

GENERAL ACT OF THE CONFERENCE OF BERLIN CONCERNING THE CONGO.

Signed at Berlin, February 26, 1885.

In the name of Almighty God:

The President of the United States of America, His Majesty the Emperor of Germany, King of Prussia, His Majesty the Emperor of Austria, King of Bohemia etc, and Apostolic King of Hungary, His Majesty the King of the Belgians, His Majesty the King of Denmark, His Majesty the King of Spain, the President of the French Republic, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of the Indies, His Majesty the King of Italy, His Majesty the King of the Netherlands, Grand Duke of Luxembourg, His Majesty the King of Portugal and of the Algarves, etc. etc. etc. His Majesty the Emperor of all the Russias, His Majesty the King of Sweden and Norway etc. etc., and His Majesty the Emperor of the Ottomans,

Wishing to regulate in a spirit of good mutual understanding the conditions most favorable to the development of commerce and of civilization in certain regions of Africa, and to assure to all peoples the advantages of free navigation upon the two principal African rivers which empty into the Atlantic ocean; desirous on the other hand to prevent misunderstandings and contentions to which the taking of new possessions on the coast of Africa may in the future give rise, and at the same time preoccupied with the means of increasing the moral and material well being of the indigenous populations, have resolved, upon the invitation which has been addressed to them by the Imperial Government of Germany in accord with the Government of the French Republic, to assemble for this object a Conference at Berlin and have named for their Plenipotentiaries, as follows:

The President of the United States of America:

Mr. John A. Kasson, Envoy Extraordinary and Minister Plenipotentiary of the United States near His Majesty the Emperor of Germany, King of Prussia, and

Mr. Henry S. Sanford, formerly Minister;

His Majesty the Emperor of Germany, King of Prussia:

Othon, Prince de Bismarck, His President of the Council of Ministers of Prussia, Chancellor of the Empire,

Paul, Count de Hatzfeldt, His Minister of State and Secretary of State of the Department of Foreign Affairs,

August Busch, His Actual Privy Councillor of Legation and Under Secretary of State in the Department of Foreign Affairs, and

Henry de Kusserow, His Privy Councillor of Legation in the Department of Foreign Affairs;

His Majesty the Emperor of Austria, King of Bohemia etc. and Apostolic King of Hungary:

Emeric, Count Szechenyi, de Sarvari Felső-Videk, Chamberlain and Actual Privy Councillor, His Ambassador Extraordinary and Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia;

His Majesty the King of the Belgians:

Gabriel, August, Count van der Straten Ponthoz, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia, and

Auguste, Baron Lambermont, Minister of State, His Envoy Extraordinary and Minister Plenipotentiary;

His Majesty the King of Denmark:

Mr. Emile de Vind, Chamberlain, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia;

His Majesty the King of Spain:

Don Francisco Merry y Colom, Count de Benomar, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia;

The President of the French Republic:

Alphonse, Baron de Courcel, Ambassador Extraordinary and Plenipotentiary of France near His Majesty the Emperor of Germany, King of Prussia;

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of the Indies:

Sir Edward, Baldwin Malet, Her Ambassador Extraordinary and Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia;

His Majesty the King of Italy:

Edward, Count de Launay, His Ambassador Extraordinary and Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia;

His Majesty the King of the Netherlands, Grand Duke of Luxembourg etc:

Frederick, Philip, Jonkheer van der Hoeven, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia;

His Majesty the King of Portugal and of the Algarves etc. etc. etc.:

da Serra Gomes, Marquis de Penafiel, Peer of the Kingdom, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia, and Mr. Antoine de Serpa Pimentel, Councillor of State and Peer of the Kingdom;

His Majesty the Emperor of all the Russias:

Pierre, Count Kapnist, Privy Councillor, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Netherlands;

His Majesty the King of Sweden and Norway etc. etc.:

Gillis, Baron Bildt, Lieutenant General, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia;

His Majesty the Emperor of the Ottomans:

Mehemed Said Pacha, Vizier and High Dignitary, His Ambassador Extraordinary and Plenipotentiary near His Majesty the Emperor of Germany, King of Prussia;

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

1st. A Declaration relative to the liberty of commerce in the basin of the Congo, embouchures and neighboring countries, with certain dispositions connected therewith;

2nd. A Declaration concerning the slave trade and the operations which on land or sea furnish slaves for the trade;

3rd. A Declaration relative to the neutrality of the territory comprised in the conventional basin of the Congo;

4th. An Act of navigation of the Congo, which while taking note of local circumstances, extends to this river, to its affluents and to the waters which are assimilated to them, the general principles announced in Articles 108 to 116 of the final Act of the Congress of Vienna and designed to regulate between the Powers signatory to said Act, the free navigation of navigable water courses which separate or traverse several States, principles since then conventionally applied to certain rivers of Europe and of America, and notably to the Danube, with the modifications provided by the treaties of Paris of 1856, of Berlin of 1878, and of London of 1871 and of 1883;

5th. An Act of navigation of the Niger which, while equally taking note of local circumstances, extends to this river and to its affluents the same principles inscribed in Articles 108 to 116 of the final Act of the Congress of Vienna;

6th. A Declaration introducing into international relations certain uniform rules relative to the occupations which may take place in the future upon the coasts of the African Continent;

And having judged that these different documents might be usefully coördinated in a single instrument, have collected them into a general Act composed of the following articles.

