

## AFRICA: REVISION OF GENERAL ACT OF BERLIN AND GENERAL ACT AND DECLARA- TION OF BRUSSELS

*Convention signed at Saint-Germain-en-Laye September 10, 1919*

*Senate advice and consent to ratification, with an understanding,  
April 3, 1930*<sup>1</sup>

*Ratified by the President of the United States, with an understanding,  
April 11, 1930*<sup>1</sup>

*Ratification of the United States deposited at Paris October 29, 1934  
Entered into force July 31, 1920; for the United States October 29,  
1934*

*Proclaimed by the President of the United States November 3, 1934*

49 Stat. 3027; Treaty Series 877

[TRANSLATION]

THE UNITED STATES OF AMERICA, BELGIUM, THE BRITISH EMPIRE,  
FRANCE, ITALY, JAPAN, AND PORTUGAL,

Whereas the General Act of the African Conference, signed at Berlin on February 26, 1885,<sup>2</sup> was primarily intended to demonstrate the agreement of the Powers with regard to the general principles which should guide their commercial and civilizing action in the little known or inadequately organized regions of a continent where slavery and the slave trade still flourished; and

Whereas by the Brussels Declaration of July 2, 1890,<sup>3</sup> it was found necessary to modify for a provisional period of fifteen years the system of free imports established for twenty years by Article 4 of the said Act, and since

---

<sup>1</sup> The U.S. understanding reads as follows: ". . . in the event of a dispute in which the United States of America may be involved arising under the Convention, such dispute shall, if the United States of America so requests, be submitted to a court of arbitration constituted in accordance with the Convention for the Pacific Settlement of International Disputes, signed at The Hague on October 18, 1907 [TS 536, *ante*, vol. 1, p. 577], or to some other court of arbitration."

<sup>2</sup> For text, in the original French, see *British and Foreign State Papers*, vol. 76, p. 4; for an English translation, see *American Journal of International Law*, Supp. 3, p. 7.

<sup>3</sup> For the General Act of Brussels, see TS 383, *ante*, vol. 1, p. 134; for the Brussels Declaration, see XIX Hertslet 304.

that date no agreement has been entered into, notwithstanding the provisions of the said Act and Declaration; and

Whereas the territories in question are now under the control of recognized authorities, are provided with administrative institutions suitable to the local conditions, and the evolution of the native populations continues to make progress;

Wishing to ensure by arrangements suitable to modern requirements the application of the general principles of civilization established by the Acts of Berlin and Brussels,

Have appointed as their Plenipotentiaries:

The President of the United States of America:

The Honorable Frank Lyon Polk, Under-Secretary of State;

The Honorable Henry White, formerly Ambassador Extraordinary and Plenipotentiary of the United States at Rome and Paris;

General Tasker H. Bliss, Military Representative of the United States on the Supreme War Council;

His Majesty the King of the Belgians:

Mr. Paul Hymans, Minister for Foreign Affairs, Minister of State;

Mr. Jules van den Heuvel, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of the Belgians, Minister of State;

Mr. Émile Vandervelde, Minister of Justice, Minister of State;

His Majesty the King of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

The Right Honorable Arthur James Balfour, O.M., M.P., His Secretary of State for Foreign Affairs;

The Right Honorable Andrew Bonar Law, M.P., His Lord Privy Seal;

The Right Honorable Viscount Milner, G.C.B., G.C.M.G., His Secretary of State for the Colonies;

The Right Honorable George Nicoll Barnes, M.P., Minister without portfolio; and:

for the Dominion of Canada: The Honorable Sir Albert Edward Kemp, K.C.M.G., Minister of the Overseas Forces;

for the Commonwealth of Australia: The Honorable George Foster Pearce, Minister of Defence;

for the Union of South Africa: The Right Honorable Viscount Milner, G.C.B., G.C.M.G.;

for the Dominion of New Zealand: The Honorable Sir Thomas Mackenzie, K.C.M.G., High Commissioner for New Zealand in the United Kingdom;

for India: The Right Honorable Baron Sinha, K.C., Under-Secretary of State for India;

The President of the French Republic:

Mr. Georges Clemenceau, President of the Council, Minister of War;

