibition against importing adulterated spirits into Africa would probably be far more efficacious in restraining the trade in alcoholic drinks than would be a very small import duty; and he had added that, in his opinion, if this amendment were adopted, a great reduction in the amount imported would be the result, and that was the object which his Government desired to attain.

M. Banning reminds the assembly that, on the introduction of the proposal now before them, the Turkish Plenipotentiary had suggested referring it for examination to a Special Committee chosen from the Conference. This suggestion had not been accepted, owing to the absence of the technical knowledge which would be required to deal with the matter. Yet it was obviously advantageous to take the advice of men of acknowledged competency. With this object M. Banning had applied to M. Stas, President of the Belgian Academy of Science, and Vice-President of the Hygienic Council, whose chemical labours enjoyed an universal notoriety, and to M. Depaire, Professor of Pharmaceutical Chemistry and Toxicology at the University of Brussels. The opinion of this Professor was all the more valuable from his having been intrusted by the Belgian Government in 1887 with the task of testing the spirits consumed in the country; on which occasion 502 specimens, taken from the different provinces by the Medical Commissions, had been submitted for analysis.

The results were as follows: every sample had been found unadulterated save two, which contained a very small quantity of sulphuric acid, probably the result of an accident in their manufacture. The investigations were specially directed to the detection of presence in brandies for consumption (?), of the superior kinds of alcohol, especially of "amylique" alcohol, to which the injurious effects produced on the system by the abuse of spirits were chiefly attributed.

Now, 42 per cent. of the specimens contained amylic alcohols, in proportions varying from 0.4 gr. to 2.10 gr. per litre; or a maximum of two thousandths; 58 per cent. of the brandies examined contained no amylic alcohol.

The alcohols consumed by the population of Belgium must therefore be considered pure, the quantity of non-ethylic alcohol revealed by analysis being too insignificant to produce any serious consequences. These consequences nevertheless exist; alcoholic diseases are increasing in that country, as in almost all the countries of Europe. It must be concluded that it is not so much the impure elements mixed with the spirits which constitute the poison, but the spirits themselves, however pure they may be. MM. Stas and Depaire are in complete agreement on this point. Consequently alcohol itself must either be prohibited or at least made as expensive as possible, and the Conference did right in taking this position in the resolutions which they had passed.

Mr. Sanford, after having pointed out that his amendment was presented in general terms to the Commission on the 1st April, replies to M. Banning and M. Göhring that the opinion of the Paris International Congress conflicts with that of the experts quoted by them. As regards the technical side of the question—in his opinion the only important one—it appears from information communicated to him since the last discussion of the matter by persons of the highest authority that there are simple methods in existence for detecting the presence of impure matters in alcohols. Among the various methods to which the investigations of the Paris International Congress of 1889 was specially directed, in the study of questions relative to alcoholism, there is one simple, rapid, and practical method which has given excellent results, and which is employed by the Federal Administration of Alcohols in Switzerland, where, since 1886, the monopoly of the sale of alcohols has been in the hands of the State. This method is that of Rösl; by means of it the

presence of impure substances in alcohols may be detected, even when these impurities amount to a proportion of two thousandths.

M. Banning does not think that the contradiction pointed out by Mr. Sanford exists. The Paris Conference demanded the absolute prohibition of the importation of "distilled" drinks into the countries of Central Africa, and a strict control of "fermented" drinks, which is quite another matter. It is probable, and in fact certain, that adulterated brandies are retailed in Europe as well as in Africa; but experience shows that this adulteration is extremely rare, and that it is a mistake, or at least a gratuitous hypothesis, to attribute to them the pernicious effects due to the alcohol itself, and not to its adulteration.

The example of Switzerland proves nothing. There the sale of alcohol has become a State monopoly. If alcoholism is on the decrease in that country, it is not because the article is more or less pure, but because it is much more expensive.

In addition to all this, the difficulty of applying the tests must be borne in mind. The chemical analysis of alcohols is easily made in laboratories, but it does not appear that a practical controlling instrument actually exists which gives immediate and sufficiently exact results. On the other hand, the examination of alcohols intended for export to Africa could only be satisfactorily done in the actual ports of export. It would therefore be necessary to limit their number, and to establish in each of them a completely fitted laboratory, directed by an experienced chemist. The analysis would require two days at least. This would undoubtedly cause expense and great delay to trade.

Mr. Sanford remarks that in Switzerland the operation is completed in a few seconds.

Count Khevenhüller-Metsch answers that the fact is explained by the existence of a State monopoly. Besides this, many scientific men have doubts about the efficacy of the methods in question. In Austria the same results have been arrived at as in Germany.

Mr. Sanford says that it was laid down at the Congress of Paris that alcoholism is caused by the poison contained by cheap alcohols which have been imperfectly purified; it was unknown before the introduction of spirituous liquors distilled from potatoes or beet-root, &c., which are cheap on account of their not being sufficiently purified.

M. Bourée is of opinion that if the proposal of the Plenipotentiaries of the United States were adopted the difficulty of finding the scientific method to be applied would be added to that of coming to an agreement on the principle. This would cause a serious delay in the conclusion of the labours of the Conference.

M. de Martens states that all the members of the Conference agree on one point: that it would be desirable not only to restrict the importation of alcohols in general, but also to prevent the entry of impure alcohols.

What measures could be taken?

The debate has proved that the Conference is not competent to discuss them, and that it has no means of proceeding to a scientific investigation. On the other hand, scientific men do not so far understand any more about it. The experiments made in Germany and Austria have not been conclusive, and the question is therefore still open. But perhaps a solution might be found by saying in Article XC of the Treaty:—

"Being justly anxious the Powers have agreed to prohibit the introduction of impure alcohols, or of such as are incompletely rectified, or falsified, and to apply these provisions"

This wording takes into consideration Articles I and II of Mr. Sanford's proposal, and leaves on one side the question of experiments on which the Conference cannot pronounce an opinion.

M. Banning points out that the members of the Conference are unanimous in respecting the idea which suggested the amendment proposed by the Plenipotentiaries of the United States. It is incontestable that spirits, pure or impure, are already a cause of depravation and even destruction of the native races, and there is a risk of their becoming more and more so. It is impossible to take too rigorous measures to control and restrict the traffic. The disagreement is only upon the practical means of execution. In considering the American proposal from this point of view, it would be useful to insert in the Protocol a wish expressed, for example, in these terms:—

"The Powers are of opinion that it is important to control as much as possible, especially when there is reason to suspect grave fraud, the quality of spirits imported into Africa for native consumption."

This would be both a hygienic measure and a warning to unconscientious importers. The Colonial Administrations would act like the Governments of civilized countries,

who order the police to interfere whenever any suspicions arise as to the quality of the provisions provided for consumption.

Mr. Sanford points out that the proposal suggested by *M. Banning* implies the principle contained in paragraph 3 of his amendment.

M. de Martens is also of opinion that it is enough simply to express a wish and leave to each Power the care of settling on the measures to be taken for its fulfilment.

M. Bourée says that it would only be a question of addressing a recommendation to the Powers.

Mr. Sanford declares that, in presenting his amendment, he wished to lay down the principle that the adulteration of alcohol is an ascertained fact, and that it has disastrous consequences for the African races; as regards the means of putting it into execution, he will not insist on his point in the presence of the opposition which he finds, but will leave the Conference to decide.

The President says that an agreement has been arrived at on several points. The feeling of solicitude for the African populations, which inspired the proposal of *Mr. Sanford*, is shared by all the members of the assembly. On the other hand, the result of the explanations which have been interchanged shows that it would not be possible to arrive at an understanding with regard to the means of execution, as the opinions differ not only on the procedure to be employed, but also on the scientific formula. It would therefore be impossible to insert in the General Act a provision regulating this matter. But every one will admit that the question which has been raised by *Mr. Sanford* must not disappear without leaving any traces. It will therefore be in conformity with the views of the Plenipotentiaries to notify, in the Acts of the Conference, that the amendment was presented, and to recommend it, at the same time, to the attention of their Governments. Most of the countries already exercise a rigorous legislation with regard to the adulteration of food, and, the attention of the Governments being awakened, it is to be expected that they will strictly apply the existing Laws, and extend the action of these Laws, in as far as they deem it possible, to their African possessions, if they are not already in force there. But it goes without saying that these measures shall be taken by each Power in the exercise of its independence and of its sovereignty.

In this way the object in view will be realized, as far as is practicable for the moment.

Baron de Renzis thinks that it would be sufficient to insert in the Protocol that "the Conference expresses its confidence in the provisions of the Governments."

In reply to a question by *Mr. Sanford*, *M. de Martens* explains the proposal which he suggested. He tried to combine the text of the draft Treaty with the amendment of the United States' Plenipotentiary. If the Conference thinks necessary to put an end to the abuse of pure alcohols, it will no doubt be also of opinion that the introduction of adulterated alcohols, the use of which is still more noxious, should be prevented. His proposal has only the object of proclaiming the "principle" in virtue of which the importation of adulterated alcohols is equally disapproved of by the Conference.

Baron Gericke de Herwynen asks how, in this case, the quality of the alcohol is to be determined.

M. de Martens answers that this task would devolve upon the local authorities in each country.

Carathéodory Effendi thinks that *M. de Martens'* proposal contains great practical difficulties, because the explanations which have been given in the course of this discussion show that it will always be very difficult to distinguish between a good and a bad quality of alcohol. For his part, he repeats that all spirituous drinks, whatever they may be, are noxious; and he would wish that their importation into Africa could be absolutely prohibited.

But the Turkish Minister recognizes the fact that this opinion is not shared by all his colleagues, and that, on the other hand, *Mr. Sanford's* objection gives rise to numerous objections. For these reasons, and seeing that the Conference has not accepted the proposal to hand over the examination of the question to a special Technical Committee, which he himself had suggested, he adheres to the proposal which the President has just made.

M. de Martens declares that he withdraws his amendment, and that he also adheres to the proposal of the President.

The President sums up what has been said. It remains an understood thing that there are no means of inserting into the Treaty a proposal relative to adulterated liquors, but the Protocol, in reporting the discussion, will show that the members of the Conference displayed an unanimous desire to remind the Governments of the duty, which is incumbent on all the Powers, to make the necessary arrangements, in the ports of arrival as well as in those of departure in Africa, to prevent the abuses which have been pointed out. It

would be possible to indicate, while affirming the principle of the sovereignty of each State in this matter, that, in order that their action might be efficacious, it would be necessary to apply severely the existing European Laws, and to put them into force whenever possible in the African Colonies and possessions.

The President thinks it would be difficult to go any further. Mr. Sanford will have no cause to regret the initiative he has taken, as it has had the effect of attracting the special attention of the Powers to a question in which the Government of the United States seem to have a great interest.

The Conference agrees to the proposal of the President.

The President then proposes to defer until a future sitting the examination of the draft which shall bring into harmony the various Chapters which are to form the General Act. It might be revised by a Committee composed of a few members of the Conference.

The Conference appoints as members of this Committee, besides the President, Count Khevenhüller-Metsch, MM. Banning, van Maldeghem, Bourée, Baron Gericke de Herwynen, and M. de Martens; Lord Vivian is invited to join his colleagues.

The meeting adjourned.

(Signed)

ALVENSLEBEN.
GÖHRING.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
H. S. SANFORD.
A. BOURÉE.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
L. GERICKE.
H. DE MACEDO.
L. OUROUSSOFF.
MARTENS.
BURENSTAM.
ÉT. CARATHÉODORY
JOHN KIRK.
GÖHRING.

True copy :

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Count PIERRE VAN DER STRATEN-PONTHOZ.
CH. SIEGER.
Count ANDRÉ DE ROBIANO.

No. 20.

Protocol No. 20.—Sitting of June 14, 1890.

Present :

For Germany—
His Excellency Count Alvensleben.
M. Göhring.
For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
For Belgium—
Baron Lambertmont.
M. Émile Banning.
For Denmark—
M. F. G. Schack de Brockdorff.
For Spain—
His Excellency M. Gutierrez de Aguëra.

- For the Congo Free State—
M. van Eetvelde.
M. van Maldeghem.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.
- For France—
His Excellency M. Bourée.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Russia—
His Excellency Prince Ouroussoff.
His Excellency M. de Martens.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
Sir John Kirk.
M. Göhring.

The President lays on the Conference table fresh Petitions addressed to him by the British and Foreign Anti-Slavery Society, by the United Committee for the Prevention of the Demoralization of Native Races by the Liquor Traffic, by a certain number of Welshmen, and by the Société Française, against the abuse of tobacco.

Carathéodory Effendi informs the Conference that he is authorized to withdraw the reservations he had made on the subject of the interpretation of the word "procès" in Article IX of Chapter IV (LXXI of the General Act), which determines the assistance to be given to the local authorities by the Diplomatic and Consular Agents and the naval officers, and the right they shall have to take part in Slave Trade trials.

The Turkish Minister at the same time asks that the wording of Article LXXI may be made to accord with the meaning assigned to that Article by the Report of the Commission. For that purpose it would suffice to insert, in the last sentence of the Article, the words: "in the limits of the same Conventions." *Carathéodory Effendi* adds that he has been charged by his Government to request this addition may be made.

Lord Vivian says that the view of Her Majesty's Government is that the last provision of Article LXXI should extend to the Diplomatic and Consular Agents of all the Powers Signatories of the General Act the right which the Ottoman Law of the 4th (16th) December, 1889, concedes to naval officers. The addition, therefore, proposed by the Turkish Minister would have no signification, and he could not support it.

Carathéodory Effendi replies that he could only accept *ad referendum* the interpretation given by Lord Vivian to that Article; it does not seem to him in conformity with the Report of the Commission. His Excellency reads a passage of the Report in support of his opinion.

M. Bourée considers that the clause in question adds nothing to the rights which the Powers already enjoy by the Capitulations.

Carathéodory Effendi does not think that the Conference can discuss, with the authority necessary, points dealing with the interpretation of the Treaties; it is consequently not in a position to discuss whether the right in question results from the Capitulations. The matter in any case seems to him to be one which is very doubtful, if one may judge by the special powers conceded by Article 10 of the Ottoman Law of the 4th (16th) December, 1889. On this point, therefore, he must make a full reservation as to the opinion of his Government.

According to the Turkish Minister, the Ottoman Law in question only accords the right of taking part in Slave Trade trials to English officers. This follows from Articles 8, 9, and 10 of that Law, which only concern the relations of the Sublime Porte with Great Britain.

Lord Vivian disputes this interpretation; he thinks that Article 8 of the Law refers solely to England, the other Articles to all the Powers.

M. Göhring says that, in the opinion of the German Plenipotentiaries, the object of Article LXXI was to extend to the Agents of all the Powers alike the same permission to take part in Slave Trade trials which the Ottoman Law concedes to naval officers. In their view this Article does not create a new right, since it is based on the same principles as the Capitulations, and protects the same interests. The Capitulations, however, only concern nationals, but a case might present itself where the slave-dealer arraigned before the Court did not belong to the nationality of the Agent or the officer at whose instance he had been prosecuted. The German Plenipotentiaries understood Article LXXI as extending the right of taking part in trials of this nature.

M. Bourée says that the French Plenipotentiaries do not consider that it is possible to dispute the right enjoyed in virtue of the Capitulations by the officer who makes the capture to take part in Slave Trade trials. And, moreover, even putting aside all special stipulations on this subject, how could any one be denied the right of taking part in a Slave Trade trial which he himself had brought about, and in which, by that very fact, he was an interested party? Besides, is it not admitted, in the Chapter on the maritime Traffic, that the officers making the captures shall take part in the inquiry in countries other than those alluded to in Chapter IV?

M. de Martens says that, in interpreting Article LXXI, the Capitulations and the Laws and special Conventions must be taken into consideration. The right of taking part in trials is absolute; it is enjoyed by virtue of the Capitulations, of the Ottoman Law of 1889, and of the General Act. The addition demanded by *Carathéodory Effendi* can make no change in the existing situation, which satisfies all the Contracting Powers.

Carathéodory Effendi replies that, consequently, there would be no harm in inserting the words he proposes. He thinks he must press the Conference to adopt his amendment.

Count Khevenhüller-Metsch points out that the Capitulations only concern the natives. The proposed addition, therefore, is not immaterial; if the Conference accepted it, they might, perhaps, run the risk of thus withdrawing the right of participation recognized by the existing wording of Article LXXI from the Agents of the Powers who possessed no special Conventions.

In the opinion of *M. Bourée* there is a distinction to be drawn. Article 10 of the Ottoman Law allows the presence at a trial of the Commander of the cruiser, who can clearly delegate this right to one of his officers; there is no question, therefore, of attaching conditions to the exercise of this right in the General Act. There remain the Diplomatic and Consular Agents. It is to these Agents that Article LXXI extends the prerogative which the Law of 1889 accords to the naval officer.

Carathéodory Effendi points out that, whatever may be the position of the Powers with regard to the Sublime Porte, the right of participation in Slave Trade trials could only depend on special Conventions. The Ottoman Law of the 4th (16th) December, 1889, only confers this right on English officers.

Article LXXI of the General Act gives certain rights to the Powers. Those Governments who desire to obtain the same must address themselves to the Sublime Porte; and his Excellency doubts not that it will give a favourable reply, unless his Government accept Article LXXI as it stands, in accordance with the opinion of the French Minister. The Powers might settle this question by taking steps similar to those adopted by the German Government towards the Government of the French Republic with respect to the importation into Africa of arms from certain French possessions.

M. Bourée points out that, in the case alluded to, the French Government had made up their minds to comply with the request, and said so; whilst, in the present case, there is only a promise of consideration.

M. de Martens says that, in his opinion, Article LXXI has an immediate and general application. Under the Capitulations, the Consuls can always take part in Slave Trade trials, with the view of protecting their countrymen. But the Brussels General Act assimilates on this point slaves to nationals. As regards the Ottoman Law, it makes no distinction between the Powers in respect to the presence of officers at Slave Trade trials. Article LXXI of the General Act should be interpreted as meaning that freed slaves shall be regarded as under protection, and treated from this point of view as nationals.

M. Bourée concurs in this interpretation.

Count Khevenhüller-Metsch desires to maintain absolutely and without restriction the power of taking part in Slave Trade trials, as secured by Article LXXI of the General Act, in favour of the Agents of all the Signatory Powers.

Lord Vivian begs the Turkish Minister to acquaint his Government with the unani-

mous feeling of the Conference as regards the extension to the Diplomatic and Consular Agents of all the Powers of the right of participation, which was restricted by the Ottoman Law of the 4th (16th) December, 1889, to naval officers.

Carathéodory Effendi is quite ready to comply with his colleague's desire; but he does not see what harm there could be in adopting his suggested addition.

Count Khevenhüller-Metsch says it would not be possible to comply with this request, unless the Protocol of the sitting stated formally that all the Powers mean to maintain the right of participation in Slave Trade trials, as established by Article LXXI of the General Act.

The President says that perhaps it might be possible to insert, without inconvenience, the words, "within the limits of the existing Conventions and Laws," or, "of the Conventions concluded or to be concluded."

M. Banning adds that the reservation contained in this addition should be understood as bearing on the words, "within the limits," and not on the words, "within the Conventions."

M. de Martens repeats that, in his opinion, the mention of existing Conventions could not restrict the application of Article LXXI, which is worded in formal and general terms. In order to satisfy the Turkish Minister, and in accord with him, he proposes to end the first part of the Article with a semicolon; the words, "within the limits of existing Conventions," contained in the first sentence, and which refer to the mode of exercising this prerogative, and not to the right itself, would thus apply without inconvenience to the whole Article, and its meaning will be clearly defined by inserting in the Protocol the mutual explanations which have just taken place.

Carathéodory Effendi replies that, as his instructions are formal, he could not, even to accept this suggestion, abandon without the authorization of his Government the amendment he has proposed. He will lose no time in sending the Protocol of the sitting to the Sublime Porte, in order to elicit a fresh decision on its part.

The President begs the Turkish Minister to refer the matter to Constantinople without waiting for the formal drawing up of the Protocol, so as to obtain a speedy solution.

Carathéodory Effendi will not fail to comply with the desire expressed by the President.

Count Alvensleben reminds the Conference that at the time of the discussion which arose, in the sitting of the 9th May, on paragraph 2, Article 43, of the draft Maritime Regulations, the German Plenipotentiaries had reserved the approval of their Government on the subject of the transactional wording which had been agreed on with the French Minister. His Excellency is now in a position to state that the Imperial Government have authorized them to accept definitively the wording in question.

The proposal respecting import duties on the Congo comes next up for discussion.

Mr. Terrell informs the Conference that he has received the instructions of his Government. He regrets, however, that he cannot at once make them known, as he has been obliged to request certain explanations by telegraph. He therefore begs his colleagues kindly to authorize his postponing to the next sitting the communications he is charged to make to them.

Baron Gericke de Herwynen, having asked leave to speak, expresses himself in these terms:—

"Gentlemen,

"As you are aware, I was unable to concur entirely in the feelings of approval which the communication made to us, on the 10th May last, by our honourable President, met with generally in this assembly.

"I was obliged to confine myself to assuring you of the great interest which my Government have not ceased to take, from the beginning, in all that has taken and still is unintermittently taking place for the development of the Congo State. I added that they had no intention of yielding to any other Government in their friendly feelings towards that State. They could not, therefore, be indifferent to the exigencies of its financial condition.

"The Government of the King, however, Gentlemen, are unable, to their regret, to give their support to the proposal of the 10th May, as formulated, and have charged me to explain briefly their motives. I shall have the honour to indicate them.

"The proposal of the 10th May, and the declaration of the Plenipotentiaries of the Congo Free State, appear to be based principally, if not solely, on the consideration of the obligation of meeting the expenses which will result from the execution of the Brussels General Act, and which expenses result, themselves, from Article IX of the Berlin General Act.

"It is for this last reason that our President has thought it possible now to discuss the proposed measure.

"Most certainly the Government of the King readily recognize that the execution of the obligations imposed on the Congo State for the suppression of the Slave Trade in its territory will entail a certain expense; but they think that this circumstance cannot logically lead to other results than an inquiry into what may be the best means to be placed at the disposal of the Governments interested, to enable them to discharge their obligations. Consequently it would be expedient to ascertain what may be the importance of the expenses which have to be met. You will permit me to remark that this is not what has happened. Our honourable President has confined himself to proposing a means of increasing the resources, without estimating the expenditure which would have to be met under the head of the obligations contracted.

"This may present inconveniences, not only on account of the uncertainty as to the expenditure which will have to be met, but especially inasmuch as the proposal before the Conference would cut short an exhaustive examination of other and perhaps better expedients.

"This examination, nevertheless, seems extremely desirable, because, on the one hand, the method proposed of establishing import duties arouses in commercial quarters very strong objections, and because it is, on the other hand, contrary to the stipulations of the Berlin General Act, which formally prohibited the establishment of import duties in the conventional basin of the Congo, although the obligation of watching over the suppression of the Slave Trade had been already imposed by that very Act on the Contracting Powers.

"Nevertheless, as the present Conference has thought fit to occupy itself with the financial consequences of the obligations recorded in the Act which we have discussed, it seems necessary not to allow the question to diverge from its rational path, but to take care lest one mode of getting out of the difficulty, of very doubtful expediency, should prevent others being considered as well.

"I therefore am charged, Gentlemen, to request you to put on the paper of our deliberations the examination of the question of the best means to meet the expenditure which will be entailed on the Governments interested by the obligations for the suppression of the Slave Trade in the conventional basin of the Congo. The reply to this question should be recorded at the end of the General Act, as the expression of the wish of the Conference.

"This mode of procedure, which has been employed more than once under similar circumstances, seems to recommend itself for several reasons. Seeing that our sole object is, in fact, to find a means of meeting our anti-slavery obligations, the proposal I have just formulated is, in the first place, the most logical; in the next it is equitable, in view of the complaints which the establishment of import duties calls forth even now in commercial quarters; it is prudent, in consideration of the prohibition contained in the Congo Act; it is, besides, acceptable to the Conference, as it would remove any chance of again calling in question decisions arrived at with so much trouble and anxiety in connection with the slavery question.

"The chief anxiety of my Government has been to remove this danger; and I venture to hope, Gentlemen, that the serious motives for the proposal I have now submitted to your consideration will not be denied by any member of the Conference."

Baron Gericke de Herwynen then reads the following explanatory note:—

"I should reproach myself with a want of respect towards all the Governments here represented, towards the Conference in general, and towards each of its members in particular, if I were not to explain further in some detail the motives of our opposition to the establishment of import duties in the Congo. I venture to hope that, when examined in the friendly spirit which I invite, my observations will be recognized as not being unfounded, and as justifying our attitude.

"We are quite disposed to recognize the necessity for the Congo Free State seeking to augment its revenue, so as to meet the expenses accepted by the Conference for effectually combating the Slave Trade; but we think the Congo State can obtain equivalent resources by other means than import duties, without infringing the Berlin General Act, without depriving the traders in the Congo Basin of their freedom of commercial action, and without inflicting on them all the troubles, formalities, and difficulties of all kinds which import duties would entail.

"To explain these difficulties, it will suffice to state that more than twenty years before the European occupation of the Congo Basin large commercial houses were established in the territories now belonging to the Congo Free State, France, and Portugal.

"They possessed factories along the whole coast and the courses of the rivers. They all had a central depôt in the best situated localities, from whence goods were distributed

for sale among the factories according to the requirements of their business. But it must be borne in mind that trade in the Congo Basin is very capricious, and that it very frequently happens that after bad rainy seasons, sickness, or disputes among the natives, trade is suspended in certain districts for a considerable time. The merchandize is then withdrawn and sent to factories often far distant, but where circumstances are less unfavourable.

"This power of freely moving goods about, of which trade is at present in the enjoyment, offers a great advantage, by allowing of trading with a much smaller capital than would have to be employed if the goods could not be disposed of by sending them to the factories which are temporarily most favourably situated.

"Several of the above-mentioned houses still exist. They have their depôts in the Congo Free State, or in the Portuguese Congo, and send, according to circumstances, to the various factories they possess in the three States of the Congo Basin.

"This complete freedom of action, without great expense and without any formalities, offers advantages which would gradually vanish under the collection of import duties. There would be an end to this free exchange, especially if each Government fixed the Tariff as it chose within the maximum limit.

"It is hard to conceive the difficulties, the verifications, and the formalities which would be entailed in the continual movement I have just sketched by the proposed measure when applied to a thousand articles of all kinds. Trade would thereby suffer considerably, and the enormous outlay in the construction of general warehouses would be in great part lost.

"The small commercial houses would suffer as well as the large; numerous factories are established in localities where there is neither territorial nor fiscal authority, and where steamers discharge goods. By forcing the traders to make them discharge in a port where there are fiscal authorities, the Governments being unable to establish these authorities in all parts, it would then be necessary to hire boats to transport the goods to the factory, whereas the steamers used to deliver them at their doors.

"Import duties would be, therefore, a source of difficulty and expense for all traders, large or small, and, indeed, for all trade.

"What profits will accrue, on the whole, to the Governments themselves from the import duties, after deducting the expenses which the collection of the duty must necessarily entail? These profits will be very small, as the collection of the duty will necessitate rigorous verification to avoid fraud. This verification will require a numerous staff, in order to protect honest traders against the proceedings of less scrupulous competitors. It will be all the more necessary to establish a strict supervision, because the way in which the three Congos are divided offers special facilities for smuggling. Warehouses must be built in certain localities, and they must be of large dimensions, as European marketable goods are almost, without exception, very voluminous and of not much value. The net profits from the import duties, therefore, will be very small. There are countries where a much higher Tariff exists than that proposed for the Congo, and where the proceeds are entirely absorbed by the expenses of collection. Why, then, impose on the trade so many obstructions, expenses, and losses in order to obtain such a small result?

"Doubtless the Congo wants revenues, and we shall not oppose any reasonable measure for obtaining them; but we protest against any import duties, because trade would suffer thereby, and the State will reap hardly any profit.

"The Congo States have, for some years past, established export duties on exported goods. Why not raise these duties in proportion to those which it is desired to collect on imports? This increase would entail no supplementary expenditure, as the same staff would suffice to collect duties either at a higher or lower rate.

"Hitherto the produce of the Upper Congo has paid no export duty, although this produce returns trade the highest profits. Why this immunity?

"Perhaps other taxes could still be found, less hurtful to trade than import duties. Our honourable President stated himself at the Berlin Conference, on the 27th November, 1884, that the collection of export duties is less vexatious than that of import duties, and several other members of the same Conference expressed themselves in a similar sense.

"His Excellency Baron Lambert, in his speech on the 10th May, told us that the Berlin Act, while prohibiting the levying of any import duties in the conventional basin of the Congo, had no intention of fixing definitively and irrevocably the economical system under which he placed the territories which are included in it. There can be no doubt about this, for the second paragraph of Article IV of the Act states that the Powers reserve to themselves to decide, after a period of twenty years, whether the exemption from duties shall be maintained or not.

"The proof, moreover, of the importance attached by all the Powers Signatories of

the Berlin Act to the exemption clause, at least for twenty years, is to be found in all the Conventions concluded between these Powers and the Congo Free State. The exemption clause occupies a prominent position.

"True, it is said that the favourable results hoped for from the European occupation after a period of twenty years have been already realized after five. It may be questioned whether this calculation is not rather optimistic. The great efforts made by the Congo Free State to open the Upper Congo to civilization and trade are assuredly worthy of recognition. Several stations and centres of administration have been established there; some fifteen boats plough the waters of the upper river. Much has been accomplished by the infant State, and at great sacrifices. But the organization of the public service is not everything; there must also be the development of trade and agriculture, and these are only just beginning in the Upper Congo.

"Allow me, Gentlemen, to sketch in a few lines the commercial situation in the Congo Basin. There is no evidence of a progressive movement in the Lower Congo. If, in the last two or three years, the exports have been rather more important than in the two or three previous years, it is owing to more favourable rainy seasons, that great factor in the fertility of the Congo. One may, then, say that, in the Lower Congo and in the region of the littoral of the Congo Basin, trade has remained stationary of late years, with periods of prosperity more or less great, according to the abundance or lack of rain. But one valuable article of exportation is at present not found in the Lower Congo. This article is ivory, which the natives used formerly to sell in the Lower Congo, and especially on the littoral of the Portuguese Congo, whereas it is now purchased in the Upper Congo by the commercial houses latterly established there. It is a transference of trade, with this difference—that buying ivory in the interior yields more profit than buying it on the coast did formerly.

"If, then, the situation in the Lower Congo has remained much the same, one must not forget to notice in the interior the presence of three commercial houses, all possessing steamers, occupied in the purchase of ivory. The exportation of india-rubber, which seems to abound in the interior, is as yet only in its first phase. There are, of course, other products which might be profitably cultivated. But they cannot now be taken into calculation. The cost of transport, in the region of the cataracts, is too high, and transport by bearers would, moreover, be insufficient.

"But, thanks to the energy and enterprising spirit of a Belgian Society, a railway is in process of construction, and will, it is anticipated, connect in three or four years the Lower Congo with the navigable upper river. The transport will then become rapid and less difficult, and a great development of trade and cultivation by Europeans may result.

"But in the four years which still separate us from the opening of the railway, the commercial and agricultural development can only progress slowly and painfully, and one may well question the justice, or even the prudence, of imposing taxes on trade, industry, and agriculture which are forced to progress under such difficult conditions.

"A Belgian Company has been created recently with the object of forming plantations in the Upper Congo. This is the first enterprise of this kind. It is to pay its black labour, and to buy its provisions in exchange for European goods. Is it just that this Company, which can scarcely get any return from its plantations for three or four years, should see its expenses increased 8 or 10 per cent. by import duty during these initial difficulties?

"The industrial Companies want quantities of textile fabrics and other articles to pay transport and labour, and to buy provisions for the black labourers and the staff of whites. Is it just that they likewise should see their expenses increase 8 or 10 per cent. for import duty on textile fabrics, &c., and on tinned provisions, of which it is necessary to import large quantities for the European staff?

"And the numerous Missions which likewise import considerable quantities of stuffs to pay carriage, and of provisions, is it just to burden their budget with import duties? Yet the missionaries only labour for a humane and civilizing object, and their budget is sustained partially by people of small means in Europe and America.

"It is otherwise with trade. Even where in the beginning there are certain difficulties to be encountered, the exports will always represent a certain profit. For this reason preference should be given to export duties (of course within reasonable limits) over the import duties which it was wished to establish.

"This organization will, no doubt, impose heavier charges likewise on trade, since the Missions, among others, who would, in such an event, contribute to the import duties, have nothing to pay; but trade will accept these heavier charges rather than be subjected to the annoyance of a system of import duties, and to the loss of its freedom of movement.

"By not compelling it to pay import duties, trade (except only that in ivory), as

well as agriculture, will develop gradually until the opening of the railway; but after the establishment of this rapid means of transport a great impetus will be given to everything, and there will commence a state of things which is supposed to be already in existence, whilst in reality there exist now only anticipations, and there is still need for all the solicitude and protection of the Government.

“Give time for the construction of the railway. Then give time for European and American capital and energy to find out and to develop the resources of the interior. One might then think seriously of doing away with Article IV of the Berlin General Act. The period of twenty years adopted therein has in reality been admirably fixed.

“In the above you will find, Gentlemen, the explanation of the attitude of the Netherlands on the question of import duties. Far be it from us to wish to refuse the Government its necessary resources; only we propose a different system, one more advantageous to trade and to the Governments themselves.

“May I be allowed to add a few words regarding the position of the Netherlands in particular in this matter? Before the occupation of the Congo Basin by the European Powers the trade of Holland was and is still among the most important there. In 1885 the Congo Basin was divided between the Congo State, France, and Portugal. The Netherlands, like all the other Powers, secured the guarantee of exemption from import duties for at least twenty years. After only five years, it is proposed to withdraw this exemption, a withdrawal by which the trade of Holland, and, on the West Coast, that of America, would be the only sufferers. As a matter of fact, although the English, Germans, French, and Portuguese have likewise commercial establishments, and very important ones too, in the conventional basin of free trade, their Governments could find compensation, if Article IV of the Berlin General Act were annulled, in being able, if they thought fit, to levy import duties thenceforth in their respective territories.

“It would be no small matter, Gentlemen, to see one’s self deprived under these circumstances, without any compensation, of a right which one had a claim to consider as assured to the trade of Holland for another fifteen years.

“That, however, is not the motive of our opposition to the import duties. But we think, as I have shown above, that the State can establish more just duties, and such as will not interfere with the freedom of trade.”

The President says that, as he had undertaken to present the proposal regarding the establishment of an import duty on the Congo, he now finds it necessary, after the considerations set forth by the Netherlands Minister, to enter into some explanations.

When he laid the draft on the table it had a preamble, but the enacting part of the proposal was in some sort in embryo; it merely stipulated for the establishment of import duties, and fixed their maximum. This draft has been read once in Committee; some fresh ideas have been brought forward; others have been abandoned. Thus the idea was abandoned of drawing up a uniform Tariff, which was for a moment thought of; and it was decided only to fix a maximum, leaving to each Power complete freedom in its application. (See Annex.)

A formula was then sought which might best answer these views. A draft has been prepared in this sense. It would constitute a fresh Chapter, which would logically be inserted in the body of the Treaty, and would have for its title: “Financial Measures destined to facilitate the execution of the General Act.”

It runs as follows:—

“ARTICLE I.

“The Signatory Powers, taking into account the necessity of facilitating for certain among them means whereby they may meet the expenditure imposed upon them by the present General Act with a view to the suppression of the Slave Trade, have agreed that import duties may be levied, under the conditions laid down in the following Article, by the Signatory Powers which have possessions in Africa where the collection of such duties is not at present authorized, and in cases where an authorization to this effect may be necessary.

