

E. AFRICA
SOUTH AFRICA
HIGH COMMISSION
38037

38037
REC'D
ESP. DEL. AUG 15

Hawkins R.C.

Neutrality of Central Africa during war.

1915
6 August

Last previous Paper.
No of 6
= 34686

Wages further consideration of the Belgian proposal to neutralise Central Africa. Encloses pamphlet on the subject.

See G. H. H. H.
his Belmontley

Please see the voluminous corresp.
with his Hawkins and in the attached
to 45952/14 Secret.

There is nothing to add to this
but it would be a good thing if
his Hawkins could be told one for
as a the part of being that
is of no use for some to
pursue this line.

Exm 25/8/15

? Mr. Bonham Carter might see the independence
& be told that it is absolutely impossible to call a
halt now without ruining our prestige all over
Africa. He might be asked to use his influence to prevent
further negotiations by W. G. S. 20/8/15
Hawkins

Next subsequent Paper.

H. G. F.
42403
C. A.

Mr. Bonham Carter should be asked to

Let Mr. Harkness know that the matter
has been considered by all departments
concerned and definitely decided, and
that therefore further negotiations
are useless.

It might be suggested to
Mr. Bonham Carter just to verify
that from Mr. Bennett. I know
Lt. Robert Cecil speaking to the
F.O. would agree to such an answer.

AS 12. 20. 8.

It will I think be sufficient to
let Mr. Bonham Carter know exactly
what has happened.

AS 12. 21. 8.

Sir G. Fiddes 10.9
Sir J. Anderson 11
Mr. Steel Mackland 13
Mr. Bonas Law 14

Please see Mr. Bonham Carter's
minute on the attached quarto sheet.

JAS

10. 9. 8

Mr. Bonham Carter

Please see minute
on 39037 immediately below.

In order to carry out the SFS's
instructions I am sending you this
file in order that you may read
the history of the suggestion for
the Neutralization of the Free Trade
Zone in Africa.

For your purposes however the
important corres. is that which
deals with Mr. Hawken and it
will be found attached to

over

45952 Secret.

This will enable you I
hope to reply to Mr. Mackin

~~Feb~~
22/8/15

I do not propose to give Mr. Mackin
any written answer to his letter, which
was the outcome of a conversation which
he had with me. If he returns to the
charge I shall answer him ^{to the effect} ~~in the same~~
that the Govt have fully considered the
question & cannot alter their policy.

ABC

10/5/15

45952 Secret.

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~~22/8/15~~

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ABC

10/5/15

38037

REC'D
17 AUG 15

15th August, 1918.

Dear Butler,

I suppose I should send this
letter and enclosure to you for the
consideration of your Department.

Yours sincerely,

WBC

C. O.
38037
REC'D
REG. 17 AM 5
3, Hare Court,

Temple, E. C. 303

6th August 1918.

M. Benham Carter Esq.
10, Dewning Street,
S. W.

Dear Benham Carter,

Following my conversation on the telephone I am sending you herewith an advance copy of the pamphlet which I put together for the Gretian Society. You will notice it is a réchauffé of my letters to the Press. Lord Courtney presided at the Meeting and I found he was strongly in favour of a pacific line. I have not mentioned what should be considered, namely, that the Germans are distributing arms and ammunition among the Black population and rousing them against the Whites. The situation is therefore critical. I want you, if possible, to persuade the Prime Minister to get a decision from the Cabinet. Joseph King, M. P., asked Lord Robert Cecil a question in the House of Commons a fortnight ago, and I judge from the reply that the Cabinet have not had this matter before them. I do hope you will allow me to persuade you that the question is far too serious for a decision by a Department. My own view is that a short Statement should be made by the Prime Minister to the effect that the Government would not resent a second attempt at mediation. If after such an announcement Germany refused to accept mediation, we should have no other course left but to take strong steps to polish off drastically the imminent peril to the White Settlers. I could make a strong case for intervention by the United States owing to the action of their delegates at the Berlin Conference, but

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3, Mare Court

REC'D
Regd
17 Aug 1918

Temple, N. C. 303

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H. Benjamin Carter Esq.

(2)

6th August 1915.

I refrain from saying more, though I should, of course, be only too pleased to see you or any Member of the Cabinet on this question if you think a useful purpose would be served thereby.

Yours sincerely,

W. H. Harrison

Conced' for 2.4.14

C. O.
38037
DEC 17 1915
REG.

The Belgian Proposal

TO

304

Neutralise Central Africa

during the European War.

BY

R. C. HAWKIN

(Barrister at Law.)

With an Appendix

OR

Diplomatic Documents.

(This pamphlet has been compiled for the Grotian Society. It was read before the Society on 4th August, 1915. Lord Courtney of Panwith, presiding.)

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PREFACE.

The Congo Conference at Berlin in 1885 formulated an International Law to promote Peace and Civilization in the Dark Continent.

The failure of the Berlin Act to keep the peace in the Conventional basin of the Congo will disappoint many who were building hopes on the ultimate abolition of war by means of a strict adherence to a code of laws sanctioned by the great family of nations.

The writer believes that by calling public attention to the facts something can yet be saved from the wreckage, and appeals even at this late hour for an armistice in Central Africa so that the whole question of the introduction of European quarrels into Central Africa may receive reconsideration.

The term "Central Africa" is used as a convenient expression to denote that region defined by Article I. of the Berlin Act. The Congo State and British and German East Africa form the greater portion of the territory, but parts of the Portuguese Congo, the French Congo, the German Cameroons, Italian Somaliland, Rhodesia, Nyassaland and Portuguese East Africa are also included.

Lord Robert Cecil has just informed the House of Commons (July 28th), that the Berlin Act does not impose any binding obligation on any Power to neutralise her Possessions in Central Africa.