Mr. Stephen Pichon, Minister for Foreign Affairs;  
 Mr. Louis-Lucien Klotz, Minister of Finance;  
 Mr. André Tardieu, Commissary-General for Franco-American Military Affairs;  
 Mr. Jules Cambon, Ambassador of France;  
 His Majesty the King of Italy:  
 The Honorable Tommaso Tittoni, Senator of the Kingdom, Minister for Foreign Affairs;  
 The Honorable Vittorio Scialoja, Senator of the Kingdom;  
 The Honorable Maggiorino Ferraris, Senator of the Kingdom;  
 The Honorable Guglielmo Marconi, Senator of the Kingdom;  
 The Honorable Silvio Crespi, Deputy;  
 His Majesty the Emperor of Japan:  
 Viscount Chinda, Ambassador Extraordinary and Plenipotentiary of H. M. the Emperor of Japan at London;  
 Mr. K. Matsui, Ambassador Extraordinary and Plenipotentiary of H. M. the Emperor of Japan at Paris;  
 Mr. H. Ijuin, Ambassador Extraordinary and Plenipotentiary of H. M. the Emperor of Japan at Rome;  
 The President of the Portuguese Republic:  
 Dr. Affonso da Costa, formerly President of the Council of Ministers;  
 Dr. Augusto Luiz Vieira Soares, formerly Minister for Foreign Affairs;  
 Who, after having communicated their full powers recognized in good and due form,  
 Have agreed as follows:

#### ARTICLE 1

The Signatory Powers undertake to maintain between their respective nationals and those of States, Members of the League of Nations, which may adhere to the present Convention a complete commercial equality in the territories under their authority within the area defined by Article 1 of the General Act of Berlin of February 26, 1885, set out in the Annex hereto, but subject to the reservation specified in the final paragraph of that article.

#### ANNEX

##### ARTICLE 1 OF THE GENERAL ACT OF BERLIN OF FEBRUARY 26, 1885

The trade of all nations shall enjoy complete freedom:

1. In all the regions forming the basin of the Congo and its affluents. This basin is bounded by the watersheds (or mountain ridges) of the adjacent basins, namely, in particular, those of the Niari, the Ogowé, the Shari, and the Nile, on the north; by the eastern watershed line of the affluents of Lake Tanganyika on the east; and by the watersheds of the basins of the Zambesi and the Logé on the south. It therefore comprises all the regions watered by the Congo and its affluents, including Lake Tanganyika, with its eastern tributaries.

2. In the maritime zone extending along the Atlantic Ocean from the parallel situated in 2° 30' of south latitude to the mouth of the Logé.

The northern boundary will follow the parallel situated in 2° 30' from the coast to the point where it meets the geographical basin of the Congo, avoiding the basin of the Owogé, to which the provisions of the present Act do not apply.

The southern boundary will follow the course of the Logé to its source, and thence pass eastward till it joins the geographical basin of the Congo.

3. In the zone stretching eastward from the Congo Basin as above defined, to the Indian Ocean from 5° of north latitude to the mouth of the Zambesi in the south, from which point the line of demarcation will ascend the Zambesi to 5 miles above its confluence with the Shiré, and then follow the watershed between the affluents of Lake Nyassa and those of the Zambesi, till at last it reaches the watershed between the waters of the Zambesi and the Congo.

It is expressly recognized that in extending the principle of free trade to this eastern zone, the Conference Powers only undertake engagements for themselves, and that in the territories belonging to an independent Sovereign State this principle shall only be applicable in so far as it is approved by such State. But the Powers agree to use their good offices with the Governments established on the African shore of the Indian Ocean for the purpose of obtaining such approval, and in any case of securing the most favorable conditions to the transit of all nations.

#### ARTICLE 2

Merchandise belonging to the nationals of the Signatory Powers, and to those of States, Members of the League of Nations, which may adhere to the present Convention, shall have free access to the interior of the regions specified in Article 1. No differential treatment shall be imposed upon the said merchandise on importation or exportation, the transit remaining free from all duties, taxes or dues, other than those collected for services rendered.

Vessels flying the flag of any of the said Powers shall also have access to all the coast and to all maritime ports in the territories specified in Article 1; they shall be subject to no differential treatment.