“ARTICLE II.

“The import duties mentioned in the preceding Article shall not exceed a rate equivalent to 10 per cent. on the value of goods at the port of importation.

“It is, moreover, understood:—

“1. That the rate of 10 per cent. is not applicable to alcohols, which remain subject to the special Regulations laid down in Chapter VI of the present General Act;

“2. That, with respect to the other goods, the rate of 10 per cent. shall not constitute

a uniform and imperative rule, each of the Powers interested having the power to impose lower duties, or to admit certain products free;

“3. That the import duties shall not be the subject of any differential treatment;

“4. That, in applying the new Customs Regulations, each Power shall endeavour to simplify as much as possible all formalities, and to facilitate trading operations.”

The President points out that, in drawing up the first Article, they were guided by the text of the Articles of the draft Treaty which authorize the establishment of a duty on spirituous liquors, and which the Conference has already adopted. This latter provision reserved full latitude to raise the taxes above the fixed minimum to the Powers where such a minimum is already in force. In the present case, the authority to levy import duties to the due amount of 10 per cent. is only necessary for the Powers who are bound by certain engagements, in so far as these engagements are applicable.

Those who may have reservations to make in virtue of existing Treaties are confirmed in their rights, and all the Contracting Parties to the General Act could sign this Article.

Article II leaves each Power at liberty to settle its own system of Customs. It is probable that in exercising this right the Powers will not tax all the products indifferently, and that one sort of goods may escape any taxation. This prospect will certainly, in point of fact, lessen the inconveniences which it seems were apprehended in certain quarters.

The President reminds the Conference that the original draft, when first presented, met almost unanimously with a most favourable reception from the Plenipotentiaries.

This draft was again submitted to the meeting after most of the Plenipotentiaries had received their instructions.

They ratified it then, not acting on their personal impressions, but in obedience to the orders of their Governments. It is the same draft which is submitted to them to-day, in a more precise and complete form.

The President adds that Baron Gericke de Herwynen has just evinced, in his own name and in that of the Netherlands Government, sentiments of sympathy with the task of the King, and with the labours of the Conference, and he has assured us of the conciliatory feelings of his Government and of his own personal good-will. These sentiments cannot fail to be appreciated, and his Excellency will meet with complete reciprocity in this respect.

The President thinks he must here notice shortly some of the remarks made by the Netherlands Minister which must suffice until the text has been distributed and a fuller reply can be given.

His Excellency, he says, has pointed out that it was proposed to augment the resources of the Congo Free State without defining the expenses which would have to be met. In this respect it is well to recall to mind the declaration made, at a recent sitting, by the Plenipotentiaries of the Free State. Animated by a sentiment to which the assembly has rendered homage, they thought it their duty to explain honestly, as indeed they said, and have moreover done, the situation which will result from the burdens imposed by the General Act, and the impossibility for their Government, in the present state of its resources, to help in the task on the accomplishment of which all the Powers are intent. The Conference will not fail to take into consideration this declaration and its accompanying explanations when the time comes to take a decision.

On the other hand, it must be borne in mind that in the draft, principles only are laid down. As regards fixing the duties and with the reservation of the maximum, it leaves the Powers interested a full latitude, and there can be no doubt that they will seek to observe the interests of trade and to reconcile them, as far as possible, with the object in view.

The Netherlands Government suggest an inquiry in common into measures which may allow of the Congo State fulfilling the requirements of the Treaty. There is here an essential distinction to be made. The members of the Conference have not forgotten that, in the course of their deliberations, every time that there has been a question of a provision infringing on the prerogatives of any country in what concerns its internal jurisdiction, and when it is not restricted by international engagements, these prerogatives have been insisted on with never-failing care. It was a consequence of the principle of sovereignty, which has never been disputed by the Conference. This principle, apparently, could not be denied its application here.

Mention has already been made, on various occasions, and the Netherlands Minister did not call them in question, of the charges which would be imposed on the Free State by the General Act, in excess of its resources. Among the measures to which recourse should

be had to procure for it the resources in question, the fiscal measures to be taken in the interior of the State have been mentioned in the first instance.

But on this point it must be allowed that the independence of the Congo State is not restricted, and that therefore the necessity for a deliberation on the part of the Powers, and its postponement to a later date before it can be authorized to exercise those powers which belong to every independent State, would be hard to explain. It is, however, only in view of this right, and without deeming it indispensable to press it, that the President makes this reservation. In point of fact, either the taxes in question would be moderate and would not furnish the resources required, or, if raised to a rate which would render them productive, they would deal trade a much heavier blow than there is any fear of import duties doing. The same would apply to export duties.

The Treaties in operation authorize their collection; they have been in existence some years. There is good ground for believing that the financial resources which are required could not, without committing an economical error, be supplied from raising the duties in question; but, as in the case of the internal taxes, one does not see how any further deliberation on the part of the Powers can be necessary to legalize the alteration.

The above considerations point to the fact that, among the most suitable measures for supplying the Congo State with the resources it lacks, the only one which can become the subject of a discussion of the Conference is the establishment of an import duty.

The President here reminds the Conference that he has always defended the principle of free trade, and that he is not prepared to disavow it. He thinks that in now supporting the proposal with regard to the establishment of an import duty, he is consistent. Under existing circumstances, it may be convenient, it may even be of use to trade, to withdraw the prohibition recorded in the Berlin Treaty.

The Netherlands Minister has represented the state of commercial affairs on the Congo as less favourable than it has been depicted; he added that we could look forward to the moment when certain undertakings, such, for example, as the railway, being finished, a better era will unfold itself; from this he argued the necessity of refraining from laying fresh burdens on trade. Without wishing at this moment to discuss the picture drawn by the Netherlands Minister, the President thinks it possible to deduce from it a very different result. It is, in fact, with a view to meeting the financial requirements of the period of transition, and the urgent requirements for the suppression of the Slave Trade, that the Congo State is in want of immediate financial assistance. If, as all must agree with the Netherlands Minister in hoping, trade should later on develop, as one may expect it will, it will be more than compensated for the sacrifices imposed on it, by the general progress and by the security and facilities which will be assured to it.

Were the General Act concluded, there could be no question of the desire of the Powers interested to consult, as far as possible, in fixing the import duties, the interests of trade, which moreover are identical with their own.

The President asks leave of the Conference to read certain passages of a Report quite recently published, which defines the position of the Congo State from the point of view of the suppression of the Slave Trade, and of the obligations which will be imposed on it in this respect by the General Act. They are from an official letter from Major Wissmann, who, previous to his present appointment, was in a position to be well acquainted with the territory of the Congo:—

“When we have made sufficient progress in all directions to allow of the natives asking for our protection, and when we are strong enough to grant it, no one will venture any longer to capture or transport slaves. We can only suppress slave-hunting when we make it impossible for them to be transported to the coast, and, consequently, put a stop to the Trade itself. Slave-hunting is only carried on in those unhappy countries where the natives have nothing but spears and bows for defence against their cruel enemies. To protect the natives in those countries we should establish communications with these distant regions by a line of stations. These territories are almost ‘*exclusively situated in the interior within the boundaries of the Congo State;*’ but the exportation of captive slaves takes place almost entirely through German East Africa, and by certain fixed routes where the slave-merchants have contrived rallying points, such as Tabora and Ujidji.

“Tabora is the principal junction of these routes.

“The slaves collected in the north-west of Lake Victoria, those who come from the interior of ‘*the Congo State (by far the most numerous),*’ and many who are captured on the west of Lake Nyassa, meet at Tabora on their way to the coast; that is, therefore, the point it is most necessary to watch.

“Next to it in importance comes Einja, situated near the three great lakes. By

watching this spot, a task which would be extraordinarily facilitated by a small steamer, Germany would have done all that is possible against the African plague, and her efforts would certainly be crowned with success."

It will be noticed that Major Wissmann twice indicates the Congo as the principal centre of the Trade.

By that can be estimated the importance of the mission of the Congo State, as regards the suppression of the Trade, the urgent character of the measures she will have to adopt, and the imperative necessity, from the same point of view, of supplying it as soon as possible with the requisite resources to carry out this mission.

In conclusion, the President says that the proposal of Baron Gericke de Herwynen shall, like all submitted to the Conference, be immediately distributed amongst all the Plenipotentiaries.

Baron Gericke de Herwynen, for his part, will examine with the most serious attention the proposal made by the President; he still thinks, however, that export duties would be preferable to the import duties which it is wished to establish.

The President replies that the Plenipotentiaries of the Congo Free State will offer explanations at the next sitting on this as well as on the other issues discussed by his Excellency.

The meeting adjourned.

(Signed)

ALVENSLEBEN.
GÖHRING.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUÉRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
H. S. SANFORD.
A. BOURÉE.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
L. GERICKE.
I. OUROUSSOFF.
MARTENS.
BURENSTAM.
ÉT. CARATHÉODORY.
JOHN KIRK.
GÖHRING.

True copy:

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Count PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Count ANDRÉ DE ROBIANO.

Protocol No. 21.—Sitting of June 16, 1890.

Present :

- For Germany—
His Excellency Count Alvensleben.
M. Göhring.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambertmont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Independent State of the Congo—
M. van Eetvelde.
M. van Maldeghem.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.
- For France—
His Excellency M. Bourée.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency Prince Ouroussoff.
His Excellency M. de Martens.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
Sir John Kirk.
M. Göhring.

The President proposes to the meeting that the sitting should commence with the examination of some questions of secondary importance which have yet to be settled.

The first concerns the expenses of the Brussels Bureau. These expenses, by the terms of Article LXXXV should be defrayed, in equal portions, by all the Signatory Powers.

The President understands that objections are raised by certain Powers to this mode of division. When this Article was discussed by the Conference, he concluded from the silence maintained by the Representatives of those Powers that they supported the proposed wording. It appears, however, that there was a misunderstanding on this point.

M. de Burenstam, after recalling to notice the amendment suggested in the sitting of the 22nd May by the British Minister, which had for its object the suppression in the Article of the words "all" and "in equal portions," which amendment was not adopted, proposes that those Powers which have no possessions in Africa should only be invited to contribute to the expenses of the Brussels Bureau half the amount payable by the

others. Sweden and Norway shall be regarded from this point of view, as constituting one country only.

M. Schack de Brockdorff fears the Article, as worded, cannot secure the approval of his Government. They hold that the expenses entailed would not be justified as far as they are concerned, since the Brussels Bureau has not the importance for Denmark which it may have for other Powers.

The President says that to comply with the observations just made, it would be necessary to suppress in the Article the words "in equal portions." The result of this would be to raise the share of certain Powers, which share, however, would never reach a high figure. In any case, it is necessary that the Belgian Administration, which will advance the money, should have a basis of division fixed by the Conference itself.

The President then submits to the meeting the proposal of the Swedish and Norwegian Minister, seconded by the Danish Plenipotentiary, regarding the suppression of the words, "in equal portions."

M. van Eetvelde thinks it right to point out that it is hardly logical to impose the greater part of the expense of the Brussels Bureau on those Powers on whom all the other charges under the future General Act already fall. *M. van Eetvelde*, however, does not intend to press this point.

Baron de Renzis inquires whether the assenting Powers will equally be asked to contribute to these expenses. His Excellency points out that Article XCVIII stipulates that the adhering Powers shall participate in the obligations as in the benefits resulting from the General Act.

The President says that, in fact, the solution of the question lies in Article XCVIII. The adhering Powers will be bound to the same extent as the Signatory Powers.

Carathéodory Effendi asks if the numbers adhering will entail a noticeable increase in the expenses of the Bureau.

The President replies that the expenses of translating will be greater on this account.

Carathéodory Effendi thinks in that case it would be better to retain the present wording of Article LXXXV, adding thereto a paragraph to the effect that the Powers who do not wish to contribute to the expenses of the Brussels Bureau shall be at liberty not to do so, or themselves to fix the amount they mean to subscribe. Among the Powers with no possessions in Africa, there may be several disposed to pay a whole share.

Baron Gericke de Herwynen questions whether the task of apportioning the expenses, at the end of the year, must not be left to the Bureau.

The President points out that it would be a delicate task for the Bureau, and that it seems preferable to settle beforehand the basis of the division.

Count Khevenhüller-Metsch proposes that the President shall ask each Plenipotentiary if he is in a position to state to what amount his Government is inclined to contribute towards the expenses of the Bureau.

The President consults the members of the assembly. After a brief exchange of remarks, it is agreed that the words "in equal portions" shall be suppressed in Article LXXXV, and that the Protocol shall declare that all the Signatory Powers shall pay an entire share, except the United Kingdom of Sweden and Norway, which shall only pay half the share falling to the other Powers.

As regards Denmark, *M. Schack de Brockdorff* would wish her share not to be fixed at present.

Baron Gericke de Herwynen reserves to himself to make known later whether the Netherland Government will contribute a-half or a whole share.

The President states that the Drafting Committee chosen by the Conference has examined the scheme of arrangement of the various Chapters of the General Act, which had been drawn up by the Bureau. The Conference will be made acquainted with the purely formal alterations introduced into the text, when it proceeds to the last reading of the Treaty as a whole.

There are, however, two alterations to which he would wish to call, at the present moment, the attention of his colleagues.

The first concerns No. 3 of Article II. The Committee has substituted for the original wording, another which runs thus: "to protect, without distinction of creed, the Missions established or to be established with views in conformity with those of the present General Act."

Carathéodory Effendi wishes to know the reasons which led to the addition of these last words.

The President replies that the words, "in the vicinity of the stations," have been

struck out, because there might be more distant Missions which would sometimes be the most exposed, and would have an equal right to the protection of the stations.

M. Bourée says that the words, "with views in conformity with those of the present General Act," have been inserted, because Associations might be met with in Africa which, under a religious flag, might perhaps exercise a dangerous influence, and one opposed to the aims of the Conference.

Carathéodory Effendi points out that it is not the business of the Conference to examine into the forms of dissent in any particular religion.

His Excellency thinks he must reserve the approval of his Government to the proposed new wording, which, besides, adds nothing to the idea which it is desired to express, and which, therefore, seems to him to be useless. It cannot be admitted, indeed, that one of the provisions of the Act may entail results opposed to the object of the Act itself, which object is the suppression of the Slave Trade.

M. Bourée considers that the Turkish Minister does not take sufficiently into account a situation which may arise, and which would constitute a real danger, precisely from the point of view of the suppression of the Slave Trade.

Carathéodory Effendi replies that the question whether such or such a sect is to remain unprotected can only be dealt with by the Governments on whom the sect is dependent.

Lord Vivian fancies that the Turkish Minister has not understood the import of the proposed addition. There is here no question of religion. The Conference does not enter into these questions, and has only in view the carrying out of its anti-slavery object; it cannot allow the establishment of Missions which might preach doctrines opposed to this object, whatever their form of religion may be; but, within these limits, any Mission, without any distinction of religion, will be encouraged and protected.

Carathéodory Effendi acknowledges that Missions which would oppose the views of the General Act would not deserve protection. The question had been already discussed in all its bearings, and settled at the Conference of Berlin, without giving rise to any kind of reservation. All distinction of sects is beyond the competence of the assembly.

M. Bourée says that the original formula spoke of the Missions in general terms. It might be feared, therefore, that Missions holding the doctrine of slavery were included. But the Conference has the right, and it is its absolute duty, to exclude this eventuality.

Carathéodory Effendi knows of no such Missions. He would accept the interpretation given by the French Minister, provided the provision was drafted so that no category should be excluded. In any case he must reserve the approval of his Government.

M. de Macedo considers the proposed addition necessary; in fact, those Missions must be excluded which, under pretence of religion, would make a slave propaganda.

M. Bourée recalls what Mr. Stanley said respecting certain Missions he fell in with on his last journey, and which occupied themselves exclusively with the Slave Trade. If such Missions were found in the vicinity of the French possessions, they would assuredly not be tolerated.

Carathéodory Effendi replies that he would not object, if they only aimed in express terms at the Missions whose object is the Slave Trade.

The President refers to the discussion which took place at the Conference of Berlin, and reminds the meeting that that assembly desired to protect the principle which prohibits any distinction of creed. In accordance with the institutions of his country, he had himself supported the adoption of the provision inserted in the General Act, and which the Conference now assembled has likewise sanctioned. There is therefore no ground for fearing that a Mission, as far as its religious character goes, would have its actions interfered with.

On the other hand, the Representatives of the Powers are met here to suppress an odious Traffic. If a Society were organized with the view of carrying on the Slave Trade, would it have a claim to protection? Clearly not. The Conference would contradict itself. In this sense there is neither pleonasm nor contradiction in the wording proposed; it guarantees equal protection to all forms of religion. With this elucidation, there is no objection to the adoption of the words in question. These explanations, recorded in the Protocol, will doubtless suffice to calm the apprehensions of the Turkish Minister.

Carathéodory Effendi concurs in the opinion expressed by the President, but repeats that he must reserve the approval of his Government.

M. Bourée points out that this addition was proposed by the Representatives of England and France, who both have as many Mussulman subjects as Turkey, and who cannot be suspected of indifference towards their religious tenets.

Carathéodory Effendi replies that nothing was further from his thoughts than to suspect in any way the sympathies of England and France towards the religious tenets of their Mussulman subjects. On the contrary, he expressly acknowledges them, and thinks himself very happy to have received a precious and fresh testimony thereto from the mouth of his Excellency the French Minister. The remarks he had made were simply with the object of showing that the amendment introduced at the last moment, of which he desires the suppression, constitutes in his opinion a simple pleonasm. He is convinced, moreover, that his colleagues have no intention of questioning the legitimate right, which he also must claim for his Sovereign, the Head of the religion concerned, as regards an interpretation of this nature.

Count Khevenhüller-Metsch is fully impressed with the importance of the amendment, which was approved by him on the Drafting Committee. He wonders, however, if their object could not be obtained in another way, and if it would not be possible, while suppressing the words it is proposed to add, to state clearly in the Protocol of the sitting that the protection in question shall be assured to the Missions without religious distinction; and that it shall devolve on each Government to estimate the amount of protection to be granted. His Excellency adds that the new formula seemed better to him; but he thinks it should be given up, so as not to postpone still longer the accomplishment of its task by the Conference.

Carathéodory Effendi has no objection to the adoption of the formula suggested by *Count Khevenhüller-Metsch*, provided it is well understood that it shall apply to all religious sects without distinction.

After an exchange of remarks between MM. Bourée, de Martens, *Count Khevenhüller-Metsch*, Lord Vivian, and *Carathéodory Effendi*, the *President*, resuming the discussion, proposes to restore the original text of the Article, suppressing the words, "in the vicinity of the stations," and to insert a declaration in the Protocol, in accordance with a formula suggested by the Austro-Hungarian Minister, and thus worded:—

"The Conference declares that the protection aimed at by Article II, No. 3, shall be only granted to those Missions whose views are in conformity with the present General Act; in this respect each Power reserves its freedom of opinion."

The meeting assents to this proposal.

The President passes to the examination of the amendment to Article C, proposed by the Austro-Hungarian Minister. His Excellency had suggested that the date on which the General Act should come into force should be the tenth day from that on which the Final Protocol was drawn up.

Count Khevenhüller-Metsch says that in most countries a Treaty does not come into force until the date of its publication in an official journal. There must, therefore, be some term fixed in Article C for its coming into force, the duration of which term would commence from the date of deposit of the Final Protocol. There might be a delay of ten days, for instance.

M. de Macedo points out that in Portugal no Convention or Law regarding Portuguese possessions beyond the seas comes into force until after its publication in the official journal of each province. His Excellency, therefore, would wish the Article to be drawn up in accordance with the application of this Law.

Count Khevenhüller-Metsch replies that the Article in question, in speaking of the Treaty coming into force, fixes the date on which it shall become binding for the Powers themselves. It will then be the business of the Central Government in each country to provide for its application in the Colonies.

The President says that it would be impossible to take into consideration particular systems of legislation concerning the publication of Laws. It is necessary that the Treaty should fix one date for its coming into operation, from which date must commence the various terms of revision. The General Treaty has not to provide the means of application in each country, which cannot be accomplished at one and the same time.

M. de Martens says it is only a question at present of the Treaty coming into force as regards the Central Government, but he asks whether a provision might not be added to the Article, according to which the General Act could be put in force in the possessions of the Signatory Powers beyond the sea, within the terms fixed by the Laws of each country. Three months after its publication in the metropolis, the General Act would be obligatory in all the possessions of the Signatory Powers.

After an exchange of remarks between several members, it is agreed to insert in Article C the words: "on the sixtieth day from that on which the Final Protocol shall have been drawn up."

The Conference then returns to the examination of the proposal respecting the establishment of an import duty in the Congo Basin.

Mr. Terrell reads the following declaration :—

“The Plenipotentiaries of the United States of America desire to express their acknowledgments of the courtesy shown them by the President and the Plenipotentiaries in authorizing them to await the special instructions of their Government with respect to the proposal regarding import duties in the conventional basin of the Congo.

“Before submitting these instructions, allow me once more to lay stress on the attitude adopted by the United States on the question of the suppression of the traffic in alcoholic liquors.

“Our Government regard this question as one of capital importance, and intimately connected with the great work of the abolition of the Slave Trade, of which, in their opinion, this traffic constitutes the most dangerous factor.

“Animated by this opinion, they charge us to urge strongly that the efforts of the Conference to effectually check this iniquitous and demoralizing trade should not be limited to prohibiting the importation and sale of spirits in those parts of the zone not yet affected by its deleterious influence, but that they should tend to imposing on alcohols a duty high enough to check, or even to destroy, the traffic in the regions to which it has already penetrated. It is to attain this result that the Government of the United States has announced the abandonment of its rights to the free entry of spirits, in the hope of thus bringing about, by effective measures of repression, the complete destruction of the principal factor of the Slave Trade. However, after an attentive examination of the scheme, as drafted in Chapter VI and approved by the Conference, the United States are much disappointed at finding that the measure approved is, in their opinion, altogether insufficient. The tax finally agreed on is so small as to have no appreciable effect on the suppression of the traffic, but rather to guarantee its permanency and to constitute simply a source of revenue. In these circumstances these duties are not acceptable, for, in the opinion of our Government, they would constitute a stimulus to the Governments interested to encourage the liquor trade.

“To order the absolute prohibition of the importation and sale of spirits in the central portion of the zone, although an act very commendable for its wisdom, from the point of view of the future, is not to strike at an existing abuse.

“For the regions where this abuse does exist and ought to be vigorously contended against, we have only adopted measures which are totally incapable of bringing about its effectual suppression.

“Turning to another point, we wish to call the attention of the Conference to the fact that the Republic of Liberia is situated within the zone where the restrictive measures on spirits are to be applied, or at least where it would be desirable to apply them.

“We are aware that this Republic was established under the powerful influence of the Colonization Society of the United States, in the manifest intention of helping to ameliorate the social condition of the Blacks, and of opening a desirable refuge, where freed slaves might find means of existence in the midst of American colonists of African origin.

“It is therefore highly desirable that this independent State, inhabited and governed by coloured citizens, should be brought to co-operate effectively in the realization of the repressive measures approved by the Conference. The United States of America therefore express the hope that the General Act may contain an express stipulation to the effect that this Republic shall be invited, as a Sovereign Power, to give in its assent to the Treaty. In order that the repressive measures may be adopted and put in force uniformly on the entire coast of the zone, and that all the independent nations composed of natives may co-operate in the great work on which we are engaged, we are instructed to request the Conference to formally recognize the free and independent position of the Republic of Liberia, and, consequently, its sovereign competency to become a Contracting Party.

“The President of the United States expresses the desire that a friendly and complete understanding may be arrived at between the Powers here represented on this subject.

“If these wishes can be acceded to, and if the duties on spirits are considerably raised—so that they cannot be regarded as calculated to encourage the traffic—our special instructions state that the Government of the United States will enter into negotiations with the Congo State, coincident—that is to say, outside of this Conference—to impose a rate securing a legitimate revenue, and stipulating the customary commercial duties.

"In the opinion of our Government, uniform *ad valorem* duties are preferable for the establishment of the rate in question."

The President observes with satisfaction that the communication just made by the United States' Minister shows that his Government are favourably disposed towards the establishment, on certain conditions, of an import duty in the Congo.

M. van Maldeghem then expresses himself as follows:—

"At the sitting of the 2nd June the Representatives of the Congo Free State undertook to explain to the Conference, with perfect frankness, the reasons why they regard the establishment of certain import duties as one of the most effectual means of supplying the Independent State with the resources which are indispensable for assuring her complete and serious co-operation in the work we are engaged upon.

"The Government of His Majesty the King of the Netherlands, in the declaration made the day before yesterday by his Excellency Baron Gericke de Herwynen, acknowledges that the execution of the obligations imposed on us by the General Act for the suppression of the Slave Trade will entail considerable charges on us.

"But notwithstanding that our obligations exist from to-day, imperious and pressing, the while the Slave Trade flourishes and humanity suffers, the Netherlands Government propose to defer, for later examination, seeking for the elements of a problem on the immediate solution of which depend so many lives.

"We consider it a duty, out of courtesy towards a friendly Government and towards the eminent personality of its Representative here, to state why this proposal appears unacceptable to us.

"Gentlemen, Article IV of the Act of Berlin only imposes one limit to the power we possess by our sovereign rights to establish in our territories such taxes as we think fit. 'Goods imported into these territories are exempt from import and transit dues.' But with the exception of this restriction, the existence of which, moreover, is not to extend beyond a period of twenty years, we enjoy absolute freedom of choosing, amongst taxes of all kinds, those of which the imposition seems to us best to answer the requirements of our position and the governmental object we pursue. The Conference therefore has, and can have, only this one question to discuss. Are there grounds for interfering, and to what extent, with the system of commercial liberty which obtains in the Congo State in virtue of previous arrangements? If we think it possible to extend the scope of this discussion, it is solely because we have nothing to conceal from the Conference, and because we consider ourselves bound in honesty to offer the fullest explanations as regards our position.

"Gentlemen, the declaration of the Netherland Plenipotentiary requires that we should submit to the Conference an estimate of the expenses which we think we must meet in fulfilment of the obligations imposed on us by the General Act. There could be nothing more difficult than to fix, at the present moment, this budget of the war against the Slave Trade which we are asked to lay before you. All we can say is that it will be a heavy burden, and out of all proportion to our present resources. We may add that, by the effect of the General Act, the Slave Trade, as *M. Wissmann* so justly remarks, will be driven back into the interior from the coast, that is to say, on to our territories, and that our duties will increase in proportion to our difficulties.

"But what is the state of our resources at the time of entering on this struggle with the Slave Trade? At this moment our expenditure already exceeds 3,000,000 fr., while our receipts, although increasing every year, do not as yet exceed some hundreds of thousands of francs. It is under these circumstances that we shall have to provide for the creation of three camps, each composed of several hundred men, the establishment of which appears to us to be indispensable in order to oppose a barrier to the encroachments of the Slave Trade. Besides this, it will be necessary to have cruizers on the inland waters, and to connect our posts by steamers in addition to those wanted to guard the lakes.

"Is it not clear, even with a slight knowledge of African matters, that the resources with which our territories now supply us are very insufficient to create and maintain even one of these camps?

"In the note annexed to his declaration, the Netherlands Minister gives his opinion that import duties would arouse objections on the part of trade, and that it would be better to procure the necessary resources by levying export duties. We have already answered this idea in our declaration of the 2nd June. We still think that the import duties do not endanger commercial interests, and it will doubtless be acknowledged that it is we who are principally interested in this matter. Could it enter into our

ideas to disturb trade and dry up at its source the principal element of our future prosperity?

“Our hopes, in this respect, are based entirely on our economical development, by agriculture, industry, and the development of our natural riches. The Netherlands note points out the remarkable advance which trade has made lately in the Upper Congo, and, by a contradiction hard to explain, it is the products of this country that we are advised especially to tax. In order to realize the hopes we found on the increase of trade in the Upper Congo, it is important not to burden it too heavily, and not to require our resources to come exclusively from the export duties. Moreover, Gentlemen, what confirms us in our belief, and persuades us that the import duties do not present the dangerous character attributed to them in the Netherlands declaration, is the fact that we do not stand alone in our opinion.

“By our side are other Powers—Germany, England, France, Italy, Portugal—whose possessions, with ours, constitute the conventional basin of the Congo, and they have no hesitation in assenting to the proposal with which you are acquainted, and giving it their warmest support. It is inadmissible that they should all be under a deception as to their real economical interests. Who could imagine that, being free, like ourselves, to draw their revenues from any kind of taxes, they would go and select precisely the one tax the levying of which is now forbidden?

“And behind these Powers, the whole of Europe, only a few days ago, supported our views with a cordiality for which we cannot be sufficiently grateful. So that we find, on the one hand, nearly the whole of Europe recognizing and sanctioning with its approval the legality of the request made by us to enable us to help in its humane task; and, on the other, a Power defending interests very worthy of respect no doubt, but not called upon to assume any of the formidable responsibilities by which we are now so greatly preoccupied.

“At the Conference of Berlin the imposition of export duties was only approved as a transitory measure. A Delegate, whose authority can certainly not be questioned, took care to point out that it would be neither just nor equitable to impose customs taxes on exports alone, when the Central African regions were transformed. Has not the time arrived for this transformation, sooner, perhaps, than was anticipated by M. Woermann when he put it only after a period of from ten to twenty years? And should the fact be disregarded, because it has occurred sooner than was expected? Moreover, export duties could only affect a very small number of products, and among these there are very few that it would seem fitting to tax more heavily.

“Our palm oils, for instance, how could they compete in European markets with similar products from elsewhere, if we taxed them with too high export duties? These duties, lastly, seem condemned by economical science; most States have given them up, and the Netherlands Government themselves read us a striking lesson when, by a decision which dates from 1886, it lowered them, and diminished the number of articles taxed for export in Java, the most important of their Colonies.

“On the other hand, do the import duties we see levied nearly everywhere in Africa inconvenience trade while they remain moderate? Every one with any knowledge of African affairs is aware that on the West Coast goods of European origin are sold to natives at 100, 200, or 300 per cent. increase on European prices, according to the greater or less distance of the places where these goods are sold.

“Under such circumstances, what effect could an import duty of 8 or 10 per cent. have on the trade? The consumer, who, as usual, will pay it in the end, will scarcely be aware of it. It is said that they would be hurtful to trade, and that their collection would entail a crowd of costly and disagreeable formalities. It is even said that the freedom of transit itself would be compromised.

“The Netherlands note does not take into any account the explanations we have made in respect to this, our repeated assurances about the facilities we are willing to grant to trade for the re-exportation of products. With regard to this we shall organize our warehousing system on the most liberal scale.

“Let us also observe that it was previous to the creation of the Congo State that trade was sometimes brought to a standstill owing to wars or conflicts among native tribes. When a Chief wished to injure an adversary, he blocked the path of trade. Now, when that happens, and it is very seldom, the commercial houses apply to the State, whose intervention suffices to open the routes. These facts, therefore, cannot afford grounds for any manipulation of merchandize.

“Let us repeat, then, transit shall and ought to remain free, and in this connection we will grant every facility to trade which is not likely to engender fraud. But let there be no mistake. The formalities apprehended in the Netherlands note already exist, to a

certain extent, under the system of export duties. Will the establishment of import duties, coinciding with the creation of the new system relative to arms and alcohols, aggravate them in any marked degree?

"How can one suppose that the Tariff could admit a thousand articles, and give rise to inextricable complications? The trade of Africa does not allow of them, and we think, on this point, we may refer to the explanations given at a previous sitting by the President, explanations which anticipated only the taxing of a limited number of articles.

"How shall we reply to the assertion that there exist on the Congo places where steamers now unload goods, and where there are no fiscal authorities? The assertion is the result of a manifest error, and we can guarantee that the Administration is organized in all the ports of import on the Congo. Sea-going steamers never unload goods direct at the factories on the coast belonging to the Congo State. These factories are supplied from coasting vessels.

"I am not aware that such matters are managed differently in the Portuguese or French Colonies, where there are constituted authorities at all the points where steamers sometimes touch. As regards the river factories, the riverain States will take the necessary steps to save trade from the inconveniences mentioned.

"The argument appealed to might equally apply to the export duties, and it has never been so used.

"To sum up, Gentlemen, we do not consider as justified the apprehensions entertained by the Netherlands Plenipotentiary. We understand his legitimate solicitude for the Netherlands interests engaged on the Congo, but we are confident that those interests will continue to increase under the beneficent action of our Government. In this respect the past is the guarantee for the future. Is it necessary to recall to mind that, before the creation of the State, the trade of the Netherlands on the Congo was not always equally prosperous? At the present time, thanks to the security we assure trade, and to our continuous progress, its profits are always on the increase. Last year the existing Company declared a dividend of 7 per cent.; this year it declares one of 13 per cent., and it is admitted in the Netherlands note itself that these results are to be attributed principally to the relations established with the Upper Congo. We are convinced that the establishment of import duties will not disturb this brilliant state of things. Besides, the Netherlands is not the only trade on the Congo. The note read to us shows an interest towards the Belgian Companies established there for which they cannot but be grateful. For Belgian trade, as for that of traders of every nationality established in our territories, we have an equal solicitude. All the traders appreciate, like the missionaries spoken of by Baron Gericke de Herwynen, the security they enjoy under the Congo Government, and recognize that it is just that they should be made to contribute to the expenses entailed. In the care we take of their interests they have a confidence which we think is deserved.

"Such, Gentlemen, is our reply.

"We must once again state that the adoption of the proposal before you seems to us necessary, to enable us to co-operate effectually with your resolutions."

Count Khevenhüller-Metsch questions the necessity of discussing the declaration of the Plenipotentiaries of the Congo Free State, since it is only a reproduction and commentary of that made by them on the 2nd June, and with respect to which the members of the Conference are furnished with sufficient instructions. It seems useless, therefore, to prolong the discussion.

Baron Gericke de Herwynen states that he intends to reply to the speech of M. van Maldeghem at a subsequent sitting.

The President points out that the Plenipotentiaries received the draft on the 10th May. Three weeks later they were in a position to express their Governments' approval. The arguments adduced for or against the proposal have been developed on both sides; the discussion, therefore, in the Conference seems to be at an end, and it only remains, apparently, to declare whether the Powers persist in the adhesion they have already given to the proposal.

Baron Gericke de Herwynen expresses his wish to reply once again to several of the arguments brought against him by the Plenipotentiaries of the Congo State. He adds that his instructions compel him to make some further communications to the Conference.

The President begs the Netherlands Minister to rest assured that the Conference will make no change in its usual procedure, and will listen to the fresh communications which his Excellency proposes to make with all the attention and deference that are his due.

The remarks he himself had just made were with the sole object of explaining the situation.

The President asks leave to summarize the discussion which has occupied to-day's sitting. The question consists of fixing accurately the charges entailed on the Congo State by the loyal and complete execution of the obligations imposed on it by the General Act. In the opinion of those most competent to judge, each of the camps which have to be formed will necessitate an outlay of at least 200,000 fr. It will be necessary to establish stations and posts, as well as gun-boats on the rivers. An annual sum of 1,200,000 fr. will be barely sufficient to cover these expenses. In order to meet them the Congo Free State requests authority to levy import duties. It will doubtless be necessary to have recourse to other measures besides. But, fixed at a moderate rate, which will not interfere with the development of trade, the import duties will yield at once a revenue, which will increase with the progress of exchange, and will form hereafter one of the bases of the normal Budget, as is the case at this moment in several African Colonies.

This is the question before us to-day, and on which the Conference is invited to pronounce a decision.