Prince Bismarck, however, seems to have placed a different construction on the Act in his speech after the close of the Berlin Conference, and it is not clear what useful purpose the neutralising clauses serve if any signatory may disregard them or refuse mediation at will. These clauses are, therefore, reprinted herewith (page 16), and may be left to speak for themselves.

The Germans have now distributed 100,000 rifles among the Portuguese natives, in spite of the provisions of the Brussels Act of 1880 regarding the distribution of firearms and gunpowder among African natives. This has cost Portugal four times as many lives as were spent by South Africa in suppressing her rebellion and conquering German South West Africa.

The secret Article introduced by King Charles II into his treaty with Portugal compels us to defend all Portuguese Colonies, and we are now pledged to defend the Congo against native risings.

Thus the maintenance of the Berlin and Brussels Acts is of greater importance to England than to any other signatory.

R. C. H.

THE BELGIAN PROPOSAL TO NEUTRALISE CENTRAL AFRICA.

WISH
QUEEN VICTORIA'S ~~WISH~~

On the last day of the Berlin Conference Lord Granville wrote to the British Ambassador at Berlin saying that Queen Victoria trusted that the blessings of Christianity and civilisation would be brought nearer to the people of Africa.

Extract "Times" 11-3-85

640

PRINCE BISMARCK'S SPEECH TO THE BERLIN CONFERENCE, 26th FEBRUARY, 1885.

You have shown much careful solicitude for the moral and physical welfare of the native races. The evils of war would, in fact, assume a specially fatal character if the natives were led to take sides in disputes between the civilised Powers. In careful view of the dangers which such contingencies might bring with them for the interests of commerce and civilisation, they have sought for the means to withdraw a great part of the African Continent from the fluctuations of general politics and confine the rivalry of nations to the peaceful labours of trade and industry.

The work of this Conference will mark an advance in the development of national relations, and form a new bond of union among civilised peoples.

The new Congo State is called upon to become one of the chief Protectors of the work which we have in view.

Extract "Times" 27-2-85

The following Letter was published in the *Daily News & Leader* of June 23rd, 1915.

THE WHITE WAR IN BLACK AFRICA.

A PLEA FOR THE BELGIAN SCHEME.

To the Editor.

SIR,—Is it not an opportune moment to reconsider the Belgian proposal to place Central Africa outside the sphere of military operations? While applauding the gallantry of our men who are fighting there under unfavourable conditions, I think it is obvious that the peace which will follow this war will not be shaped in accordance with the results of skirmishes in the Cameroons and East Africa.

THE BERLIN ACT.

Denmark, Spain, Sweden, and Holland have all signed the General Act relating to civilisation in Africa, which was done at Berlin in 1885. By Article XI. of this Act all these countries have solemnly pledged themselves to lend their good offices to order that the territories in Central Africa belonging to European Powers at war shall by common consent of the belligerents be placed during the war under the rule of neutrality.

This International Act was signed as a means of furthering the moral and material well-being of the natives, and I doubt not that all who know the African native will agree that the introduction of European warfare into the Dark Continent should as far as possible be avoided.

THE BELGIAN PROPOSAL.

On August 7th, 1914, Belgium drew the attention of the European Powers to this Article, and instructed the Governor-General of the Congo State that he should abstain from all offensive action against the German African Colonies.

M. Davignon, the Belgian Minister for Foreign Affairs, urged that in view of the civilising mission common to colonising nations it was desirable "for humanitarian reasons" not to extend

¹ See p. 16.

² See p. 25.

hostilities to Central Africa, a course which would put a strain upon civilisation in that region.

THE SPANISH INTERVENTION.

This territory is governed by Belgium, France, Britain, Portugal, Germany, and Italy. France replied to Belgium very favourably, for on August 6th the Belgian Minister at Paris wired as follows: "French Government are strongly inclined to proclaim the neutrality of possessions in the conventional basin of the Congo, and are begging Spain to make the suggestion at Berlin."

Spain seems to have decided to carry out her obligations as a neutral as defined by the Article XI. to which I have referred above.

A week later the Belgian Minister at Paris pressed for a definite answer.¹ It seems that in the meantime fighting in East and West Africa had begun—but Germany then expressed herself willing to fall in with the Belgian proposal, which also received strong backing from Lisbon. Italy was still neutral and seems to have taken no action, but I have it on good authority that the United States also supported the Belgian request. The United States Senate had refused² to be a party to this international treaty regarding Africa, but America has obligations as a signatory of the Brussels Act of 1890,³ under which she is entitled to protest against inter-ecine wars and the importation of firearms into Central Africa.

THE BREAKDOWN OF THE ACT.

Difficulties, however, arose; according to the Belgian Grey Book⁴ France wishes to get back the territory near the Congo which she was compelled to cede at the time of the Agadu incident, and Britain found that the wireless telegraphic stations in the German African Colonies were playing havoc with our shipping. So long as the Emden and other armed vessels were at large it was thought impossible to treat the German Colonies as neutral. For these and other reasons Britain declined the Belgian proposal, France then fell in with our view, Belgium and Portugal acquiesced, and war is now waged round the African Lakes, and elsewhere by natives trained under European officers—a sad sequel to Kikuyu!

BRITISH RESPONSIBILITIES.

In the dispatch sent by the Count de Lalaing to the Belgian Government on August 17th,⁵ conveying the decision of the British Government, a promise was notified to Belgium that England

¹ See p. 23. ² See p. 10. ³ See p. 18. ⁴ See p. 21. ⁵ See p. 24.

⁶ See p. 24.

would take every step in her power to prevent any risings of the native population in the Congo. In the neighbouring Colony of Angola the Portuguese have just had to face a serious native rebellion, and who shall say what effect this war will have on the African native?