Subject to these provisions, the States concerned reserve to themselves complete liberty of action as to the customs and navigation regulations and tariffs to be applied in their territories.

#### ARTICLE 3

In the territories specified in Article 1 and placed under the authority of one of the Signatory Powers, the nationals of those Powers, or of States, Members of the League of Nations, which may adhere to the present Convention shall, subject only to the limitations necessary for the maintenance of public security and order, enjoy without distinction the same treatment and the same rights as the nationals of the Power exercising authority in the territory, with regard to the protection of their persons and effects, with regard to the acquisition and transmission of their movable and real property, and with regard to the exercise of their occupations.

#### ARTICLE 4

Each State reserves the right to dispose freely of its property and to grant concessions for the development of the natural resources of the territory, but

no regulations on these matters shall admit of any differential treatment between the nationals of the Signatory Powers and of States, Members of the League of Nations, which may adhere to the present Convention.

#### ARTICLE 5

Subject to the provisions of the present chapter, the navigation of the Niger, of its branches and outlets, and of all the rivers, and of their branches and outlets, within the territories specified in Article 1, as well as of the lakes situated within those territories, shall be entirely free for merchant vessels and for the transport of goods and passengers.

Craft of every kind belonging to the nationals of the Signatory Powers and of States, Members of the League of Nations, which may adhere to the present Convention shall be treated in all respects on a footing of perfect equality.

#### ARTICLE 6

The navigation shall not be subject to any restriction or dues based on the mere fact of navigation.

It shall not be held to any obligation in regard to landing, stopping, warehousing, bulk breaking or enforced lay over.

No maritime or river toll, based on the mere fact of navigation, shall be levied on vessels, nor shall any transit duty be levied on goods on board. Only such taxes or duties shall be collected as may be in compensation for services rendered to navigation itself. The tariff of these taxes or duties shall not admit of any differential treatment.

#### ARTICLE 7

The affluents of the rivers and lakes specified in Article 5 shall in all respects be subject to the same rules as the rivers or lakes of which they are tributaries.

The roads, railways or lateral canals which may be constructed with the special object of obviating the innavigability or correcting the imperfections of the water route on certain sections of the rivers and lakes specified in Article 5, their affluents, branches and outlets, shall be considered, in their quality of means of communication, as dependencies of these rivers and lakes, and shall be equally open to the traffic of the nationals of the Signatory Powers and of the States, Members of the League of Nations, which may adhere to the present Convention.

On these roads, railways and canals only such tolls shall be collected as are calculated on the cost of construction, maintenance and management, and on the profits reasonably accruing to the undertaking. As regards the tariff of these tolls, the nationals of the Signatory Powers and of States, Members of the League of Nations, which may adhere to the present Convention, shall be treated on a footing of perfect equality.

## ARTICLE 8

Each of the Signatory Powers shall remain free to establish the rules which it may consider expedient for the purpose of ensuring the safety and supervision of navigation, on the understanding that these rules shall facilitate, as far as possible, the circulation of merchant vessels.

## ARTICLE 9

In such sections of the rivers and of their affluents, as well as on such lakes, as are not necessarily utilized by more than one riparian State, the Governments exercising authority shall remain free to establish such systems as may be required for the maintenance of public safety and order, and for other necessities of the work of civilization and colonization; but the regulations shall not admit of any differential treatment between vessels or between nationals of the Signatory Powers and of States, Members of the League of Nations, which may adhere to the present Convention.

## ARTICLE 10

The Signatory Powers acknowledge their obligation to maintain in the regions under their control actual authority and police forces sufficient to insure protection for persons and property and, if the case should arise, freedom for commerce and transit.

## ARTICLE 11

The Signatory Powers exercising sovereign rights or authority in African territories will continue to see to the preservation of the native populations and the improvement of their moral and material conditions. They will, in particular, endeavor to secure the complete suppression of slavery in all its forms and of the black slave trade by land and sea.

They will protect and favor, without distinction of nationality or of religion, the religious, scientific or charitable institutions and undertakings created and organized by the nationals of the other Signatory Powers and of States, Members of the League of Nations, which may adhere to the present Convention, which aim at leading the natives in the path of progress and civilization. Scientific missions, their outfits and their collections, shall likewise be the objects of special solicitude.