The meeting adjourned.

(Signed)

ALVENSLEBEN.
GÖHRING.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
H. S. SANFORD.
A. BOURÉE.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
L. GERICKE.
H. DE MACEDO.
L. OUROUSSOFF.
MARTENS.
BURENSTAM.
ÉT. CARATHÉODORY.
JOHN KIRK.
GÖHRING.

True copy :

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Count PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Count ANDRÉ DE ROBIANO.

No. 22.

Protocol No. 22.—Sitting of June 17, 1890.

Present :

- For Germany—
His Excellency Count Alvensleben.
M. Göhring.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambermont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Congo Free State—
M. van Eetvelde.
M. van Maldeghem.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.
- For France—
His Excellency M. Bourée.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency Prince Ouroussoff.
His Excellency M. de Martens.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
Sir John Kirk.
M. Göhring.

THE Conference returns to the examination of the proposal respecting the establishment of an import duty in the conventional basin of the Congo.

Mr. Terrell speaks as follows :—

“The Plenipotentiaries of the United States wish to add a few remarks to the declaration formulated by them in the sitting of the 16th June, with a view to making still more completely known the views entertained by their Government with regard to Baron Lambermont’s proposal to establish import duties in the conventional basin of the Congo.

“In our declaration of the 14th May your attention, Gentlemen, was called to the fact that the United States have not yet ratified the Treaty of Berlin.

“ It is because the ratification does not exist that we are instructed to state that even if the requirements of our Government as formulated yesterday were accepted it would still be impossible for us to adhere to the General Act of the Conference if it contained an amendment, or even a simple reference to the free-trade provisions of the said Treaty of Berlin, unless, of course, such amendment or reference contained a special clause declaring that the measures taken on this subject were not to be considered as binding on the United States.

“ Our Government do not naturally object to any understanding which may be come to separately on this subject between the Signatory Powers of the Treaty of Berlin, but it would be preferable on every ground that the measures relative to the import duties, the insertion of which in the General Act would create a position of difficulty in so far as we are concerned, should be taken outside this Conference and should form the subject of a separate Act.

“ If the Signatory Powers of the Treaty of Berlin, with the exception of the United States, enter into an engagement tending to the adoption of these import duties, an engagement which might be opposed to the Treaties of which our Government are in possession, the United States are disposed, and would indeed prefer, to arrive at the same result by separate negotiations and not under constraint of the Conference.

“ Such are the steps the United States are disposed to take, but with the express understanding that their interests shall not be prejudiced in those parts of Africa with which they have no special Treaty.”

The President says that the text of this declaration shall be distributed to the Plenipotentiaries to-day. He inquires whether the latter have any communications to make concerning the subjects under discussion.

Count Khevenhüller-Metsch expresses himself in the following terms:—

“ Gentlemen,

“ We have all listened attentively, and not without some surprise, to the statement that the Minister of the Netherlands read to us at the sitting of the 14th June.

“ After all that has been said on this subject, I do not wish to prolong a discussion from which we should have nothing to gain, and should only lose time which appears to me to be becoming every day more valuable, and will therefore only state as briefly as possible the opinion of the Imperial and Royal Government which I have the honour of representing here.

“ It appears to me that, in order that no doubt may be left upon the subject, it is necessary to state clearly that my Government could not agree to the Conference undertaking what the Netherlands Plenipotentiaries have euphoniously styled a search for alternatives. If we were to pursue our investigations so far as to inquire where the Congo Free State may find resources still open to it, if we were to inquire how the resources already existing are employed, and by how much they have been increased by the effects of the General Act, then, Gentlemen, we should no longer form a Conference, whose business it is to devise measures against the Slave Trade, but the first constitutional assembly of the Congo State.

“ While we are about it, why should we not ask that its Budget of receipts and expenses should be submitted to us ?

“ Let us not fall into any confusion as to the part which we have to play.

“ The Congo State is sovereign no less than the other countries represented at this table. Her sovereignty is merely confined by certain limits, of which one is formed by Article IV of the General Act of the Conference of Berlin. Not only as a compensation for the burdens that the General Act of the Conference of Brussels will lay upon the infant State, but also out of regard to its general financial situation, which is well known to all, we are asked to abrogate the clauses of Article IV.

“ We are all acquainted with the very proper and clear declarations made by the Representatives of the Congo State on the 2nd June, and which left no doubt as to the situation; our Congo colleagues maintain their position, and, if we determine to refuse them the import duties, of which, according to those judges in whom alone I recognize an absolute competence in this matter, they stand in need, the work which we have pursued through so many months of labour may be looked upon as having failed.

“ Gentlemen, I have lived for years in countries where foreign commerce had to submit to an entry duty of 10 per cent., and nowhere have I remarked that this duty was excessive, or that trade was in any way injured by it. What the Congo State has asked is just, equitable, and moderate. Once more my Government accept it, and declare that

if, in consequence of the isolated resistance of a single Government, the work of the Brussels Conference is destined to remain a dead letter, they will attribute the responsibility to those to whom it may justly belong."

Baron Gericke de Herwynen sees that the communication that the Austro-Hungarian Minister has just made only confirms what his Excellency declared in the last sitting. As for himself, he can only maintain what he said on that occasion.

The Netherlands Minister had intended to answer the arguments adduced the day before by the Congo Plenipotentiaries, but not having had the time to prepare a complete reply, he will confine himself to reading to the Conference a note, the facts of which have been furnished to him by the Dutch Delegate :—

"Gentlemen,

"I listened with much interest yesterday to the observations of the Plenipotentiary of the Congo Free State, but although I highly appreciate his arguments, they have not convinced me, and I will, with your permission, say a few words in reply.

"M. van Maldeghem asserts that goods imported into the Congo can quite well bear an import duty, seeing that they are sold at 100 to 300 per cent. profit, according as the place is more or less distant from the coast. I must point out that such profits do not exist; novelties are certainly now and again sold at a good profit, but the extraordinary profit which is gained on them is frequently counterbalanced by losses on other articles for which the natives, who are very capricious in the matter of buying European goods, have ceased to care.

"Exaggerated ideas have often been entertained of the profits attending the Congo trade, but sufficient account has not been taken of the very large general expenses the merchants have to support; if some houses have done well, there are also others who are by no means satisfied with the results of their operations.

"As long as the Congo trade remains what it is, that is to say, so long as barter goes on, and money is only employed in commercial operations, such as the sale and purchase of produce, food, and the payment of black labourers, an import duty is useless and unjustifiable. Useless in bartering, since it is a matter of indifference whether it is the export article which pays, or the import article, by means of which the export article is bought; unjustifiable because an import duty increases expenses, and that it increases the price not only of provisions imported from Europe, which to white men are indispensable, but also the goods which are destined to purchase the provisions of the country, to pay carriage and the wages of the blacks. Nor is it only merchants who see their expenses thus increased; it is the same with missions, agricultural enterprises, and even scientific expeditions.

"Later on, when barter has ceased, when the equivalent of what is imported will no longer have to be sought for in something that can be exported, the situation will have changed, and it may then perhaps be advantageous for the State to levy a duty on imports. Possibly this situation may arrive at the end of the twenty years fixed by Article IV of the Berlin Act.

"At present, no comparison is possible between the economic situation of the Congo and that of European countries or their old Colonies. The theory that certain articles cannot bear an export duty is not tenable so long as barter exists. If a trader buys palm oil in exchange for European goods, it is a matter of perfect indifference whether these goods pay an import duty of 10 per cent., or the palm oil pays an export duty of 10 per cent. It will always be the palm oil which will pay the 10 per cent.

"We are assured that all formalities in connection with the levying of an import duty will be avoided as much as possible, but with the best will in the world they will yet exist, and in numbers too. When import duties are levied, the Customs have to keep a strict watch to prevent fraud and smuggling, not only in the interest of the State, but quite as much in that of honest merchants. Such a condition must, especially in the Congo, entail numerous formalities. And these formalities must inevitably be a great hindrance to freedom of action on the part of trade, and will be the cause of expense and much loss of time, and time is money in Africa as everywhere else. And if the Congo State adopted a different Customs Tariff, or if one of them exempted from the payment of duty articles which were dutiable in the neighbouring State, the interior frontiers would require to be watched, if only in the interests of the trader himself.

"The formalities required for the levy of an export duty are few, and not the least troublesome; while, as for the formalities necessary for the levy of duty on alcohols and for the control of the trade in arms, they also would be slight, since only a few articles are concerned.

"It is asserted that there are not a thousand different articles of barter made use of in the Congo trade. I think I may safely say the number is not exaggerated. What variety there is of stuffs, differing not only in quality but in price. What variety of ironmongery, of glass wares, of glass beads, of china, and articles of all sorts, each of which varies according to the locality and the taste of the natives.

"With regard to the steamers of which I have spoken, and which unload goods at points on the coast where there are no fiscal authorities, there are several such places on the Portuguese coast, and even in the Lower Congo; I may mention Port Rico and Matéba.

"As to the profits made by Dutch commerce, it is true that the Rotterdam Company declared a dividend of 9 per cent. in 1887, of 5 per cent. in 1888, and of 13 per cent. in 1889. But in 1881, 1882, and 1883, long before the foundation of the Free State, it paid 17 per cent., 7½ per cent., and 12½ per cent.

"The profits of the Congo trade depend in great part on the regularity of the rainy season, and on the price which African products fetch in European markets.

"Astonishment has been expressed at our wishing to impose an export duty on ivory from the Upper Congo, but ivory is the one article which could best bear such a charge; it is precisely the ivory trade in the Upper Congo of which the profits are just now so large.

"M. Wœrermann may have changed his opinion since the Berlin Conference, but there are other competent judges who have not done anything of the kind; I may mention Mr. Stanley, the most competent of them all.

"With the one exception of import duties, we do not deny that the Congo State is entitled to levy different taxes. But if the State has such a right, why does it not use it, and why does it have recourse to import duties, which will hamper trade in a thousand ways, and deprive it of its liberty of action? And yet the difficulty of levying them, being as great as it is, will bring in nothing, or almost nothing, into the Exchequer."

Baron Gericke de Herwynen is anxious to draw the special attention of his colleagues to one of the arguments adduced in the Memorandum which he has just communicated; it relates to the extremely small revenue which will be furnished to the Free State by these import duties. His Excellency adds that, indeed, it may be said it will amount to nothing at all.

The Netherlands Minister then communicates to the meeting the conclusion of a Memorandum, which he will read if the Conference wishes, and which contains a Table of the receipts which would be derived from an import duty of 10 per cent., added to the duties on alcohols and from the export duties collected on the basis of the tariff at present in force, compared to those which would be given by a 10 per cent. import duty, together with an import duty on alcohols.

Proposed import duty and export duty (present tariff) :—

						Fr.
Import duty without alcohols	..	..	..	..	..	192,000
Import duty on alcohols	..	..	..	..	..	240,000
Export duty levied in 1889	..	..	..	..	..	121,392
Total	..	..	..	..	..	553,392

Export duty (tariff to be established) and duty on alcohols :—

						Fr.
Export duty at 10 per cent.	..	..	..	..	..	430,000
Import duty on alcohols	..	..	..	..	..	240,000
Total	..	..	..	..	..	670,000

The export duty of 10 per cent., together with the duty on alcohols, give 100,000 fr. more, while the expenses of collection would be much less than they would be if it became necessary to levy import duties.

Baron Gericke de Herwynen adds that this calculation has been made on the basis of the relation which necessarily exists between the imports of a country and its exports. The amount of the imports, according to which the total receipts as exhibited in the above Table have been calculated, have been drawn up in accordance with statistics furnished by the Dutch house at Banana.

Mr. Sanford points out that the exports of the Upper Congo are not shown in the Table.

Baron Gericke de Herwynen says that is the case, but that, as in the Upper Congo

there are no export duties, it is not possible to draw up a Table of exports. The figures given are based on a calculation as exact as is possible. The Dutch are indeed in a better position than any one else to make a calculation on the subject, since it is they to whom belongs the largest share of the total imports.

The Netherlands Minister here recalls the fact that in a former sitting the President had rendered a well-earned testimony, in which he himself had joined, to the motives which had inspired the declaration of the Congo Plenipotentiaries. He trusts that the Conference will also recognize the good faith of the information which he has produced.

Baron Gericke de Herwynen can at once furnish explanations as to the meaning which the Dutch Government attaches to the communication he made in the sitting of the 14th instant. He could bring them to the knowledge of the assembly when it examines the declarations of the United States' Plenipotentiaries.

The Conference having expressed the desire to hear the Netherlands Minister's communication at once, his Excellency reads the following declaration:—

“The object of our proposal is to ask the Conference to be so good as to inquire what would be the best means of defraying the expenses which will be necessitated by the execution of the Anti-Slavery Convention, and to express its wishes on this point.

“If, after having examined all the means which might serve to attain this end, it still desires to establish an import duty, a further Conference would become necessary in order to deliberate as to how the Congo Act should be modified in such manner as to enable the desire so expressed to be realized.

“If the majority of the Conference were to recommend an import duty as the best means of effecting this object, the best course would be to put off for six months the new Conference for the revision of the Congo Act.

“If, on the other hand, other means were considered preferable, the delay in carrying them out would depend entirely on the interested Powers, the means decided upon having, under those circumstances, nothing to do with the Congo Act.”

The Netherlands Minister adds that his Government have always contested the opportunity of a discussion by this Conference on the subject of the Berlin Act, and that they would prefer to see the adoption of the second plan, as proposed by him.

The President asks if, supposing the Conference were adjourned for six months, the Netherlands Government would then consent to the imposition of import duties.

Baron Gericke de Herwynen replies that his Government absolutely reserve their decision on this point.

The President says that it is necessary to put the matter clearly. As a matter of fact, either the business of the future Conference would be to discover means other than import duties for procuring resources which are necessary for the Congo Free State, and it has already been shown that, in view of the prerogative of every independent State with regard to interior taxes, it would, in so doing, exceed its powers, or would fall back, for its resources on the import duties, and would fail in its object if the Netherlands Government were not to consent to their imposition.

Baron Gericke de Herwynen thinks that it is implied by the spirit of his instructions that the question of import duties should not be dealt with by a separate and later Act.

The President concludes that the Netherlands Government are determined not to engage themselves to anything.

Baron Gericke de Herwynen says that his Government are of opinion that the import duties are unnecessary, that they may injure trade, and that they will be unproductive.

It is on this basis that they would wish to see the discussion carried on. But if the Conference is of a different opinion, if it pronounces in favour of the imposition of an import duty, he would present a supplementary proposal. His Excellency will make it known at once; it is thus conceived:—

“I must ask you, M. le Président, whether you would not think proper to propose to the members of the Conference that before coming to any decision they should consult their respective Governments.

“I do not forget, M. le Président, that your statement was received by the Conference with almost unanimous approval on the 10th May, and was still more unmistakably confirmed on the 2nd of this month.

“But at the same time it must not be forgotten that the proposal which you put

before us was absolutely unforeseen and unexpected, that it was not examined with the attention which its importance deserved, and that we were not able to consider the objections that might be raised. These objections are now known, and I venture to believe, Gentlemen, that when you come to consider them, you will not find that they can be looked upon as being without weight by our respective Governments.

"The latter will doubtless consider whether the measures which I have had the honour to suggest, and the first consequence of which would be to compromise the result of the long and conscientious labours of the Conference, do not deserve to be taken into serious consideration.

"I do not by any means conceal from myself, M. le Président, that the proposal which I am asking you to submit to the Conference may unfortunately prove of personal inconvenience to others, as well as to myself, but I do not think that such considerations will influence the decision of the Conference."

The President inquires whether the Congo Plenipotentiaries intend to discuss the economic facts on which the Netherlands Minister enlarged at the beginning of the sitting.

M. van Maldeghem, while not wishing to go over the details of the discussion again, is anxious to refute some of the facts set forth in the statement of the Netherlands Minister.

The Congo Plenipotentiaries have always maintained that a moderate import duty could not injure trade. This view is contested, and it seems to be thought that trade in the Congo Basin would be compromised by a régime which exists everywhere else without inconvenience. To name a case, when we consider that rice which is sold at Antwerp at 220 fr. the 1,000 kilog. costs 270 fr. at Boma, and over 1,300 fr. at Léopoldville, that is to say, an increase of 500 per cent., there can be no question that a tax of 10 per cent., representing 27 fr., would be of a nature to weigh heavily upon commerce.

As to the assertion that the import duties will be unproductive, *M. van Maldeghem* draws attention to the fact that the Free State knows its own interests, and is convinced that if it is allowed to levy these taxes it will profit by them. And why should import duties which are productive wherever they are in existence not be so in the Congo State?

The Netherlands Minister in the course of his statement gave statistics of the exports from the Congo for 1889. According to his Excellency's argument, imports and exports should be made absolutely correlative. This point of view is untenable. Exports do not correspond with imports. There are here important factors which must be taken into account: the articles which remunerate native labour, and those which are used for working of the country. Now among exported goods there are none corresponding to these articles. It is therefore inaccurate to say that the amount of exports is a measure that of imports.

M. van Maldeghem does not think it necessary to repeat the explanations already given as to the system of customs and to the facilities which will certainly be accorded to re-exportation. The only question upon which the Congo Plenipotentiaries request the Conference to pronounce is to know whether it will authorize the Free State to levy those import duties which they consider indispensable to enable them to aid in the execution of the General Act. The Congo Plenipotentiaries cannot accept the postponement of the question for six months as is proposed by the Netherlands Government.

Mr. Sanford observes that the Congo Plenipotentiary has omitted in his calculation, as to the profits on rice, to mention the freight from Boma to Léopoldville. Besides 20 fr. for the cost of carriage between Boma and Matadi, the cost of that between Matadi and Léopoldville must be reckoned at 1 fr. the kilog., so that, adding these expenses to the 270 fr. the rice costs at Boma, the cost price at Léopoldville amounts to 1,290 fr. The rice must therefore be sold at Léopoldville at a price much higher than 1,300 fr. for 1,000 kilog., if so enormous a profit is to be made.

M. de Macedo is of opinion that the Conference has only one question to examine, viz., whether the raising of an import duty of a maximum 10 per cent. in the conventional basin of the Congo is or is not likely to injure trade, and not in the least what such a duty would probably produce.

Mr. Sanford observes that by levying an import duty the Congo Free State would in the end raise duties by which six other Powers with possessions in Central Africa would profit. At Zanzibar, for instance, where the duties actually levied amount to 5 per cent., the Custom-house charges were, according to the last Return with which he is acquainted, 126,000*l.* The United States, whose share in the whole of the trade is about one-eighth, will have to bear a very considerable proportion of this burthen. This, he is assured, will

certainly be doubled if the proposal to introduce a 10 per cent. duty is adopted, for the Sultan will not fail to profit by the new state of things.

Mr. Sanford adds that it is most difficult to procure statistics of the Congo imports; it is much to be regretted that no official Returns are published.

According to information, which he has gathered from authentic sources, the imports for this year will exceed 26,500,000 fr. If one takes into account what M. Sabatier said in his speech to the King, 5,000,000 fr. instead of 10,000,000 fr. must be added to these figures as the amount of imports coming from Belgium. According to M. Sabatier, the share of the latter country in the export trade which is carried on with the Free State in these regions should be computed at 15,000,000 fr.

M. Göhring answers that Zanzibar has not been included in the prohibition stipulated in Article IV of the General Act of Berlin, and that it is therefore as free to levy import duties after the Brussels Conference as before it. It is, moreover, to be observed that the country in question is bound by Commercial Treaties, and would not, therefore, be able arbitrarily to double the duties now levied.

The President recalls the fact that at the Berlin Conference it was the United States' Plenipotentiary himself who proposed to reserve, so far as the application of Article IV of the General Act was concerned, the rights of such Sovereigns as had possessions in the conventional basin of the Congo and of whom several were not represented at the Conference. Zanzibar has made use of the powers left her, she has adhered to the General Act, but without admitting the principle of free trade. She is accordingly quite at liberty to levy duties. Portugal is in the same position.

The President adds that the economical discussion which has just taken place was not without a motive, but it may now be considered as at an end. There is, however, one remark to be made.

The Netherlands Minister in calculating the amount which would be produced by the import duties started from the hypothesis that every article would be made indiscriminately subject to duty. He is unaware what are the intentions on this point of the Governments interested, but he considers it unlikely that any tax will be imposed on articles which favour the progress of civilization. Thus only certain goods will be dutiable, and it is these alone which should be taken into account in considering the consequences of the régime it is proposed to establish.

Prince Ouroussoff says that it seems as if the great and generous ideas which inspired the Conference had been lost sight of in this discussion. The Representatives of the Powers have examined during the course of their labours problems by which important and difficult questions have been raised, and have happily solved them, thanks to the conciliatory spirit of which they have given proof.

And now at the end of their mission they find themselves stopped by a commercial question of minor importance in comparison to the others, but which yet threatens to make shipwreck of the work so painfully elaborated.

His Excellency does not think that either of the two proposals presented by the Netherlands Minister can be accepted by the Conference.

The first is indeed not sufficiently practical; the Powers will not be disposed to meet a second time. The second has the same fault, for all the Plenipotentiaries have received instructions sufficient to enable them to give their decision. To refer again to their respective Governments would be a useless loss of time. Prince Ouroussoff accordingly proposes that the President should ask Baron Gericke de Herwynen to inform his Government of the desires of the Conference, and to ask them at the same time in its name to reconsider their first decision. Baron Gericke de Herwynen, who enjoys great influence and consideration in his own country, is better qualified than anybody else to accomplish the mission his colleagues desire to intrust to him.

The Russian Minister is convinced that the Netherlands Government, on thus becoming aware of the views entertained by the Conference, will recognize that their opposition may bring about the ruin of the work which the Conference have been endeavouring to carry into execution, and will send fresh instructions to its Representative.

Mr. Sanford points out that the Government of the United States, as well as that of the Netherlands, wish the question of import duties to form the subject of a separate Act.

The President reminds the Conference that it was settled that the communication made by the United States' Plenipotentiaries should be considered at an early sitting.

Lord Vivian is quite of the Russian Minister's opinion.

He also thinks that the Conference could find no better mouthpiece than Baron

Gericke de Herwynen, and he earnestly begs him to be good enough to draw the attention of the Netherlands Government to the unanimity which the Conference has shown, and to the responsibilities they would incur if they were to maintain their opposition in the face of the unanimous opinion of the whole of Europe.

The President declares that Prince Ouroussoff's proposal has obtained the assent of the Conference.

Baron Gericke de Herwynen thanks his Russian and English colleagues for their obliging remarks, by which he has been much touched. As regards the request they have begged him to transmit to his Government, he says that he would not refuse to intervene if he anticipated a favourable issue. As far as he is concerned he would deeply regret that the labours of the Conference should not attain their object, and he will do all he can to insure its success. But he adds that the compromise proposed by his Government, which he has just read, has been the result of long and serious deliberation.

In conclusion, the Netherlands Minister wishes to say a few words in answer to the Congo Plenipotentiaries.

M. van Maldeghem has mentioned the enormous profits of certain traders. His Excellency will not deny that, under exceptional circumstances, great profits have been made, but these have been exaggerated.

In the opinion of the Netherlands Delegate profits of 200 and 300 per cent., though they have sometimes occurred, are certainly very rare.

The Netherlands Minister has already made known his reasons for looking with less favour than his colleagues upon the import duties proposed. He has also explained what are the causes which enable a trader to calculate the relation which exists between the imports and exports of a country.

With regard to what M. van Maldeghem says as to the importation of goods destined for public works, his Excellency admits that such imports will be considerable, and is convinced that the Free State will never levy any dues on them, in the event of the imposition of dues being one day allowed.

The President does not wish it to be supposed that, in speaking of the sincerity of the Representatives of the Congo State, it was intended to express any doubt as to the exactness of the statement made on the other side. Nothing would be less true. He himself, in yesterday's sitting, showed how much he had been touched by the loyalty and good-will of Baron Gericke de Herwynen; he added that his Excellency's action in this respect would be entirely reciprocated.

The President would wish for a moment to recur to the declaration that the Congo Plenipotentiaries have been commissioned to make. The obligations which will be entailed on their Sovereign by what the Conference has done, were, as it were, tabulated in each successive Chapter; it was only when the General Act was finished that it became possible to see what were the duties it imposed. Is it surprising that, on its being now recognized how impossible it would be to fulfil them, it has been thought a duty to say so honestly? Such is, as a matter of fact, the meaning of the expressions to which Baron Gericke de Herwynen thought it his duty to draw attention. The Netherlands Minister has, indeed, been equally frank in exposing the views entertained by his Government.

The President has no desire to recommence the discussion of the various economic facts which have been adduced. He will only point out one of its consequences. It is not the business of the Conference to regulate the internal administration of the Congo State; but, if it imposes new burthens on her, she is entitled to ask that she should not be refused the means necessary for meeting them.

On the one hand there is a state of things which, it cannot be denied, will occasion an expenditure of more than 1,200,000 fr.; on the other, the income as calculated, and including the export duties, does not exceed 670,000 fr. These figures must be taken into consideration by the members of the Conference before they can decide.

Mr. Sanford calculates that the export duties on ivory, which will amount to 1,500 fr. the 1,000 kilog., may shortly of themselves furnish for the first year an income of 450,000 fr. The quantity of ivory which will be exported may be set down at 300 tons at least. As to india-rubber, it will be exported in even larger quantities as soon as the railway is built.

The President replies that it is not by one isolated fact that it is possible to obtain a just notion of the position of the new State. To be able to form a judgment on the subject, it is necessary to consider it both in the past and in the future.

When, in 1876, the Central African question was being studied, when the greatest travellers, Cameron among them, met together at the Palace at Brussels, were showing on the Map the route they had followed, not one of them was able to furnish any precise

information as to what was happening in the interior of the continent. It was only after the course of the Congo had been discovered that it was possible to form an idea on the subject, and to lay the foundation of the future State that it was wished to found in those parts. But in spite of the progress that has been made it has, up to now, been found impossible to establish it in a normal condition of existence.

When it is desired to consider the future of this country from a point of view at once political, social, and humanitarian, it is, before all things, necessary to place it in a position which may last, by assuring it a Budget, the resources of which may go on increasing. From this point of view the imposition of a duty on imports, though small at first, is a *sine quâ non* if the country is to accomplish its mission.

The United States' Plenipotentiary has spoken of the income which will be produced by ivory ; but who can say whether in twenty years this article will still be affording the same profits which it is doing now ? It is, therefore, useless to look to such a source of revenue for a basis on which to found a Budget.

The meeting adjourned.

(Signed)

ALVENSLEBEN.
GÖHRING.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
H. S. SANFORD.
A. BOURÉE.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
L. GERICKE.
H. DE MACEDO.
L. OUROUSSOFF.
MARTENS.
BURENSTAM.
ÉT. CARATHÉODORY.
JOHN KIRK.
GÖHRING.

True copy :

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Count PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Count ANDRÉ DE ROBIANO.

No. 23.

Protocol No. 23.—Sitting of June 19, 1890.

Present :

- For Germany—
His Excellency Count Alvensleben.
M. Göhring.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambermont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Congo Free State—
M. van Eetvelde.
M. van Maldeghem.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.
- For France—
His Excellency M. Bourée.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency Prince Ouroussoff.
His Excellency M. de Martens.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
Sir John Kirk.
M. Göhring.

Lord Vivian expresses himself as follows :—

“At the sitting of the Conference of the 29th May his Excellency the French Minister, in answer to a question which we asked him, declared that if Her Majesty’s Government should express to the French Government a desire to see extended to the British possessions on the West Coast of Africa the engagement which the latter had entered into for promoting the necessary measures for preventing the importation of arms and munitions of war from Madagascar and the Comoro Archipelago to the German possessions on that coast, the Government of the Republic would agree to defer to that desire.

“We are now instructed by Her Majesty’s Government to ask that the advantages of this engagement may be extended to the British possessions or Protectorates on the East Coast.”

M. Bourée replies that he had not failed to make known to his Government the desire expressed by the English Minister. The instructions which his Excellency has received authorize him to promise that the guarantees offered to Germany shall be extended in their entirety to England, and that, consequently, the necessary measures will be taken in the ports of Madagascar and the Comoro Islands to prevent any traffic in arms which might prejudice the interests of Great Britain in her possessions on the East Coast of Africa.

Lord Vivian thanks the French Minister for this reply.

His Excellency then makes the following declaration for the purpose of determining the meaning which the Representatives of Great Britain attach to the provisions of Articles XLIX and L:—

“According to the provisions contained in the second paragraph of Article XLIX of the General Act, each of the Signatory Powers engages to nominate, in the maritime zone, Consular authorities or Special Delegates authorized to search vessels of its own nation which have been arrested on the charge of usurping its flag, fraud, or taking part in the Slave Trade as defined in Article L.

“The British Plenipotentiaries declare that they understand the provisions of Articles XLIX and L to mean that, should the authorities in question be called upon to exercise their functions in a country other than their own, they will, for this object, be allowed by the territorial authority to swear all persons, witnesses and otherwise, whom they may think necessary to hear, and whose oath would be required according to the legal procedure of Great Britain.”

Lord Vivian adds that, according to the provisions of Article L, every vessel arrested ought to be judged by the authority of its own nation and according to the laws of its own country. It was asked whether the laws of every country allow the foreign Consul to take sworn evidence in this case from every person whose testimony might be necessary. The declaration which has just been read is intended to record that such is the interpretation given to this provision by the British Government.

The English Minister has also been instructed to make a declaration on the subject of Article XCIV, couched in the following terms:—

“At the plenary meeting of the Conference of the 24th May his Excellency the Principal German Plenipotentiary declared that ‘the Imperial Government reckon on the good offices of Her Majesty’s Government, with a view to induce her South African Colonies to take severe measures for controlling the trade in alcoholic liquors, and their introduction into the zone determined in Article I, and the territories which are in direct contact with the zone.’

“Having at that time no instructions, we could not make any reply to this declaration.

“According to the instructions which we have received in the meantime from Her Majesty’s Government, we must remind the Conference that, by means of all the measures which Her Majesty’s Government have taken in Bechuanaland and Zululand—measures which the South African Company, in consequence of the engagements made by the British Government, must also apply in that part of its sphere of operations which touches on the zone—the traffic in spirituous liquors will be severely repressed in those various regions.

“As to the British South African Colonies which lie at such a distance from the zone that it is practically impossible to import alcoholic liquors from them into the zone, it would scarcely be admissible to invite them to fetter the exportation of spirituous liquors by land, as this trade is almost exclusively directed towards the two South African Republics in which are several flourishing centres, inhabited by an European population, for whom these spirits are destined.

“For these reasons Her Majesty’s Government is not in a position to carry out in any other way the declaration made by the German Plenipotentiaries.”

M. Göhring says the opinion of the Imperial Government differs from that which the English Minister has just expressed. At the same time he will not begin the discussion over again. The present question is chiefly one of the future, and it will be seen what the future has in store. Nevertheless, if the past is considered, one must come to the conclusion that the danger which has been pointed out is very real. A certain number of years ago an industry engaged in the manufacture of alcoholic liquors, by means of the refuse of grapes, was established in the English possessions in South Africa. These spirits, which were of a very inferior quality, reached the German possessions in South-west Africa from the interior and played havoc among the natives. They attempted, with

a measure of success, to hamper this importation, but great difficulties were met with. In fact, they ought to be able to exercise an effective supervision over the inland frontiers. The Colonial authorities would even have prohibited the sale of spirituous liquors altogether, but such a measure is impossible as long as the inland frontiers remain open. It would be inconsistent to close the country by sea while importation was going on by land. In the opinion of the Imperial Government, the consequences of such an abnormal situation might jeopardize the whole control over alcoholic liquors. These considerations, M. Göhring adds, have prompted the attitude taken by the German Government in regard to the question of alcoholic liquors in Africa; if occasion should arise, it will renew its endeavours with a view to obtaining the good offices of Her Majesty's Government.

Lord Vivian thanks the Second German Plenipotentiary for the courtesy of his reply. At the same time, his Excellency wishes to draw M. Göhring's attention to the fact that the English South African Colonies lie at a distance of 1,300 kilom. from the zone specified by the General Act, and it has been admitted in the Conference itself that spirituous liquors cannot be profitably transported more than 300 kilom. by land.

M. Göhring replies that he did not say that the alcoholic liquors from the English possessions in South Africa are imported into the zone itself, but he maintains that they are introduced into the German possessions which the zone crosses.

For the future, in order to reach the alcoholic liquors which reach that zone, Germany would be compelled to establish a Customs cordon in the middle of her possessions. The Imperial Government do not, however, wish to urge anything more at the present time, but reserve to themselves the right to act as future events may require.

Lord Vivian is convinced that Her Majesty's Government will examine carefully, and in the most conciliatory way, any communication which the Imperial Government might make to them on the subject.

The meeting adjourned.

(Signed)

ALVENSLEBEN.
GÖHRING.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
H. S. SANFORD.
A. BOURÉE.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
L. GERICKE.
H. DE MACEDO.
L. OUROUSSOFF.
MARTENS.
BURENSTAM.
ÉT. CARATHÉODORY.
JOHN KIRK.
GÖHRING.

True copy :

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Count PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Count ANDRÉ DE ROBIANO.

No. 24.

Protocol No. 24.—Sitting of June 20, 1890.

Present :

- For Germany—
His Excellency Count Alvensleben.
M. Göhring.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambermont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Congo Free State—
M. van Eetvelde.
M. van Maldeghem.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.
- For France—
His Excellency M. Bourée.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency Prince Ouroussoff.
His Excellency M. de Martens.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
Sir John Kirk.
M. Göhring.

Carathéodory Effendi asks to be heard in order to make the following communication :—

“Agreably to the wish expressed to me at the sitting of the 17th of this month, I did not fail to submit to the Sublime Porte by telegraph the text of Article LXXI of the General Act adopted at that sitting, with the interpretation, admitted by the Conference, that it was perfectly understood that the Signatory States will benefit by it within the limits of existing Conventions.

“The instructions of the Imperial Government authorize me to declare that Article 10 of the Ottoman Law, in virtue of the Convention with England of the 25th January, 1880, only applies, as a matter of fact, to the Commanders of Her Britannic Majesty’s ships; but as soon as the General Act shall contain reciprocal stipulations as to the right of capture of all the Signatory Powers, Article 10 of the said Law shall then become universally applicable.

“By insisting upon the words, ‘limits of existing Conventions,’ the Imperial Government had in view not so much their actual attendance as the part they should take. My Government have therefore no objection to the drawing up of Article LXXI in the form now proposed, and I have the honour to give their adherence to it.”

The President records the declaration made by the Turkish Minister.

He subsequently proposes to the meeting to hear the General Act read over, those provisions which have not yet been definitely adopted being reserved.

The Conference having expressed its assent, the reading is proceeded with. The preamble and Articles I to VIII give rise to no observations.

At Article IX, section 4, *M. Bourée* proposes to replace “shall be” by “may be.” It will thus be clearly shown that the exceptions are not obligatory, but optional, and the wording of the paragraph will be more in accordance with the spirit of the provision which it embodies.

M. Banning thinks that this amendment would restrict the scope of a stipulation which has already been adopted. As a matter of fact, the consequence of the concluding portion of the paragraph is that travellers who are provided with a declaration of their Government shall have a right to the exception provided for.

M. Bourée sees no inconvenience in such a course. On the contrary, and even after what his Belgian colleague has said, he considers it his duty to insist more strongly than ever on this change of text. It is, as a matter of fact, necessary, in his opinion, that the local authorities should remain perfectly free not to admit an authorization which has been delivered by a foreign Government. Care ought to be taken that the text of this paragraph should not be open to any other interpretation.

