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The appended Table of exports and imports of the Congo State, taken from the "Bulletin Officiel" for April 1903 (No. 4), will suffice to indicate the larger aspect of the situation of the native producer:—

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The exports of native produce ("le négoce des autres produits indigènes"—"Bulletin Officiel," April 1903, p. 65), it is seen, have enormously increased. They have considerably more than trebled in the six years from 1897 to 1902.

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These figures, as they stand, are remarkable. Their significance is increased when it is borne in mind that the population of the regions exporting this great increase of native produce has enormously decreased during the same period. That decrease is admitted by the authorities. ("Du reste, il n'est malheureusement que trop exact que la diminution de la population a été constatée"—"Notes," p. 2) (p. 2, *supra*). We thus find that a diminishing population,* a diminishing market-value of the article produced and a diminishing means of purchase have been accompanied during a period of only six years by a more than trebled production.

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Congo taxpayer with an ever-present, perpetually-recurring, weekly or fortnightly imposition to make good, may not even leave his village, save as a fugitive, and is a close bondsman to these endless tasks.

With regard to the arming of the sentries or "forest guards" in the employ of the trading Companies on the Upper Congo, the "Notes" throw doubt on the estimate Mr. Casement formed of the number of these guns, and the use to which they are put, and it cites Circulars of the Governor-General of the Congo State, dating from the 12th March, 1897, to the 30th April, 1901, as evidence that the Executive authority had been careful to guard against a possible misuse of the arms.

But the issue of successive Circulars, which, by their own terms, show clearly that the law had been ignored or evaded, cannot be claimed as an effective fulfilment of a weighty obligation of the Executive.

It must further be borne in mind that the Congo Executive were themselves the direct agency for placing all the arms these Circulars refer to in the hands of those who are there shown to have ignored the law.

Every gun misused on the Upper Congo, with its accompanying ammunition, was carried to its destination by the vessels of the Government flotilla, which charged a considerable sum for their transport. They were housed in Government stores *en route*, for which a charge of "magasinage" is levied, and were distributed to the "factories" from Government steamers by Government Agents, who, having made a profit from their agency in the matter, subsequently issued circular instructions to those into whose hands they knowingly gave the weapons.

"Les capitas qui, dans le Haut-Congo, parcourent le pays pour compte de commerçants, et qui sont pourvus d'un fusil, doivent également être munis d'un permis de port d'armes."
(Circular of the 12th March, 1897. Annexe V. "Notes," p. 34.)

"On a voulu y voir l'attribution aux Directeurs de ces Sociétés, et même à des agents subalternes, du droit de diriger des opérations militaires offensives, 'de faire la guerre' aux populations indigènes; d'autres, sans même s'inquiéter d'examiner quelles pourraient être les limites de ce droit de police, se sont servis de moyens que cette délégation avait mis entre leurs mains, pour commettre les abus les plus graves.

"Les armes perfectionnées que les Sociétés posséderaient dans leurs diverses factoreries ou établissements, et qui doivent faire l'objet comme les armes d'autres Sociétés n'ayant pas le droit de police, d'un permis Modèle B, ne peuvent en aucun cas sortir des établissements pour lesquels elles ont été délivrées. Quant aux fusils à piston, ils ne peuvent être mis en dehors des factoreries qu'entre les mains des capitas et à condition que ceux-ci aient un permis suivant Modèle C."

(Circular of the 20th October, 1900; see p. 78, Mr. Casement's Report.)

If the native sentries or capitas of these factories ranged the country with unlicensed arms, if these "Commercial" Companies made war on the natives, it was the Congo Government which carried those arms to their destinations and placed them in the hands of those who used them illegally.

"Nonobstant les précautions incessantes, le Consul a constaté que plusieurs capitas n'étaient pas porteurs de permis."

("Notes" of the Congo Government, the 12th March, 1904.)

The law prescribes clearly that no weapon can be issued for individual use save on the authority and personal licence of the Government.

That this law can be effectively observed was evidenced in Mr. Casement's own case. A Winchester rifle for his use arrived on the Congo while he was in the interior. It could not be dispatched to him from Boma to Stanley Pool (where he found it on coming down river) until a licence had been granted. This rifle was branded and numbered according to law and the tax of 20 fr. levied.

