

# GENERAL ACT OF THE BERLIN CONFERENCE

## TREATY AT A GLANCE

### *Completed*

February 26, 1885, at Berlin

### *Signatories*

Great Britain, Austria-Hungary, Belgium, Denmark, France, Germany, Italy, the Netherlands, Portugal, Russia, Spain, Sweden and Norway, Turkey, and the United States (United States failed to ratify)

### *Overview*

Ostensibly convened to "civilize" central Africa and suppress the slave trade, the Berlin Congress actually developed an agreement for the European commercial exploitation of the Congo.

## Historical Background

From his youth, King Leopold II of Belgium had been fascinated by Africa and the potential it offered for economic and colonial expansion. It was Leopold who sponsored Sir Henry Stanley's 1879-84 expedition to the Congo, and in 1882 at Leopold's instigation, the International Congo Association was formed. An association of international bankers, it was personally dominated by Leopold, acting as a private individual rather than as king of Belgium. Indeed, Leopold ran the Congo as a private fiefdom, and the overseers of his various enterprises (primarily rubber plantations) inflicted great brutality against the Congolese. This, combined with border disputes involving Portugal, England, and France, led to the Berlin Conference, which was convened under the leadership of Otto von Bismarck on November 15, 1884, and was conducted through February 26, 1885.

## Terms

While the assembled powers, including Leopold, agreed to certain principles of humanity in dealing with the peoples of Africa, the preamble to the Congress's February 26 General Act was clear on its priorities. The preamble gave a roll call of participants and a summary of the extent of the understandings reached:

*In the Name of Almighty God.*

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the German Emperor, King of Prussia; 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; the President of the United States of America; the President of the French Republic; His Majesty the King of Italy; His Majesty the King of the Netherlands, Grand Duke of Luxembourg, &c.; 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.; and His Majesty the Emperor of the Ottomans, wishing, in a spirit of good and mutual accord, to regulate the conditions most favorable to the development of trade and civilization in certain regions of Africa, and to assure to all nations the advantages of free navigation on the two chief rivers of Africa flowing into the Atlantic Ocean; being desirous on the other hand, to obviate the misunderstanding and disputes which might in future arise from new acts of occupation (*prises de possession*) on the coast of Africa; and concerned, at the same time, as to the means of furthering the moral and material well-being of the native populations; have resolved, on the invitation addressed to them by the Imperial Government of Germany, in agreement with the Government of the French Republic, to meet for those purposes in Conference at Berlin, and have appointed as their Plenipotentiaries to wit:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India  
Sir Edward Baldwin Malet, Her Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the German Emperor, King of Prussia;

His Majesty the German Emperor, King of Prussia  
Otto, Prince von Bismarck, his President of the Prussian Council of Ministers, Chancellor of the Empire;

Paul, Count von Hatzfeldt, his Minister of State and Secretary of State for Foreign Affairs; Auguste Busch, his Acting Privy Councillor of Legation and Under-Secretary of State for Foreign Affairs; and Henri von Kusserow, Privy Councillor of Legation in the Department for Foreign Affairs;

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary Emeric, Count Szechenyi de Sarvari Felso-Videk, Chamberlain and Acting Privy Councillor, his Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the German Emperor, King of Prussia;

His Majesty the King of the Belgians Gabriel Auguste Count van der Straten-Ponthoz, Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the German Emperor, King of Prussia; and Auguste, Baron Lambermont, Minister of State, Envoy Extraordinary and Minister Plenipotentiary;

His Majesty the King of Denmark Emile de Vind, Chamberlain, his Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the German Emperor, King of Prussia;

His Majesty the King of Spain Don Francisco Merry y Colom, Count Benomar, his Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the German Emperor, King of Prussia;

The President of the United States of America John A. Kasson, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at the Court of His Majesty the German Emperor, King of Prussia, and Henry S. Sanford, ex-Minister;

The President of the French Republic Alphonse, Baron de Courcel, Ambassador Extraordinary and Plenipotentiary of France at the Court of His Majesty the German Emperor, King of Prussia;

His Majesty the King of Italy Edward, Count de Launay, his Ambassador Extraordinary and Plenipotentiary at the Court of His Majesty the German Emperor, King of Prussia;

His Majesty the King of the Netherlands Grand Duke of Luxembourg, Frederick Philippe, Jonkheer van der Hoeven, his Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the German Emperor, King of Prussia;

His Majesty the King of Portugal and the Algarves, &c.