Count Khevenhüller-Metsch expresses himself in the same sense.

Lord Vivian would have preferred that the text should not have been changed, but, in view of the objections raised by the French Minister, he does not insist on the obligatory character of this exception.

M. Bourée’s amendment is adopted.

M. de Macedo says that a division of the old Article IX into three Articles has resulted in the raising of certain doubts.

Article XIV, which relates to the revision, makes no mention of the new Article X. This is evidently an omission which would lead one to suppose, contrary to the intentions of the Conference, that the regulations for the transit of arms would not be subject to revision.

M. de Macedo further points out that the new text appears to leave uncertain the point whether the regulations for transit of arms apply to the zone laid down in Article VIII, or to the whole Continent of Africa. It is not said whether the words, “shall be regulated in the following manner,” which appear in Article IX, refer also to Article X.

Without expressing any opinion upon this point, the Portuguese Minister expresses his desire to see the meaning of Article X fixed by an interpretation which should be recorded in the Protocol.

M. de Macedo adds that he asks for these explanations, while reserving at the same time a declaration which he proposes to communicate to the Conference on the subject of the regulations for the transit of arms considered as a whole.

Lord Vivian says that the British Plenipotentiaries, having been warned by *M. de Macedo*, consulted their Government as to the scope of Article X. Not having as yet received any reply, they can only give their personal views. As to the first question raised by the Portuguese Minister, they are of opinion that the clause of revision is applicable to Article X. As to the second, they consider that the regulations for the transit of arms should be confined to the limits of the zone defined by Article VIII.

M. de Macedo asks the Conference to express itself on this point. If *Lord Vivian’s* interpretation is to be admitted, it would be as well to modify the text of paragraph 1 of Article IX in such a way as to render it applicable to Article X.

Count Khevenhüller-Metsch thinks that it would be better not to change the wording of paragraph 1 of Article IX, but to insert in the second paragraph of Article X, after the words, “authorization of transit,” the words, “within the limits of the zone specified by Article VIII.”

This proposal is adopted.

M. de Macedo asks that it may be recorded in the Protocol that, in the event of the transit principle being admitted by the Portuguese Government, they would prefer to see extended to the whole Continent of Africa the regulations as to the transit of arms laid down in Article X.

In Article X the text would run: "the transit of the arms of precision and the ammunition" (specified), instead of "the transit of arms of precision and ammunition."

The President says that it was owing to a mistake that Article X was not mentioned in Article XIV, relating to the period of revision. This latter Article will accordingly run as follows: "the regulations laid down in Articles VIII to XIII, inclusive," &c.

At Article LXVII, *Carathéodory Effendi* inquires if the reservation inserted at the beginning of Article V, and thus conceived, "this has already been provided for by Laws which, in accordance with the spirit of the present Article," applies equally to Article LXVII.

The President says that there is no doubt that this Article should be interpreted in the same sense as Article V, to which it expressly refers.

At Article LXXXV, the President points out that it has been recorded in the Protocol that the United Kingdoms of Sweden and Norway would only contribute half a share to the expenses of the Brussels Bureau. As regards the Netherlands, Baron Gericke de Herwynen has given them to understand that they would perhaps pay a full share.

M. Schack de Brockdorff says that his Government did not name the amount of their contribution, and that they leave it to the President to fix it later.

Carathéodory Effendi asks whether the word "all" (the Powers) is retained, after suppression of the words "in equal shares."

The President answers that it was understood that if the mention of equal shares was suppressed, all the Powers would, nevertheless, be bound. Whether the word "all" were retained or suppressed, the meaning of the provision remains the same. There is nothing to prevent the retention of this word.

The Conference shares the President's views.

The reading of the General Act having come to an end, the Assembly returns to the Articles which had been reserved.

M. de Macedo says that he accepts Article X as drawn up, reserving the declaration which he will communicate to the Conference, and which will set forth the attitude held by the Portuguese Government on this question.

The text of Article X is accordingly adopted.

Count Khevenhüller-Metsch recalls the fact that Baron de Renzis has made reservations on the subject of Article XCVIII, and he begs the Italian Minister to be good enough to say if he is in a position to explain himself on this subject.

Baron de Renzis replies that Article XCVIII, which has, moreover, not yet been discussed, does not call for any special reservations on his part. Those he has made referred to Article X, respecting the transit of arms. He is authorized to state that he does not maintain them.

Count Khevenhüller-Metsch thinks that there is now no reason why Article XCVIII should not be discussed forthwith.

The President says that when Chapter VII was read for the first time he gave the Conference every necessary explanation with regard to this Article, which was borrowed from preceding Conventions, and especially from the General Act of Berlin, with such modification as will allow the Signatory Powers of the Act of Brussels to determine under what conditions adhesions shall be made, and to agree to such as may be considered useful or necessary.

The text as proposed not having given rise to any observation, the President declares the Article adopted.

Count Khevenhüller-Metsch inquires whether the Conference would now fix a date for signing the Treaty. He proposes Tuesday, the 24th June.

M. Bourée suggests Wednesday, the 25th June.

The President asks each member of the Conference in turn if he would be able to sign the General Act on that day.

The Plenipotentiaries of the Congo Free State say they are without instructions.

Baron Gericke de Herwynen says he has not received the necessary powers. If all the questions still in suspense were to be settled, he thinks he could, if necessary, be informed by telegraph in time of the dispatch of his powers.

Carathéodory Effendi does not feel himself in a position to say anything positive on the subject. He will inform the Ottoman Government of the wishes his colleagues have just expressed.

Mr. Terrell states that as soon as the General Act has been definitely adopted the United States' Plenipotentiaries will telegraph to their Government to request the full powers necessary for signing it.

The other Plenipotentiaries state that they are provided with the necessary powers.

The President declares, in consequence, that the Assembly hopes and expects that the Conference will proceed to the signature of the General Act on the 25th June, if no unforeseen obstacle prevents it so doing.

He then resumes the discussion of the proposal respecting the import duties in the conventional basin of the Congo. He reminds the Conference that in submitting the scheme which he had been charged to lay before them he said that its object was to furnish certain countries included in the conventional basin, particularly the Congo Free State, with the means of fulfilling the obligations laid on them by the General Act. His idea was that this scheme should be incorporated with the Treaty itself.

He has since been informed that a different form of procedure would be desirable in view of facilitating the accession to the Treaty of a Great Power which from the very beginning of the labours of the Conference has given tokens of its sincere sympathy with the work undertaken, and of the co-operation which it is disposed to give it, a co-operation which the Conference has great interest in receiving.

Now, in the declarations made by the United States' Representatives it has been formally stated that their adhesion would be rendered difficult if the General Act contained a stipulation regarding import duties. Under these circumstances the King-Sovereign, giving up his original idea, has authorized the President to inform the Conference that His Majesty consented to separate the proposals relating to import duties from those which in the aggregate compose the General Act. This separation appeared to be also justified by the anticipation that it would facilitate other adhesions.

While treating of this point it is therefore appropriate to explain the manner in which the Conference should regard the conditions which the United States' Government think fit to place upon its participation in the Treaty at this moment under negotiation.

The declarations of the United States' Plenipotentiaries display an intention of regulating, by a direct arrangement between their Government and that of the Congo Free State, the question which, if their wishes were complied with, should be separated from the General Act, and be the object of a special Convention. The United States have not ratified the Berlin General Act, consequently they are not concerned with the modifications which the Signatories of that Act might wish to make in it. But the negotiation into which they desire to enter relate solely to the American interests concerned in this question; it is for this reason that they are disposed to enter into an arrangement from which all constraint on the part of the Conference is excluded, in other words, they do not wish that there should be any connection, even indirect, between the Act which they declare themselves prepared to conclude on this particular question and the General Act of Berlin.

If they are satisfied upon this point, it may be hoped that the United States will consent to associate themselves with the work of this Conference, which is already assuming the position of a great historical fact in the annals of our time. Having proved what sacrifices they are capable of making to liberate the negro race upon their own soil, they will desire to share in securing protection for them in Africa by the General Act.

There are two more conditions to which the American Government subject their adhesion.

The history of the Liberian Republic is well known. Founded in order to give a home to certain liberated American slaves who were anxious to return to their own country, it was intended to be at the same time a civilizing Mission for the Guinea Coast. Happy results have attended the foundation of this State, though, as has often been the case in the first stages of new States, it commenced under great difficulties. This young Republic deserves none the less the sympathy of all those who are interested in the cause of humanity in Africa. It is a free and independent State; moreover, the Conference has every interest in associating it with its work, not only because of the mission which this State is to fulfil, but also because it is in a position to lend an assistance which is indispensable to the execution of several clauses of the General Act.

The United States have offered their intervention to procure the adhesion of the Liberian Republic. The President believes he is expressing the views of his colleagues by thanking the United States' Plenipotentiaries, and begging them to convey to their Government the sympathy which the Conference entertains for the Liberian Republic. The President's words, reproduced in the Protocol of the sitting, will commemorate these feelings in the Acts of the Conference.

The President is satisfied that the American Government, remembering the incompetence of the Conference in territorial questions, will recognize that the Conference has done its utmost to respond to the views manifested by them, and that they will refrain from insisting on any mention of the Liberian Republic in the text of the General Act.

The United States' Plenipotentiaries have expressed regrets as to the manner in which

the Conference solved the question of alcohols, and they have displayed a wish that the assembly should reconsider its decision.

The President begs his colleagues to make known their opinion upon this subject.

Lord Vivian expresses himself as follows :—

“ Gentlemen,

“ We attach the highest value to the co-operation of the United States in our work. We know that their traditional policy is to stand aloof from the Treaties and political arrangements of European nations, but the work which we are carrying on is purely humanitarian ; it has no connection with politics ; its only object is the extinction of the Slave Trade and the improvement of the negro’s lot, an object for which the United States have so often poured out blood and treasure. For these reasons we hope and trust that they will consent to associate themselves with our work.

“ From the declarations made by her Plenipotentiaries we see that the United States will only join on three conditions. The first is that the General Act should make no mention of the Berlin Act, which they have not ratified ; and that the proposal relating to the establishment of import duties in the conventional basin of the Congo should be the subject of a separate Act.

“ Our President has explained that full and entire satisfaction had been given them on these two points.

“ As to the condition which concerns the recognition of the Liberian Republic and its adhesion to the General Act, the Conference has always foreseen that it would be an advantage, and even a necessity, to bring this State to share in its work ; its name already figures among the independent States which will be invited to give their adherence. This question will therefore be settled in accordance with the wish expressed by the United States’ Government.

“ There remains the third condition, that relating to the increase of the initial duty placed by the Conference upon the spirituous liquors imported into Africa outside the zone of prohibition, and which the United States’ Government look upon as quite inadequate and useless for the restriction of the traffic in question.

“ This opinion, Gentlemen, has been repeatedly expressed by the British Plenipotentiaries ; it has been placed on record both in the Report of the Commission and in the Protocol of the Conference. They made a long struggle to obtain its adoption, and if, during the long discussion in Commission, which lasted from the 15th March to the 5th May, this opinion could have been put forward and supported by the United States’ Plenipotentiaries, it would have had great influence. But when the amount of the initial duty to be imposed was discussed in Commission, and when we were insisting upon the moderation of our proposals, the 15 fr. duty was suggested for the first time by the Second United States’ Plenipotentiary, and finally adopted by the Commission ; the Report of the latter records it as follows :—

“ ‘ The minimum duty was still to be fixed. The British Plenipotentiaries, bound by their instructions, maintained the amount of 50 fr. as the minimum ; on the other hand, the Netherlands Minister proposed 7 fr. 50 c. Between these two amounts another was suggested by Mr. Sanford, one of the United States’ Plenipotentiaries. This gentleman, though he did not consider excessive the minimum suggested by the British scheme, declared he had consulted several traders engaged in African commerce, and that, according to them, a duty of 15 fr. could cause no injury to trade. Mr. Sanford accordingly recommended the imposition of a duty of 15 fr.’

“ Thus it is Mr. Sanford to whose initiative we owe the 15 fr. duty, which the United States’ Government qualifies as completely inadequate and useless.

“ It was only in face of the manifest impossibility of obtaining unanimity as to their proposal that the British Plenipotentiaries yielded on the question of the amount of duty. Now, there can be no hope of reversing the decision which has been definitively adopted by Conference without the risk of jeopardizing the most important advantages obtained on other points.

“ I hope that the United States’ Plenipotentiaries, who are in a position to judge of this point, will regard it in the same light, and that, thanks to their explanations, their Government will not insist upon this last condition, and will join in our work.”

Mr. Sanford answers that, when he suggested the amount of 15 fr., he was regarding the matter purely from the point of view of commercial interests. Competent persons, consulted by him as to the limits within which a duty could be imposed upon spirituous liquors without injuring legitimate interests, indicated 15 fr. as a fairly normal tax. This

figure he submitted to the Commission, not as an object, but as a basis of discussion, as the Netherlands Minister maintained 6 fr. 50 c. to be the limit of duty which trade could support without sustaining injury.

As soon as he had assured himself that the opposition of certain Powers would not allow of the imposition of increased restrictions on the trade in strong drinks, on the same day, the 30th March, he introduced an amendment, with the object of remedying the inadequacy of the adopted tax, which could have none but financial results. This amendment, which demanded the prohibition of adulterated or insufficiently rectified spirits, has received the approval of his Government, from whom he has received formal instructions to insist upon it. It was discussed after Mr. Sanford's return, but not adopted by the Conference, which, however, did homage to the principle upon which it was based. Thus, nothing has been done by the Conference in the sense of the measures proposed by Mr. Sanford.

The President recalls what happened at the Berlin Conference, of which Mr. Sanford was a member, when the proposal to restrict the trade in spirits was submitted to that assembly. At Brussels the question which the Berlin Conference had failed to solve was again taken up, and a result has been obtained upon which there is every ground for congratulation.

This result must not be judged solely by the amount of duty to be levied on spirits. Indeed, we must not lose sight of the fact that this tax of 15 fr. will only be applied in those districts where as yet there exists none, and that almost everywhere else it will be of greater amount. Moreover, this minimum tariff may be increased before long. An increase may take place after three, and a revision after six years. Stipulations have thus been made for a transition which will spare the interests at stake. After a short space of time Governments will have to examine the results of the established system, and the United States, having signed the Treaty, will be summoned like the other Powers to take part in this examination. If experience shows that a mistake has been made, there will be nothing to prevent a change of régime.

The President hopes that these explanations, given at the moment when the Government of the United States are on the point of deciding whether they will sign the General Act, will be of such a nature as to satisfy them. They will show what regard the Conference has paid to the views expressed by their Plenipotentiaries, and they will doubtless enable them to defend their adherence to this General Act before the American Parliament.

Public opinion in the United States has shown much sympathy with the work of the Conference, and when it sees the importance of the results which have been obtained it may be hoped that it will take a favourable view of the solution which, for the moment, has been given to the question of alcoholic drinks.

Mr. Sanford does not understand how, by reopening the debate on this question, the work of the Conference could be imperilled.

Count Khevenhüller-Metsch says that if they were to reopen the discussion of those Articles which have already been adopted they would give every Government a chance of withdrawing the concessions they have made. His Excellency thinks that such is the opinion of all his colleagues. The result which has been obtained must be considered as a compromise, to attain which several Powers have been obliged to make certain concessions.

Mr. Sanford, in his own name and in that of his colleague, thanks the President for the considerate manner in which he has spoken, and the King-Sovereign for the resolution to which he has come. He also thanks the Conference for the views they entertain regarding the Liberian Republic. If the provision respecting the establishment of an import duty had been maintained in the General Act the United States could not have signed.

The President replies that he will lose no time in informing the King-Sovereign of what the United States' Plenipotentiaries have been good enough to say.

He adds that it appears to him a favourable opportunity for recurring to the reasons for separating the two Acts which are to be signed by the Conference; indeed, they will have to be drawn up in fresh texts, and that these should be accompanied by a statement of the circumstances under which they have been presented to the Conference.

The draft submitted to the Conference on the 10th May had undergone all the modifications which were suggested during the course of the discussion, and it had been drawn up in such a manner as to form one with the General Act. If the question of import duties is to be withdrawn from the General Act, and made the subject of a separate Act, certain changes will have to be made in the draft in question. It results from the special circumstances to which the determination to separate the draft from the rest of the

Treaty is due that the separate Act will become the work of those Powers alone who ratified the Act of Berlin, and therefore the shape which may be given to this Act is a matter which does not concern the United States.

It is to be supposed that those Powers which have already approved the imposition of a duty on imports, when it formed the subject of a stipulation in the General Act, will not change their views when it becomes a question of these dues being levied by right of a separate Act, which will be signed and ratified at the same time as the General Act.

The President reads a Declaration, which has been drawn up for this purpose:—

“*Declaration.*”

“The Powers assembled in Conference at Brussels, who have ratified the General Act of Berlin of the 26th February, 1885, in so far as they are bound by that Act,

“After having drawn up and signed in concert in the General Act of this day a collection of measures intended to put an end to the Slave Traffic by land as well as by sea;

“Taking into consideration that the execution of the provisions which they have adopted with this object imposes on some of them who have possessions or exercise Protectorates in the conventional basin of the Congo obligations which absolutely demand corresponding resources to meet them;

“Have agreed to make the following declaration:—

“The Signatory Powers who have possessions or exercise Protectorates in the said conventional basin of the Congo shall be able to establish duties on imported goods, the scale of which shall not exceed a rate equivalent to 10 per cent. *ad valorem* at the port of entry, always excepting spirituous liquors, which are regulated by the provisions of Chapter VI of the General Act of this day.

“After the said General Act shall have been signed negotiations shall be opened between the Powers, in order to draw up, under the General Act of Berlin, within a maximum limit of 10 per cent. *ad valorem*, the bases of a common Tariff of import duties, applicable throughout the conventional basin of the Congo.

“Nevertheless it is understood:—

“1. That no differential treatment shall be established.

“2. That in applying the Customs Regulations which are to be agreed upon, each Power will undertake to simplify formalities as much as possible and facilitate trade operations.

“3. That the arrangement resulting from the proposed negotiations shall remain in force for fifteen years from the signing of the present Declaration.

“At the expiration of this term, and failing a fresh agreement to maintain or modify the system which shall result from the above provisions, each of the Contracting Powers reserves the power to regulate the Customs system in its possessions in the conventional basin of the Congo.

“The ratifications of the present Declaration shall be exchanged at the same time as those of the General Act of the same day.

“Done at Brussels, the .”

With regard to the first paragraph, the President remarks that the Plenipotentiaries do not yet seem to be agreed on the question whether a uniform Tariff is to be established, or if each Power is to be at liberty to fix its system of Customs as it likes within the limits of the 10 per cent. maximum. For himself he will not give his opinion on the point, which will be discussed later. It will also have to be decided whether it would not be expedient to open subsequent negotiations in which special Delegates should take part with the object of fixing, within the 10 per cent. limit, the Tariffs best calculated to suit all interests.

As to the duration of the system, the members of the Conference will probably see fit to limit it so as to make its expiration coincide with that of the twenty years period stipulated in the Berlin Treaty.

M. Macedo declares that he can only adhere to this Declaration if the idea of the author of the scheme is that the 10 per cent. maximum is not to apply to the whole conventional basin of the Congo, but only to that part in which free trade is established.

The President replies that in applying the Tariff to the conventional basin of the Congo regard will have to be paid to the special situation created by the General Act of Berlin.

M. Bourée inquires whether the signature of the separate Act will be contemporaneous with that of the General Act.

The President replies in the affirmative.

Count Khevenhüller-Metsch declares that he must make a reservation with regard to the peculiar position in which the United States are to be placed.

The President thinks that he can at once inform the Austro-Hungarian Minister that he may be completely reassured on that head. There is no reason why a separate Act should not be concluded between the United States and the Congo Free State. It is not his place to discuss the probable terms of this arrangement, but the Free State cannot obviously grant that Power advantages which it would not be able to accord to others. There must be no fear of there being any differential treatment.

M. Bourée points out that the arrangement concluded between the United States and the Free State cannot be ratified until the Powers are agreed among themselves with respect to the Additional Act. And it is easy to foresee that in the course of the discussion certain questions will be raised which will oblige several Plenipotentiaries to ask for instructions.

Count Alvensleben says that his instructions allow him to begin forthwith discussing the scheme submitted to the Conference.

He proposes to begin the discussion at once.

M. Bourée agrees.

Lord Vivian communicates the instructions that the British Plenipotentiaries have received. They direct them to ask for—

1. The establishment of a General Tariff for the Congo Basin, and the prohibition of any differential dues.
2. The adoption of an *ad valorem* duty, which in this instance the British Government consider preferable to any specific dues.
3. The exemption from all dues of certain goods of a nature to favour the progress of civilization.

Count Alvensleben says his Government has no objection to the establishment of a General Tariff nor to the adoption of an *ad valorem* duty.

As to the exemption from dues of certain goods, his Excellency is of opinion that it is a point which should be dealt with by the Special Commission of which the draft speaks.

M. Bourée declares that his instructions do not permit of his assenting to the adoption of a General Tariff; they make a special reservation that each Power should be allowed to fix its own Tariff.

As to the *ad valorem* duty, he does not think his Government have any preference. He is ignorant what their intentions may be with regard to the exemption from duty of certain goods, but he does not doubt but that those intentions are favourable to everything of the kind which would appear likely to help in developing industry and other civilizing forces in Central Africa.

Passing to the length of time for which the system should be established, *M. Bourée* says that the Government of the Republic are anxious that its termination should coincide with that of Article IV of the Treaty of Berlin, so as to keep the advantage of the stipulation which allows any Power after twenty years to declare its freedom from the free trade system.

The French Minister adds that the declarations of the English Minister are favourable to the establishment of a General Tariff in the Congo Basin. The adoption of such a Tariff would not accord with a system which would leave every one free to regulate their Customs system as they pleased.

M. Bourée understood that one of the objections raised to the system he recommends was that the fact of the establishment of different taxes within the limits of the maximum of 10 per cent. might lead, as a matter of fact, to differential treatment. His Excellency asks *Lord Vivian* to be good enough to explain to him how he thinks such an inconvenience could arise.

Lord Vivian replies that probably Her Majesty's Government have not given any explanations on this head, as it is to be feared that each country, being able to regulate the Tariff as it pleased, would naturally favour its own products.

The President is of opinion that the best means of preventing any combination which might have the effect of introducing differential treatment would be to refer the matter for examination to the Special Commission provided for in the draft scheme.

Lord Vivian points out that each State which remains free to levy what duties it

pleases will endeavour to attract trade to its own side by making its dues as low as possible. There is thus a risk of not attaining the desired end, namely, to procure resources for the Congo State.

Mr. Sanford asks if the *ad valorem* duty will be established in accordance with the system in vogue in the United States, or with that in vogue in other countries—Zanzibar, for instance—where the value is that of the port of entry.

M. de Macedo says that his instructions do not permit of his accepting the idea of a General Tariff. His Excellency thought that the question merely was to come to an agreement as to the amount of duty to be levied, and that every one would be left free to regulate the Tariff within the limits of the maximum. The moment this discussion assumes a new form he must refer to his Government.

M. de Macedo adds that, in his opinion, it is indispensable that in such a vast territory each State should remain free to regulate its Tariff as it wishes.

M. Bourée thinks it would be best to adopt such a form of words as may for the moment leave this question out of the discussion. They might confine themselves to stipulating that the States comprised in the Congo Basin should be able to levy a duty of 10 per cent., and the question of the mode of application might be left to stand over.

The meeting adjourned.

(Signed)

ALVENSLEBEN.
GÖHRING.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUÉRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
H. S. SANFORD.
A. BOURÉE.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
L. GERICKE.
H. DE MACEDO.
L. OUROUSSOFF.
MARTENS.
BURENSTAM.
ÉT. CARATHÉODORY.
JOHN KIRK.
GÖHRING.

True copy:
(Signed)

L. ARENDT.
MARTIN GOSSELIN.
COUNT PIERRE VAN DER STRATEN PONTHOZ
CH. SEEGER.
COUNT ANDRÉ DE ROBIANO.

No. 25.

Protocol No. 25.—Sitting of June 21, 1890.

Present :

- For Germany—
His Excellency M. d'Alvensleben.
M. Göhring.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambertmont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Congo Free State—
M. van Eetvelde.
M. van Maldeghem.
- For France—
His Excellency M. Bourée.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency Prince Ouroussoff.
His Excellency M. de Martens.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
Sir John Kirk.
M. Göhring.

The President reminds the Conference that it has finished its review of the General Act, which is now in its final shape. It remains to decide on the text of the Declaration respecting import duties, which will constitute a separate Act, destined to be signed and ratified at the same time as the General Act. The President proposes to read over again the draft which he brought to the notice of the Plenipotentiaries at the sitting of the 20th June.

At paragraph 1, *Lord Vivian* draws attention to the fact that it is not mentioned which are the Powers which adhere.

M. Göhring says that this paragraph, which mentions generally the Signatory Powers of the Treaty of Berlin, has nothing to do with the reservation of the rights of those who are not bound by Article IV of this Treaty.

The President replies that it would, as a matter of fact, be better to put the words, "in so far as they are bound by this Act," in the place to which the reservation they make applies.

The Conference decides to suppress the words in question in paragraph 1, and to add: "or who have acceded thereto."

At paragraph 2, on the proposal of M. Bourée, the words, "and to improve the moral and material conditions of existence of native races," borrowed from Article VI of the Treaty of Berlin, are added in order to define more completely the object of the General Act.

At paragraph 3, *Baron Gericke de Herwynen* points out that the term "corresponding resources" is not sufficiently precise; import duties alone will never produce resources sufficient to meet the expenses which will be entailed by the execution of the obligations imposed by the General Act.

M. Bourée says that the word in question indicates a correlation and not a measure. Resources need only partially correspond to charges.

Baron de Gericke de Herwynen says that his Government could never allow the resources to be obtained from import duties to be made equivalent to the charges imposed.

The Conference, on the proposal of the President, substitutes the word "new" for "corresponding."

At paragraph 5, *the President* proposes to write: "Signatory or acceding Powers;" and, further on: "shall be able, so far as authority is required to this end, to establish," &c.

This amendment is adopted.

M. Göhring thinks that it would be better to say: "10 per cent. *ad valorem* at the port of entry." At a former sitting it was pointed out what a great difference there often is between the value of an article of produce at the port of disembarkation and the value of the same article in the interior of the country. The Second German Plenipotentiary supposes that the Conference means to say the value of the goods at the port of disembarkation, that is to say, at that spot on the coast or the river at which they are taken out of the vessel in which they have been brought.

M. van Eetvelde says that it is in that sense that the Representatives of the Congo State interpret the provision in paragraph 5.

M. Göhring's amendment is adopted.

At paragraph 6, *the President* points out that the words, "or who have acceded to it," should likewise be added here.

M. Bourée says that this paragraph prejudices a question on which they are not yet agreed. The French Government are not disposed to accept the idea of a common Tariff.

M. de Macedo makes the same declaration on behalf of the Portuguese Government.

Baron Gericke de Herwynen inquires whether it is understood that the declaration is to be signed immediately after the General Act.

M. Bourée says that both are to be signed at the same time.

Baron Gericke de Herwynen would also like to know between what Powers will take place the negotiations mentioned in the paragraph. Is there to be a new Conference, in which the Representatives of all the Signatory Powers of the Act of Berlin will take part?

The President replies that they have in view a Commission, and not, properly speaking, a Conference. This Commission will be composed of Technical Delegates who possess a knowledge of Africa; its business will be to draw up a Tariff.

The Conference is now called upon to decide on the following question: Is the Conference to decide whether the Tariff shall be common, or are its deliberations to be based on the principle according to which each Power would remain free to fix its Tariff as it pleased so long as the maximum of 10 per cent. were not exceeded?

M. de Macedo had understood that the declaration made by the French Minister was to involve the suppression of the paragraph.

In his Excellency's opinion there is this question first to be decided: Does the Conference wish to insist on the negotiations in question taking place, or will it let the parties interested come to an understanding among themselves?

The President is inclined to maintain a provision which would ultimately result in the meeting of a Technical Commission. Necessarily, in the event of there being a common Tariff to be drawn up, it would not be without its uses, even if every Power were to retain liberty of action. In this latter case there would be questions of detail to be settled; on the other hand, the Commission would give those Powers who have no possessions in Africa an opportunity of defending their interests. The meeting of a Technical Commission would therefore be attended with advantages from an economic point of view, and perhaps even from other points of view.

M. de Macedo acknowledges that the considerations put forward by the President are not without weight, but he must declare that his instructions do not allow of his accepting the principle of a common Tariff, whether it is drawn up now or later. The utility of such a Tariff appears to be doubtful. And how could one be established for countries so distant

from each other as Zanzibar and the West Coast of Africa? Even if it was a question of different Tariffs, they would equally have to take into their consideration the possibility of the Commission disagreeing. What, under such circumstances, would become of the Act they are now discussing? Would it be annulled?

The Portuguese Minister cannot but remind the Conference that it was not his Government who asked for the revision of Article IV of the General Act of Berlin. It appears to him to be doubtful whether Portugal could accept the offer which has been made to her to establish import duties if that offer were to be accompanied by conditions which would leave it to be supposed that pressure from the Conference were necessary to bring about a result which might have been equally well obtained by a direct understanding between the parties interested.

The relations which Portugal keeps up in the matter of economic questions with the Congo Free State are a sufficient proof that such doubts have no foundation.

The President points out that the question raised by the Portuguese Minister is in no way prejudged by the presentation of the draft he has submitted to the Conference.

M. Bourée wishes that the question of deciding whether there shall or shall not be a common Tariff should be left to the Commission.

Lord Vivian says that Her Majesty's Government have a very decided opinion as to the necessity of a common Tariff. They are afraid that if each Power is left free to fix its own Tariff, each of them will be instinctively inclined to establish such a system as will favour its own products to the detriment of those of its neighbours.

M. de Macedo contests this view. He recalls the fact that the Conference of Berlin, when they authorized Powers who had possessions in the conventional basin of the Congo to levy export duties, did not impose any common Tariff upon them, and that in spite of the difficulties of the political situation at that time Portugal and the Congo Free State have arrived at an understanding on the economic question.

Lord Vivian points out that in the case mentioned by the Portuguese Minister the question was one of exports, not imports, and that it is therefore not analogous.

M. Bourée says that a thorough examination of the question would entail long discussion. His Excellency suggests that paragraph 6 should be turned in such a way as to adapt itself to either of the two views; by this means nothing would be prejudged. It would be sufficient to replace the words, "the bases of a common Tariff" by these: "the system of the Customs Regulations to be established."

Baron Gericke de Herwynen asks why the Conference should not reserve the whole question for a future settlement, which might take place in a few months. It would thus be easier for the Netherlands Plenipotentiary to sign the General Act and the separate Act.

M. Bourée points out that this proposal does not imply the adoption of the principle of a 10 per cent. duty.

Baron Gericke de Herwynen inquires whether the Conference intends to decide immediately upon the principle of the establishment of these duties.

Baron de Renzis replies that such is the intention of the Conference. It could only accept the Netherlands proposal in the event of the Minister of the Low Countries being able to declare that his Government would accept the maximum Tariff of 10 per cent. as the basis of future negotiations.

Lord Vivian reminds the Conference that the Plenipotentiaries of the Congo Free State have declared that they were not authorized to sign the General Act without its being guaranteed to them that they would obtain the new resources for which they ask, and the imperious necessity of which has been shown; and that if this assurance were not to be given in the General Act, it could not be in a separate Act signed and ratified at the same time.

Count Khevenhüller-Metsch says that he agrees with most of the Governments in their wish to insert the principle of the duty of 10 per cent. in the General Act. It was in a conciliatory spirit that the Conference accepted the separate Act. However, as he does not wish to endanger the conclusion of the Treaty, the fate of which is bound up with the adoption of import duties, he considers it indispensable that the signature of the two Acts should take place simultaneously.

Baron Gericke de Herwynen wishes to do justice to the motives of conciliation by which the separation of the two Acts has been inspired, but the chances of success would be much greater if it were admitted that the entire question should be left to be dealt with by a new Conference.

The President repeats that, according to the solution proposed, they would at once decide on calling a meeting of Delegates, whose business it would be to draw up Regulations for the Tariff, and not a Conference to prepare another Treaty. In other words, the intentions of the Conference are that the right to levy the 10 per cent. should be acquired

at the moment of signature, while, according to the plan recommended by the Netherlands Minister, this point would be left uncertain, since it would depend on the decision the Commission might take.

Baron Gericke de Herwynen says that the proposal made by his Government should not be interpreted as implying an *à priori* refusal to authorize the import duties.

The President points out that if the proposal does not imply the rejection of the 10 per cent. duty, it does not imply its adoption. It is, however, for the Conference to decide whether the two Acts shall be signed simultaneously.

Count Khevenhüller-Metsch says that the separation of the two Acts is impossible, since one of the Powers represented at the Conference cannot sign the General Act unless it receives the assurance given in the separate Act.

Prince Ouroussoff points out that all the Declaration does is to grant authority for a maximum of 10 per cent.; there is nothing, therefore, in the scheme which cannot be accepted.

The President declares that the Conference has pronounced for the simultaneous signature of the two Acts. That point accordingly, the President adds, is finally settled. He then proposes to resume the discussion with regard to the change of text in paragraph 6 which has been suggested by the French Minister.

Lord Vivian inquires whether in the Commission a majority can decide, or whether all the members must be unanimous.

The President replies that, as the Commission is international, its decisions must be unanimous; he thinks that this consideration should reassure the Portuguese Minister.

M. de Macedo says that his instructions do not allow of his accepting the wording proposed by the French Minister without referring to his Government, who have hitherto rejected every notion of international intervention in the regulation of customs duties.

Lord Vivian asks the Portuguese Minister whether the autonomy as to Customs which the Portuguese Government desire to maintain applies to differential treatment.

M. de Macedo replies that he is willing to accept a paragraph which forbids all differential treatment.

M. de Martens says that the only object the Conference has in the Declaration is the revision of Article IV of the Berlin General Act. It has admitted a separate Act, because it is convinced that it would be impossible to induce certain Powers to sign the General Act if that of Berlin were mentioned. But this separate Act should only be a declaration of principle recording their agreement on the subject of the revision of Article IV of the Treaty of the 26th February, 1885. A final arrangement would not be come to till later. This is the interpretation put upon it by the Second Russian Plenipotentiary.

The President says that, by the Declaration, the Powers will be definitively bound in so far as there is a question of any modification of Article IV of the Berlin General Act and the establishment of a Tariff. In speaking in paragraph 6 of further negotiations, the only object in view was to devise such a mode of application as would be agreed to so far as the technical question was concerned; it was proposed as a means of conciliating all interests. But it is evident that the paragraph in question does not allow of the principle itself of the import duty being called in question.

M. Bourée inquires whether it is absolutely necessary that the Delegates of all the Powers represented at Berlin take part in the Commission. It is evident that the Signatories of the Treaty must adhere to the revision of Article IV; but its application will concern the interested Powers, viz., those who occupy territories in the conventional basin.

Lord Vivian cannot agree with his French colleague. It must not be forgotten that there are Powers who signed the Act of Berlin who, without possessing territory in the conventional basin, have most important commercial interests in those parts, and who should consequently be able to share in the deliberations of the Commission. It would be unintelligible that the Netherlands should not be asked to have themselves represented.

M. Bourée reminds the Conference that in the question of spirituous liquors it was agreed that every one should preserve freedom of action with regard to the amount of the tax and the mode of applying the Tariff. The principle should be applied here in the same spirit and under reservation of the same freedom.