A law thus rightly obligatory in the case of a foreign official, who could not be suspected of misuse of the weapon he had imported, should have had at least as stringent application to the capitas, and forest guards and sentries of the numerous Companies, which are shown by the Government Circulars quoted to have been recognized for years as seeking to evade the law.

That the Congo Government have intimate cognizance of the exact number of guns in use by the commercial Companies on the Upper Congo is evident, since every case of rifles and "ballot de fusils" imported into the Congo State has to enter the custom-house of Boma or Matadi, where it can only be withdrawn by authority.

Its subsequent transport to the interior is effected often by direct Government carriage, and always under Government control and supervision.

The Government of the Congo State, in concluding these preliminary "Notes" on Mr. Casement's Report, formulate a complaint as to the manner in which he proceeded in investigating native statements brought to his notice.

This complaint has application to the one case of the boy Epondo, and to that case alone.

In no other instance did he attempt to interrogate, "comme par voie d'autorité," any of the many natives whose homes he visited during his journey. In that one case it may be urged that, however unusual were the proceedings, it was clearly his duty not to turn a deaf ear to the appeal the people of Bosunguma addressed to him.

Whether they spoke truly or falsely in accusing the sentry of the act of mutilation, he had no option but to seek to arrive at the truth if he wished his intervention with the local authorities to have any effect.

Had he contented himself with merely listening to and reporting the accusation the natives of Bosunguma brought to him at Bonginda, the officials at Coquilhatville would have said he had formulated a grave charge against an individual on mere native report, without having taken the trouble to satisfy himself of its truth.

He could not, clearly, leave the mutilated boy in the town, where his assailant was represented as terrorizing the inhabitants.

It was his obvious duty to go to the spot, to see with his own eyes what truth lay in the report brought to him at Bonginda.

Once in Bosunguma, the only way to arrive at anything like the truth was to see the accusers and the accused face to face and to hear what each said.

He distinctly disclaimed any right of intervention or power to help; but if he was going to report the charge made against the sentry, and to ask for investigation, it was clearly necessary that he should first find out whether there was good ground for addressing the local authorities.

With regard to the question of mutilation, His Majesty's Government note with interest that the Congo Government are aware that Mr. Casement is not alone in his opinion that such atrocities occur (§ 5, p. 5, of "Notes") (§ 5, p. 4, *supra*).

The accusation as to "forced labour on the roads and restrictions which practically amount to slavery in Fiji" are due to an imperfect understanding of the communal system under which land is held there.

Individual land ownership does not exist, and the members of each commune have to perform their share of the necessary work, whatever it may be.

There is also the custom of "lala," under which the local Chiefs are entitled to exact a certain number of days' work from their commoners for the purpose of planting their gardens, building their houses, &c.

The Chiefs are bound to feed the workers so employed, and it is nothing more than a contribution towards their maintenance, paid by the commoners in work instead of taxes.

Instances have, no doubt, occurred in which these rights have been abused, but every effort is made to prevent them.

The whole system has been in force for centuries, and when His Majesty's Government took over the islands it was thought expedient to continue it. It is understood by the natives, and is eminently suited to the needs of a primitive and half savage race.

The allegation as to the flogging of natives is, doubtless, an allusion to a case which occurred in 1902, of which the facts are briefly as follows:—

A native was arrested for two cases of indecent assault upon European women. He was tried according to native custom by the Commissioner and Chiefs of the island to which he belonged, having first been given his choice of being tried in this way or being referred to the Supreme Court. He pleaded guilty to one assault, and there was strong evidence against him in the other case. He was, accordingly, sentenced to be flogged.

Although for various reasons this summary procedure was advantageous, the case should properly have been referred to the Supreme Court. The Commissioner was, therefore, severely censured for his action.

The statement that the natives are constantly subject to imprisonment for frivolous causes is not borne out by any evidence in the possession of His Majesty's Government.

AFRICA. No. 14 (1903).

DESPATCH

TO CERTAIN OF

HIS MAJESTY'S REPRESENTATIVES ABROAD

IN REGARD TO

ALLEGED CASES OF ILL-TREATMENT OF NATIVES

AND TO THE EXISTENCE OF

TRADE MONOPOLIES IN THE INDEPENDENT
STATE OF THE CONGO.

*Presented to both Houses of Parliament by Command of His Majesty.
October 1903.*

LONDON:

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AFRICA. No. 7 (1904).