CHAPTER I.

DECLARATION RELATIVE TO THE LIBERTY OF COMMERCE IN THE BASIN OF THE CONGO, ITS EMBOUCHURES AND NEIGHBORING COUNTRY, AND DISPOSITIONS CONNECTED THEREWITH.

ARTICLE 1.

The commerce of all nations shall enjoy complete liberty:

1st. In all the territories constituting the basin of the Congo and its affluents. This basin is defined by the crests of the contiguous basins, to wit: notably the basins of the Niari, of the Ogove, of the Schari and of the Nile, on the North; by the line of Eastern water shed of the affluents of lake Tanganyka on the East; by the crests of the basins of the Zambeze and of the Loge, on the South. It embraces, consequently, all the territories drained by the Congo and its affluents, including the lake Tanganyka and its Eastern tributaries.

2nd. In the maritime zone extending along the Atlantic ocean from the parallel of $2^{\circ} 30'$ Southern latitude to the mouth of the Loge.

The Northern boundary shall follow the parallel of $2^{\circ} 30'$ from the coast to the point where it strikes the geographical basin of the Congo, avoiding the basin of the Ogove to which the stipulations of the present Act do not apply.

The Southern boundary shall follow the course of the Loge up to the source of this river and shall be directed thence Eastward to the junction of the geographical basin of the Congo.

3rd. In the zone prolonged to the East of the Congo basin as it is above described, as far as the Indian ocean, from the fifth degree of North latitude to the mouth of the Zambeze on the South; from this point the line of demarcation shall follow the Zambeze to a point five miles above the confluence of the Shire and shall continue by the line of water shed separating the waters which flow towards the lake Nyassa from the waters tributary to the Zambeze to rejoin finally the line dividing the waters of the Zambeze and of the Congo.

It is expressly understood that in extending to this Eastern zone the principle of commercial liberty the Powers represented at the Conference only engage for themselves and that this principle shall apply to territories actually belonging to any independent and sovereign State only in so far as it shall give its consent thereto. The Powers agree to employ their good offices with the governments established upon the African littoral of the Indian ocean in order to obtain such consent and, in every case, to assure to the transit of all nations the most favorable conditions.

ARTICLE 2.

All flags, without distinction of nationality, shall have free access to all the littoral of the territories above enumerated, to the rivers which there empty into the sea, to all the waters of the Congo and its affluents including the lakes, to all the ports situated upon the borders of these waters, as well as to all the canals which may in the future be excavated with the object of connecting together the water courses or lakes comprised in the whole extent of the territories described in Article 1. They may undertake every kind of transport and exercise the coastwise navigation by sea and river as also small boat transportation upon the same footing as the allegiants.

ARTICLE 3.

Merchandise of every origin imported into these territories, under whatever flag it may be, by route of sea or river or land, shall have to discharge no other taxes than those which may be collected as an equitable compensation for expenses useful to commerce and which, under this head, must be equally borne by the allegiants and by strangers of every nationality.

All differential treatment is prohibited in respect to ships as well as merchandise.

ARTICLE 4.

Merchandise imported into these territories shall remain free from entrance and transit dues.

The Powers reserve to themselves to decide, at the end of a period of twenty years, whether freedom of entry shall or shall not be maintained.

ARTICLE 5.

Every Power which exercises or shall exercise rights of sovereignty in the territories under consideration shall not concede there either monopoly or privilege of any kind in commercial matters.

Strangers shall enjoy there without distinction, for the protection of their persons and their goods, the acquisition and transmission of their movable and immovable property and for the exercise of the professions, the same treatment and the same rights as the allegiants.

ARTICLE 6.

Depositions relative to the protection of the natives, of missionaries and of travelers, and also to religious liberty.

All Powers exercising rights of sovereignty or an influence in the Said territories engage themselves to watch over the conservation of the indigenous populations and the amelioration of their moral and material conditions of existence and to strive for the suppression of slavery and especially of the negro slave trade; they shall protect and favor without distinction of nationality or of worship, all the institutions and enterprises religious, scientific or charitable, created and organized for these objects or tending to instruct the natives and to make them understand and appreciate the advantages of civilization.