M. Banning points out that so far as spirituous liquors are concerned within the limits of the zone, the Powers are bound by the figure of 15 fr.; they only retain the power of exceeding this figure in such territories as are exempt from any international obligation. The analogy, therefore, is not complete.

Baron Gericke de Herwynen inquires if it is quite understood that those who sign the General Act are bound to sign the separate Act.

The President replies that the Conference has just decided the question in the affirmative.

Baron Gericke de Herwynen inquires whether no suggestion was made that the Protocol should be left open for the Netherlands.

The President reminds the Conference that they have decided that the two Acts are inseparable, in the sense, that is to say, that they will be signed and ratified at the same time. All the President does is to draw attention to the fact that this point has been agreed on.

M. Bourée says that the Protocol might be allowed to remain open for those Powers who are not able to sign now, provided always that they sign the two Acts simultaneously later on.

Baron Gericke de Herwynen says that it is precisely this simultaneity to which he cannot assent.

Count Khevenhüller-Metsch has already made known the opinion of his Government, which is opposed to the separation of the two Acts; nevertheless, his Excellency, out of consideration for his Netherlands colleague, is ready to accept the idea suggested by the French Minister.

Baron Gericke de Herwynen says that he cannot express an opinion until he has received instructions from his Government.

M. Banning points out that in the Declaration they have tried as much as possible to meet the views of the Netherlands Government. It was with the object of allowing all the interests concerned time and means to make themselves heard that they intrusted the labour of drawing up the bases of a future Tariff to a Technical Commission.

Baron de Renzis says that the Dutch Representatives should not see a proof of ill-will in the attitude taken up by the Conference. If it does not see its way to acceding to the Netherlands proposal, it is because it could not do so without losing the co-operation of another Power, the Congo Free State, which would in this case decline to sign the two Acts.

The President adds to the Italian Minister's observations that the Plenipotentiaries are most anxious to obtain the participation of the Netherlands in the signature of the General and separate Acts.

Referring to the examination of the draft scheme, the President inquires whether the wording of paragraph 6, as set forth in the wording of the French Minister, can now be looked upon as settled.

Lord Vivian accepts the wording as amended.

M. de Macedo says that before expressing an opinion he must wait for further instructions from Lisbon, which he will ask for.

M. Göhring proposes to insert, after "or who have acceded thereto," the words, "so far as authority is required to this end."

M. de Macedo wishes that the Protocol should record that, each time mention is made of the conventional basin of the Congo, only that part of the basin is meant which belongs to such Powers as stand in need of a special authorization before they can establish import duties.

The President points out that this reservation has been inserted both in the Declaration and at the heading of the latter, but, to avoid repeating it in a different paragraph, the Portuguese Minister's remark might be inserted in the Protocol.

Paragraph 6 is adopted as amended by the French Minister.

Discussion is then opened on paragraph 7.

Baron Gericke de Herwynen then points out that this paragraph does not reserve freedom of transit, which is very important.

The President replies that this point has already been explained; the only alteration made in Article IV of the General Act of Berlin is in that portion which concerns import duties, and not in that relating to transit, which remains, consequently, free.

Baron Gericke de Herwynen thinks that in view of the text of Article IV of the Belgium Act, in which the words "import duties" and "transit" are in juxtaposition, it would be as well to record in the Protocol the interpretation which has been given by the President.

Lord Vivian insists that the freedom of transit should be mentioned in the text of the Declaration.

The President sees no objection.

M. de Macedo inquires whether it is quite understood that goods entering into that portion of the conventional basin referred to, and which should then be forwarded to another point of the same basin, will only pay duty once.

The President replies that whether goods pass through directly or are warehoused on

the way, they will only pay duty once. In order to prevent any misconception, the words, "or transit duty," might be added to the text.

The Conference accepts the amendment.

M. Göhring asks that it may be recorded in the Protocol that the Conference is unanimous in considering that the absolute exclusion of all differential treatment applies equally to spirituous liquors in the conventional basin of the Congo.

The President says that the Protocol will record the Agreement which has been come to on this point.

Baron Gericke de Herwynen thinks that it would perhaps be useful to make an addition to the Declaration to the effect that no privilege or special advantage shall be accorded to any one.

The President says that that is clearly a consequence of the Berlin General Act; it is, therefore not necessary to mention it in the Declaration itself, it would be enough to mention it in the Protocol.

Nos. 2 and 3 of paragraph 7 are then adopted without observation.

At paragraph 8, *Lord Vivian* says that, in his opinion, on the expiration of the period of fifteen years, which corresponds to that fixed for the revision of the Berlin General Act, the Powers should once more come in, so far as import duties are concerned, under the provisions of the Treaty of Berlin.

M. Göhring says that, in the opinion of the Imperial Government, it would be inconvenient after fifteen years to withdraw the power of levying import duties from a State which, in order to regulate and assure the levying of those duties, would have had to incur great expense in organizing a whole Customs system. The Imperial Government are consequently of opinion that if power is reserved to annul, after a period of fifteen years, the arrangement referred to in the Declaration, it can only be with the intention of suppressing the rights to be now conceded. These should not be taken away, if no agreement is come to as to raising the Tariff. In no case, then, would there be any return to the system of absolute liberty, which would, according to certain interpretations of Article IV, result from the Treaty of Berlin.

Lord Vivian has no intention of disputing the justice of maintaining the duties at the expiration of fifteen years, but he could not admit that the States in the Congo Basin are necessarily to obtain absolute commercial freedom at the end of that period; this question must be settled by the Powers in accordance with Article IV of the Berlin Act.

M. Banning interprets Article IV of the General Act of Berlin to mean that, after twenty years, if no new agreement is come to in the meantime, that the Powers will no longer be bound by the stipulations of this Article, and that they will in this respect entirely recover their liberty.

Lord Vivian disputes this interpretation.

The President recalls the fact that, at the Berlin Conference, it was the French Plenipotentiary who first suggested the establishment of import duties. The proposal with regard to free entry was made subsequently, and it was agreed that it should be accepted as an experiment. The text of Article IV was, so to speak, improvised, and perhaps lacks clearness. If the Conference considers that after fifteen years, in the absence of any fresh understanding, the régime established by the draft Declaration should be maintained, the text of paragraph 8 ought to be modified as follows: "At the expiration of this term, and failing a fresh agreement, the régime established by the above provisions shall continue in force." The rest would disappear.

M. Bourée says that, if no understanding should be come to at the time in question, the Powers would resume their freedom of action. Such, at least, is the interpretation the Government of the Republic place upon the provision in question.

Prince Ouroussoff shares this view.

Lord Vivian cannot admit that such an interpretation is in accordance with the text of Article IV of the General Act of Berlin; the words, "shall or shall not be maintained," which conclude the Article, seem to establish the contrary.

M. Göhring is of opinion that it would be useful to ascertain what may be the opinion of the members of the Conference as to the interpretation to be given to Article IV of the Treaty of Berlin.

M. de Macedo thinks it means that, after twenty years, an effort will be made to agree upon some fresh arrangement; if this were found impossible, every one would resume complete liberty of action.

Baron Gericke de Herwynen is of the same opinion.

Count Khevenhüller-Metsch says that, on the expiration of the period of fifteen years mentioned in the Declaration, the régime which will come into force will be that which would have existed if the Brussels Conference had laid down no regulations on the subject.

They might consult their Governments as to the interpretation to be given to Article IV of the Treaty of Berlin.

M. Bourée thinks that, if the text of the General Act of Berlin and the Report of the Commission of that Conference are not sufficiently clear on the point, it is none the less certain that the Powers did not wish to bind themselves indefinitely. His Excellency proposes to lay it down in paragraph 8 of the Declaration that the régime shall remain in force until the expiration of the period mentioned in Article IV of the Treaty of Berlin.

The President points out the inconvenience which would be occasioned were they to postpone the discussion till that time, and so leave the position uncertain.

M. Banning says that, if the future is to be made certain, it will be necessary to make a formal stipulation that, in the absence of any fresh understanding, the régime of the Declaration shall be maintained.

M. de Macedo points out that if they did this they would no longer be interpreting, but modifying, Article IV of the Treaty of Berlin; but his Excellency is without instructions on the subject.

M. Bourée suggests the following text, which is adopted :—

“At the expiration of this term, and failing a fresh agreement, the Contracting Powers will return to the conditions provided for in Article IV of the General Act of Berlin, retaining the power of imposing duties up to a maximum of 10 per cent. upon goods imported into the conventional basin of the Congo.”

The meeting adjourned.

(Signed)

ALVENSLEBEN.
GÖHRING.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
A. BOURÉE.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
L. GERICKE.
H. DE MACEDO.
L. OUROUSSOFF.
MARTENS.
BURENSTAM.
ÉT. CARATHÉODORY.
JOHN KIRK.
GÖHRING.

True copy:

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
COMTE PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
COMTE ANDRÉ DE ROBIANO.

Protocol No. 26.—Sitting of June 23, 1890.

Present :

- For Germany—
His Excellency Count Alvensleben.
M. Göhring.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambermont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Congo Free State—
M. van Eetvelde.
M. van Maldeghem.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.
- For France—
His Excellency M. Bourée.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency M. de Martens.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
Sir John Kirk.
M. Göhring.

THE Conference having settled various points relating to the publication of its labours, the *President* consults the assembly as to whether they would see any inconvenience in printing the notes taken by the Secretaries during the sittings of the Commissions. These notes form in reality an abstract which considerably surpasses the Protocols in bulk ; they constitute the actual bases of the labours of the Conference, and contain unpublished details which will enable lawyers and historians of the future to appreciate the various phases through which the questions which have been dealt with have passed. In order to remove all responsibility from the Plenipotentiaries, mention would be made, at the head of the notes, that they are merely explanatory.

The *President* does not intend to make any formal proposal in this sense ; he merely submits the idea for the consideration of his colleagues.

Baron de Renzis fears that the printing of these notes might be attended with some inconvenience. Those who make use of them will only be able to see in them a work in embryo, as well as vague and indefinite ideas, which have since been ripened and

settled by discussions. Besides, nothing would prevent those persons who wished to consult these notes from applying to the Belgian Foreign Office, where they would be preserved.

M. de Martens says that, having had occasion to make use of the Secretaries' notes in his capacity of Reporter to the Maritime Commission, he has been able to judge of their utility. It must be borne in mind that the whole work of the Conference having been done in Committee, these notes, without partaking of the official character of the Protocols, have an importance of their own. Besides, in order to avoid all misunderstanding as to the value which should be attached to them, a proof could be communicated to each Plenipotentiary. These latter would make their observations, after which the final printing would be proceeded with.

Count Alvensleben does not think that they should allow these notes to be printed without previous reference to their respective Governments. These notes embody the successive instructions given by the Governments to their Plenipotentiaries, and the former might not, perhaps, give their sanction to their being made public. They ought, moreover, to be considered as not existing for the Conference, and they ought no longer to be consulted after the latter shall have terminated its labours.

Count Khevenhüller-Metsch is of opinion that the members of the Conference can only authorize the publication of those documents which have been read and signed by them. His Excellency must reserve his opinion pending the receipt of instructions from his Government.

Lord Vivian sees no objection to printing the Secretaries' notes which have been so well drawn up; on the contrary, he thinks it would be very useful, but that it could not be done without first consulting the different Governments the moment that the idea has not met with unanimous assent.

The President repeats that he did not intend to make any proposal; but it had occurred to him whether it might not be advisable that each Government should receive a copy of these collections, which, once the Conference is at an end, will be shut up in the archives of the Foreign Office at Brussels. But from the moment that any objections are raised he refrains from insisting on his point.

Carathéodory Effendi points out that, according to his view, the President did not suggest that the Secretaries' notes should be *published*. He only intended to give each Government the means to get information and to study the questions which have been debated in the Committees. As far as he is concerned, he thinks that the publication, within the limits indicated, would be useful and profitable to every one, and he would be very happy to be enabled to have future access to these reports, which he has already had occasion to consult, and which he considers drawn up in a remarkable manner. In any case he asks to be authorized to copy them if the necessity should arise.

M. Bourée thinks it would be very useful for each Government to have a copy of this collection. In Paris, importance would certainly be attached to knowing the different phases through which the elaboration of the questions dealt with by the Conference had passed. The Governments, moreover, may be considered as having an exclusive property in everything which has been said by their Representatives; it would be impossible to contest their right to claim that the papers which reproduce the words of those gentlemen should be communicated to them.

The President says that it is understood that each Plenipotentiary is to consult his Government on the question whether a certain number of copies of the notes taken by the Secretaries should be printed or lithographed, so that one copy should be given to each Government. At the head of each copy mention will be made of the fact that as the notes in question had not been revised by the Plenipotentiaries, they are to be considered merely as works of reference.

If this question is answered in the negative, it would be convenient if the Governments were to make known their views as to the line of action which the Belgian Government should follow in the event of their being asked to communicate these notes.

The President then proposes to the meeting to revert to the consideration of the Declaration relative to the establishment of import duties in the conventional basin of the Congo.

M. Bourée announces that the Government of the Republic accepts the Declaration as drafted at the sitting of the previous day.

Lord Vivian says that the British Plenipotentiaries have not yet received instructions from their Government.

M. de Macedo accepts the Declaration as it has been settled. But he wishes to make an observation on the subject of paragraph 5.

His Excellency fears that, by making the establishment of import dues depend on a

negotiation which may possibly come to nothing, they are rendering it impossible for the Congo Free State, which has declared that these duties are indispensable to enable it to carry out the obligations imposed upon it by the General Act, to sign this Act.

His Excellency adds that this remark will not prevent his signing the Declaration.

M. van Maldeghem does not interpret paragraph 5 like the Portuguese Minister. He has always understood it in the sense that the power of establishing import dues was definitively accorded to those States which have possessions in the conventional basin of the Congo, in virtue of the preceding paragraph. Whether the negotiations which will, in consequence, be opened should lead to any result or not, the principle of the concession of the right remains none the less accorded.

M. de Macedo adheres to this interpretation. But what would happen if this negotiation should be abortive?

M. van Maldeghem replies that every one would be free to impose duties within the limit of the maximum.

Lord Vivian declares that his present instructions do not permit of his accepting this principle.

M. Bourée asks whether there is much use in taking this hypothesis into consideration. There is no reason to suppose that they will not agree, as every one has an evident interest in coming to a mutual understanding.

Lord Vivian agrees with the French Minister. The Powers have formally engaged to accord to the Congo Free State the power of imposing customs dues. This power is retained. As to the other questions in connection with it, the British Minister thinks it would only be necessary to regulate them if a divergence of views—which, moreover, he did not contemplate—were to arise. Even in this case, the Powers would still be bound by the engagements into which they have entered.

M. van Maldeghem says that the Congo Free State could not accept the obligations imposed upon it by the General Act if it were exposed to the possibility of being forced to relinquish the import duties because the negotiation in question remained abortive.

In saying that each State would remain, in this case, free to establish dues up to 10 per cent., he by no means wished to attack the other guarantees for freedom of trade stipulated by the Treaty of Berlin.

M. de Macedo says he would accept either of the interpretations given to paragraph 5. In saying what he did, he only had in view the Congo Free State.

M. Bourée remarks that the end of the following paragraph, running as follows: "retaining the power of imposing duties up to a maximum of 10 per cent. upon goods imported into the conventional basin of the Congo," is calculated to satisfy the apprehension displayed by *M. van Maldeghem*.

The President says that the import duty of 10 per cent. will be established and will come into force from the date on which the General Act is ratified. There can be no doubt about this. But it may happen that the time allowed for the ratifications expires before the termination of the technical negotiations. Under these circumstances, the Declaration would come into force; but the case would be different with regard to its method of application. This is a case which must be provided for. It might be decided that the negotiations should terminate before the expiration of the time allowed for the ratifications.

M. de Macedo does not believe it possible to fix a time within which negotiations should be finished.

The President is of the same opinion, but it must be understood that, in case the negotiations are not completed before the expiration of the time allowed for ratification, each Government must have power to put the Tariff provisionally into force.

M. de Macedo considers that the simplest method would be to leave each Power free to levy import duties within the limit of 10 per cent.

The President declares that this view is accepted by the meeting.

M. de Macedo accepts paragraph 7 provided that the following declaration is inserted in the Protocol:—

"I am authorized by the Government of His Most Faithful Majesty to accept paragraph 7 of the draft Declaration, provided that it is understood, and stated in the Protocol, that in taking this decision the Conference has had no intention of giving any special interpretation to the final portion of Article IV of the General Act of the Berlin Conference."

M. Bourée announces that he has just been informed that the French Government approve the wording proposed by him for paragraph 5.

The President asks if the words, "system of Customs Regulations," mentioned in paragraph 5, have not too wide a meaning.

According to this wording, the Commission in question would have not only to regulate the settlement of Tariffs, but also to decide upon all measures relating to administration and Customs.

M. Bourée says that the duties of the Commission will be confined to the settlement of Tariffs.

The meeting adjourned.

(Signed)

ALVENSLEBEN.
GÖHRING.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
H. S. SANFORD.
A. BOURÉE.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
L. GERICKE.
H. DE MACEDO.
MARTENS.
BURENSTAM.
ÉT. CARATHÉODORY.
JOHN KIRK.
GÖHRING.

True copy :

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
COUNT PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
COUNT ANDRÉ DE ROBIANO.

No. 27.

Protocol No. 27.—Sitting of June 24, 1890.

Present :

- For Germany—
His Excellency Count Alvensleben.
M. Göhring.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lanbermont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Congo Free State—
M. van Eetvelde.
M. van Maldeghem.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.

- For France—
His Excellency M. Bourée.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency Prince Ouroussoff.
His Excellency M. de Martens.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
Sir John Kirk.
M. Göhring.

IN opening the sitting *the President* states that only one point remains to be settled in the General Act; he refers to paragraph 2 of Article X. He requests the Portuguese and British Plenipotentiaries to be good enough to communicate to the Conference any declarations they may have to make with regard to the question of the transit of arms.

M. de Macedo makes the following statement:—

“Gentlemen,

“At the sitting of the 29th May last I had again to make the formal reservations which I put forward in the beginning, and have always maintained, in the name of His Most Faithful Majesty’s Government, when first the different Articles and paragraphs of the drafts of Chapter I of the General Act relating to the introduction of arms and ammunition into Africa were successively brought forward for discussion in Committee and in the Conference.

“These reservations related to:—

“1. The adoption of a system (Articles VIII to XIV of the last draft of the General Act) the basis of which was to be the delimitation of a zone in which the prohibition would be of a more definite and rigorous character;

“2. The acceptance as binding of the clauses providing for exceptional cases, which at present form the second paragraph of Article X of the last draft of the General Act.

“I am now authorized to withdraw the first of these reservations.

“Although the Government which I have the honour to represent do not consider as incontestable the estimate of the judicial or technical value of the arguments which have been adduced, either as absolutely conclusive against or as at any rate opposed merely in the interests of commerce to the adoption of a uniform prohibitory system which should embrace the whole Dark Continent, and the practical efficacy of which at any rate cannot be called in question, yet, in view of the serious difficulties and grave embarrassments which would stand in the way of some of the Powers accepting this latter system, and moved, moreover, by that spirit of conciliation of which they believe they have given such good proofs, they authorize me to accept in their name the zone system as defined in Articles VIII and IX of the last draft of the General Act.

“Gentlemen, it is also in a spirit of conciliation and as a proof and an act of pure deference towards the Powers whose Representatives in the sitting of the 29th May gave expression to the views of their respective Governments on this subject, and declining altogether to entertain the notion that in this expression of their views it would be possible to detect a suspicion of menace or pressure, that the Government of His Most Faithful Majesty have authorized me to accept, under reserve and with the benefit of the following interpretary declaration, the text of the second paragraph of Article X.

“The Government of His Most Faithful Majesty are of opinion that the obligation mentioned in the first sentence of the second paragraph of Article X cannot possibly be considered applicable to those cases in which a permit for the transit of arms and

ammunition should be requested from a Power on the coast for territories in the interior by another Power not in possession of rights of sovereignty or protection over the territories in question, which should not be recognized by the former of the Powers, seeing that such rights of sovereignty or protection constitute the only basis in right for making the request.

“Merely to accept such a request as founded in right would moreover imply a recognition of the disputed sovereignty.

“The Government of His Most Faithful Majesty are furthermore of opinion that the concluding sentence of the second paragraph of Article X reserves to the territorial Powers on the coast the right to stop the transit of arms and ammunition across their territories in cases in which, although the arms are destined for territories the sovereignty over which is recognized, but which are in immediate contact with others as to which these rights of sovereignty happen to be in dispute, the arms and ammunition in question might be immediately transported into the latter and be there employed in solving the dispute by force, that is to say, in a manner and for an object absolutely opposed to the views of the Conference.”

Lord Vivian wishes to express to his Portuguese colleague his thanks for the service he has rendered in withdrawing his reservations as to Articles VIII and IX. As regards the declaration his Excellency has just read respecting the second paragraph of Article X, he declares that it is one which the British Plenipotentiaries cannot accept. They have already informed the Conference that Her Majesty's Government would never allow a territorial difference between two European Powers to compromise the labours of the Conference, nor to give one of the parties concerned the right to take advantage of his position to imperil the safety of the colonists and civilizing stations of the other by depriving them of means of defence against the slave-dealers who are the common enemies. He holds it to be his duty to reply to the Portuguese Minister by the following declaration, which shows the interpretation Her Majesty's Government give to the paragraph in question :—

“Her Majesty's Government consider that the provisions of the second paragraph of Article X of the General Act of the Brussels Conference should have the same duration as that of those respecting arms, *i.e.*, twelve years; that by the words ‘direct access,’ ‘access by the shortest road’ should be held to be meant; that this right of transit is limited to the zone defined in Article VIII; and that the discretion left to the territorial Power to suspend, exceptionally and provisionally, the transit of arms and ammunition across its territory in case of trouble in the interior or other serious danger applies equally to those cases in which the Power in question might have well-grounded suspicions that these arms were destined to be employed against itself, contrary to the spirit of the General Act and of the purpose for which this right of transit is accorded, that is to say, to enable the European stations and Missions in the interior to defend themselves from the attacks of the tribes and slave-dealers.”

M. de Macedo says that although he has not perceived that there is any essential contradiction between the views expressed in the declaration read by the English Minister and those he has expressed himself in the name of his Government, and although his last declaration has called forth no observation from any other member of the Conference, he is instructed to communicate to the Conference a statement of the grounds of this declaration such as would form a precise commentary, and to request its insertion in the Protocol.

This statement is thus conceived :—

“Gentlemen,

“The Government of His Most Faithful Majesty believe that if it were permitted to attribute to Article X a different meaning from that which results from the explanations which I have given you, the Conference, stultifying itself, and running counter to one of the first and most essential conditions made by several Powers before allowing themselves to be represented here by giving the same right to contested sovereignties as to those which are recognized, would pass a resolution which is not within its competence, and which would certainly have a decisive influence, and one which could not be considered impartial, in the decision of contested questions of territorial sovereignty. They also believe that, with a view to protect the interests of humanity and of civilization and progress in Africa, the Conference would thus have created a fresh source of certain differences and probable conflicts more fertile in unhappy consequences than all the evils which they had tried to avoid.

“The Government of His Most Faithful Majesty accordingly only authorize me to accept the text of Article X, and my signature of the Act which contains it will only be valid in the event of the interpretation resulting from my declaration being accepted, constituting as it does an express and formal reservation to be inserted in the Protocol.”

The President declares that the explanations which have been made on both sides are the last to which the General Act has given rise.

As regards the separate Declaration, it must be considered as having been adopted unless new reservations are made upon the points which were discussed in yesterday's sitting.

The President points out that, with the exception of the Agreement to be concluded between the United States and the Congo Free State, respecting which a decision is hourly expected, the labours of the Conference are terminated.

It only remains to fix a day for signing. A few days ago a resolution was made upon that point. The Conference is now called upon to make a final decision. The President begs the Plenipotentiaries to make known their opinion.

Baron de Renzis suggests the 28th June.

An exchange of observations takes place between several members as to whether this date can be fixed before all the Plenipotentiaries have been authorized by their Government to sign the General Act, as some of them are still unprovided with the necessary authority.

Carathéodory Effendi inquires whether it would not be possible to allow such Plenipotentiaries as should not receive their authority in time to sign a few days later.

Lord Vivian begs the Turkish Minister to inform his Government by telegraph of the arrangements made by the Conference, so that the Sublime Porte may provide him with the necessary authority before the 28th June.

The President says that all the members of the Conference are animated by the same desire to put the last touches to their labours as soon as possible. It must not be forgotten that every day of delay prolongs a state of things in Africa which is marked by constant sacrifices of human life. On the other hand, however serene may be the political horizon, events may occur which would turn away the attention of the Governments interested from the labours of the Conference. All these reasons point to the desirability of a prompt conclusion to the labours which have now been carried on for nearly eight months.

It is therefore desirable to fix as early a date as possible for the signature of the General Act. That suggested by Baron de Renzis leaves to each of the Plenipotentiaries sufficient time to enable him to receive the authorization of his Government, and the Conference would do well to accept it.

The President adds that if, for reasons which they need not now go into, certain Governments were not in a position to give the authority in question at once, all the members of the Conference will agree in expressing to those Governments their desire that they should join the Signatory Powers at once.

Baron Gericke de Herwynen wishes to know whether, in that case, the connection between the General Act and the Declaration would be maintained.

The President replies that the Conference has already given an affirmative answer to this question. In order to modify this decision the Conference would have to pronounce itself formally.

Lord Vivian inquires whether the full powers possessed by the Plenipotentiaries are sufficient authority for signing the two separate Acts.

The President answers in the affirmative. The full powers cover all Resolutions which the Conference can pass.

Prince Ouroussoff expresses doubt as to whether the Protocol can be left open when it is not a simple Declaration, but a formal Treaty, which is in question.

The President answers that there are precedents, of which several are quite recent.

Prince Ouroussoff inquires whether in this case the signatures ought not to be given in the form of an adhesion, and whether in anticipation of this eventuality the preamble of the General Act ought not to be modified by erasing the name of the Power which should not be able to sign at the same time as the rest.

The President says that the Power whose signature is added afterwards, the Protocol being left open, is under the same obligations as the other Signatory Powers. Up to that moment the remaining Powers are bound to one another, and the Act has validity for these Powers, excepting in so far as concerns the stipulations to which the consent of the Power which is late in signing is necessary. As regards the preamble, it is not to be thought that it would be more in conformity with strict principles to omit the mention of that

Power which does not sign at the same time as the others, as there is really no reason why such mention should not be made. It would be a mark of courtesy, a proof of confidence, and an invitation, so to speak, addressed to the Power which had not signed, not to abandon at the last moment a work which it would have contributed to bring to a successful issue.

Prince Ouroussoff is of opinion that provision ought to be made for the case in which the signature thus given subsequently should be affixed under certain reservations. Were such a thing to occur, the Plenipotentiaries would have to request fresh instructions before signing an Act the consequences of which would remain uncertain.

The President replies that there is no need to anticipate any such reservations, which would, moreover, not be admitted.

Carathéodory Effendi believes that, in view of the shortness of the delay fixed, provision ought to be made for the case in which, in spite of the urgency with which he has pressed for final instructions, the authorization should not have reached him before the 28th June. He would wish that in that case the Protocol should be left open for him, and that he should be allowed to sign under reservations, which would, moreover, be nothing but declarations.

The President repeats that signatures given subsequently must be affixed without reservations or conditions. If the Sublime Porte should not be able to authorize its Representative to sign on the 28th June, and if it should intend to ask for any change in the General Act, such alterations should form the subject of a subsequent understanding with the Signatory Powers. The President begs the Turkish Minister to draw the attention of his Government to the consequences of such reservations. He expresses the hope that nothing of the kind will occur, and that his Excellency Carathéodory Effendi will be able to join his colleagues on the 28th June.

At the request of Baron Gericke de Herwynen, the President begs the Conference to meet the next day, for the purpose of hearing a declaration that the Netherlands Minister proposes to make in execution of the instructions which he has just received from his Government.

The meeting adjourned.

(Signed)

ALVENSLEBEN.
GÖHRING.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
H. S. SANFORD.
A. BOURÉE.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
L. GERICKE.
H. DE MACEDO.
L. OUROUSSOFF.
MARTENS.
BURENSTAM.
ÉT. CARATHÉODORY.
JOHN KIRK.
GÖHRING.

True copy :

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
COUNT PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
COUNT ANDRÉ DE ROBLANO.

Protocol No. 28.—Sitting of June 25, 1890.

Present :

- For Germany—
His Excellency Count Alvensleben.
M. Göhring.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambertmont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Congo Free State—
M. van Eetvelde.
M. van Maldeghem.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
- For France—
His Excellency M. Bourée.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency Prince Ouroussoff.
His Excellency M. de Martens.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
Sir John Kirk.
M. Göhring.

The President invites the Netherlands Minister to make known to the meeting the declaration announced by him at the sitting of yesterday.

Baron Gericke de Herwynen, after having thanked his colleagues for the courtesy which they had shown in allowing him to defer until to-day's sitting the declaration he proposed to make, expresses himself in these terms :—

“ Gentlemen,

“ You are aware of the position which my Government has thought it right to adopt since the question of the imposition of import duties on the Congo has been raised in the Conference. I have had the honour to explain that the Government of the King are unable to consider the present Conference as called together to decide a question implying a modification of the General Act of Berlin. I added that a proposal with this object should have been announced when the Brussels Conference was convoked ; that the respect with which the decisions of the Berlin Conference should be regarded does not allow of the present discussion of the proposal unexpectedly introduced by our honourable President on the 10th May last. You are aware, Gentlemen, that my Government has been from the outset, and still are, of opinion that this proposal required, in order to be regularly introduced, the

convocation of a Conference specially charged with discussing the advisability of modifying the General Act of Berlin. They therefore proposed to postpone for six months the meeting of this Conference, which would afford every one sufficient time to enable decisions to be taken after careful examination, and with a perfect knowledge of the case. That was, in the view of my Government, a logical, equitable, and prudent mode of procedure, and one which, at the same time, would appear acceptable to all, in a question which might give rise, and did, in fact, give rise, on the part of the Netherlands, to objections which are not without force.

"It was considered possible, with the best intentions I freely admit, to obviate this drawback by separating from the General Act the provisions implying the necessity of modifying the General Act of Berlin. This proposal might, indeed, have the good effect, which I sincerely approved, of allowing all to join in the humanitarian and civilizing provisions which have during seven months formed the subject of such conscientious and painstaking discussion. It is, I confess, with great astonishment that I have since learnt that the special provisions dropped from the General Act were to be introduced in a special Act inseparable from the General Act. The difficulties which I had thought removed thus continue to exist under another form.

"You could not, moreover, Gentlemen, be mistaken as to the character of the request which I took the liberty of addressing yesterday to our honourable President. The reply which was given me unfortunately tends, if it is upheld, to the rejection of our adhesion to the General Act.

"I declare myself, Gentlemen, prepared to sign with you all this Act, and I hold here the Royal full powers authorizing me to do so. I may, I think, moreover, openly and formally claim the right to do so, the General Act constituting the only object indicated and provided for when this Conference was convoked. I declare, further, that I should regret more deeply than I can say not to see my august Sovereign mentioned among all the Sovereigns or Heads of Governments who have desired to participate in this grand and eminently civilizing work, brought to a successful termination by our Conference; but I must, in the name of the Government of the King, solemnly and entirely decline before the civilized world and before history all responsibility for the forced abstention of the Netherlands."

The President subsequently proposes to the assembly to adjourn to Friday, the 27th June. The Plenipotentiaries of the United States will probably be in a position on that date to make known the instructions which they are awaiting from their Government. The meeting adjourned.

(Signed)

ALVENSLEBEN.
GÖHRING.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
A. BOURÉE.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
L. GERICKE.
H. DE MACEDO.
L. OUROUSSOFF.
MARTENS.
BURENSTAM.
ET. CARATHEODORY.
JOHN KIRK.
GÖHRING.

True copy:

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Count PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Count ANDRÉ DE ROBIANO.

Protocol No. 29.—Sitting of June 27, 1890.

Present:

- For Germany—
His Excellency Count Alvensleben.
M. Göhring.
- For Belgium—
Baron Lambermont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Congo Free State—
M. van Eetvelde.
M. van Maldeghem.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.
- For France—
His Excellency M. Bourée.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Persia—
His Excellency Nazare Aga.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency Prince Ouroussoff.
His Excellency M. de Martens.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
Sir John Kirk.
M. Göhring.

The President calls upon M. van Maldeghem, Plenipotentiary of the Congo State, who expresses himself as follows:—

“The Netherlands Plenipotentiary, in the sitting of the 25th, read us a declaration by his Government, the design of which was to postpone to a subsequent Conference the examination of the means required to carry out the measures against the Slave Trade which have been determined on by the Conference. The Plenipotentiary of the Free State must repeat that they cannot share this view.

“Unless the war against the Slave Trade is to remain one on paper merely, the resolutions which have been come to require practical measures for carrying them into execution.

“There is no question, nor has there ever been one, of a platonic labour; the Slave Trade is to be actually made to disappear. Import duties are indispensable to cover, at any rate partially, the expenses which will be incurred by the efforts necessary for attaining, without loss of time, the end that you have in view in Africa.

“We could never, Gentlemen, sign an Act, unless some provision was made at the same time for this Act not remaining a dead letter, and our instructions only allow of our accepting it if it assures, and in no academic fashion, the suppression of the Slave Trade by giving us the means of attacking it effectually.

“ You know how many lives are daily sacrificed in Africa to the Slave Trade.

“ Our conscience will not allow us to let such crimes go unpunished, even for a time, for secondary considerations.

“ We are consequently obliged to ask the Conference to have the General Act and the separate Act signed simultaneously, as they originally decided should be done.”

The President says :—

“ I have nothing to add in substance to what the Congo Plenipotentiary has just said; but I think I ought to make a few remarks and furnish some explanations with regard to various points dealt with in the declaration which the Netherlands Plenipotentiary read to us on the 25th.

“ His Excellency first of all declines to acknowledge that the present Conference has the powers necessary for settling a question connected with a modification of the General Act of Berlin. The Netherlands Minister adds that, out of respect for the decisions of the Berlin Conference, the proposal to establish import duties in the conventional basin of the Congo must not be called lightly into discussion; in the name of his Government, he expresses the opinion that, in order to be regularly introduced, this proposal demands the summoning of a special Conference, whose business it would be to deliberate on the advisability of modifying the General Act of Berlin, and he suggested that this Conference should not be summoned for another six months, in order that each Power may have sufficient time to be able to take its decision after careful examination, and with a thorough knowledge of the subject.

“ Gentlemen, you have already discussed these various questions more than once, and they have formed the subject of explanations and ratifications which are set out in the Acts of the Conference.

“ The invitation addressed to the Powers expressly includes the Berlin Act of the 26th February, 1885. The object therein given for their meeting is to find between them, and in a broad spirit of conciliation, the best means for attaining the essential object of the fresh Conference, that is to say, the suppression of the Slave Trade in Africa; it expressly states, in so many words, that His Majesty's Government think it inexpedient to limit the sphere of action of the Brussels Conference, and that His Majesty wishes to leave to the Representatives of the Powers perfect liberty to suggest whatever practical measures may appear to them most suited to the circumstances.

“ In face of so explicit a passage it is impossible to admit that the action of the new Conference should have been confined within the limits laid down by the Netherlands Minister. The Conference has confirmed our view by inserting in the General Act various provisions respecting alcohols which are evident encroachments on the Treaty of Berlin, encroachments to which the Netherlands Minister declares he is prepared to give his assent by signing the General Act.