Da Serra Gomes, Marquis de Penafiel, Peer of the Realm, his Envoy Extraordinary and Minister Plenipotentiary at the Court of his Majesty the German Emperor, King of Prussia, and Antoine de Serpa Pimentel, Councillor of State and Peer of the Realm;

His Majesty the Emperor of All the Russias Pierre, Count Kapnist, Privy Councillor, his Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the King of the Netherlands;

His Majesty the King of Sweden and Norway, &c. Gillis, Baron Bildt, Lieutenant-General, his Envoy Extraordinary and Minister Plenipotentiary at the

Court of His Majesty the German Emperor, King of Prussia;

His Majesty the Emperor of the Ottomans Mehemed Said Pasha, Vizir and High Dignitary, his Envoy Extraordinary and Plenipotentiary at the Court of His Majesty the German Emperor, King of Prussia;

Who, being provided with full powers, which have been found in good and due form, have successively discussed and adopted:-

(1) A Declaration relative to freedom of trade in the basin of the Congo, its embouchures and circumjacent regions, with other provisions connected therewith.

(2) A Declaration relative to the Slave Trade, and the operations by sea or land which furnish slaves to that trade.

(3) A Declaration relative to the neutrality of the territories comprised in the Conventional basin of the Congo.

(4) An Act of Navigation for the Congo, which, while having regard to local circumstances, extends to this river, its affluents, and the waters in its system ("eaux qui leur sont assimilees"), the general principles enunciated in Articles CVIII and CXVI of the Final Act of the Congress of Vienna, and intended to regulate, as between the Signatory Powers of that Act, the free navigation of the waterways separating or traversing several States-these said principles having since then been applied by agreement to certain rivers of Europe and America, but especially to the Danube, with the modifications stipulated by the Treaties of Paris (1856), of Berlin (1878), and of London (1871 and 1883).

(5) An Act of Navigation for the Niger, which, while likewise having regard to local circumstances, extends to this river and its affluents the same principles as set forth in Articles CVIII and CXVI of the Final Act of the Congress of Vienna.

(6) A Declaration introducing into international relations certain uniform rules with reference to future occupations on the coast of the African Continent.

And deeming it expedient that all these several documents should be combined in one single instrument, they (the Signatory Powers) have collected them into one General Act, composed of the following Articles:—

By virtue of the Berlin Congress, the International Congo Association became the Congo Free State. Politically, it was anything but free; the congress recognized Leopold II as personal sovereign of the Congo Free State. Economically, however, the Congo Free State was free in that it was open to businessmen of all nations:

## II

All flags, without distinction of nationality, shall have free access to the whole of the coast-line of the territories above enumerated, to the rivers there running into the sea, to all the waters of the Congo and its

affluents, including the lakes, and to all the ports situated on the banks of these waters, as well as to all canals which may in future be constructed with intent to unite the watercourses or lakes within the entire area of the territories described in Article I. Those trading under such flags may engage in all sorts of transport, and carry on the coasting trade by sea and river, as well as boat traffic, on the same footing as if they were subjects.

## III

Wares, of whatever origin, imported into these regions, under whatsoever flag, by sea or river, or overland, shall be subject to no other taxes than such as may be levied as fair compensation for expenditure in the interests of trade, and which for this reason must be equally borne by the subjects themselves and by foreigners of all nationalities. All differential dues on vessels, as well as on merchandize, are forbidden.

## IV

Merchandize imported into these regions shall remain free from import and transit dues.

The Powers reserve to themselves to determine after the lapse of twenty years whether this freedom of import shall be retained or not.

## V

No Power which exercises or shall exercise sovereign rights in the above-mentioned regions shall be allowed to grant therein a monopoly or favor of any kind in matters of trade.

Foreigners, without distinction, shall enjoy protection of their persons and property, as well as the right of acquiring and transferring movable and immovable possessions; and national rights and treatment in the exercise of their professions.