However that may be, the arguments which induced us to refuse the Belgian request to treat Central Africa as neutral are now no longer valid.

REASONS FOR AN ARMISTICE.

The Togoland wireless station is in our hands, so is Windhoek, the station at Dares-Salaam is smashed. The German corsairs are all caught. The way is therefore clear to accept a proposal for an armistice in the area defined by this international treaty, and it would surely be easy to ask the King of Spain once more to formulate a scheme whereby all further fighting in Central Africa should cease, and the new delimitation of African frontiers should be left till the war is over.

Yours faithfully,

R. C. HAWKIN.

3, HARE COURT, TEMPLE.

June 20th, 1915

[This letter gave rise to a considerable correspondence and from numerous press comments a few are herewith selected for republication. It will be seen that some support and some oppose the proposal.]

Extract from the Economist, 26th June, 1915.

NEUTRALISATION OF CENTRAL AFRICA

In a letter in Monday's daily papers, Mr. Hawkin calls attention to the proposal made by Belgium on August 7th, and reiterated on the 17th, to place Central Africa outside the sphere of military operations. Belgium on August 7th drew the attention of the European Powers to the International Act of 1895, guaranteeing the neutrality of Central Africa, and instructed the Governor-General of the Congo to abstain from offensive action against the German African colonies. Britain refused the Belgian proposal, because it was found that the wireless telegraphic stations in the German African colonies were assisting the Emden, &c., to play havoc with our shipping. War is now being waged round the African lakes by natives, trained under European officers. Now, however, that the wireless stations are in our hands and the German corsairs captured, the way is clear to accept a proposal

for an armistice in the area defined by the 1885 international treaty, and Mr. Hawkin urges that the King of Spain might be asked to formulate such a scheme. We hope that his letter will be carefully read by the Foreign Office.

Leading article in the *Manchester Guardian*, June 28th, 1915.

NEUTRALISING CENTRAL AFRICA.

The war has made void, among other things, a treaty elaborately designed in 1885 to save the native races of Central Africa from the horrors that might attend carrying a war between the European nations into their country. Mr. R. C. Hawkin suggests that this treaty should now be made operative. It was signed by all the European Powers, and the signatories each bound themselves to respect the neutrality of the "Conventional Basin" of the Congo unless any of the others violated it. Belgium, whose Congo possessions are chiefly concerned, invoked this treaty last August, but Britain did not see her way to comply with it so long as the German wireless stations in Togoland, West Africa, and East Africa were a menace to our fleet and German African ports were a possible refuge for enemy cruisers. Now that the high seas are cleared and the German wireless stations are all in our hands, the treaty, Mr. Hawkin thinks, could be revived without prejudice to any belligerent. The warnings given by an ugly little rising of natives which lately occurred in Nyasaland and by the more extensive native trouble which Portugal has had to face in Angola are grave enough; and, in any case, the spectacle of native troops warring on each other under white command which almost all the Central African possessions now show is one of the most horrible of the war. But it is difficult to share Mr. Hawkin's hope that an end can now be made of it, and the settlement of African frontiers left to the final peace. The "Conventional Basin" of the Congo includes several territories, notably parts of the Cameroons and of East Africa, where operations are still in progress. It will not be easy to stay them. Most of the mischief has been done, and in this world-war it will hardly be found possible to mark out so an area which shall be immune.

Extract from *Truth*, June 30th, 1915.

In a letter to the *Daily News* Mr. R. C. Hawkin has called attention to a matter which has been strangely overlooked. By the international agreement concluded at Berlin in 1885 an attempt was made to exclude Africa from the scope of any future conflict

among the European nations; and Denmark, Sweden, Holland, and Spain undertook in the event of war to use their good offices to get territories in Central Africa neutralised by consent of the belligerents. The Belgian Government appealed to the others last August, and Spain took the matter up. Apparently Germany was willing that the provisions of the treaty should be carried out, but she refused on account of the wireless stations in various parts of German Africa, and France eventually sided with us for reasons of her own.

The attitude of the British Government was obviously justified at the time. You cannot neutralise a wireless station. But the German stations in Africa have now either been destroyed or have been rendered useless by the fact that no German ships are any longer at large, and Mr. Hawkin suggests that in these circumstances the attempt to get the Central African territories of the belligerents neutralised should be renewed. He points out that the war in Central Africa is being largely waged by natives whom the European belligerents have armed and set to fight one another, and there is no denying that this is a pretty comment on the Berlin International Act, with its lofty pretensions of regard for the civilising mission of Europe in Africa. But unfortunately it is no one thing to neutralise colonial territory on the declaration of war and another and very different thing to neutralise it when war has been in progress nearly twelve months, and when one of the belligerents is in possession of large tracts of European territory belonging to the others. It might still suit Germany very well to have her Central African possessions neutralised, but it will not suit anybody else.

A Second Letter was published in the *Daily News & Leader* on June 30th, 1915. This letter was curtailed for good reasons; it is now reprinted substantially as published.

THE WHITE WAR IN BLACK AFRICA.

THE NATIVES' PLACE IN THE SUN.

To the Editor.

SIR,—The letter which I ventured to address to you on this subject has brought me a great deal of correspondence; and I notice that a telegram is now published in the *Independence Breeze* reporting that Germany has once more proposed peace to Belgium on the terms of the immediate evacuation of Belgium and the grant of an indemnity for the damage done by the German invasion—Belgium to maintain her neutrality and sell the Congo territory to Germany.

WAR. F. C. S. S. S.

All this sort of talk points to the danger of European statesmen trying to parcel out Central Africa as war plunder.

Disappointed Chauvinists will then be told that there are immense potentialities in these Equatorial districts—ivory, rubber, minerals, and wealth undreamed of.