“ The scheme for establishing import duties in the conventional basin of the Congo, brought forward on the 10th May, was submitted for examination to all the Powers; who, a few weeks after, with one exception, made known the result of the careful consideration they had given it, and they unanimously recommended its adoption. It would be difficult to explain why they should be obliged to enter on a second examination of a question they have already examined once without considering that they were violating the laws of logic, equity, and prudence.

“ As for the objection that the scheme made its appearance in some sort unexpectedly, it will doubtless be sufficient to recall the fact that it was rendered necessary by the necessity of providing certain States with the resources which are indispensable for them if they are to defray, even in part, the expenses which will be imposed upon them by the new General Act. It was impossible to form any estimate of what these expenses would be before the various Chapters in which they were set out had been adopted; the scheme had therefore been presented in due course.

“ The Netherlands Minister expressed his astonishment that the General Act and the Declaration relative to the import duties should have been declared inseparable. You are well aware, Gentlemen, that the Conference has again and again been called upon to state its intentions as to the connection of the two Acts, and that it has expressed them in terms which leave no room for doubt.

“ The Netherlands Minister has, in conclusion, protested that his Government are most anxious to share in the work which the Conference has accomplished. Here, at any rate, his Excellency is certain to find us in agreement with him. The authors of the proposal, no less than Baron Gericke de Herwynen, would be happy to see the name of His Majesty the King of the Netherlands among the Sovereigns and Heads of States who accept the two Acts which contain the results of our labours.”

Baron Gericke de Herwynen says that after having brought the Declaration which he

was charged to make to the knowledge of the Conference at the sitting of the 25th June, he again consulted his Government and proposed certain modifications in the statement in question. He is happy to be able to say that these observations have not been without result, as the Conference will be able to see when they hear a new Declaration which the Netherlands Government wish to have substituted for the former. It is in these terms :—

“The Signatory Powers of the General Act of Berlin of 1885, represented at the Brussels Conference, are agreed and have duly authorized their Plenipotentiaries at the latter Conference to make the following declaration :—

“I.

“Whereas, on the one hand, ever since 1885, various public Departments have been organized in the conventional basin of the Congo which have proved useful to the interests of trade and the well-being of the people; and whereas, on the other, it is necessary to enable such States or possessions as are confined within this basin to procure means for meeting the expenses which the General Act of the Brussels Conference, signed to-day, imposes on them in view of the suppression of the Slave Trade, the Signatory Powers unanimously recognize that it is necessary, within six months, to summon a Conference which shall consider the advisability of revising the General Act of Berlin.

“II.

“This revision of the General Act of Berlin can only take place on the following conditions :—

“1. The right of States in the conventional basin of the Congo to levy-import duties on the goods imported into their possessions cannot in any case be recognized by all the Signatory Powers until it has been shown by examination that every other means proposed for furnishing, without uselessly hampering trade, the said States with the necessary resources is of no avail.

“2. The Signatory Powers feel sure that every Power in whose favour the General Act of Berlin shall be revised will make a point of simplifying formalities and facilitating the operations of trade as much as possible, and especially will not in any way interfere with freedom of transit.

“III.

“The separate Act to be concluded on the basis above indicated between all the Signatory Powers of the General Act of Berlin shall be signed within months from the signature of the General Act of the Conference, and shall come into force at the same time as this latter.

“In witness whereof,” &c.

Baron Gericke de Herwynen hopes the Conference will see in the presentation of this Declaration a proof of the sincere desire felt by his Government to arrive at an understanding.

Prince Ouroussoff requests that this Declaration may be distributed to all the Plenipotentiaries, so that they may be able to form their opinions.

Baron Gericke de Herwynen expresses his wish for an immediate discussion.

M. Bourée thinks he understood that the scheme spoke of a revision of the whole of the General Act of Berlin.

Baron Gericke de Herwynen says that, in his opinion, there can be no question of any Article of the Treaty except No. IV.

The President would like, merely as a matter of information, to be furnished with some explanation as to the sense borne by Article I of the Declaration.

M. Bourée concludes, from what the Netherlands Minister has just read, that during the six months which would elapse before the new Conference met each Power would make inquiries as to the Free State of the Congo, so as to see what was its administrative organization and what were the resources of which it could avail itself.

As a matter of fact, there can be no question of any of the other States which have possessions in the conventional basin of the Congo, since they have asked for nothing, and have besides means at their disposal for carrying out such obligations as may be imposed upon them by the General Act of Brussels. But how would it be possible to justify such interference in the internal affairs of a State whose sovereign independence has been solemnly recognized? The French Minister cannot conceive on what principle such a control could be established. He adds that the declarations made at the last sittings by

the Plenipotentiaries of the Free State of the Congo ought to be held to suffice, and he cannot see how their exactness can be called in question, nor how they can be submitted, as it were, to a higher jurisdiction.

M. van Maldeghem is of opinion that the Declaration read by Baron Gericke de Herwynen brings no new element into the discussion. The proposal for an inquiry therein suggested was answered beforehand. The Plenipotentiaries of the King-Sovereign have affirmed his right to seek for fresh sources of income by means of taxes independently of import duties. They have repeatedly declared, without contradiction, that His Majesty was in this matter the best, the only judge. The Declaration of the Netherlands Minister only reproduces in a more decided form that which he read at the sitting of the 21st May. It does not, therefore, seem possible to accept it.

M. de Martens points out that there is a difference between the two Declarations. The second recognizes that a revision of Article IV of the General Act of Berlin is possible and necessary; it even concedes the imposition of import duties if the future Conference should be of opinion that the Free State has no other resources. The Conference and the Netherlands Government are therefore agreed as to the principle of the revision of Article IV. In the view of the Conference import duties are an immediate necessity, while the Netherlands Government consider them as the last resource, of which the Free State should only make use in the event of all others failing.

Baron Gericke de Herwynen says that his Declaration has been correctly interpreted by the Russian Plenipotentiary. In answer to the French Minister, he would point out that the principle of the proposed negotiations is already to be found in paragraph 6 of the Declaration which the President submitted to the Conference.

M. Bourée replies that the paragraph in question only concerned a Regulation.

Baron Gericke de Herwynen says that, as a matter of fact, that is all his Government want.

M. Banning draws attention to a point in the Dutch Declaration which appears to him to be obscure. It is suggested that six months hence a new Conference should make a further examination of the question of what resources, besides those of import duties, the Congo State can dispose of. If no agreement could be come to on this point, would the vote of the majority be enough to revise Article IV of the General Act of Berlin?

Baron Gericke de Herwynen thinks that such a case could not arise. The majority of the Conference would decide the question.

M. Bourée says that it is clear that such an inquiry as that described in the Dutch Declaration could not be made by one Power in the dominions of another. No Government would allow such a thing to be done. This being so, it does not seem to the French Minister to have any practical bearing, unless the questions provided for in paragraph 6 of the Declaration presented by the President to the Conference are concerned. But in that case the task the Netherlands Minister wishes the Conference to undertake would not have the scope he desires should belong to it. In any case, in six months' time, as at the present moment, they would still be obliged to depend absolutely on the statements of the Congo State, without having any right to discuss or verify them.

Prince Ouroussoff says that the programme of the Commission of Technical Delegates was limited to the examination of the Customs system. The Dutch Government suggest that this programme should be somewhat enlarged, and that such other proposals as the Powers may judge convenient to submit to this new body should be included.

The nature of those proposals is in no way prejudiced, and the Plenipotentiaries of the Free State of the Congo will still be free to declare that they cannot examine them, because they concern the internal affairs of their Government. No obligation to admit the inquiries to which the French Minister is so opposed is implied.

M. Bourée reminds the Conference that the formula adopted at his instance was intended to cover the two different systems, which were supported by the English Plenipotentiaries on one side and himself on the other. He is convinced that the negotiations of the Commissioners will result in a compromise between the two systems—in a mixed Customs system with a sort of general Tariff. But the inquiries necessitated by such a Customs system are quite different from those which the Netherlands Government wish to make into the resources of the Congo State and into the expenses which it will have to incur.

Lord Vivian asks if it would not be possible to restrict the inquiry which the Netherlands Government wish to have, in order to avoid its extending to the internal affairs of an independent State, by adding the words: "within the bounds of territorial sovereignty." He adds that, without the signatures of all the Signatory Powers of the Berlin Act, every Act modifying its provisions would be considered by Her Majesty's Government as incomplete.

M. Bourée is of opinion that an inquiry so limited would not answer the views of the Netherlands Government. It is the Free State alone which is in question. Its Representatives have said, as in six months they will say again, that import duties are a matter of necessity. The Conference is, with one exception, unanimous in thinking that they ought to be granted. To show that other resources are available, an inquiry in the contrary sense will be necessary; and such an inquiry the French Minister declares to be inadmissible.

M. de Martens would wish to see inserted in the Declaration the following words: "Customs system to be established." Sooner or later, according to him, import duties will have to be conceded, since the levying of export dues is guaranteed by the General Act of Berlin, and the imposition of others is left to the sovereign discretion of the State. All the members of the Conference will agree in this, that an inquiry properly speaking is not to be thought of, only an inquiry into the Customs system of somewhat wider scope than was indicated in the Declaration, which was due to the President's initiative.

M. Banning points out that the Netherlands note is conceived in a spirit different from the interpretation put upon it by *M. de Martens*.

Baron Gericke de Herwynen says that the end the Netherlands Government have in view is to get rid of the difficulties which are in the way of a simultaneous signature of the two Acts. To this end what they propose is to inquire, by means of a Conference which would meet later on, whether there are grounds for modifying the Berlin General Act. This Conference would then seek means for arriving at an understanding. His Excellency has attributed only the same meaning as *M. de Martens* to the attempt made to discover these means. If the Commission did not find any which were acceptable, it would remit the import duties. Such is the bearing of the Declaration he has just read. By submitting to the Conference the Netherlands Government have made a great step towards conciliation, in the hope that the signature of the two Acts might be rendered possible.

M. Bourée says that if this solution were admitted by the Conference, the Congo Free State would in its turn be unable to sign the General Act. The end, therefore, that they have in view would not be attained.

Baron Gericke de Herwynen observes with regret that the Declaration which he has read does not meet with the approval of the assembly. Another proposal which had been suggested in the course of the debate was not pursued.

The meeting adjourned.

(Signed)

ALVENSLEBEN.
GOHRING.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUÉRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
H. S. SANFORD.
A. BOURÉE.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
L. GERICKE.
NAZARE AGA.
H. DE MACEDO.
L. OUROUSSOFF.
MARTENS.
BURENSTAM.
ÉT. CARATHÉODORY.
JOHN KIRK.
GÖHRING.

True copy:

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Count PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Count ANDRÉ DE ROBIANO.

No. 30.

Protocol No. 30.—Sitting of June 28, 1890.

Present :

- For Germany—
His Excellency Count Alvensleben.
M. Göhring.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambertmont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Independent State of the Congo—
M. van Betsvelde.
M. van Maldeghem.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.
- For France—
His Excellency M. Bourée.
M. Cogordan.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
M. Catalani.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Persia—
His Excellency General Nazare Aga.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency Prince Ouroussoff.
His Excellency M. de Martens.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
Sir John Kirk.
M. Göhring.

Lord Vivian says that the Conference discussed, in the sitting of the 23rd June, what would happen if, at the time when the exchange of ratifications should take place, the technical negotiations with regard to the imposition of import duties in the conventional basin of the Congo were still without result. The President has expressed the opinion that each Government should have power of enforcing provisionally the

10 per cent. Tariff until a common régime should be fixed by agreement. M. de Macedo having afterwards said that the simplest way would be to leave each Power at liberty to impose import duties within the limit of 10 per cent., the Protocol adds that "the President records the fact that this view is adopted by the assembly."

The British Minister feels bound to make a formal reservation with respect to this declaration. The words of the President, as reported by the Protocol, did not reach his ears. Had he heard them, he would have been obliged to state, as indeed is shown by his previous declarations in the course of the same debate, that his instructions did not permit of his accepting this solution of the question. For, according to this hypothesis the refusal of a single State would suffice to replace all on a footing of perfect liberty to regulate the Tariffs at their own will and pleasure, a position which has never been admitted by the British Plenipotentiaries.

The President recalls the incidents of the debate, reproduced by the Protocol. As nobody requested to be heard after M. de Macedo, he concluded from this silence that all the members assented to the solution proposed by the Portuguese Minister. It follows that there was a misunderstanding, and the President does not hesitate to propose to the Conference that the discussion shall be renewed in order to settle this question, which must not remain in uncertainty.

Two different solutions of this question have been proposed. The first, which seems the most natural, is the adoption of a provisional *modus vivendi*, leaving to each State, until the final agreement, the power of fixing the Tariff in its own territories, within the 10 per cent. limit. The second consists of negotiating an agreement through the channel of diplomacy. The President adds that it must be understood that, no matter in what way the question is decided, the ratifications of the two Acts will not remain suspended until the agreement is come to, and that they must necessarily be exchanged within the periods fixed by the Acts themselves.

Lord Vivian would support the second solution, viz., the negotiation of a diplomatic arrangement, rather than the first. The British Plenipotentiaries could in no way bind themselves to acknowledge that the States of the conventional basin should be free to fix their Tariffs according to their own ideas.

M. de Macedo prefers the first solution, but will not oppose the adoption of the second.

M. van Maldeghem says that the idea of the authors of the scheme was to recognize the acquisition of the right to apply the Tariff immediately after the term fixed for the enforcement of the Treaty. In his opinion, in case of disagreement in the Technical Commission, and until the negotiations terminate, each State will be free to regulate, within the 10 per cent. limit, the Tariffs in its own territories.

M. Banning adds that no other interpretation could be admitted without placing the States of the conventional basin in the anomalous position of having a right which they could not exercise. Unless we are to impose upon the Commission the necessity of putting an end to its labours, and of arriving at an agreement within the term of the exchange of ratifications, we must of necessity authorize the provisional imposition of the duties as soon as the ratifications have been obtained.

Count Alvensleben says that the German Government have decided to acknowledge the right of levying import duties up to the maximum of 10 per cent., from the date of ratification, leaving it to be settled hereafter in what manner they shall be regulated.

Lord Vivian repeats that the instructions which the British Plenipotentiaries have received require them to insist upon an uniform Tariff, and do not allow them to recognize in advance the liberty of the States of the conventional basin to make Tariffs at their own will.

Baron de Renzis concludes that the principle of the 10 per cent. tax being acquired for the States interested, it would be enough to declare this tax compulsory on all goods until an agreement be arrived at respecting the Tariff. This would be the way to avoid all differential treatment during the period of transition. This combination would have the advantage of removing the scruples of the British Minister, and at the same time of protecting the Congo Free State.

Lord Vivian does not see the necessity of an immediate solution of the question. There is no reason for anticipating a disagreement in the Commission; if it occurs, it is better to leave to the Powers the care of surmounting the difficulty.

M. de Macedo says that he would prefer this method of solving the question to the compulsory 10 per cent. tax; the adoption of which would involve the settlement of the common Tariff beforehand.

Lord Vivian adds that a single Delegate might hold the Commission in check in

order to secure for his Government the power of indefinitely levying the 10 per cent. which constitutes the maximum of duty; the British Plenipotentiaries acknowledge the principle of import duties within the limits of this maximum, but they hold that were such a tax to be decided on it might in some sort oblige them to use it as the basis of a common Tariff.

M. van Maldeghem fails to understand how it is that a right which has been obtained cannot be used.

The President remarks that in the system supported by the British Minister the right is not challenged, but that the Powers themselves will be called upon to decide how the right shall be used.

M. Cogordan doubts whether a diplomatic negotiation has more chance of success than the Commission itself. An arrangement ought to be found which would sufficiently guarantee that at a given date the principle of import duties should necessarily come into operation.

M. Bourée says that the maximum of duty has been agreed upon and remains unalterable. As for the Commission, it will be nothing but a Commission for reducing the rates.

From the date of the termination of its labours the tariffication of those articles as to which an agreement had been come to might be considered as definitely fixed, and the 10 per cent. Tariff might be provisionally applied to the remainder until complete agreement should be come to.

The French Minister adds that he deems a disagreement among the Commission impossible. Mutual concessions will be necessary, and their consequence will be the adoption of a transactional system.

M. van Maldeghem and *Count Alvensleben* accept the *modus vivendi* suggested by the French Minister.

Lord Vivian says that, his instructions being drawn up with great precision, he is unable, without referring to his Government, to give his adhesion to a combination for which they contain no provision.

The French Minister's argument that an agreement is inevitable would be valid if it was a question of neighbouring States only; but the Powers who have no possessions in the conventional basin of the Congo, and who are parties to the negotiations, would refuse their assent if the Tariff settlement did not take into account their commercial interests.

M. Bourée observes that these interests could only be attacked within the very narrow limits of the 10 per cent. tax.

M. Cogordan adds that his colleague's opinion is akin to that of the British Minister, and meets his Excellency's apprehensions, as it tends to the establishment of a general Tariff which would be uniform throughout the basin, and would affect all articles the rates on which had not been lowered by the Commission.

Lord Vivian considers that the Tariffs on those articles as to which the Commission had been agreed might be put into force immediately. As to the second part of *M. Bourée's* proposal, it presents a danger; the Delegate of a single Power could, by his opposition, indefinitely prolong the 10 per cent. régime.

At the same time, the British Plenipotentiaries, seeing no other solution than that which was suggested by the French Minister, accept it, under reserve of their Government's consent.

The President points out that, other goods being provisionally subject to an uniform tax, no injury to commerce could result from it.

M. Bourée's proposal can therefore be regarded as having been accepted by the Conference, under reserve of a definitive answer from the British Plenipotentiaries.

Mr. Terrell informs the Conference that he has been authorized by his Government to sign the General Act adopted by the Conference, as well as a separate Act to be concluded with the Congo Free State, in the terms indicated in the declarations made by his Excellency to the assembly. The signatures of the American Plenipotentiaries, according to their previous declarations, must be understood as being given *ad referendum* as regards the two Acts.

The President says that the United States' Minister's communication will certainly be received by the Conference with extreme satisfaction.

Mr. Terrell asks that the United States' Government may be admitted to representation on the Technical Commission, in which the interests of American commerce are to be discussed, by reason of the engagements which exist between that Government and the Congo Free State.

The discussion is then renewed at the point where it was left at the last sitting,

after the declaration of the Netherlands Plenipotentiary failed to obtain the suffrages of the assembly.

Baron de Renzis says that, the situation being such as it is, it will be proper to ascertain whether the members think they will be able to sign the two Acts on the 29th June, as all the Governments were informed after the sitting of the 27th.

The President says that by persevering in the course which they were previously following all the Plenipotentiaries would have signed the two Acts except one Power, which would not have given its consent, and for which the Protocol would have been left open in order that it might sign at the same time both the General Act and the Declaration adopted by the Conference.

Lord Vivian does not think that the Conference can, at the last moment, postpone the accomplishment of their mission. It seems to him necessary to refer to his Government on the subject of the serious question raised by the attitude of one of the Signatory Powers of the Berlin General Act.

Baron de Renzis wishes to have it clearly understood what is the point on which instructions are to be sought.

M. de Macedo says that two questions are before the Conference. One is this: Can an Act modifying the Berlin Treaty be signed by a Conference in which only thirteen out of the fourteen Powers who concluded that Treaty take part?

In the second place, supposing this to be answered in the affirmative, would it be proper in any way to force the signature of the Brussels Act on the fourteenth Power?

In *M. de Macedo's* opinion, this is the point as to which the Plenipotentiaries should request instructions.

The President points out that this is not the first time that the question has been raised. The Conference have discussed it at length, then settled it, and, finally, confirmed their previous decision.

If the assembly persists in this course, the signature might be proceeded with on the morrow, leaving the Protocol open for the Plenipotentiaries who were not in a position to sign it.

M. Bourée asks how long the Protocol would remain open.

The President says that they might fix an interval of four or six months, sufficient to allow the different Governments to solicit the approval of their Legislatures in time, and before the expiration of the period assigned for the exchange of ratifications.

M. Bourée begs *Baron Gericke de Herwynen* to make known his opinion on the subject of a six months interval, and of the chances which such a decision would have of success.

Baron Gericke de Herwynen answers that he must maintain the ground of his declaration of the day before.

He does not ask for any delay, because he claims the right sign the General Act at once.

As to the second Act, his Excellency has never admitted that it must be inseparable from the General Act.

He is of opinion that the situation would be saved if the Protocol remained open to him for the signature of the Declaration. In that case his Excellency would not see the right of signing the Act denied him, which would be a serious step for the Conference to take, and the final accession of the Netherlands to the Declaration could still be hoped for.

On these terms he would allow the Protocol to remain open for him for a period which would not be very prolonged.

M. Bourée proposes that the Plenipotentiaries shall be admitted to sign the two Acts as soon as they are in a position to do so. The Protocol would remain open for six months, and it would be placed on record by a Declaration that the Acts would not become definitive nor able to be put into force until all the signatures should be affixed to it.

Count Khevenhüller-Metsch points out that no one has hitherto proposed to the Conference to reverse the decision they have taken.

As to the scheme of admitting the Netherlands Representative to sign the General Act and leaving the Protocol open to him for the Declaration, the Austro-Hungarian Minister would be obliged to refer to his Government. It would be indispensable for him to know whether, in this case, the Plenipotentiaries of Belgium and of the Congo Free State would sign the General Act. As far as he is concerned the situation is unchanged. As the intention had been originally to insert the duties in the General

Act, and as this decision had only been reversed out of consideration for the United States, it is perfectly logical to insist on the simultaneous signature of both the Acts by all the Contracting States.

M. Bourée says that this solution, as to which he is equally without instructions, might result in the decisions of the Conference remaining incomplete as regards import duties if the Netherlands were finally to abstain from adhering to the Declaration. It is evident, in fact, that this Act could not come into force until it had obtained the adhesion of all the Signatory Powers of the Berlin General Act.

Count Khevenhüller-Metsch concludes that the Netherlands will not be admitted to the signature of one of the two Acts only. If the Netherlands Government did not authorize its signature within the interval fixed, it would bear the whole responsibility.

Baron Gericke de Herwynen disclaims all responsibility, and repeats that he is ready to sign the General Act.

M. Bourée replies that they find themselves in the alternative of seeing the Act signed by the Netherlands without the Congo Free State, or else by the Congo Free State without the Netherlands. It is certain that the Netherlands cannot offer the same assistance in the execution of the General Act as the Congo Free State, whose co-operation is indispensable. It remains to be found out which of the two signatures is of the greatest importance to the success of the work which the Conference aim at accomplishing.

It is for this reason that the Conference decided that the two Acts should be signed separately. The French Minister holds that the assembly should persevere in this decision.

M. van Maldeghem declares that the Plenipotentiaries of the Congo Free State are not authorized to sign unless the two Acts remain inseparable.

Lord Vivian inquires whether this resolution would be maintained were the Congo Free State to receive a guarantee that it would not be forced to carry the General Act into execution before the means necessary for so doing should be at its disposal by making its ratification depend on the adhesion of all the Powers to the Declaration.

M. van Maldeghem replies that such a situation is not admissible.

Lord Vivian points out that the Free State has always declared that it would be impossible for it to assume the obligations imposed by the General Act, if the Conference did not give it the resources indispensable for so doing; this condition of its co-operation would be fulfilled by the adoption of his proposal.

M. van Maldeghem says that the French Minister has drawn attention to the importance of the mission which, in the work of suppressing the Slave Trade, has devolved upon the Free State, which holds the advanced post of civilization in the heart of Africa. The General Act, moreover, lays down what are the obligations of the Powers. How could the Free State be asked to affix its signature to that Act, while it was at the same time told that it would remain free not to fulfil the obligation which it imposes so long as the means for taking action should be lacking?

Lord Vivian declares that he sees no objection to such a course. The first business of the Conference should be to induce all the Contracting Powers of the Treaty of Berlin to sign the General Act it is desired to conclude. Once signed, no Power would venture to assume the responsibility of allowing that Act to become a dead letter by refusing the resources which will be necessary for carrying it into execution.

M. Banning points out that it is known by what reasons the Congo State justifies its request, while up to now no serious reason has been mentioned which would prevent the Netherlands acceding to the proposed import duties.

Baron de Renzis is of opinion that it is not the business of the Conference to decide between two Powers.

M. Bourée says that that is not the question. There are two proposals before the Conference, one of which assures it assistance which it cannot do without. If the Netherlands Minister desires not to sign immediately after the Treaty and the Declaration, it might be hoped that in time his Government would be brought to take up another attitude. But his Excellency has not understood any one to say that the two Acts could become completely effective without the concurrence of the Netherlands.

The President says that when on the preceding day he offered the Conference some explanations with regard to the Declaration read by the Netherlands Minister at the sitting of the 25th June, he did not touch the question of right which is raised by that Declaration. Now that Baron Gericke de Herwynen has to-day once more asserted his right to sign the General Act, the President disputes that view. He does not think

that the fact of having been invited to take part in a Conference can give a right to choose among the resolutions to which they may have come while the Conference themselves declare that the engagements they wish to take cannot be separated. The question is a new one, but the theory advanced by the Netherlands Minister appears a difficult one to defend.

On the other hand, the question has been raised whether the Congo State could not agree to sign the General Act while remaining free not to execute its obligations until such time as it was in possession of sufficient resources.

The President has no desire to repeat the history of the foundation of the Congo State, nor to recall the sacrifices which it cost. Nor will he either remind them of the sympathy which attended the work the greatness of which has been recognized by assembled Europe both at Berlin in 1885 and in that very place. The idea of liberating and civilizing the tribes of Central Africa by which its founder was inspired, and which was the same that has animated so many illustrious explorers and eminent men, is now in a fair way to be realized. Even now it may be said that without the barrier which has been opposed to the encroachments of the Slave Trade, this latter would have reached Stanley Pool. In this struggle the Free State is in the first rank, and it is easy to see that at no distant date it will find itself face to face with difficulties with which it will be impossible for it not to grapple. It is in view of these eventualities that the Head of the State in question has charged his Plenipotentiaries to say that he could not undertake the numerous engagements the General Act would impose on him without being certain he would be in a position to carry them out. The Conference have, with one exception, been unanimous in the answer they have returned. Two days ago the Conference resolved to sign the two Acts together, at the same time inviting the Netherlands Plenipotentiary to join his colleagues in so doing. Such is the situation. The President says that it is not in his power to modify it.

It is for the Conference to weigh the interests of civilization and humanity which are involved on the one side against the motives which are alleged on the other.

The President adds that he cannot express an opinion on the French Minister's proposal without having first obtained fresh instructions. Many of his colleagues are, no doubt, in the same position. It would be better, therefore, to put off till their next meeting the decision which the Conference will have to take.

M. de Martens inquires whether all the members of the Conference are agreed as to signing the two Acts simultaneously.

Baron de Renzis replies that the Conference have repeatedly decided this question. There has been no opposition from any one but the Netherlands Minister.

M. Bourée says that the double signature, leaving the Protocol open for any Plenipotentiary not able to sign at once, has also been admitted more than once.

Lord Vivian says that the instructions of the British Plenipotentiaries authorize them to sign the two Acts, but that they can only do so if all the Powers, without exception, do the like.

Carathéodory Effendi says that he is in a peculiar position, as the Conference knows.

M. de Macedo says that it has still got to be settled whether the signatures thus affixed will give the Act a definitive character.

The President replies that, in his opinion, the engagements of the General Act will become definitive when ratifications are exchanged between all the Powers who sign the Treaty, in so far, that is to say, as concerns those provisions—and they are the majority—which do not infringe the Treaty of Berlin of the 16th February, 1885. With regard to the Articles which do infringe the Treaty, it is observed that they could only come into force if all the Signatory Powers, without exception, adhere.

M. Banning reminds the Conference of an historical precedent which supports this view.

Spain, a Contracting Party to the Final Act of the Congress of Vienna in 1815, only acceded to that Act in 1817, but this delay did not prevent the execution of such parts of the Treaty as did not concern that Power.

The President hopes that the same thing will happen in the case of the Brussels Conference. The momentary abstention of one of the Powers ought not to prevent the others signing.

The President sums up :

The Conference has *M. Bourée's* proposal before it; it will be able to decide upon it so soon as the English Minister and the other Plenipotentiaries who want instructions shall have received the directions for which they will not delay to ask.

Lord Vivian says that he will lose no time in putting himself into communication with his Government.

However, he is already aware that Her Majesty's Government do not admit that a Treaty can modify an anterior International Act without the consent and participation of all the Contracting Parties, and that for that reason he hesitates to sign.

M. Cogordan points out that the whole Conference share in the opinion expressed by Lord Vivian.

M. Bourée's proposal refers only to a question of procedure; its sole object is to arrive at an understanding by allowing a Power which is still hesitating to give its assent and signature after the others, and the Treaty would only become definitive when this assent and signature had been obtained.

The President adds that it is evidently the same with all the clauses of the Treaty to which the concurrence of this Power can alone give effect, since these clauses modify a previous Treaty concluded by her.

The meeting adjourned.

(Signed)

ALVENSLEBEN.
GÖHRING.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
H. S. SANFORD.
A. BOURÉE.
G. COGORDAN.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
T. CATALANI.
L. GERICKE.
NAZARE AGA.
H. DE MACEDO.
L. OUROUSSOFF.
MARTENS.
BURENSTAM.
ÉT. CARATHÉODORY.
JOHN KIRK.
GÖHRING.

True copy :

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Count PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Count ANDRÉ DE ROBIANO.

No. 31.

Protocol No. 31.—Sitting of June 30. 1890.

Present :

- For Germany—
His Excellency Count Alvensleben.
M. Göhring.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambermont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Congo Free State—
M. van Eetvelde.
M. van Maldeghem.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.
- For France—
His Excellency M. Bourée.
M. Cogordan.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
M. Catalani.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Persia—
His Excellency Nazare Aga.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency Prince Ouroussoff.
His Excellency M. de Martens.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
Sir John Kirk.
M. Göhring.

General Nazare Aga reads the following declaration :—

“ On account of the distance which separates us from Tehran, my Government has not been able to have translations made of all the papers which have been transmitted to them by me, to examine them, and submit them to the high decision of His Imperial Majesty the Shah, my august Sovereign.

For these reasons, it has been impossible for me to receive all the instructions I needed. Nevertheless, as I am desirous not to delay the signature of the Acts prepared by the Conference, I will sign them ; but it is understood that this will be subject to the supreme approval of the Government of His Imperial Majesty the Shah.

I therefore beg the Conference to be so good as to authorize the insertion of this statement in the Protocol, in order that the execution of these formalities may enable me to sign at once."

The President says that it seems fair to him to take into consideration the peculiar circumstances which the Persian Minister has pleaded. The difficulties of communication necessarily hinder and delay the intercourse of his Excellency with the Imperial Government. In principle, the signatures affixed to a Treaty cannot be conditional, and ratification is never refused except under serious and exceptional circumstances. But in view of the circumstances of the present case, it cannot be doubted that a wider interpretation will be given to the reservation of the Imperial ratification.

The President is therefore of opinion that the Conference will not refuse to authorize the insertion of the declaration of the Persian Minister in the Protocol.

Prince Ouroussoff asks what would happen if the supreme sanction were not given to the General Act by the Shah.

The President replies that Persia would not be in a different position from that of every other Government which might not have ratified the Treaty. Were such a thing to occur, an exchange of explanations would take place between the High Contracting Powers, as has already been the practice in similar cases.

Lord Vivian, appealing to that patience of which the Assembly has already given so many instances, announces that after the last meeting the British Plenipotentiaries asked for fresh instructions from London. They have been informed that Lord Salisbury, hesitating to authorize the signature of an Act modifying the General Act of Berlin without the consent of all the Signatory Powers, wishes to consult the Cabinet on the subject.

The English Minister hopes to receive the instructions which he is awaiting by next Wednesday, and begs the Conference to postpone its final decision till that day.

The President replies that the Conference will have no hesitation in meeting the wish expressed by the English Minister. Similar postponements have frequently taken place for matters of less importance, while here the fate of the whole Treaty was at issue.

Count Alvensleben supports the request for an adjournment till Wednesday, the 2nd July.

M. de Macedo likewise supports the proposal of the English Minister. He reminds the Conference that at the preceding meeting it was he who first pointed out certain scruples to which the signature of a Treaty modifying the General Act of Berlin without the consent of all the High Contracting Powers might give rise, from the standpoint of right and international courtesy. It is for this reason that the Portuguese Minister had adhered to the proposal of the French Minister, according to which the Treaty would have no definite character till it had received the signature of all the Powers.

Prince Ouroussoff says that there is no divergence of opinion amongst the members of the Assembly on this question. All are, in fact, of opinion that the Act of Berlin could only be modified by the agreement of the Powers who signed it, without any exception.

M. Cogordan points out that the French Plenipotentiaries are entirely of this opinion.

The President says that there can be no ambiguity about the question of right which has been raised.

M. Bourée would like to know what is the exact point the British Government is to discuss. He adds that it has not for a single moment entered the thoughts of the French Plenipotentiaries that the Act modifying Article IV of the Treaty of Berlin could become final without the consent of all the Powers who had signed that Treaty. They confined themselves to proposing a postponement of the signature, which might be prolonged for six months. But it was an understood thing that if their proposal were admitted by the Conference the Act would only have international value from the day on which all the Powers had signed it. All interests would be safeguarded if the Final Protocol contained a declaration to this effect.

The French Plenipotentiaries profess the same respect for the inviolability of International Treaties as the English Minister.

Lord Vivian replies that the British Plenipotentiaries have asked Her Majesty's Government if they were authorized to sign the two Acts simultaneously, in spite of the abstention of the Netherlands, in conformity with the proposition made by the French Minister, and by the terms of which the Protocol would remain open for six months for the Plenipotentiaries who might not yet be in a position to sign.

In the communication which they have addressed to Lord Salisbury they have faithfully set forth the situation; they hope that the declarations of the French and Russian

Ministers will contribute, as also the efforts which they themselves have made, to reassure Her Majesty's Government as regards international law and respect of Treaties. These declarations shall be brought without delay to the knowledge of Lord Salisbury, with all necessary explanations, and his reply shall be given next Wednesday.

Carathéodory Effendi shares the opinion expressed by his Portuguese, Russian, and French colleagues as to the impossibility of modifying Article IV of the Treaty of Berlin without the consent of *all* the Powers who had signed that Treaty, reserving at the same time the right to apply it, if occasion should offer, in regard to the Imperial Government.

It was not impossible that his Excellency might have certain reservations to lay before the Conference which the Sublime Porte might command him to produce while authorizing him to sign the Treaty.

Taking his stand from this point of view, the Turkish Minister suggests fixing a longer interval for the signature of the Treaty than is solicited by the English Minister.

The President says that there is every reason to hope that the Turkish Minister will receive the instructions he awaits in a very short time, perhaps before next Wednesday.

The President adds that on the unlikely supposition that the Conference should not have received by Wednesday the reply which it is hoping for from the British Cabinet, he would be instructed by the King to propose to the Conference, not the close of its labours, but their adjournment to a more favourable moment. *The President* does not intend to make a formal proposal in this sense at the present time, but he has thought it his duty to give his colleagues notice of His Majesty's intention, in order to allow them to ask instructions from their Governments in view of this eventuality.

The meeting adjourns.

(Signed)

ALVENSLEBEN.
GÖHRING.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
H. S. SANFORD.
A. BOURÉE.
G. COGORDAN.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
T. CATALANI.
L. GERICKE.
NAZARE AGA.
H. DE MACEDO.
L. OUROUSSOFF.
MARTENS.
BURENSTAM.
ÉT. CARATHÉODORY.
JOHN KIRK.
GÖHRING.