FURTHER Correspondence respecting the Adminis-
tration of the Independent State of the Congo.

[In continuation of "Africa No. 1 (1904)."]

*Presented to both Houses of Parliament by Com-
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Despatch to certain of His Majesty's Representatives abroad in regard to alleged Cases of Ill-treatment of Natives and to the Existence of Trade Monopolies in the Independent State of the Congo.

The Marquess of Lansdowne to His Majesty's Representatives at Paris, Berlin, Rome, St. Petersburg, Vienna, Madrid, Constantinople, Brussels, Lisbon, the Hague, Copenhagen, and Stockholm.

Sir, Foreign Office, August 8, 1903.

THE attention of His Majesty's Government has during recent years been repeatedly called to alleged cases of ill-treatment of natives and to the existence of trade monopolies in the Independent State of the Congo. Representations to this effect are to be found in Memorials from philanthropic Societies, in communications from commercial bodies, in the public press, and in despatches from His Majesty's Consuls.

The same matters formed the subject of a debate in the House of Commons on the 20th ultimo, when the House passed the Resolution, a copy of which is inclosed.

In the course of the debate, the official record of which is also inclosed, it was alleged that the object of the Administration was not so much the care and government of the natives as the collection of revenue; that this object was pursued by means of a system of forced labour, differing only in name from slavery; that the demands upon each village were exacted with a strictness which constantly degenerated into great cruelty, and that the men composing the armed force of the State were in many cases recruited from the most warlike and savage tribes, who not infrequently terrorized over their own officers and maltreated the natives without regard to discipline or fear of punishment.

As regards the ill-treatment of natives, a distinction may be drawn between isolated acts of cruelty committed by individuals, whether in the service of the State or not, and a system of administration involving and accompanied by systematic cruelty or oppression.

The fact that many individual instances of cruelty have taken place in the Congo State is proved beyond possibility of contradiction by the occurrence of cases in which white officials have been convicted of outrages on natives. These white officials must, however, in view of the vast extent of the territory under their administration, in most cases be of necessity isolated the one from the other, with the result that detection becomes additionally difficult. It is therefore not unfair to assume that the number of convictions falls considerably short of the number of actual offences committed.

It is, however, with regard to the system of administration that the most serious allegations are brought against the Independent State.

It is reported that no efforts are made to fit the native by training for industrial pursuits; that the method of obtaining men for labour or for military service is often but little different from that formerly employed to obtain slaves; and that force is now as much required to take the native to the place of service as it used to be to convey the captured slave. It is also reported that constant compulsion has to be exercised in order to exact the collection of the amount of forest produce allotted to each village as the equivalent of the number of days' labour due from the inhabitants, and that this compulsion is often exercised by irresponsible native soldiers uncontrolled by any European officer.

His Majesty's Government do not know precisely to what extent these accusations may be true; but they have been so repeatedly made, and have received such wide credence, that it is no longer possible to ignore them, and the question has now arisen whether the Congo State can be considered to have fulfilled the special pledges, given under the Berlin Act, to watch over the preservation of the native tribes, and to care for their moral and material advancement.

The graver charges against the State relate almost exclusively to the upper valleys of the Congo and of its affluents. The lands forming these vast territories are held either by the State itself or by Companies closely connected with the State, under a system which, whatever its object, has effectually kept out the independent trader, as opposed to the owner or to the occupier of the soil, and has consequently made it difficult to obtain independent testimony.

His Majesty's Government have further laboured under the disadvantage that British interests have not justified the maintenance of a large Consular staff in the Congo territories. It is true that in 1901 His Majesty's Government decided to appoint a Consul of wide African experience to reside permanently in the State, but his time has been principally occupied in the investigation of complaints preferred by British subjects, and he has as yet been unable to travel into the interior and to acquire, by personal inspection, knowledge of the condition of the enormous territory forming his district.

His reports on the cases of British subjects, which have formed the basis of representations to the Government of the Independent State, afford, however, examples of grave maladministration and ill-treatment. These cases do not concern natives of the Congo State, and are therefore in themselves alien to the subject of this despatch; but as they occurred in the immediate vicinity of Boma, the seat of the central staff, and in regard to British subjects, most of whom were under formal engagements, they undoubtedly lead to the belief that the natives, who have no one in the position of a Consul to whom they can appeal and have no formal engagements, receive even less consideration at the hands of the officers of the Government.