Freedom of conscience and the free exercise of all forms of religion are expressly guaranteed to all nationals of the Signatory Powers and to those of the States, Members of the League of Nations, which may become parties to the present Convention. Accordingly, missionaries shall have the right to enter into, and to travel and reside in, African territory with a view to pursuing their religious work.

The application of the provisions of the two preceding paragraphs shall be subject only to such restrictions as may be necessary for the maintenance of

public security and order, or as may result from the enforcement of the constitutional law of any of the Powers exercising authority in African territories.

#### ARTICLE 12

The Signatory Powers agree that if any dispute whatever should arise between them relating to the application of the present Convention which cannot be settled by negotiation, this dispute shall be submitted to an arbitral tribunal in conformity with the provisions of the Covenant of the League of Nations.

#### ARTICLE 13

Except in so far as the stipulations contained in Article 1 of the present Convention are concerned, the General Act of Berlin of 26th February, 1885, and the General Act of Brussels of 2nd July, 1890, with the accompanying Declaration of equal date, shall be considered as abrogated, in so far as they are binding between the Powers which are Parties to the present Convention.

#### ARTICLE 14

States exercising authority over African territories, and other States, Members of the League of Nations, which were parties either to the Act of Berlin or to the Act of Brussels or the Declaration annexed thereto, may adhere to the present Convention. The Signatory Powers will use their best endeavors to obtain the adhesion of these States.

This adhesion shall be notified through the diplomatic channel to the Government of the French Republic, and by it to all the Signatory or adhering States. The adhesion will come into force from the date of its notification to the French Government.

#### ARTICLE 15

The Signatory Powers will reassemble at the expiration of ten years from the coming into force of the present Convention, in order to introduce into it such modifications as experience may have shown to be necessary.

The present Convention shall be ratified as soon as possible.

Each Power will address its ratification to the French Government, which will inform all the other Signatory Powers.

The ratifications will remain deposited in the archives of the French Government.

The present Convention will come into force for each Signatory Power from the date of the deposit of its ratification, and from that moment that Power will be bound in respect of other Powers which have already deposited their ratifications.

On the coming into force of the present Convention, the French Government will transmit a certified copy to the Powers which, under the Treaties

of Peace, have undertaken to accept and observe it. The names of these Powers will be notified to the States which adhere.

In faith whereof the above-named Plenipotentiaries have signed the present Convention.

Done at Saint-Germain-en-Laye, the 10th day of September, 1919, in a single copy, which will remain deposited in the archives of the Government of the French Republic, and of which authenticated copies will be sent to each of the Signatory Powers.

[For the United States:]

FRANK L. POLK [SEAL]  
HENRY WHITE [SEAL]  
TASKER H. BLISS [SEAL]

[For Belgium:]

HYMANS [SEAL]  
J. VAN DEN HEUVEL [SEAL]  
E. VANDERVELDE [SEAL]

[For the United Kingdom:]

ARTHUR JAMES BALFOUR [SEAL]  
MILNER [SEAL]  
G. N. BARNES [SEAL]

[For the Dominion of Canada:]

A. E. KEMP [SEAL]

[For the Commonwealth of Australia:]

G. F. PEARCE [SEAL]

[For the Union of South Africa:]

MILNER [SEAL]

[For the Dominion of New Zealand:]

THOS. MACKENZIE [SEAL]

[For India:]

SINHA OF RAIPUR [SEAL]

[For France:]

G. CLEMENCEAU [SEAL]  
S. PICHON [SEAL]  
L. L. KLOTZ [SEAL]  
ANDRÉ TARDIEU [SEAL]  
JULES CAMBON [SEAL]

[For Italy:]

TOM. TITTONI [SEAL]  
VITTORIO SCIALOJA [SEAL]  
MAGGIORINO FERRARIS [SEAL]  
GUGLIELMO MARCONI [SEAL]

[For Japan:]

S. CHINDA [SEAL]  
K. MATSUI [SEAL]  
H. IJUIN [SEAL]

[For Portugal:]

AFFONSO COSTA [SEAL]  
AUGUSTO SOARES [SEAL]