True copy :

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Count PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Count ANDRÉ DE ROBIANO.

Protocol No. 32.—Sitting of July 2, 1890.

Present :

- For Germany—
His Excellency Count Alvensleben.
M. Göhring.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambermont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Congo Free State—
M. van Eetvelde.
M. van Maldeghem.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.
- For France—
His Excellency M. Bourée.
- For Great Britain—
His Excellency Lord Vivian.
- For Italy—
His Excellency Baron de Renzis.
- For the Netherlands—
His Excellency Baron Gericke de Herwynen.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency Prince Ouroussoff.
His Excellency M. de Martens.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
M. Göhring.

THE sitting commences at 11 o'clock.

The President asks the British Minister if he can acquaint the Conference with the answer which Her Majesty's Government have communicated to him relative to the signature of the General Act and of the Declaration.

Lord Vivian expresses himself as follows :—

“ First of all, Gentlemen, I must offer you, in my name and in that of my colleague, our sincere thanks for the courtesy which the Conference has shown us by waiting until now for the answer of Her Majesty's Government to the proposal made by the First French Plenipotentiary at the last sitting. We think it only right to offer the Conference some explanations as to the reasons which have led Her Majesty's Government to hesitate to authorize us to sign the Declaration of the 21st June.

“ This hesitation on the part of Her Majesty's Government was due to two serious causes : the first, their desire not lightly to meddle with the freedom of trade which the General Act of Berlin established in the free zone, and which was established in the interests not only of civilization but of the native races of Africa, with a view to improve their lot and to hasten their progress towards a better social state. No consideration but that of the advance of our work—the suppression of the Slave Trade—could, in the view

of Her Majesty's Government, justify the least departure from the principle of free trade established by the Berlin Act; and any modification of the kind should, in their opinion, be attempted only with the greatest caution, lest the special object with which the Powers have agreed to it should be exceeded.

"The second care of our Government has been scrupulously to observe the principle that a Treaty cannot be modified without the consent of all the Signatory Powers. On this point the opinions expressed by various Plenipotentiaries who spoke at the last sitting of the Conference have reassured Her Majesty's Government. In order to define their views on these two points, they have, while authorizing us to sign the two Acts, instructed us to make the following declaration:—

"It having been established by the deliberations of the Conference that the exclusive object of the tax authorized by the Financial Declaration is to furnish the means necessary for meeting the expenses imposed by the General Act on account of the suppression of the Slave Trade, Her Majesty's Government, in view of the great interests at stake, and having regard to the clause contained in the Declaration of the 21st June, according to the terms of which the conditions of the Tariff are to be fixed by negotiations to be opened immediately after the signature of the General Act, feel that they cannot separate themselves from the rest of the Powers, and have accordingly authorized us to sign the General Act and the Declaration.

"At the same time we have received instructions to remind the Conference of the conditions on which we adhered to the views expressed by those Plenipotentiaries who spoke in the sitting of the 30th June, namely, that there should be no question of carrying the Act into execution without first obtaining the consent of all the Signatory Powers of the Act of Berlin, and that it is on those conditions, and those alone, that we are authorized to sign.'

"Gentlemen, before concluding, I cannot but make a solemn and last appeal to the only Power which still hesitates to append its signature to the two Acts which together compose the work of the Conference.

"If, as we think, their hesitation is due to the same scruples as those which were felt by Her Majesty's Government, we venture to hope—we venture even to expect—that the weighty considerations which have determined our recent resolution, especially the disinclination to separate ourselves from the rest of the Powers just as our humanitarian labours are on the eve of completion, will have some influence on the decisions of the Power in question as well.

"Our work will not be complete without the concurrence of the Netherlands. The Netherlands Government have taken their full share of the labours which have enabled us to bring it to completion; it is hoped that they will not forsake us just as we are about to put the coping-stone upon it, and by so doing make our long efforts of no effect."

Baron Gericke de Herwynen thanks Lord Vivian for the friendly way in which he has just spoken. He will not fail to inform his Government, who have remained up to now of opinion that they could not properly abandon the attitude they had taken up. Perhaps the appeal which has just been made to them by the British Minister may not be without influence on their future decisions.

The President wishes to add a few observations to what the British Minister has just said, for the purpose of defining the point of view taken by the members of the Conference.

They have all an equal respect for right in the largest sense of the word. So much has been clearly shown by what has been said on the subject at the last meetings.

During its deliberations the Conference have found themselves in face of previously acquired rights, and have always preferred stopping short to doing anything which might in any way injure them. They cannot, therefore, be reproached with having established a dangerous precedent.

With regard more especially to the position of the Netherlands Minister, all his colleagues are ready to do what they can to help him; if he cannot join them at once they will offer him such a delay as may enable him to do so.

If the Conference maintain the decision they came to on the subject of the simultaneous signature of the General Act and the Declaration, it will be necessary to have the Protocol kept open for the Netherlands Minister.

It will then be necessary to decide as to the delay within which all the signatures will have to be given. It is for the Conference to decide whether they will keep to the limit of six months as already settled, or if they prefer to extend it till such time as the period fixed for the ratifications expires.

M. Bouree says that if this last period is adopted they ought to express a wish that the Netherlands Government may adhere as soon as possible.

Count Khevenhüller-Metsch is afraid that their Government may decline to present to the various Chambers an Act which would probably be without value if the Netherlands were definitely to refuse to give it their adhesion. His Excellency thinks that a year is too long; six or eight months would be quite enough.

M. Banning points out that the Netherlands Minister himself only asks for a delay of six months.

Lord Vivian says that Her Majesty's Government wish the greatest possible latitude to be given to those Powers who have not yet made up their minds, provided, of course, that the work of the Conference is not injured.

M. van Maldeghem shares the opinion expressed by Count Khevenhüller-Metsch. How could a Treaty be presented to the Chambers the very existence of which was dependent on the adhesion of a foreign Power?

Baron Renzis suggests fixing eight months as the period during which the Protocol should remain open; there would thus remain four months in which to lay the Treaty before the Chambers of the different countries.

M. de Martens considers that the only question the Conference should examine is the conditions under which the Protocol shall remain open for such Powers as do not sign with the others. They should be given time sufficient to enable them to make up their minds. From this point of view a delay of six or eight months would be enough.

M. Bourée thinks that a delay such as that proposed by the Second Russian Plenipotentiary would be the most convenient for the Netherlands Government. The French Minister thinks that it would be as well to hear the opinion of the Netherlands Minister on this point.

Baron Gericke de Herwynen cannot express an opinion. He points out, however, that it would be difficult to adopt a delay of a year, as in that case signature and ratification would both come at the same time. His Excellency adds that a delay of six months would appear to him to answer the object in view.

The President, summing up, says that mention will be made in the Protocol that it is to remain open for six months for the Plenipotentiaries of those Powers who, after having shared in the deliberations of the Conference, are yet not in a position to sign the two Acts forthwith. With this view the original instruments will remain at the Belgian Ministry of Foreign Affairs for this period at the furthest, and the Protocol will be kept open to receive later adhesions.

Carathéodory Effendi inquires whether the Plenipotentiaries will be allowed to make reservations in the Final Protocol. His Excellency foresees that the Ottoman Government might perhaps only authorize him to sign the Treaty under reservations. Are these to figure in the Protocol, or will they form the subject of a subsequent understanding among the Powers?

M. Bourée considers that the Final Protocol is a mere *procès-verbal*, declaring that the signatures of the different Powers have been given.

Baron Renzis points out that if a reservation were inserted in the Protocol after the other Plenipotentiaries had signed the Treaty, these latter would know nothing about it, and would not, consequently, be in a position to reply.

Carathéodory Effendi asks the Conference to decide whether, supposing he eventually presents some reservations, they may figure in the Final Protocol.

M. de Martens is of opinion that the Final Protocol should do nothing but witness to the fact of signature. If the Sublime Porte accompanies its authorization to sign with a reservation, this latter might be inserted in an Act which the President would communicate to the Powers, who could then decide on what action should be taken in the matter.

Carathéodory Effendi replies that all he wished to do was to safeguard the rights of his Government under the circumstances he has described. If the Conference do not admit in the Final Protocol the reservations to which he has alluded, he will be quite content with presenting them to the President, by whom they can be transmitted to the Powers.

The President says that, as a matter of fact, the Protocol is closed so soon as the Treaty is signed.

By using the expression "open Protocol," it is intended to leave certain countries the power of signing the Treaty later on, and not that of inserting in the Protocol reservations or fresh declarations.

All the members of the Conference hope that the Sublime Porte will be one of the Contracting Parties, and they will do what they can to bring about such a result. But if the Ottoman Government consider it necessary to make a reservation, it cannot, in the President's opinion, figure either in the Final Protocol or in the text of the Treaty; it will

be communicated to the President, who will take the opinion either of the Governments interested or of their Representatives.

The Powers will decide whether it shall or shall not be accepted.

Their decision could be registered in a special Act which would be drawn up subsequently.

M. Bourée would wish that it should be decided what is to be done in the event of the Powers not being agreed as to the acceptance of the reservation of the Turkish Government.

The President replies that in that case it will be for the Sultan to decide whether he will maintain it.

Carathéodory Effendi shares the President's views.

Baron Gericke de Herwynen says that it remains understood that it is still possible to have certain reservations admitted by communicating them to the President, and submitting them for his approval. The Netherlands Minister is anxious to make sure of this, as it is a matter which may be as important to him as it is to the Turkish Minister.

The President replies that what the Turkish Minister wishes to do is not to reopen a discussion on the text itself of the Treaty, or on its arrangements, but merely to regulate questions of interpretation.

Baron Gericke de Herwynen says that whatever reservations the Dutch Government may under certain circumstances make, they would apply to the Declaration alone, and not to the General Act.

The President points out that the hypothesis put forward by the Turkish Minister presupposes the simultaneous signature of the two Acts. Moreover, the reservation which his Excellency anticipates does not call in question the provisions of the Treaty itself. It is evident that if it only referred to a simple detail of execution, there would be no reason for referring to the Powers, and that the signature of the Sublime Porte might be admitted at once.

Baron Gericke de Herwynen thinks that there is nothing to prevent the Conference delegating its powers to the President, so as to allow of his deciding on such reservations as might be communicated to him.

The President answers that he must confine himself to being merely a channel to transmit the reservations. The Governments interested can alone decide.

The President inquires whether it would not be better to let the Belgian Government, to whom the General Act delegates the power of receiving and transmitting certain documents, communicate the reservations to the different Governments in the manner which has been indicated.

In *M. Bourée's* opinion the case in which the Netherlands, while signing the two Acts, might wish to make a new declaration, should be considered by the Conference as of far greater importance than that contemplated by the Turkish Minister. If the declaration were to require an examination by all the Powers actually represented, it would perhaps be more convenient to summon another meeting of their Representatives. The necessary powers might be given to the various Ministers accredited to Brussels.

Prince Ouroussoff is of opinion that the consequence of the French Minister's proposal would be to allow of the Treaty being modified within a short space of time, as a result of the objections of a Power by whom it had not been signed.

M. Bourée replies that his only object is to enable the Powers to judge whether the declaration which would accompany the adhesion of the Netherlands rendered a modification of the text of the Treaty necessary. If such were the case, it would be evident that the declaration could not be admitted.

Count Khevenhüller-Metsch thinks that it would not at present be convenient for him to give his opinion in the matter. The Conference can prolong its existence by deciding that if necessary it will meet again. As far as he is concerned his instructions do not allow of his expressing an opinion.

Prince Ouroussoff adds that if the views of the French Minister were adopted an advantage would be given to the Powers who had not signed over those who had.

M. de Martens thinks that a distinction is to be drawn between the Sublime Porte and the Netherlands.

The former have taken a very active part in the labours of the Conference; the reservations it might think fit to present would doubtless only concern the interpretation to be given to certain Articles of the Treaty.

As for the Netherlands, their position is different; either the reservation which they will eventually make will concern the Declaration itself, and will even, perhaps, tend to upset it, and in that case could not of course be admitted; or they will accept and sign the General Act, and their reservation will deal with the condition of the Customs system.

There would, under such circumstances, be no reason why it should not be submitted to the examination of the Technical Commission.

In either case the assembling of a fresh Conference, as proposed by the French Minister, would appear to be useless.

The President says that it is understood that whatever reservations the Turkish Minister may eventually make as to the interpretation to be given to this or that Article of the General Act, or as to details of execution, shall be communicated to the President, who will consult the Government concerned.

As to the Netherlands, if in signing the two Acts they were at the same time to make a reservation calling in question the text of the Treaty, or that of the separate Act, they would outstep the limits just indicated.

Thanks to their explanation, the obligation to sign the two Acts simultaneously remains in force, but it is at the same time to be understood that neither one nor the other is to be carried out until all the Powers whose consent is necessary to modify the General Act of Berlin shall have acceded thereto.

Baron Gericke de Herwynen says that, under these circumstances, he cannot sign the Treaty with his colleagues. His Excellency expresses his regret; the Netherlands Government would have been happy to have been able to give this proof of sympathy with the work of the Conference.

Baron Gericke de Herwynen adds that he maintains the claim that he has already made to sign the General Act without the Declaration, and that he considers that to this he is entitled.

The President replies that his colleagues and himself will be equally sorry not to see the Netherlands Minister among them when the Treaty is signed.

The meeting adjourned at 1.30 P.M.

(Signed)

ALVENSLEBEN.
GÖHRING.
R. KEVENHÜLLER.
LAMBERMONT.
E. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
H. S. SANFORD.
A. BOUREE.
VIVIAN.
F. DE RENZIS.
L. GERICKE.
H. DE MACEDO.
L. OUROUSSOFF.
MARTENS.
BURENSTAM.
ÉT. CARATHÉODORY.
GÖHRING.

True copy :

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Count PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Count ANDRÉ DE ROBIANO.

No. 33.

Protocol No. 33.—Sitting of July 2, 1890.

Present :

- For Germany—
His Excellency Count Alvensleben.
M. Göhring.
- For Austria-Hungary—
His Excellency Count Khevenhüller-Metsch.
- For Belgium—
Baron Lambermont.
M. Émile Banning.
- For Denmark—
M. F. G. Schack de Brockdorff.
- For Spain—
His Excellency M. Gutierrez de Aguëra.
- For the Congo Free State—
M. van Eetvelde.
M. van Maldeghem.
- For the United States of America—
His Excellency Mr. E. H. Terrell.
Mr. H. S. Sanford.
- For France—
His Excellency M. Bourée.
M. Cogordan.
- For Great Britain—
His Excellency Lord Vivian.
Sir John Kirk.
- For Italy—
His Excellency Baron de Renzis.
- For Persia—
His Excellency Nazare Aga.
- For Portugal—
His Excellency M. de Macedo.
- For Russia—
His Excellency Prince Ouroussoff.
His Excellency M. de Martens.
- For Sweden and Norway—
His Excellency M. de Burenstam.
- For Turkey—
His Excellency Carathéodory Effendi.
- For Zanzibar—
Sir John Kirk.
M. Göhring.

THE sitting opens at 3 o'clock.

The President invites the Plenipotentiaries to proceed to the signature of the General Act, and of the Declaration thereto annexed.

This formality being accomplished, *M. Gutierrez de Aguëra* speaks as follows :—

“At this moment, when our labours are on the point of termination, I desire, Gentlemen, to make mention of a name which calls forth universal respect and sympathy.

“That this Conference has met is a proof of the part the Governments here represented have wished to take in the movement by which Europe has been stirred in favour of the unhappy inhabitants of Africa. But we must not forget the efforts which the Sovereign Pontiff has made to forward this movement, nor the proofs of paternal solicitude which he has given for the unfortunate races whose fate has preoccupied us for so long, nor the sacrifices and labours of those who have so powerfully seconded his generous

views. The General Act will lay the foundation of a work which is essentially one of humanity and civilization. More than once we have appealed for help to everybody disposed to render it. I think, Gentlemen, that I am correctly interpreting your sentiments in suggesting that the Protocol of the Conference should express a wish which we all entertain: May Pope Leo XIII lend in the future, as in the past, to the cause which has been our care, and especially to those measures which the Powers have just settled upon by common accord, the support of his words, and the assistance of those moral forces which follow the banner of the Head of the Catholic Church.

"The great esteem in which the Governments hold the Holy Father is a guarantee of the reception which my proposal, which, moreover, reserves the wishes of some of my colleagues, will meet with at the hands of the members of this assembly."

The President says that the name of Pope Leo XIII cannot be pronounced, as the Spanish Minister has said, without evoking deep respect and sympathy. The President thinks that he will be acting in conformity with the wishes of his colleagues by declaring his adhesion to what the Spanish Minister has said; the Protocol of the Conference will record the homage which has been paid to His Holiness.

Carathéodory Effendi delivers the following speech:—

"Gentlemen,

"An unexpected incident procures me the honour of speaking in the name of my colleagues. I think I interpret your feelings correctly when I say how much we regret the absence at this moment of our dear and respected Doyen, M. Gericke de Herwynen. It is he who could best have expressed the feelings which we all experience at this solemn moment. But though I am without authority, I will none the less neglect nothing which can make me deserving of your kind indulgence.

"We have now arrived at the conclusion of our labours.

"It is not our place to judge the work which we have accomplished; the world will estimate its value. At the same time we may be allowed to record the fact that the problem the solution of which we were to decide has been one of the most arduous and difficult which history has ever had to record.

"This problem has been dealt with by us in a large spirit of liberty, justice, and conciliation. The road which we have had to traverse has been long and painful, the obstacles numerous. After more than seven months of continuous labour we have the satisfaction of presenting a Charter of Enfranchisement to millions of slaves. We have, at the same time, drawn tighter the bonds of friendship by which we were already united, and amicably solved problems which concern one of the most important and doubtful questions of international law, and which at first sight appeared insoluble.

"The work evolved out of our deliberations cannot, of course, pretend to be perfect it will probably not escape criticism; but, such as it is, it is nevertheless a considerable step on the road to the suppression of the African Slave Trade, and will as such form a landmark in history. We may, I think, without presumption, avow ourselves its authors, and feel certain that we have neglected no possible means of assuring the welfare of the populations of Africa.

"To whom, Gentlemen, to whom do we owe this grand result, unless to the promoter of this Conference—to the Sovereign who, for the past quarter of the century, has watched over the prosperity of the country which offers us so splendid an hospitality?"

"It was at the call of King Leopold that we met; it is to him that we owe profound gratitude, not only for having invited us to join with him in the elaboration of a great humanitarian work, but also for the constant kindness, the numberless attentions, of which His Majesty, his august family, and the Government have not ceased to give us proofs during the whole course of our labours.

"May His Majesty, then, accept the expression of our sincere thanks, and those wishes for their happiness which we entertain for him, for the Royal Family, and for Belgium, as well as the assurance of our profound sympathy for that work of civilization which His Majesty pursues in Africa with as much courage as perseverance.

"But we have still, Gentlemen, another duty to fulfil, and one of which we are all equally anxious to acquit ourselves. The difficult and painful road that we have had to traverse, and that the Prince de Chimay told us at our opening meeting we must expect, could not be undertaken without a sure and experienced guide. The Belgian Minister of Foreign Affairs, to whom we already owe so many thanks for the graceful hospitality which he has been good enough to extend to us, has a claim on our particular gratitude for having given us this guide, this counsellor, this mediator, who has so constantly sustained us at critical moments.

"Who among us, Gentlemen, has not had recourse to Baron Lambermont's profound wisdom and consummate experience? To preside for many months over a considerable work, to avoid or to surmount difficulties, to disarm resistance, and at the same time to bring to this task such elevated sentiments, such kindness and moderation, as we have all seen; has not that been the part that Baron Lambermont has played without once giving way during the whole time that our session has lasted?"

"As the Prince de Chimay so well put it when we began our labours, the eminent statesman who has guided them so brilliantly has long ago exhausted all honours. For close upon forty years he has attached his name to most of the important events in his country's history. His Sovereign has invested him with the highest dignities a Belgian citizen can receive, giving him thus a proof of the esteem and confidence placed in him by the whole nation. His grateful country has had his features graven on the monument which perpetuates the recollection of another liberation memorable for his country. Only yesterday great and powerful States bestowed on him the most striking proofs of the confidence with which he had inspired them by the elevation of his character and the extent of his knowledge. What more can we offer our worthy and respected President, unless it be the tribute of our thanks, which we beg him to accept as a feeble but sincere testimony of our profound gratitude?"

"We trust that the homage thus publicly paid his talents and his character will always recall to Baron Lambermont's recollection not the least glorious incident of a career which has been so brilliant and so active.

"I cannot conclude, Gentlemen, without sincerely thanking the Second Belgian Plenipotentiary for the zealous and efficacious assistance he has lent us in our labours, as well as the Secretaries for the able manner in which they have discharged the difficult task which has devolved upon them."

The President replies as follows:—

"Time and ability are equally lacking to enable me to reply as I should wish to the speech which you have just heard. There is, besides, another cause which binds me from so doing; having been prisoners for so long, you are entitled, no less than the victims of the Slave Trade, to hope for a freedom which has been well earned.

"Our work, Gentlemen, is, above all, that of the Powers; we have done no more than carry out their intentions and follow their instructions.

"Nor is it, as the Turkish Plenipotentiary has pointed out, our place to judge of the value of our labours.

"We have none of us ever thought that the Conference was going at once and without further delay to put a stop to the odious Slave Trade. Such a task is not among those which can be accomplished in a day. We have marked out the road our Governments will follow, and traced the plan of action which has seemed to us to be the wisest and the most effective. As a matter of fact, the value of the Treaty will depend on the way in which it is carried out, and its success will be proportionate to the perseverance and energy which the Powers bring to the execution of the measures we have indicated. We venture to think that the generous aspirations of the public will not allow their efforts to relax, and will hasten the realization of the noble end which the Conference has pursued.

"Gentlemen, if our labours have been long, if we have encountered difficulties, there is yet nothing to regret. Edifices which are to last long take long to build. When in the future we reflect on our labours and our fatigues we shall forget them at the thought that perhaps at that very moment some unhappy African family, escaped from the horrors of slavery, is blessing our name.

"Gentlemen, in the name of the King, my august Sovereign, I have to thank you. His Majesty will always remain profoundly grateful for the assistance which you have been good enough to lend him and for those sentiments of which you have given him such numerous proofs.

"Much as I have been touched, however, by the kindness which has been so often shown me during the course of our discussions, I cannot allow to pass without remark that portion of the Turkish Plenipotentiary's speech which concerns me personally. It is to the enlightened views, conciliatory bearing, and incessant activity of its members, the faithful interpreters of the desires of their respective Governments, that the Conference owes the Act which is the result of its long labours. The President has no other merits than those you have yourselves given him, and he will consider himself richly rewarded if, as a recompense for anything he may have been able to do, so many distinguished men are good enough to accord him, and to let him keep—their friendship."

Prince Ouroussoff wishes in his turn to express feelings which he feels sure are shared by all his colleagues by inviting them to offer their respectful homage to Her Majesty the Queen of England, who it was who, in conjunction with His Majesty the King of the Belgians, took the initiative in calling the Conference together. Such a testimony may perhaps be considered more valuable as coming from the Representative of a Power which is disinterested so far as African questions are concerned, and on these grounds especially the Russian Minister is happy to be able to suggest it to the Conference.

Baron de Renzis is convinced that he is the mouthpiece of all there when he suggests the inclusion of the distinguished diplomatist who represents Her Majesty's Government among them.

Lord Vivian has heard with feelings of the liveliest gratitude the remarks, full of courtesy and consideration towards his august Sovereign, which Prince Ouroussoff has made. His Excellency has also been much touched at Baron de Renzis having, in such flattering terms, added the name of Her Majesty's Representative.

The British Minister is happy to think that if the long deliberations of the Conference have passed through critical moments, the obstacles have always been surmounted, thanks to the conciliatory disposition which has animated the members, and to their sincere desire to see their common labours successfully terminated.

The President declares that the mission of the Conference is at an end, and that the moment has come for its labours to conclude.

The meeting adjourned at 4:30.

(Signed)

ALVENSLEBEN.
GÖHRING.
R. KHEVENHÜLLER.
LAMBERMONT.
É. BANNING.
SCHACK DE BROCKDORFF.
J.-G. DE AGUËRA.
EDM. VAN EETVELDE.
VAN MALDEGHEM.
EDWIN H. TERRELL.
H. S. SANFORD.
A. BOURÉE.
G. COGORDAN.
VIVIAN.
JOHN KIRK.
F. DE RENZIS.
NAZARE AGA.
H. DE MACEDO.
L. OUROUSSOFF.
MARTENS.
BURENSTAM.
ÉT. CARATHÉODORY.
JOHN KIRK.
GÖHRING.

True copy :

(Signed)

L. ARENDT.
MARTIN GOSSELIN.
Count PIERRE VAN DER STRATEN-PONTHOZ.
CH. SEEGER.
Count ANDRÉ DE ROBIANO.

No. 34.

General Act of the Brussels Conference, 1889-90; with annexed Declaration.

In the Name of God Almighty.

HIS Majesty the German Emperor, King of Prussia, in the name of the German Empire;

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary;

His Majesty the King of the Belgians;

His Majesty the King of Denmark;

His Majesty the King of Spain, and in his name Her Majesty the Queen Regent of the Kingdom;

His Majesty the Sovereign of the Independent State of the Congo;

The President of the United States of America;

The President of the French Republic;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India;

His Majesty the King of Italy;

His Majesty the King of the Netherlands, Grand Duke of Luxemburg, &c.;

His Majesty the Shah of Persia;

His Majesty the King of Portugal and the Algarves, &c.;

His Majesty the Emperor of All the Russias;

His Majesty the King of Sweden and Norway, &c.;

His Majesty the Emperor of the Ottomans and His Highness the Sultan of Zanzibar;

Equally animated by the firm intention of putting an end to the crimes and devastations engendered by the Traffic in African Slaves, protecting effectively the aboriginal populations of Africa, and insuring for that vast continent the benefits of peace and civilization;

Wishing to give a fresh sanction to the decisions already taken in the same sense and at different epochs by the Powers, to complete the results obtained by them, and to draw up a collection of measures guaranteeing the accomplishment of the work which is the object of their common solicitude;

Have resolved, on the invitation addressed to them by the Government of His Majesty the King of the Belgians, in agreement with the Government of Her Majesty the Queen of Great Britain and Ireland, Empress of India, to assemble with this object a Conference at Brussels, and have named as their Plenipotentiaries:

Who, furnished with full powers which have been found in good and due form, have adopted the following provisions:—

CHAPTER I.—SLAVE TRADE COUNTRIES.—MEASURES TO BE TAKEN IN THE PLACES OF ORIGIN.

ARTICLE I.

The Powers declare that the most effective means for counteracting the Slave Trade in the interior of Africa are the following:—

1. Progressive organization of the administrative, judicial, religious, and military services in the African territories placed under the sovereignty or protectorate of civilized nations.

2. The gradual establishment in the interior by the Powers to which the territories are subject of strongly occupied stations, in such a way as to make their protective or repressive action effectively felt in the territories devastated by slave-hunting.

3. The construction of roads, and in particular of railways, connecting the advanced stations with the coast, and permitting easy access to the inland waters, and to such of the upper courses of the rivers and streams as are broken by rapids and cataracts, in view of substituting economical and rapid means of transport for the present means of carriage by men.

4. Establishment of steam-boats on the inland navigable waters and on the lakes, supported by fortified posts established on the banks.

5. Establishment of telegraphic lines, insuring the communication of the posts and stations with the coast and with the administrative centres.

6. Organization of expeditions and flying columns, to keep up the communication of the stations with each other and with the coast, to support repressive action, and to insure the security of high roads.

7. Restriction of the importation of fire-arms, at least of modern pattern, and of ammunition throughout the entire extent of the territories infected by the Slave Trade.

ARTICLE II.

The stations, the inland cruizers organized by each Power in its waters, and the posts which serve as ports of register for them shall, independently of their principal task, which is to prevent the capture of slaves and intercept the routes of the Slave Trade, have the following subsidiary duties:—

1. To support and, if necessary, to serve as a refuge for the native populations, whether placed under the sovereignty or the protectorate of the State to which the station is subject, or independent, and temporarily for all other natives in case of imminent danger; to place the populations of the first of these categories in a position to co-operate for their own defence; to diminish inland wars between tribes by means of arbitration; to initiate them in agricultural works and in the industrial arts so as to increase their welfare; to raise them to civilization and bring about the extinction of barbarous customs, such as cannibalism and human sacrifices.

2. To give aid and protection to commercial undertakings; to watch over their legality by controlling especially contracts of service with natives, and to lead up to the foundation of permanent centres of cultivation and of commercial establishments.

3. To protect, without distinction of creed, the Missions which are already or are about to be established.

4. To provide for the sanitary service, and to grant hospitality and help to explorers and to all who take part in Africa in the work of repressing the Slave Trade.

ARTICLE III.

The Powers exercising a sovereignty or a protectorate in Africa confirm and give precision to their former declarations, and undertake to proceed gradually, as circumstances permit, either by the means above indicated, or by any other means which they may consider suitable, with the repression of the Slave Trade, each State in its respective possessions and under its own direction. Whenever they consider it possible they will lend their good offices to the Powers which, with a purely humanitarian object, may be engaged in Africa upon a similar mission.

ARTICLE IV.

The States exercising sovereign powers or protectorates in Africa may in all cases delegate to Companies provided with Charters all or a portion of the engagements which they assume in virtue of Article III. They remain, nevertheless, directly responsible for the engagements which they contract by the present Act, and guarantee the execution thereof. The Powers promise to receive, aid, and protect the national Associations and enterprises due to private initiative which may wish to co-operate in their possessions in the repression of the Slave Trade, subject to their receiving previous authorization, such authorization being revocable at any time, subject also to their being directed and controlled, and to the exclusion of the exercise of rights of sovereignty.

ARTICLE V.

The Contracting Powers undertake, unless this has already been provided for by their laws in accordance with the spirit of the present Article, to enact or propose to their respective Legislatures in the course of one year at latest from the date of the signature of the present General Act a Law for rendering applicable, on the one hand, the provisions of their penal laws concerning the graver offences against the person, to the organizers and abettors of slave-hunting, to perpetrators of the mutilation of adults and male infants, and to all persons who may take part in the capture of slaves by violence; and, on the other hand, the provisions relating to offences against individual liberty, to carriers, transporters, and dealers in slaves.

The associates and accessories of the different categories of slave captors and dealers above specified shall be punished with penalties proportionate to those incurred by the principals.

Guilty persons who may have escaped from the jurisdiction of the authorities of the country where the crimes or offences have been committed shall be arrested either on communication of the incriminatory evidence by the authorities who have ascertained the violation of the law, or on production of any other proof of guilt by the Power on whose territory they may have been discovered, and shall be kept without other formality at the disposal of the Tribunals competent to try them.

The Powers will communicate to each other within the shortest possible delay the Laws or Decrees existing or promulgated in execution of the present Article.

ARTICLE VI.

Slaves liberated in consequence of the stoppage or dispersal of a convoy in the interior of the continent shall be sent back, if circumstances permit, to their country of origin; if not, the local authorities shall facilitate as much as possible their means of living, and, if they desire it, help them to settle on the spot.

ARTICLE VII.

Any fugitive slave claiming on the continent the protection of a Signatory Power shall obtain it, and shall be received in the camps and stations officially established by such Power, or on board the vessels of such Power plying on the lakes and rivers. Private stations and boats are only permitted to exercise the right of asylum subject to the previous sanction of such Power.

ARTICLE VIII.

The experience of all nations who have intercourse with Africa having shown the pernicious and preponderating part played by fire-arms in Slave Trade operations as well as in internal war between the native tribes; and this same experience having clearly proved that the preservation of the African populations whose existence it is the express wish of the Powers to safeguard is a radical impossibility if restrictive measures against the trade in fire-arms and ammunition are not established, the Powers decide, in so far as the present state of their frontiers permits, that the importation of fire-arms, and especially of rifles and improved weapons, as well as of powder, balls, and cartridges, is, except in the cases and under the conditions provided for in the following Article, prohibited in the territories comprised between the 20th parallel of north latitude and the 22nd parallel of south latitude, and extending westward to the Atlantic Ocean and eastward to the Indian Ocean, and its dependencies, comprising the islands adjacent to the coast as far as 100 nautical miles from the shore.

ARTICLE IX.

The introduction of fire-arms and ammunition, when there shall be occasion to authorize it in the possessions of the Signatory Powers which exercise rights of sovereignty or of protectorate in Africa, shall be regulated, unless identical or more rigorous Regulations have been already applied, in the following manner in the zone laid down in Article VIII:—

All imported fire-arms shall be deposited, at the cost, risk, and peril of the importers, in a public warehouse placed under the supervision of the Administration of the State. No withdrawal of fire-arms or imported ammunition shall take place from such depôts without the previous authorization of the Administration. This authorization shall be, except in cases hereinafter specified, refused for the withdrawal of all arms

of precision, such as rifles, magazine-guns, or breech-loaders, whether whole or in detached pieces, their cartridges, caps, or other ammunition intended for them.

At the seaports and under conditions affording the needful guarantees the respective Governments may permit private depôts, but only for ordinary powder and flint-lock muskets, and to the exclusion of improved arms and their ammunition.

Independently of the measures directly taken by Governments for the arming of the public force and the organization of their defence, individual exceptions shall be admitted for persons affording sufficient guarantees that the arm and ammunition delivered to them will not be given, assigned, or sold to third persons, and for travellers provided with a declaration of their Government stating that the weapon and ammunition are destined exclusively for their personal defence.

All arms in the cases provided for in the preceding paragraph shall be registered and marked by the authorities appointed for the supervision, who shall deliver to the persons in question licences to bear arms, indicating the name of the bearer and showing the stamp with which the arm is marked. These licences are revocable in case of proved improper use, and will be issued for five years only, but may be renewed.

The rule above set forth as to placing in depôt shall also apply to gunpowder.

From the depôts can be withdrawn for sale only flint-lock guns, with unrilled barrels, and common gunpowders, called trade powders ("poudres de traite"). At each withdrawal of arms and ammunition of this kind for sale, the local authorities shall determine the regions in which these arms and ammunition may be sold. The regions infected by the Slave Trade shall always be excluded. Persons authorized to take arms or powder out of the public depôts (warehouses) shall present to the Administration every six months detailed lists indicating the destinations of the arms and powder sold, as well as the quantities still remaining in the store-houses.

ARTICLE X.

The Governments shall take all measures they may deem necessary to insure as complete a fulfilment as possible of the provisions respecting the importation, the sale, and transport of fire-arms and ammunition, as well as to prevent either the entry or exit thereof by their inland frontiers, or the passage thereof to regions where the Slave Trade is rife.

The authorization of transit within the limits of the zone specified by Article VIII cannot be withheld when the arms and ammunition are to pass across the territory of a Signatory or adherent Power in the occupation of the coast, towards inland territories placed under the sovereignty or protectorate of another Signatory or adherent Power, unless this latter Power have direct access to the sea through its own territory. If this access be completely interrupted, the authorization of transit can no longer be withheld. Any demand of transit must be accompanied by a declaration emanating from the Government of the Power having the inland possessions, and certifying that the said arms and ammunition are not destined for sale, but are for the use of the authorities of such Power, or of the military forces necessary for the protection of the missionary or commercial stations, or of persons mentioned by name in the declaration. Nevertheless, the territorial Power of the coast retains the right to stop, exceptionally and provisionally, the transit of arms of precision and ammunition across its territory, if in consequence of inland disturbances or other serious danger there is ground for fearing that the dispatch of arms and ammunition might compromise its own safety.