Before, therefore, this takes place let us clearly understand what are the conditions of this vast region. It is not a white man's country like South Africa. A new Germany, a new France, or even a new British dominion cannot arise there. Central Africa is destined to be the Negro's "Place in the Sun."

THE AFRICAN'S HOME.

Some day the African will awake and say: "I, too, am a man—I love my native land. I want to play my part—what about me?" Now you cannot extinguish him as the Indians in America were extinguished, for there is no one to take his place.

The so-called treaties signed by unwary native chiefs ceding sovereignty, suzerainty, or land to traders in exchange for beads or gin, will be examined and criticised according to African ideas, and if we may judge from some of those signed in 1882-4 on the Congo, they will be declared invalid.

It will be pointed out with great force that at its inception the Congo was to have been a "Free State" and "Independent" as its titles proved, and as regards European Powers it was by them solemnly declared to be "perpetually neutral."

AMERICA'S ATTITUDE

The United States of America, with a great Black African electorate under its flag, have clearly recognised this point of view, for they blankly refused to ratify the Berlin Act on these very grounds, and when later they ratified the Brussels Act regarding the slave trade, the Senate at Washington formally recorded a resolution^{*} disclaiming any intention to indicate any interest in the Protectorates or Possessions claimed by European Powers in Central Africa in any approval of the wisdom, expediency, or lawfulness of the policy of Europe in this matter.

Now before the Berlin Act this region was being developed by an "international association," and the warning note of the Senate will surely apply with greater force if after this war we introduce the European doctrine of conquest, with its concomitant features of sovereign rights over persons, land, and property therein.

*See page 19.

The time for sleepy Africanus to open his eyes is not, in my opinion, in the dim future—he may awake in our children's time. Perhaps his leaders will be the men who were taught in our mission schools in Central Africa. The great military power of the Zulus was founded by a Zulu Prince who had merely watched our British soldiers drilling at Cape Town.

CHRISTIAN INFLUENCE.

Up till now it has been your Father Sylvesters, your Van-der-Kemps, your Moffats, Livingstones, Colensos, and Hanningtons who have enabled Europe to influence the African tribes in favour of peace. Will this influence continue?

In the crisis on the colour question now pending between the Wesleyan Church at home and her Mission Church on the Gold Coast we see the African already pondering these problems.

South Africa can look after herself. North Africa will doubtless remain under Mediterranean and Moslem influence; let us, then stop this suicidal policy of introducing our quarrels into Central Africa, and beware how we deal with a country which Nature has marked out as the home of the African.

Yours faithfully,

R. C. HAWKIN.

3, HARR COURT, TEMPLE.

June 27th.

THE UNITED STATES AND THE CONGO.

SUPPLEMENTARY NOTE.—The relations between the United States of America and the Congo State were the subject of diplomatic correspondence, which will be found in Vol. 3 (1906) of the American Journal of International Law, pages 93, 140 and 143. At the sittings of the Berlin Conference it was Mr. Kassen, the American delegate, who pressed for and secured the extension of the Free Trade to include the districts where fighting is now in progress.

It was also at his instance that the Neutrality clauses were made less stringent. Although Mr. Kassen had his way, the American Senate refused to support him and it was not ratified by the United States. In 1908, pending the cession of the Congo State to Belgium (see page 20, Appendix), the latter promised the United States that if invited she would examine with benevolence any proposal to refer to the Hague any difference regarding the interpretation of the Treaties affecting the Congo. In January, 1909, Mr. Root called attention to the obligation of Belgium under Article II. of Brussels Act (see page 18, Appendix) "to diminish intestine wars between tribes by means of arbitration." A memoi-

andium was also presented to Belgium calling for the practical execution *in letter and spirit* of the provisions of the Berlin and Brussels Acts.

A REPLY

In reply to this second letter, Sir Harry Johnston, G.C.M.G., addressed a long letter to the *African World*, which is a recognised organ of opinion among white settlers in Central Africa.

The Daily News then published on July 3rd, 1915, the following leading article on the subject:

AFRICA AND THE WAR.

Of the little scattered wars that the contest in the main theatres almost completely obscures, the hostilities in Central Africa merit attention for a particular reason. In 1885, as Mr R. C. Hawkin recently pointed out in our columns, an international agreement was concluded at Berlin providing for the exclusion of Central Africa from the scope of any future war between European Powers. The decision is commended by every consideration both of policy and of humanity. For the handful of white men to call the black population they have dominated to arms in pursuance of a remote and unintelligible European quarrel is a development of the war only to be contemplated with humiliation. So interpreted the white man's burden becomes a sinister conception indeed. In the beginning of August the Berlin agreement gave way under the first strain. Under the circumstances it could hardly have been otherwise. While there were German wireless stations in Africa and German raiders scouring the seas the immunity of German territory could not be considered. Now that the seas are clear and most of all the wireless stations destroyed an appeal is made that the policy of neutralisation shall have effect. There is no good reason why any one of the belligerents should resist such a proposal. The fate of European holdings in Mid-Africa will come up for decision in the final settlement with little relation to the gains or losses of the campaigns in progress there. It is a small thing to hope for that Europe should show herself capable of taking to Africa her civilisation without her quarrels.

On July 10, 1915, *The African World* published the third letter as an answer to Sir Harry Johnston.

NEUTRALISING CENTRAL AFRICA.

Dear Sir, -Sir Harry Johnston seems to throw some doubt on the impartiality of the King of Spain.

To this I will only say that it was our good Ally France who asked Spain to intervene last August so as to prevent war in

Central Africa, and Belgium, Germany, France and Portugal all consented to Spain's mediation. England stood out for military reasons; not because she doubted Spain's good faith.