Moreover, information which has reached His Majesty's Government from British officers in territory adjacent to that of the State tends to show that, notwithstanding the obligations accepted under Article VI of the Berlin Act, no attempt at any administration of the natives is made, and that the officers of the Government do not apparently concern themselves with such work, but devote all their energy to the collection of revenue. The natives are left entirely to themselves, so far as any assistance in their government or in their affairs is concerned. The Congo stations are shunned, the only natives seen being soldiers, prisoners, and men who are brought in to work. The neighbourhood of stations which are known to have been populous a few years ago is now uninhabited, and emigration on a large scale takes place to the territory of neighbouring States, the natives usually averring that they are driven away from their homes by the tyranny and exaction of the soldiers.

The sentiments which undoubtedly animated the founders of the Congo State and the Representatives of the Powers at Berlin were such as to deserve the cordial sympathy of the British Government, who have been loath to believe either that the beneficent intentions with which the Congo State was constituted, and of which it gave so solemn a pledge at Berlin, have in any way been abandoned, or that every effort has not been made to realize them.

But the fact remains that there is a feeling of grave suspicion, widely prevalent among the people of this country, in regard to the condition of affairs in the Congo State, and there is a deep conviction that the many charges brought against the State's administration must be founded on a basis of truth.

In these circumstances, His Majesty's Government are of opinion that it is incumbent upon the Powers parties to the Berlin Act to confer together and to consider whether the obligations undertaken by the Congo State in regard to the natives have been fulfilled; and, if not, whether the Signatory Powers are not bound to make such representations as may secure the due observance of the provisions contained in the Act.

As indicated at the beginning of this despatch, His Majesty's Government also wish to bring to the notice of the Powers the question which has arisen in regard to rights of trade in the basin of the Congo.

Article I of the Berlin Act provides that the trade of all nations shall enjoy complete freedom in the basin of the Congo; and Article V provides that no Power which exercises sovereign rights in the basin shall be allowed to grant therein a monopoly or favour of any kind in matters of trade.

In the opinion of His Majesty's Government, the system of trade now existing in the Independent State of the Congo is not in harmony with these provisions.

With the exception of a relatively small area on the lower Congo, and with the further exception of the small plots actually occupied by the huts and cultivation patches of the natives, the whole territory is claimed as the private property either of the State or of holders of land concessions. Within these regions the State or, as the case may be, the concession-holder alone may trade in the natural produce of

the soil. The fruits gathered by the natives are accounted the property of the State, or of the concession-holder, and may not be acquired by others. In such circumstances, His Majesty's Government are unable to see that there exists the complete freedom of trade or absence of monopoly in trade which is required by the Berlin Act. On the contrary, no one other than the agents of the State or of the concession-holder has the opportunity to enter into trade relations with the natives; or if he does succeed in reaching the natives, he finds that the only material which the natives can give in exchange for his trade goods or his money are claimed as having been the property of the State or of the concession-holder from the moment it was gathered by the native.

His Majesty's Government in no way deny either that the State has the right to partition the State lands among *bonâ fide* occupants, or that the natives will, as the land is so divided out among *bonâ fide* occupiers, lose their right of roaming over it and collecting the natural fruits which it produces. But His Majesty's Government maintain that until unoccupied land is reduced into individual occupation, and so long as the produce can only be collected by the native, the native should be free to dispose of that produce as he pleases.

In these circumstances, His Majesty's Government consider that the time has come when the Powers parties to the Berlin Act should consider whether the system of trade now prevailing in the Independent State is in harmony with the provisions of the Act; and, in particular, whether the system of making grants of vast areas of territory is permissible under the Act if the effect of such grants is in practice to create a monopoly of trade by excluding all persons other than the concession-holder from trading with the natives in that area. Such a result is inevitable if the grants are made in favour of persons or Companies who cannot themselves use the land or collect its produce, but must depend for obtaining it upon the natives, who are allowed to deal only with the grantees.

His Majesty's Government will be glad to receive any suggestions which the Governments of the Signatory Powers may be disposed to make in reference to this important question, which might perhaps constitute, wholly or in part, the subject of a reference to the Tribunal at the Hague.

I request that you will read this despatch to the Minister for Foreign Affairs, and leave a copy of it with his Excellency.

I am, &c.
(Signed) LANSLOWNE.