ARTICLE XI.

The Powers shall communicate to each other the information relating to the traffic in fire-arms and ammunition, the licences granted, and the measures of repression in force in their respective territories.

ARTICLE XII.

The Powers undertake to adopt or to propose to their respective Legislatures the measures necessary to insure the punishment everywhere of infringers of the prohibitions laid down in Articles VIII and IX, and that of their accomplices, besides the seizure and confiscation of the prohibited arms and ammunition, either by fine or by imprisonment, or by both penalties together, in proportion to the importance of the infraction, and in accordance with the gravity of each case.

ARTICLE XIII.

The Signatory Powers who have in Africa possessions in contact with the zone specified in Article VIII bind themselves to take the necessary measures for preventing the introduction of fire-arms and ammunition across their inland frontiers into the regions of the said zone, at least that of improved arms and cartridges.

ARTICLE XIV.

The system stipulated in Articles VIII to XIII shall remain in force during twelve years. In case none of the Contracting Parties shall have notified, twelve months before the expiration of this period, its intention of putting an end to it, or shall have demanded its revision, it shall continue to remain obligatory for two more years, and shall thus continue in force from two years to two years.

CHAPTER II.—CARAVAN ROUTES AND THE LAND TRANSPORT OF SLAVES.

ARTICLE XV.

Independently of the repressive or protective action which they exercise in the centres of the Slave Trade, the stations, cruizers, and posts, the establishment of which is provided for in Article II, and all other stations established or recognized by Article IV by each Government in its possessions, will furthermore have the mission of supervising so far as circumstances will permit, and in proportion to the progress of their administrative organization, the roads followed on their territory by the slave-dealers, there to stop the convoys in their march, or to pursue them wherever their action can be legally exercised.

ARTICLE XVI.

In the regions of the coast known to serve habitually as places of passage or terminal points for Slave Traffic coming from the interior, as well as at the points of intersection of the principal caravan routes crossing the zone contiguous to the coast already subject to the influence of the Sovereign or Protective Powers, posts shall be established under the conditions and with the reservations mentioned in Article III by the authorities to whom the territories are subject, with the purpose of intercepting the convoys and liberating the slaves.

ARTICLE XVII.

A rigorous watch shall be organized by the local authorities at the ports and places near the coast in view of preventing the sale and shipping of the slaves brought from the interior, as well as the formation and departure landwards of the bands of slave hunters and dealers.

Caravans arriving at the coast or in its vicinity, as well as those arriving in the interior at a locality occupied by the territorial Power, shall, on their arrival, be submitted to a minute inspection as to the persons composing them. Any such person being ascertained to have been captured or carried off by force or mutilated, either in his native place or on the way, shall be liberated.

ARTICLE XVIII.

In the possessions of each of the Contracting Powers the Administration shall have the duty of protecting the liberated slaves, to repatriate them if possible, to procure for them means of existence, and, in particular, to take charge of the education and subsequent employment of abandoned children.

ARTICLE XIX.

The penal arrangements provided for in Article V shall be applicable to all offences committed in the course of the operations connected with the transport and Traffic of Slaves on land whenever such offences may be ascertained.

Any person having incurred a penalty in consequence of an offence provided for by the present Act shall incur the obligation of providing security before being able to undertake any commercial operation in countries where the Slave Trade is carried on.

CHAPTER III.—REPRESSION OF THE SEA-BORNE SLAVE TRADE.

§ I. *General Provisions.*

ARTICLE XX.

The Signatory Powers acknowledge the opportuneness of taking steps in common for the more effective repression of the Slave Trade in the maritime zone in which it still exists.

ARTICLE XXI.

This zone extends, on the one hand, between the coasts of the Indian Ocean (those of the Persian Gulf and of the Red Sea included) from Beloochistan to Cape Tangalane (Quilimane), and, on the other hand, a conventional line which first follows the meridian from Tangalane till it meets the 26th degree of south latitude; it is then merged in this parallel, then passes round the Island of Madagascar by the east, keeping 20 miles off the east and north shore, till it crosses the meridian at Cape Ambre. From this point the limit of the zone is determined by an oblique line which extends to the coast of Beloochistan, passing 20 miles off Cape Ras-el-Had.

ARTICLE XXII.

The Signatory Powers of the present General Act, among whom exist special Conventions for the suppression of the Slave Trade, have agreed to restrict the clauses of these Conventions concerning the reciprocal right of visit, of search, and of capture ("droit de visite, de recherche, et de saisie") of vessels at sea in the above-mentioned zone.

ARTICLE XXIII.

The same Powers have also agreed to limit the above-mentioned rights to vessels of smaller tonnage than 500 tons. This stipulation shall be revised as soon as experience shall have shown the necessity of such revision.

ARTICLE XXIV.

All other provisions of the Conventions concluded for the suppression of the Slave Trade between the aforesaid Powers shall remain in force in so far as not modified by the present General Act.

ARTICLE XXV.

The Signatory Powers undertake to adopt effective measures for preventing the usurpation of their flag, and for preventing the transport of slaves on vessels authorized to fly their colours.

ARTICLE XXVI.

The Signatory Powers undertake to adopt all measures necessary for facilitating the rapid exchange of information calculated to bring about the discovery of persons taking part in Slave Trade operations.

ARTICLE XXVII.

At least one International Bureau shall be created; it shall be established at Zanzibar. The High Contracting Parties undertake to forward to it all the documents specified in Article XLI, as well as all information of any kind likely to assist in the suppression of the Slave Trade.

ARTICLE XXVIII.

Any slave who may have taken refuge on board a ship of war bearing the flag of one of the Signatory Powers shall be immediately and definitively liberated; such liberation, however, cannot operate to withdraw him from the competent jurisdiction if he have been guilty of any crime or offence at common law.

ARTICLE XXIX.

Every slave detained against his wish on board a native vessel shall have the right to claim his liberty. His liberation may be pronounced by any Agent of any of the

Signatory Powers, on whom the present General Act confers the right of ascertaining the status of persons on board such vessels, without this liberation having the effect of withdrawing him from the competent jurisdiction if he have committed any crime or offence at common law.

§ II. *Regulation concerning the Use of the Flag and Supervision by Cruizers.*

1. *Rules for the Grant of the Flag to Native Vessels, and as to the Crew Lists and Manifests of Black Passengers on board.*

ARTICLE XXX.

The Signatory Powers undertake to exercise a rigorous watch ("surveillance") over the native vessels authorized to carry their flag in the zone indicated in Article XXI, and over the commercial operations carried on by such vessels.

ARTICLE XXXI.

The term "native vessel" applies to vessels fulfilling one of the following conditions:—

1. It shall present the outward appearance of native build or rigging.
2. It shall be manned by a crew of whom the captain and the majority of the seamen belong by origin to one of the countries on the coast of the Indian Ocean, the Red Sea, or the Persian Gulf.

ARTICLE XXXII.

The authorization to carry the flag of one of the said Powers shall in future only be granted to such native vessels as shall satisfy at the same time the three following conditions:—

1. Fitters-out or owners of ships must be either subjects of or persons protected by the Power whose flag they claim to carry.
2. They shall be obliged to prove that they possess real estate situated in the district of the authority to whom their application is addressed, or to supply a solvent security as a guarantee of the payment of the fines which might be incurred.
3. The above-named fitters-out or owners of ships, as well as the captain of the vessel, shall prove that they enjoy a good reputation, and that in particular they have never been condemned for acts of Slave Trade.

ARTICLE XXXIII.

This authorization granted shall be renewed every year. It can at any time be suspended or withdrawn by the authorities of the Power whose colours the vessel carries.

ARTICLE XXXIV.

The act of authorization shall bear the indications necessary to establish the identity of the vessel. The captain shall have the keeping thereof. The name of the native vessel and the indication of its tonnage shall be inlaid and painted in Latin characters on the stern, and on the place where the initials of the name of the port of registry, as well as the registration number in the series of the numbers of that port, shall be printed in black on the sails.

ARTICLE XXXV.

A list of the crew shall be issued to the captain of the vessel at the port of departure by the authorities of the Power whose colours it carries. It shall be renewed at every fresh venture of the vessel, or, at latest, at the end of a year, and in conformity with the following provisions:—

1. The list shall be examined at the departure of the vessel by the authority which has issued it.
2. No negro can be engaged as a seaman on a vessel without having been beforehand questioned by the authority of the Power whose colours it carries, or, in default thereof, by the territorial authority, with a view to ascertain the fact of his having contracted a free engagement.

3. This authority shall see that the proportion of seamen and boys is not out of proportion to the tonnage or rigging.

4. The authorities who shall have questioned the men before their departure shall inscribe them on the list of the crew in which they shall be mentioned, with the summary description of each of them alongside his name.

5. In order the more effectively to prevent any substitution the seamen may, moreover, be provided with a distinctive mark.

ARTICLE XXXVI.

If the captain of a vessel should desire to embark negro passengers he shall make his declaration thereof to the authority of the Power whose colours he carries, or, in default thereof, to the territorial authority. The passengers shall be interrogated, and after it has been ascertained that they embarked of their own free will they shall be inscribed in a special manifest, bearing the description of each of them alongside their names, and indicating especially the sex and the height. Negro children shall not be admitted as passengers unless they are accompanied by their relations, or by persons whose respectability is well known. At the departure the passenger roll shall be *visé* by the above-said authority after having been called over. If there be no passengers on board, this shall be specially mentioned on the crew list.

ARTICLE XXXVII.

At the arrival at any port of call or of destination the captain of the vessel shall show to the authority of the Power whose flag he carries, or, in default thereof, to the territorial authority, the crew list and, if need be, the passenger roll last delivered. The authority shall check the passengers arrived at their destination or stopping at a port of call, and shall mention their landing in the roll. At the departure of the vessel the same authority shall affix a fresh *visa* to the list and roll, and call over the passengers.

ARTICLE XXXVIII.

On the African coast and on the adjacent islands no negro passenger shall be shipped on board a native vessel except in localities where there is a resident authority belonging to one of the Signatory Powers.

In the whole extent of the zone mentioned in Article XXI of the preceding Act no negro passenger shall be landed from a native vessel except at a place in which there is a resident authority belonging to one of the High Contracting Powers, and unless such authority is present at the landing.

The cases of main force which may have caused an infraction of these provisions shall be examined by the authority of the Power whose colours the vessel carries, or, in default thereof, by the territorial authority of the port at which the vessel in question calls.

ARTICLE XXXIX.

The provisions of Articles XXXV, XXXVI, XXXVII, and XXXVIII are not applicable to vessels only partially decked, having at most a crew of ten men, and satisfying one of the two conditions following:—

1. That it be exclusively used for fishing within the territorial waters.

2. That it be occupied in the small coasting trade between the different ports of the same territorial Power, and never go further than 5 miles from the coast.

These different boats shall receive, according to the case, from the territorial or Consular authority, a special licence to be renewed every year, and subject to withdrawal under the conditions provided for in Article XL, and the uniform model of which, annexed to the present General Act, shall be communicated to the International Information Office.

ARTICLE XL.

All acts or attempted acts of Slave Trade legally brought home to the captain, fitter-out, or owner of a ship authorized to carry the flag of one of the Signatory Powers, or who may have obtained the licence provided for in Article XXXIX, shall entail the immediate withdrawal of the said authorization or licence. All offences against the provisions of paragraph 2 of Chapter III shall be punished, besides being subject to the penalties enacted by the special Laws and Ordinances of each of the Contracting Powers.

ARTICLE XLI.

The Signatory Powers undertake to deposit at the International Information Office the specimen forms of the following documents:—

1. Licence to carry the flag;
2. The list of the crew;
3. The list of the negro passengers.

These documents, the tenour of which may vary according to the different Regulations of each country, shall necessarily contain the following particulars, drawn up in one of the European languages:—

1. As regards the authorization to carry the flag:

- (a.) The name, tonnage, rig, and the principal dimensions of the vessel;
- (b.) The register number and the signal letter of the port of registry;
- (c.) The date of obtaining the licence, and the office held by the person who has issued it.

2. As regards the list of the crew:

- (a.) The name of the vessel, of the captain, and of the fitter-out or of the owner;
- (b.) The tonnage of the vessel;
- (c.) The register number and the port of registry, its destination, as well as the particulars specified in Article XXV.

3. As regards the list of the negro passengers:

The name of the vessel which conveys them, and the particulars indicated in Article XXXVI, for the proper identification of the passengers.

The Signatory Powers shall take necessary measures so that the territorial authorities or their Consuls may send to the same office certified copies of all authorizations to carry their flag as soon as such authorizations shall have been granted, as well as notices of the withdrawal of any such authorization.

The provisions of the present Article only concern the papers intended for native vessels.

2. The Stopping of Suspected Vessels.

ARTICLE XLII.

When the officers in command of war-vessels (“bâtiments de guerre”) of any of the Signatory Powers have reason to believe that a vessel of tonnage less than 500 tons, and found navigating in the above-indicated zone, takes part in the Slave Trade, or is guilty of the fraudulent use of a flag, they may proceed to the verification of the ship’s papers.

The present Article does not imply any change in the present state of things as regards jurisdiction in territorial waters.

ARTICLE XLIII.

To this end a boat commanded by a naval officer in uniform may be sent on board the suspected vessel after it has been hailed and informed of this intention.

The officer sent on board the vessel which has been stopped shall proceed with all possible consideration and moderation.

ARTICLE XLIV.

The verification of the ship’s papers shall consist in the examination of the following documents:—

1. As regards native vessels, the papers mentioned in Article XLI.
2. As regards other vessels, the documents required by the different Treaties or Conventions remaining in force.

The verification of the ship’s papers only authorizes the calling over of the crew and passengers in the case and in accordance with the conditions provided for in the following Article.

ARTICLE XLV.

The investigation of the cargo or the search can only take place with respect to a vessel navigating under the flag of one of the Powers which have concluded, or may conclude, special Conventions as mentioned in Article XXII, and in accordance with the provisions of such Conventions.

ARTICLE XLVI.

Before quitting the vessel stopped, the officer shall draw up a minute according to the forms and in the language in use in the country to which he belongs.

This minute shall be dated and signed by the officer, and relate the facts.

The captain of the vessel stopped, as well as the witnesses, shall have the right to cause to be added to the minutes any explanations they may think expedient.

ARTICLE XLVII.

The Commander of a man-of-war who may have stopped a vessel under a foreign flag shall in all cases make a Report thereon to his own Government, and state the grounds upon which he acted.

ARTICLE XLVIII.

A summary of this Report, as well as a copy of the minute drawn up by the officer sent on board the vessel stopped, shall be sent, as soon as possible, to the International Information Office, which shall communicate the same to the nearest Consular or territorial authority of the Power whose flag the vessel in question had shown. Duplicates of these documents shall be kept in the archives of the Bureau.

ARTICLE XLIX.

If, in carrying out the supervision mentioned in the preceding Articles, the officer in command of the cruiser is convinced that an act of Slave Trade has been committed on board during the passage, or that irrefutable proofs exist against the captain, or fitter-out, for accusing him of fraudulent use of the flag, of fraud, or participation in Slave Trade, he shall conduct the arrested vessel to the nearest port of the zone where there is a competent authority of the Power whose flag has been used.

Each Signatory Power undertakes to appoint in the zone, and to make known the same at the International Information Office, the territorial or Consular authorities or Special Delegates who are competent in the above-mentioned cases.

The suspected vessel can also, should the case occur, be handed over to a cruiser of its own nation if the latter consents to take charge of it.

3. *Of the Examination into and Trial of Vessels seized.*

ARTICLE L.

The authority referred to in the preceding Article, to which the arrested vessel has been handed over, shall proceed to make a full investigation, according to the Laws and Rules of his country, in the presence of an officer belonging to the foreign cruiser.

ARTICLE LI.

If it is proved by the inquiry that the flag has been fraudulently used, the arrested vessel shall remain at the disposal of its captor.

ARTICLE LII.

If the examination shows that an act of Slave Trade, made clear by the presence on board of slaves destined for sale, or any other Slave Trade offence provided for by special Convention, the vessel and cargo shall remain sequestered in charge of the authority who shall have directed the inquiry.

The captain and crew shall be handed over to the Tribunals fixed by Articles LIV and LVI. The slaves shall be set at liberty as soon as the Judgment has been delivered.

In the cases provided for by this Article, liberated slaves shall be disposed of in

accordance with the special Conventions concluded or to be concluded between the Signatory Powers. In default of such Conventions, the said slaves shall be handed over to the local authority, to be sent back, if possible, to their country of origin; if not, this authority shall facilitate for them, in so far as may be in its power, the means of livelihood, and, if they desire it, of settling on the spot.

ARTICLE LIII.

If it should be proved by the inquiry that the vessel has been illegally arrested, clear title will have been shown to an indemnity in proportion to the damages suffered by the vessel being taken out of its course. The amount of this indemnity shall be fixed by the authority which has directed the inquiry.

ARTICLE LIV.

In case the officer of the capturing vessel do not accept the conclusions of the inquiry carried on in his presence, the matter shall be handed over to the Tribunal of the nation whose flag the captured vessel had borne.

No exception shall be made to this rule, unless the disagreement arises in respect of the amount of the indemnity stipulated in Article LIII, and this shall be fixed by arbitration, as specified in the following Article.

ARTICLE LV.

The capturing officer and the authority which has directed the inquiry shall each appoint a referee within forty-eight hours, and the two arbiters shall have twenty-four hours to choose an umpire. The arbiters shall, as far as possible, be chosen from among the Diplomatic, Consular, or Judicial officers of the Signatory Powers. Natives in the pay of the Contracting Governments are formally excluded. The decision shall be taken by the majority of votes, and be considered as final. If the Court of Arbitration is not constituted in the time indicated, the procedure in respect of the indemnity, as in that for the damages, shall be in accordance with the provisions of Article LVIII, paragraph 2.

ARTICLE LVI.

The cases shall be sent forward with the briefest possible delay to the Tribunal of the nation whose colours have been used by the accused. However, the Consuls or any other authority of the same nation as the accused, specially commissioned to this end, may be authorized by their Government to deliver Judgment instead of the Tribunal.

ARTICLE LVII.

The procedure, and judgment of offences against the provisions of Chapter III shall always be conducted in as summary a manner as is permitted by the Laws and Regulations in force in the territories subject to the authority of the Signatory Powers.

ARTICLE LVIII.

Any Judgment of the national Tribunal or authorities referred to by Article LXI declaring that the seized vessel did not carry on Slave Trade shall be immediately put in force, and the vessel shall be altogether free to continue its course.

In this case the captain or owner of any vessel seized without legitimate ground of suspicion, or which has been subjected to annoyance, shall have the right of claiming damages, the amount of which shall be fixed by agreement between the Governments directly interested, or by arbitration, and shall be paid within a period of six months from the date of the Judgment acquitting the captured vessel.

ARTICLE LIX.

In case of condemnation, the sequestered vessel shall be declared lawfully seized for the benefit of the captor.

The captain, crew, and all other persons found guilty shall be punished according to the gravity of the crimes or offences committed by them, and in accordance with Article V.

ARTICLE LX.

The provisions of Articles L to LIX do not affect in any way the jurisdiction or procedure of existing special Tribunals, or of those which may hereafter be formed to take cognizance of Slave Trade offences.

ARTICLE LXI.

The High Contracting Parties undertake to make known to each other reciprocally the instructions which they shall give to carry out the provisions of Chapter III to the Commanders of their men-of-war navigating the seas of the zone referred to.

CHAPTER IV.—COUNTRIES TO WHICH SLAVES ARE SENT, WHOSE INSTITUTIONS RECOGNIZE THE EXISTENCE OF DOMESTIC SLAVERY.

ARTICLE LXII.

The Contracting Powers whose institutions recognize the existence of domestic slavery, and whose possessions, in consequence thereof, in or out of Africa, serve, in spite of the vigilance of the authorities, as places of destination for African slaves, pledge themselves to prohibit their importation, transit, and departure, as well as Trade in Slaves. They shall organize the most active and the strictest supervision at all places where the arrival, transit, and departure of African slaves takes place.

ARTICLE LXIII.

Slaves liberated under the provisions of the preceding Article shall, if circumstances permit, be sent back to the country from whence they came. In all cases they shall receive letters of liberation from the competent authorities, and shall be entitled to their protection and assistance for the purpose of obtaining means of subsistence.

ARTICLE LXIV.

Every fugitive slave arriving at the frontier of any of the Powers mentioned in Article LXII shall be considered free, and shall have the right to claim letters of liberation from the competent authorities.

ARTICLE LXV.

Any sale or transaction to which the slaves referred to in Articles LXIII and LXIV may have been subjected through circumstances of any kind whatsoever shall be considered as null and void.

ARTICLE LXVI.

Native vessels bearing the flag of one of the countries mentioned in Article LXII, if there is any indication that they are employed in Slave Trade operations, shall be submitted by the local authorities in the ports frequented by them to a rigorous verification of their crew and passengers both at arrival and departure. Should African slaves be on board, judicial proceedings shall be taken against the vessel and against all persons who may be implicated. Slaves found on board shall receive letters of liberation through the authorities who have carried out the seizure of the vessels.

ARTICLE LXVII.

Penal provisions in connection with those provided for by Article V shall be published against persons importing, transporting, and trading in African slaves, against the mutilators of children or of male adults, and those who traffic in them, as well as against their associates and accomplices.

ARTICLE LXVIII.

The Signatory Powers recognize the great importance of the Law respecting the prohibition of the Slave Trade sanctioned by His Majesty the Emperor of the Ottomans of the 4th (16th) December, 1889 (22 Rebi-ul-Akhir, 1307), and they are assured that an active supervision will be organized by the Ottoman authorities, especially on

the west coast of Arabia and on the routes which place this coast in communication with the other possessions of His Imperial Majesty in Asia.

ARTICLE LXIX.

His Majesty the Shah of Persia consents to organize an active supervision in the territorial waters and those off the coast of the Persian Gulf and Gulf of Oman which are under his sovereignty, and on the inland routes which serve for the transport of slaves. The Magistrates and other authorities shall, with this view, receive the necessary powers.

ARTICLE LXX.

His Highness the Sultan of Zanzibar consents to give his most effective support for the repression of crimes and offences committed by African slave-traders on land as well as at sea. The Tribunals created for this purpose in the Sultanate of Zanzibar shall rigorously apply the penal provisions mentioned in Article V. In order the better to insure the freedom of liberated slaves, both in virtue of the provisions of the present General Act and of the Decrees adopted in this matter by His Highness and his predecessors, a Liberation Office shall be established at Zanzibar.

ARTICLE LXXI.

Diplomatic and Consular Agents and the naval officers of the Contracting Powers shall, within the limits of existing Conventions, give their assistance to the local authorities in order to assist in repressing the Slave Trade where it still exists. They shall be entitled to be present at trials for slave-trading brought about at their instance, without being, however, entitled to take part in the deliberations.

ARTICLE LXXII.

Liberation Offices, or institutions in lieu thereof, shall be organized by the Administrations of the countries to which African slaves are sent, for the purposes specified by Article XVIII.

ARTICLE LXXIII.

The Signatory Powers having undertaken to communicate to each other all information useful for the repression of the Slave Trade, the Governments whom the present Chapter concerns shall periodically exchange with the other Governments statistical data, relating to slaves intercepted and liberated, and to the legislative and administrative measures which have been taken for suppressing the Slave Trade.

CHAPTER V.—INSTITUTIONS INTENDED TO INSURE THE EXECUTION OF THE GENERAL ACT.

§ 1. *Of the International Maritime Office.*

ARTICLE LXXIV.

In accordance with the provisions of Article XXVII, an International Office is instituted at Zanzibar, in which each of the Signatory Powers may be represented by a Delegate.

ARTICLE LXXV.

The Office shall be constituted as soon as three Powers have appointed their Representatives.

It shall draw up Regulations fixing the mode of exercising its functions. These Regulations shall immediately be submitted for the approval of those Signatory Powers who shall have notified their intention of being represented in this Office. They shall decide as to their intention within the shortest possible time.

ARTICLE LXXVI.

The expenses of this institution shall be divided in equal parts among the Signatory Powers mentioned in the preceding Article.

ARTICLE LXXVII.

The object of the Office at Zanzibar shall be to centralize all documents and information of a nature to facilitate the repression of the Slave Trade in the maritime zone. For this purpose the Signatory Powers undertake to forward within the shortest possible time:—

1. The documents specified in Article XLI.
2. Summaries of the Reports and copies of the Minutes referred to in Article XLVIII.
3. The list of the territorial or Consular authorities and special Delegates competent to take action as regards vessels seized according to the terms of Article XLIX.
4. Copies of Judgments and condemnations in accordance with Article LVIII.
5. All information which might lead to the discovery of persons engaged in the Slave Trade in the above-mentioned zone.

ARTICLE LXXVIII.

The archives of the Office shall always be open to the naval officers of the Signatory Powers authorized to act within the limits of the zone defined in Article XXI, as well as to the territorial or judicial authorities, and to Consuls specially appointed thereto by their Governments.

The Office shall supply to foreign officers and agents authorized to consult its archives translations into a European language of documents written in an Oriental language. It shall make the communications provided for in Article XLVIII.

ARTICLE LXXIX.

Auxiliary Offices in communication with the Office at Zanzibar may be established in certain parts of the zone, on agreement beforehand between the interested Powers.

They shall be composed of Delegates of these Powers, and established in conformity with Articles LXXV, LXXVI, and LXXVIII.

The documents and information specified in Article LXXVII, in so far as relating to a part of the zone specially concerned, shall be sent to them direct by the territorial and Consular authorities of the region in question without this dispensing the latter from the duty of communicating the same to the Zanzibar Head Office, as provided for by the same Article.

ARTICLE LXXX.

The Office at Zanzibar shall draw up in the two first months of every year a Report upon its own operations, and those of the auxiliary Offices, during the past twelve months.

§ II. *Of the Exchange between the Governments of Documents and Information relating to the Slave Trade.*

ARTICLE LXXXI.

The Powers shall communicate to each other to the fullest extent and in the briefest delay which they shall consider possible:—

1. The texts of the Laws and Regulations of the Administration, whether existing or enacted, in application of the present General Act.
2. Statistical information concerning the Slave Trade, slaves arrested and liberated, and the traffic in fire-arms, ammunition, and alcoholic liquors.

ARTICLE LXXXII.

The exchange of these documents, and information concerning them, shall be centralized in a special office attached to the Foreign Office in Brussels.

ARTICLE LXXXIII.

The Office at Zanzibar shall forward to it every year the Report mentioned in Article LXXX on its operations during the past year, and upon those of the auxiliary Offices which shall have been established in accordance with Article LXXIX.

ARTICLE LXXXIV.

The documents and information shall be collected and published periodically, and addressed to all the Signatory Powers. This publication shall be accompanied every year by an analytical Table of the legislative, administrative, and statistical documents mentioned in Articles LXXXI and LXXXIII.

ARTICLE LXXXV.

The Office expenses, as well as those incurred in correspondence, translation, and printing, shall be shared by all the Signatory Powers, and shall be recovered through the agency of the Department of the Foreign Office at Brussels.

§ III. *Of the Protection of Liberated Slaves.*

ARTICLE LXXXVI.

The Signatory Powers, having recognized the duty of protecting liberated slaves in their respective possessions, undertake to establish, if they should not already exist, in the ports of the zone determined by Article XXI, and in such parts of their said possessions as may be places for capture, passage, and arrival of African slaves, as many offices and institutions as are deemed sufficient by them, whose business will specially consist in liberating and protecting them in accordance with the provisions of the Articles VI, XVIII, LII, LXIII, and LXVI.

ARTICLE LXXXVII.

The Liberation Offices or the authorities charged with this service shall deliver letters of liberation, and keep a register thereof.

In case of the denunciation of an act of Slave Trade or of illegal detention, or at the instance of the slaves themselves, the said Offices or authorities shall exercise all necessary diligence to insure the liberation of the slaves and the punishment of the offenders.

The delivery of letters of liberation should in no case be delayed if the slave be accused of a crime or offence against the ordinary law. But after the delivery of the said letters an investigation shall be proceeded with in the form established by the ordinary procedure.

ARTICLE LXXXVIII.

The Signatory Powers shall favour in their possessions the foundation of establishments of refuge for women and of education for liberated children.

ARTICLE LXXXIX.

Freed slaves shall always be able to resort to the Offices to be protected in the enjoyment of their freedom. Whoever shall have used fraudulent or violent means to deprive a freed slave of his letters of liberation or of his liberty shall be considered as a slave-dealer.

CHAPTER VI.—RESTRICTIVE MEASURES CONCERNING THE TRAFFIC IN SPIRITUOUS LIQUORS.

ARTICLE XC.

Justly anxious about the moral and material consequences which the abuse of spirituous liquors entails on the native populations, the Signatory Powers have agreed to apply the provisions of Articles XCI, XCII, and XCIII within a zone extending from the 20th degree north latitude to the 22nd degree south latitude, and bounded by the Atlantic Ocean on the west and by the Indian Ocean on the east, with its dependencies, comprising the islands adjacent to the mainland, up to 100 sea miles from the shore.

ARTICLE XCI.

In the districts of this zone where it shall be ascertained that, either on account of religious belief or from other motives, the use of distilled liquors does not exist or has

not been developed, the Powers shall prohibit their importation. The manufacture of distilled liquors there shall be equally prohibited.

Each Power shall determine the limits of the zone of prohibition of alcoholic liquors in its possessions or Protectorates, and shall be bound to notify the limits thereof to the other Powers within the space of six months. The above prohibition can only be suspended in the case of limited quantities destined for the consumption of the non-native population and imported under the régime and conditions determined by each Government.

ARTICLE XCII.

The Powers having possessions or exercising protectorates in the region of the zone which are not placed under the action of the prohibition, and into which alcoholic liquors are at present either freely imported or pay an import duty of less than 15 fr. per hectolitre at 50 degrees Centigrade, undertake to levy on these alcoholic liquors an import duty of 15 fr. per hectolitre at 50 degrees Centigrade for three years after the present General Act comes into force. At the expiration of this period the duty may be increased to 25 fr. during a fresh period of three years. At the end of the sixth year it shall be submitted to revision, taking as a basis the average results produced by these Tariffs, for the purpose of then fixing, if possible, a minimum duty throughout the whole extent of the zone where the prohibition referred to in Article XCI is not in force.

The Powers have the right of maintaining and increasing the duties beyond the minimum fixed by the present Article in those regions where they already possess that right.

ARTICLE XCIII.

The distilled liquors manufactured in the regions referred to in Article XCII, and intended for inland consumption, shall be subject to an excise duty.

This excise duty, the collection of which the Powers undertake to insure as far as possible, shall not be lower than the minimum import duty fixed by Article XCII.

ARTICLE XCIV.

Signatory Powers having in Africa possessions contiguous to the zone specified in Article XC undertake to adopt the necessary measures for preventing the introduction of spirituous liquors within the territories of the said zone by their inland frontiers.

ARTICLE XCV.

The Powers shall communicate to each other, through the Office at Brussels, and according to the terms of Chapter V, information relating to the traffic in alcoholic liquors within their respective territories.

CHAPTER VII.—FINAL PROVISIONS.

ARTICLE XCVI.

The present General Act repeals all contrary stipulations of Conventions previously concluded between the Signatory Powers.

ARTICLE XCVII.

The Signatory Powers, without prejudice to the stipulations contained in Articles XIV, XXIII, and XCII, reserve the right of introducing into the present General Act later on, and by common agreement, such modifications or improvements as experience may prove to be useful.

ARTICLE XCVIII.

Powers who have not signed the present General Act shall be allowed to adhere to it.

The Signatory Powers reserve the right to impose such conditions as they may deem necessary to their adhesion.

If no conditions should be stipulated, adhesion implies acceptance of all the obligations and admission to all the advantages stipulated by the present General Act.

The Powers shall concert among themselves as to the steps to be taken to procure

the adhesion of States whose co-operation may be necessary or useful in order to insure the complete execution of the General Act.

Adhesion shall be effected by a separate Act. It shall be notified through the Diplomatic channel to the Government of the King of the Belgians, and by them to all the Signatory and adherent States.

ARTICLE XCIX.

The present General Act shall be ratified within the shortest possible period, which shall not in any case exceed one year.

Each Power shall address its ratification to the Government of the King of the Belgians, who shall give notice thereof to all the other Signatory Powers to the present General Act.

The ratifications of all the Powers shall remain deposited in the archives of the Kingdom of Belgium.

As soon as all the ratifications shall have been furnished, or at latest one year after the signature of the present General Act, their delivery shall be recorded in a Protocol which shall be signed by the Representatives of all the Powers which have ratified.

A certified copy of this Protocol shall be forwarded to all the Powers interested.

ARTICLE C.

The present General Act shall come into force in all the possessions of the Contracting Powers on the sixtieth day, counting from the day on which the Protocol provided for in the preceding Article is drawn up.

In witness whereof the respective Plenipotentiaries have signed the present General Act, and have thereto affixed their seal.

Done at Brussels the 2nd day of the month of July, 1890.

Annex to Article XXXIX.

LICENCE to ply the Coasting Trade on the East Coast of Africa in conformity with Article XXXIX.

Name of Vessel, with description of Form of Build and Rig.	Nationality.	Tonnage.	Port of Register.	Name of Captain.	Number of Crew.	Maximum Number of Passengers.	Limits within which Vessel is entitled to ply.	General Remarks.

The present licence must be renewed on the.....

Rank of Official who has issued the Permit:

Declaration.

The Powers assembled in Conference at Brussels, who have ratified the General Act of Berlin of the 26th February, 1885, or who have acceded thereto,

After having drawn up and signed in concert, in the General Act of this day, a collection of measures intended to put an end to the Slave Traffic by land as well as by sea, and to improve the moral and material conditions of existence of native races,

Taking into consideration that the execution of the provisions which they have adopted with this object imposes on some of them who have possessions or Protectorates in the conventional basin of the Congo, obligations which absolutely demand new resources to meet them,

Have agreed to make the following Declaration:—

The Signatories or acceding Powers who have possessions or Protectorates in the said Conventional basin of the Congo shall be able, so far as authority is required to this end, to establish duties upon imported goods, the scale of which shall not exceed a rate equivalent to 10 per cent. *ad valorem* at the port of entry, always excepting spirituous liquors, which are regulated by the provisions of Chapter VI of the General Act of this day.

After the signing of the said General Act, negotiations shall be opened between the Powers who have ratified the General Act of Berlin or who have acceded to it, in order to draw up, within a maximum limit of the 10 per cent. *ad valorem*, the system of Customs Regulations to be established in the conventional basin of the Congo.

Nevertheless it is understood:—

1. That no differential treatment or transit duty shall be established;
2. That in applying the Customs Regulations which are to be agreed upon, each Power will undertake to simplify formalities as much as possible, and to facilitate trade operations;
3. That the arrangement resulting from the proposed negotiations shall remain in force for fifteen years from the signing of the present Declaration.

At the expiration of this term, and failing a fresh Agreement, the Contracting Powers will return to the conditions provided for by Article IV of the General Act of Berlin, retaining the power of imposing duties up to a maximum of 10 per cent. upon goods imported into the conventional basin of the Congo.

The ratifications of the present Declaration shall be exchanged at the same time as those of the General Act of this day.

In faith of which the undersigned Plenipotentiaries have drawn up the present Declaration, and have affixed hereto their seal.

Done at Brussels, the 2nd day of the month of July, 1890.