Your distinguished contributor thinks an armistice will enable Germany to consolidate her position in Central Africa. But the terms of the armistice would have to satisfy Lord Kitchener, who is not the man to be caught out in the way Sir Harry suggests. In 1885, Lord Kitchener was the British Commissioner to demarcate the Zanzibari possessions in East Africa, he understands African warfare from the Cape to Cairo, and can certainly be trusted to guard against pitfalls.

CONQUERING COLONIES.

A distinguished Belgian deputy writes to me that it will be useful for England to conquer all the German colonies, so that we may have something to hand back to Germany in exchange for the evacuation of the territory of Allies which may be occupied by Germany when the war ends.

Years ago it was the fashion for European peacemakers to treat colonies like remnants at a jumble sale--they were tossed over the congress tables with a surprising indifference. But in those days the colonies were conquered by British *faits accomplis*, not by resident colonists. This makes all the difference.

If Sir Harry marches his Black Baganda as liberators into German East Africa and then we are expected to march out, it were better for the German tribesmen that they had never seen our flag.

Imagine this principle applied to German colonies conquered by the Australians and South Africans. Propose to them that they evacuate their conquests for the sake of some ill-defined balance of power in Europe. Our Empire would be shaken to its foundations by the mere suggestion. If we dare not treat our Dominions thus let us be careful how we treat white colonists and black soldiers. If (as I think probable) this war sends the German colonial party into the Ewigkeit, we may be compelled to provide somehow for the government of German East Africa, for the German colonists are docile enough as soon as the military jack-boot is out of sight.

During a visit to German East Africa some years ago I was struck by the antipathy of the German commercial colonists to the Prussian garrison. So we may well wait and see before spending money and lives on conquest.

THE BERLIN ACT.

But Sir Harry neglects my main proposition.

The outrageous violation of Belgian neutrality by Germany perhaps justified the termination of all ordinary treaties with

Germany, but the Berlin Act of 1885 was an International Treaty. It was as much a treaty between England and Spain as between Germany and Belgium, and it was made in the interests of the natives. By Article X. of this Treaty the signatories bind themselves to respect the neutrality of the territories within the Conventional Basin of the Congo and in the zone stretching eastwards from the Congo Basin to the Indian Ocean from the mouth of the Zambesi to the fifth degree of North Latitude, including the territorial waters.

Article XI. provides that in case of war neutral signatories will lend their good offices to secure the carrying out of Article X. Article XII. pledges the Powers to have recourse to mediation before appealing to arms. It may be remarked that Article 84 of Chap. III. of the 1907 Hague Convention provides special facilities for arbitration in cases where International Treaties are involved. Besides all this, the Berlin Act forms an essential part of the 1894 Treaty, by which we protect Uganda.

INTERNATIONAL LAW.

International Treaties are the basis on which the peaceful progress of nations depends. It, therefore, behoves us to do all we can to assure their efficacy.

At the final sitting of the great Conference at Berlin which settled this Act to promote peace and civilisation in Africa, King Leopold of Belgium caused to be read aloud to the assembled delegates a formal declaration notifying the adhesion of the Congo Association to the provisions of that Act. Three months later King Leopold circularised all the fourteen signatories declaring the Congo to be "perpetually neutral" in accordance with the neutrality clauses of the Act. In 1894, after the new boundaries of the Congo State were agreed, this rule of neutrality was again solemnly declared, then notified to Great Britain in 1895, and then laid before the Belgian Chamber. In 1907 the Belgian Parliament accepted the cession of the Congo from King Leopold, including lands, ivory, rubber, and cattle, at the same time undertaking to fulfil all the obligations of the Congo State.¹ These included the obligation to all the signatories of the Treaty, and especially to the natives, to maintain the Congo neutral in case of a European war. By promising Belgium protection against native risings on the Congo we have persuaded her to forego the benefits of the neutrality clauses. Military necessity compelled us to refuse the request to treat Central Africa as neutral, and on a strict interpretation of the effect of Belgium's annexation of the Congo I suppose the lawyers held that England could take her own course. But we

¹ Great stress was laid on the obligations of Belgium towards the natives in this respect by the United States in the diplomatic correspondence referred to above.—R.C.H.

are fighting for as much international law as we can get, and it will help us in this important matter if during the war we now notify Spain our willingness to submit this matter to the judgment of neutrals. The military position will not be affected, but our influence in times of peace will be greatly enhanced by a liberal handling of this grave international question.

Yours faithfully,

R. C. HAWKIN.

3, HARR COURT, TEMPLE, E.C.,

July 8th, 1915.

A DUTCH OPINION.

Het Nieuws van den Dag, of Amsterdam, published on July 20th a leading article commenting on the correspondence in the British Press regarding the war in Central Africa. The writer concludes by suggesting that one of the neutral Powers should take up the question and clear the way for putting in force the International Treaty of 1885. The article is of special significance, as Holland is herself one of the neutral signatories of this Treaty. The following summary of the article is made in the *Gazette de Hollande* :—

Sad to say this desirable and urgently necessary restriction of the military operations was frustrated by France and Britain. These two, of course, are far more powerful in Africa than Germany, although in East Africa they had met with very scant success and have only now, by the occupation of Nguandere, succeeded in penetrating into the interior of Cameroonia. France refused to declare Central Africa neutral; she sees a chance now of counteracting the hateful extension of German territory to the Lower Congo, at the expense of the French Congo, as a result of the Agadir incident. And Britain represents that the German wireless stations inflict much disadvantage on her at sea. A sad example of undisguised cupidity! Thus the Europeans are lying in wait for each other like wild beasts in the neighbourhood of the African lakes, in the forests and along the streams of Darkest Africa.

THE NEUTRALITY CLAUSES OF THE BERLIN ACT.

EXHIBIT No. 1.