The powers whose citizens were now free to exploit the region pledged themselves to (as the British writer Rudyard Kipling put it in a related context) "take up the white man's burden" and look after the welfare of the African people (however these powers might define "welfare"):

## VI

All the Powers exercising sovereign rights or influence in the aforesaid territories bind themselves to watch over the preservation of the native tribes, and to care for the improvement of the conditions of their moral and material well-being and to help in suppressing slavery, and especially the Slave Trade. They shall, without distinction of creed or nation, protect and favor all religious, scientific, or charitable institutions and undertakings created and organized for the above ends, or which aim at instructing the natives and bringing home to them the blessings of civilization.

Christian missionaries, scientists, and explorers, with their followers, property, and collections, shall likewise be the objects of especial protection.

Freedom of conscience and religious toleration are expressly guaranteed to the natives, no less than to

subjects and to foreigners. The free and public exercise of all forms of Divine worship, and the right to build edifices for religious purposes, and to organize religious Missions belonging to all creeds, shall not be limited or fettered in any way whatsoever.

The slave trade was explicitly outlawed—

## Chapter II

## Declaration Relative to the Slave Trade

## IX

Seeing that trading in slaves is forbidden in conformity with the principles of international law as recognized by the Signatory Powers, and seeing also that the operations, which, by sea or land, furnish slaves to trade, ought likewise to be regarded as forbidden, the Powers which do or shall exercise sovereign rights or influence in the territories forming the Conventional basin of the Congo declare that these territories may not serve as a market or means of transit for the trade in slaves, of whatever race they may be. Each of the Powers binds itself to employ all the means at its disposal for putting an end to this trade and for punishing those who engage in it.

—and the region's neutrality guaranteed:

## Chapter III

## Declaration Relative to the Neutrality of the Territories Comprised in the Conventional Basin of the Congo

## X

In order to give a new guarantee of security to trade and industry, and to encourage, by the maintenance of peace, the development of civilization in the countries mentioned in Article I, and placed under the free trade system, the High Signatory Parties to the present Act, and those who shall hereafter adopt it, bind themselves to respect the neutrality of the territories, or portions of territories, belonging to the said countries, comprising therein the territorial waters, so long as the Powers which exercise or shall exercise the rights of sovereignty or Protectorate over those territories, using their option of proclaiming themselves neutral, shall fulfil the duties which neutrality requires.

## XI

In case a Power exercising rights of sovereignty or Protectorate in the countries mentioned in Article I, and placed under the free trade system, shall be involved in a war, then the High Signatory Parties to the present Act, and those who shall hereafter adopt it, bind themselves to lend their good offices in order that the territories belonging to this Power and comprised in the Conventional free trade zone shall, by the common consent of this Power and of the other belligerent or belligerents, be placed during the war under the rule of neutrality, and considered as belonging to a non-belligerent State, the belligerents thenceforth abstaining from extending hostilities to the territories

thus neutralized, and from using them as a base for warlike operations.

#### XII

In case a serious disagreement originating on the subject of, or in the limits of, the territories mentioned in Article I, and placed under the free trade system, shall arise between any Signatory Powers of the present Act, or the Powers which may become parties to it, these Powers bind themselves, before appealing to arms, to have recourse to the mediation of one or more of the friendly Powers.

In a similar case the same Powers reserve to themselves the option of having recourse to arbitration.

### Consequences

The Berlin Congress was an important step in Europe's involvement in Africa. Despite its provisions relative to

the welfare of native populations, reports of horrible exploitation and abuse continued to flow out of Leopold's Congo. By the end of the 19th century, an international protest movement, with genuinely humane motives, was steadily mounting. Finally, in 1908 the Belgian parliament compelled the king to step down as personal sovereign of the Congo Free State and cede it as a colony of Belgium. It was granted independence on June 30, 1960. After a decade as being known as the Congo (Léopoldville)—the capital name tagged on to distinguish it from the formerly French-controlled Congo (Brazzaville) to its west—the Afro-conscious nation changed its name to Zaire in 1971, its capital's name to Kinshasa, and the next year ordered all Zairians with Christian names to change them to African names.