Extract from Government Publication C. 9088 Presented to the House of Commons by Command of Her Majesty in pursuance of their address, dated July 15th 1898. Page 119: Part II.—entitled:

Copies of such parts of all Treaties, Conventions, and Engagements now existing and still obligatory as contain an undertaking entered into by Her Majesty with reference to the Territory of Government of any other Power.

CONGO.

(1.) Extract from the General Act of the Conference of Berlin signed by Great Britain, Austria-Hungary, Belgium, Denmark, France, Germany, Italy, Netherlands, Portugal, Russia, Spain, Sweden and Norway, Turkey, United States of America: February 26, 85.

CHAPTER III.—DECLARATION RELATIVE TO THE NEUTRALITY OF THE TERRITORIES COMPRISED IN THE CONVENTIONAL BASIN OF THE CONGO.

ART. 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.

ART. 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 when the High Signatory Powers 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.

The inclusion of the United States of America in this heading is inaccurate. Vide page 10 of this pamphlet: the American Senate refused to ratify this Act.

ART. 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.

EXHIBIT No. 2.

Extract from *The Map of Africa by Treaty*, Vol. II., Page 550.

ACT OF ADHESION OF THE INTERNATIONAL ASSOCIATION OF THE CONGO TO THE GENERAL ACT OF THE CONFERENCE OF BERLIN, DATED THE 26TH FEBRUARY, 1885.

The International Association of the Congo, in virtue of ART. XXXVII, of the General Act of the Conference of Berlin, hereby notifies its adhesion to the provisions of the aforesaid General Act.

In witness whereof the President of the International Association of the Congo has signed this Declaration, and has affixed thereto his seal.

Done at Berlin the 26th day of February, 1885
(L.S.) COLONEL STRAUCH.

EXHIBIT No. 3.

DECLARATION OF CONGO NEUTRALITY.

C. 9088, at page 123.
(Translation.)

Circular Note of the Administrator General of the Department of Foreign Affairs of the Independent State of the Congo declaring the Neutrality of that State within its Limits as defined by Treaties. Brussels, August 1, 1885.

The Undersigned, Administrator General of the Department of Foreign Affairs of the Independent State of the Congo, is charged by the King, Sovereign of this State, to make known to His Excellency the Marquess of Salisbury, Secretary of State for Foreign Affairs in London, that in conformity with Article X of the General Act of the Berlin Conference, the Independent State of the Congo declares by these presents that it shall be perpetually neutral, and that it claims the advantages guaranteed by Chapter III of the

same Act, at the same time assuming the duties which neutrality carries with it. The state (condition) of neutrality shall apply to the territory of the Independent State of the Congo comprised within the limits resulting from the successive Treaties concluded by the International Association with Germany, France, and Portugal, Treaties notified to the Berlin Conference and annexed to its Protocols, and which are thus determined, namely:—
(The limits are then defined).

EXHIBIT No. 4.

THE BRUSSELS ACT.

Extract from *The Map of Africa by Treaty*, Vol. II., Pages 488 and 492.
General Act of the Brussels Conference, 2nd July, 1890.
(In the name of God Almighty.)

The following participated in the Conference:—England, Germany, Austria, Belgium, Denmark, Spain, The Independent State of the Congo, The United States, France, Italy, Holland, Luxembourg, Persia, Portugal, Russia, Sweden and Norway, Turkey and Zanzibar.

The Preamble recites that these states are "Equally animated by the firm intention of effectively protecting the aboriginal populations of Africa, and of assuring to that vast continent the benefits of peace and civilisation."

The following provisions were (*inter alia*) enacted.

PORTS, STATIONS, AND CRUISERS IN INLAND WATERS.

ART. II.—The stations, the cruisers organised by each Power in its inland waters, and the ports which serve as ports 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:—

PROTECTION TO NATIVES.

1.—To serve as a base and if necessary, as a place of refuge for the native populations placed under the sovereignty or the protectorate of the State to which the station belongs, for the independent populations, and temporarily for all others 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.

ARBITRATION IN INTESTINE WARS.

To diminish intestine wars between tribes by means of arbitration.

AGRICULTURAL WORKS AND INDUSTRIAL ARTS.

To initiate them in agricultural works and in the industrial arts so as to increase their welfare.

BARBAROUS CUSTOMS. CANNIBALISM. HUMAN SACRIFICES.

To raise them to civilization and bring about the extinction of barbarous customs, such as cannibalism and human sacrifices.

EXHIBIT No. 5.

Extract from *The Map of Africa by Treaty*, Vol. II., Page 526.

PROTOCOL RECORDING THE RATIFICATION BY THE UNITED STATES OF AMERICA OF THE GENERAL ACT OF BRUSSELS OF 2ND JULY, 1890. SIGNED AT BRUSSELS, 2ND FEBRUARY, 1892.

On the 2nd February, 1892, in conformity with Article XCIX. of the General Act of the 2nd July, 1890, and with the unanimous decision of the Signatory Powers prolonging until the 2nd February, 1892, in favour of the United States, the period fixed by the said Article XCIX., the Undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, deposited in the hands of the Belgian Minister for Foreign Affairs the Ratification by the President of the United States of the said General Act.

At his Excellency's request the following Resolution, whereby the Senate of the United States consented to the Ratification of the President was inserted in the present Protocol:—

- "Resolved (two-thirds of the Senators present concurring therein) That the Senate advise and consent to the ratification of the General Act signed at Brussels on the 2nd July, 1890, by the Plenipotentiaries of the United States, and other Powers, for the suppression of the African Slave Trade and for other purposes.
- "Resolved further: That the Senate advise and consent to the acceptance of the partial ratification of the said General Act on the part of the French Republic, and to the stipulations relative thereto, as set forth in the Protocol signed at Brussels on the 2nd January, 1892.
- "Resolved further, as a part of this act of ratification: That the United States of America having neither Possessions nor Protectorates in Africa, hereby disclaims any intention in ratifying this Treaty, to indicate any interest whatsoever in the Possessions or Protectorates established or claimed on that Continent by the other

Powers, or any approval of the wisdom, expediency, or lawfulness thereof, and does not join in any expressions in the said General Act which might be construed as such a declaration or acknowledgment; and, for this reason, that it is desirable that a copy of this resolution be inserted in the Protocol to be drawn up at the time of the exchange of the ratifications of this Treaty on the part of the United States."

EXHIBIT No. 6.

Extract from *The Map of Africa by Treaty*, Vol. II., Page 557.

DECLARATION OF THE NEUTRALITY OF THE
CONGO FREE STATE.

BRUSSELS, 28TH DÉCEMBER 1894.

(Notified to the British Government 14th January, 1895.)

The rule of neutrality which formed the subject of the declaration notified on the 1st August, 1885 (Exhibit No. 3) to the Signatory Powers of the General Act of the Berlin Conference shall henceforth apply to the territory of the State delimitated as follows.

(The new boundaries as agreed with various European Powers were then recited.)

EXHIBIT No. 7.

Extract from *The Map of Africa by Treaty*, Vol. II., Page 543.

TREATY FOR THE CESSION OF THE INDEPENDENT
STATE OF THE CONGO TO BELGIUM

SIGNED AT BRUSSELS, 28TH NOVEMBER, 1907.

(Preamble omitted.)

ART. I.—His Majesty the King-Sovereign declares that he cedes to Belgium the Sovereignty of the territories constituting the Independent State of the Congo with all the rights and obligations attached thereto, and the State of Belgium declares that she accepts this cession, she undertakes and makes her own the obligations of the Congo State as detailed in Annex A, and she engages to respect the existing basis in the Congo as well as lawfully acquired rights of natives and others.

ART. II.—The Cession comprises all real and moveable property (mobilier) of the Free State, and especially—

1. The ownership of all the land belonging to the State's public or private domain, subject to the obligations and duties indicated in Annex A to the present Convention.

2. The Shares, obligations and Founders' Shares (Parts de Fondateurs) which are set out in Annex B.
3. All houses, buildings, settlements, plantations, and other property whatsoever, established or acquired by the Government of the Congo State, moveable objects of every kind, and cattle which the State may possess, its ships and boats with their gear, as well as military stores as set out in Annex B.
4. The ivory, india rubber, and other African produce which are actually the property of the State, as well as the provisions and other goods belonging to her as set out in Annex B.

ART. III.—On the other hand the Cession comprises all the liabilities and all the financial engagements of the Free State as set out in detail in Annex C.

ART. IV.—The date on which Belgium shall assume the exercise of her right of sovereignty over the territories mentioned in Article I shall be determined by a Royal Decree. (N.B.—This was dated 4th November, 1908.)

The moneys received and expenses incurred by the Congo State, on and after the 1st January, 1895, shall belong to Belgium.

NOTE.—Part of this translation is made by the Author, as the official translation as published seems to be defective. The Annexes are not published.

EXHIBIT No. 8.

Extract from *The Belgian Congo Book*, 1908, 24th—Aug. 29th 1914.
Page 334.

THE BELGIAN PROPOSAL.

M. Davigeon, Belgian Minister for Foreign Affairs, to the Belgian Ministers of Paris and London.

Brussels, August 7th 1914.

(Telegram.)

Belgium trusts that the war will not be extended to Central Africa. The Government of the Belgian Congo has received instructions to maintain a strictly defensive attitude. Please ask the French Government (British Government) whether they intend to proclaim the neutrality of the French Congo (British colonies in the conventional basin of the Congo) in accordance with article 11 of the General Act of Berlin. A telegram from [] reports that hostilities are probable between the French and [] in the Ubangi.

EXHIBIT No. 11

Extract from *The Belgian Case Book*, Page 341

THE CONVENTIONAL CONFIRMED

M. Davignon, Belgian Minister for Foreign Affairs, to the Belgian Ministers at Paris and London
Brussels, August 13th, 1914

Sir,

With reference to my telegram of this morning, I have the honour to request you to bring to the notice of the French-British Government the following information.

While instructions have been sent to the Governor General of the Congo to take defensive measures on the common frontiers of the Belgian colony and of the German colonies of East Africa and the Cameroons, the Belgian Government have suggested to the other that he should abstain from all offensive action against those colonies.

In view of the civilising mission common to colonising nations, the Belgian Government desire, in effect, for humanitarian reasons, not to extend the field of hostilities to Central Africa. They will, therefore, not take the initiative of putting such a strain on civilisation in that region, and the military forces which they possess there will only go into action in the event of their having to repel a direct attack on their African possessions.

I should be glad to learn whether the French-British Government share this view and in that case whether it is their intention, during the present conflict, to bind themselves to article 11 of the General Act of Berlin to guarantee such of their colonies as are mentioned in the conventional basis of the Congo.

I am addressing an identical communication to your colleagues at London (Paris).

EXHIBIT No. 10.

Extract from *The Belgian Case Book*, Page 342.

PRESIDENT POMCARE'S REPLY

Marcel Guillaume, Belgian Minister at Paris, to M. Davignon, Belgian Minister for Foreign Affairs

Paris, August 8th, 1914

I have had the honour of speaking to the President of the Republic with respect to your telegram of yesterday. I had received it during the evening and had immediately communicated it to the Ministry for Foreign Affairs. They asked for time to consider it before answering.

M. Pomcaré has promised me to speak on this subject to-day

to the Minister of the Colonies. At first sight he could see little difficulty in proclaiming the neutrality of the French Congo, but he nevertheless reserves his reply. He believes that acts of war have already taken place in the Ubangi. He has taken the opportunity to remind me that the protection accorded us by France extends also to our colonies and that we have nothing to test

EXHIBIT No. 11

Extract from *The Belgian Case Book*, Page 335

FRANCE'S REQUEST TO SPAIN

Marcel Guillaume, Belgian Minister at Paris, to M. Davignon, Belgian Minister for Foreign Affairs.

Paris, August 10th, 1914

Telegram.

The French Government are strongly inclined to proclaim the neutrality of the possessions in the conventional basin of the Congo and are begging Spain to make the suggestion at Berlin.

(See No. 59.)

EXHIBIT No. 12

Extract from *The Belgian Case Book*, Page 341

FRANCE'S REFUSAL

Marcel Guillaume, Belgian Minister at Paris, to M. Davignon, Belgian Minister for Foreign Affairs.

Paris, August 16th, 1914

In the course of a conversation which I had this morning with M. de Margerie, I renewed the conversation on colonial affairs and on the action which you had instructed me to take in your telegram and your despatch of the 7th inst.

M. de Margerie reminded me that the French Government had approached Spain, but the latter had not answered before expressing the views of Great Britain. It seems that the latter has not given an answer.

M. de Margerie considered that in view of the present situation Germany should be attacked wherever possible, he believes that such is also the opinion of Great Britain, who certainly has claims to satisfy. France wishes to get back that part of the Congo which he has been compelled to give up in consequence of the Agadir incident.

M. de Margerie added that a success would not be difficult to obtain.

EXHIBIT No. 13.

Extract from *The Belgian Grey Book*, Pages 341-2.

THE BRITISH REFUSAL.

Count de Lalaing, Belgian Minister at London, to M. Davignon, Belgian Minister for Foreign Affairs.

London, August 17th, 1914.

Sir,

In reply to your despatch of August 7th, I have the honour to inform you that the British Government cannot agree to the Belgian proposal to respect the neutrality of the belligerent power in the conventional basin of the Congo.

German troops from German East Africa have already taken the offensive against the British Central African Protectorate. Furthermore, British troops have already attacked the German port of Dar es Salaam, where they have destroyed the wireless telegraphy station.

In these circumstances, the British Government, even if they were convinced from the political and strategical point of view of the utility of the Belgian proposal, would be unable to adopt it.

The British Government believe that the forces they are sending to Africa will be sufficient to overcome all opposition. They will take every step in their power to prevent any risings of the native population.

France is of the same opinion as Great Britain on account of German activity which has been noticed near Bosat and Ekododo.

(See Nos. 57 and 58.)

EXHIBIT No. 14.

Extract from *The Belgian Grey Book*, Page 342.

THE TREATY VIOLATED.

M. Tombeur, Belgian Vice-Governor of the Katanga, to M. Renkin, Belgian Minister for the Colonies.

Elizabethville, August 26th, 1914.

(Telegram.)

The Germans are continuing their skirmishes in Tanganyika and attacked the port of Lukuga, on August 22nd. Two of their natives were killed and two wounded. Fresh attacks are expected.

~~the~~
~~the~~
the

Pl. See 1946 in envelope attached

It appears that this man Hawkins
is trying to get together a case
to go to try and make Spain
or some other neutral power propose
to the belligerents that Central
Africa should now be neutralized.

Hollow in the
left side.

I do not see why we should
publish this story advertising
journalist with information for
this purpose, but if it is decided
to give it, the facts as far as
Nyasaland is concerned are as
follows:

The enemy crossed the frontier
of Nyasaland on the morning of
August 20th in force. This
led up to the ^{German} attack on Haronga
on Sept. 8th. On the result
of engagement near Haronga on
Sept. 8th & 9th, the Germans
and tried to attack the

... back to the ...

Biman and Ekododa are

for the ... Dept.

Jan 9/15

As regards Hyderabad ... to ...
... of the " ..."
... from ...
... - see my ...
... 358 ...

Ch. 5.10.15

X No - for F.O. Refer them to
70. 38813/15 of 13th Aug 1914

A.I.H 5/10/15

So far as N. land is concerned

Simply say that the ...
... the further in the 20th
+ Aug 14 ?

H. J. K.

5/10/15

You ... at the same time suggest
... it is not desirable to
furnish him with any ... ?

Ch. 5/10

Sagree. He should be firmly discouraged

Ch. 5.10.15.

AM 5.10.15

Downing Street,

5th October, 1915.

Dear Dormer,

I return this letter from Mr. Harkin to Sir Edward Grey.

The Germans crossed the frontier of Nyasaland on the 20th of August 1914. We do not know how when they assailed French territory near Bomar and Mtsodo. We learned of this incursion from your despatch to the Count de Lalaing of the 18th of August 1914, a copy of which was enclosed in your letter No. 39314/14 of the 18th of August of that year. You will no doubt be able to supply the case from the Foreign Office records.

I hope that in answering Mr. Harkin you will bear in mind that he is clearly trying to work up a case for suggesting that some neutral power shall propose to the belligerents that Central Africa should now be neutralised. We know from the replies

made

made by the Foreign Office to Mr. Joseph King's questions in the House of Commons that they are under no illusion on this subject. It will therefore be advisable not to encourage Mr. Hawkin in any way. He pestered us with his suggestions for some time but we have apparently tired him out.

Yours sincerely,

(Sd) F. S. A. BUTLER.

JCS

36, Golders Green Crescent,

N.W.,

2nd October, 1915.

Dear Sir Edward,

Will you kindly allow me to have the dates and events of the German offensive against Nyassaland and the German activity near Bonar and Ekododo referred to in the Count de Lalaing's letter published in the Belgian Grey Book and dated 17th August 1914?

I shall be so much obliged

Believe me,

Yours very truly,

(SA) R.C.HAWKIN.