The christian missionaries, the savants, the explorers, their escorts, properties and collections shall be equally the object of special protection.

Liberty of conscience and religious toleration are expressly guaranteed to the natives as well as to allegiants and to strangers.

The free and public exercise of all forms of worship, the right to erect religious edifices and to organize missions belonging to all forms of worship shall not be subjected to any restriction or hindrance.

ARTICLE 7.

Postal regime.

The Convention of the universal postal Union revised at Paris June 1st. 1878 shall be applied to the conventional basis of the Congo.

The Powers who there exercise or shall exercise rights of sovereignty or of protectorate engage themselves to take, so soon as circumstances shall permit it, measures necessary for the execution of the preceding disposition.

ARTICLE 8.

Right of supervision attributed to the international commission of navigation of the Congo.

In all parts of the territory within the purview of the present Declaration where no Power may exercise rights of sovereignty or of protectorate, the International Commission of navigation of the Congo, instituted by virtue of Article 17, shall be charged to supervise the application of the principles proclaimed and established by this Declaration.

In all cases where difficulties relative to the application of the principles established by the present Declaration may happen to arise, the governments interested may agree to appeal to the good offices of the International Commission by deferring to it the examination of the facts which shall have given occasion to those difficulties.

CHAPTER II.

DECLARATION CONCERNING THE SLAVE TRADE.

ARTICLE 9.

Conformably to the principles of the law of nations, as they are recognized by the signatory Powers, the slave trade being interdicted, and as the operations which, by land or sea, furnish slaves to the trade ought to be equally considered as interdicted, the Powers who exercise or shall exercise rights of sovereignty or an influence in the territories forming

the conventional basin of the Congo declare that these territories shall not serve either for a market or way of transit for the trade in slaves of any race whatever. Each of these Powers engages itself to employ all the means in its power to put an end to this commerce and to punish those who are occupied in it.

CHAPTER III.

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

ARTICLE 10.

In order to give a new guarantee of security to commerce and to industry and to favor, by the maintenance of peace, the development of civilization in the countries mentioned in Article 1 and placed under the regime of commercial liberty, the high signatory parties of the present Act and those who shall subsequently adhere to it engage themselves to respect the neutrality of the territories or parts of territories depending on said countries, including therein the territorial waters, so long as the Powers who exercise or shall exercise rights of sovereignty or protectorate over these territories, making use of the option to proclaim themselves neutrals, shall fulfill the duties which belong to neutrality.

ARTICLE 11.

In the case where a Power exercising rights of sovereignty or of protectorate in the countries mentioned in Article 1 and placed under the regime of commercial liberty may be involved in a war, the high signatory parties of the Present Act and those who shall adhere to it subsequently engage themselves to lend their good offices to the end that the territories belonging to this Power and comprised in the conventional zone of commercial liberty may be, with the common consent of this Power and of the other party or parties belligerent, placed for the duration of the war under the regime of neutrality and considered as belonging to a non-belligerent State; the belligerent parties may renounce, thenceforth, the extension of hostilities to the territories thus neutralised, as also their use as a base for the operations of war.

ARTICLE 12.

In case a serious dissension, springing up on the subject or within the limits of the territories mentioned in Article 1 and placed under

the regime of commercial liberty should happen to arise between the signatory Powers of the present Act or the Powers which may subsequently adhere to it, these Powers engage themselves, before appealing to arms, to have recourse to the mediation of one or more friendly Powers.

In the same case the same powers reserve to themselves the optional recourse to the procedure of arbitration.

CHAPTER IV.

ACT OF NAVIGATION OF THE CONGO.

ARTICLE 13.

The navigation of the Congo, without exception of any of the branches or issues of this river, is and shall remain entirely free for merchant vessels, loaded or in ballast, of all nations, as well for the transport of merchandise as for that of travelers. It must conform itself to the dispositions of the present navigation Act and to the regulations to be established in the execution of the same Act.

In the exercise of this navigation the subjects and the flags of all the nations shall be treated, in all respects, upon the footing of a perfect equality, as well for the direct navigation from the open sea toward the interior ports of the Congo, and vice versa, as for the great and small coastwise navigation and also for the small-boat transportation throughout the extent of this river.

Consequently, throughout the extent and at the mouths of the Congo, no distinction shall be made between the subjects of riparian and non-riparian States, and no exclusive privilege of navigation shall be conceded, either to societies or corporations of any kind or to private persons.

These dispositions are recognized by the signatory powers as forming henceforth a part of public international law.

ARTICLE 14.

The navigation of the Congo cannot be subjected to any hindrance or charge which may not be expressly stipulated in the present Act. It shall not be burdened with any obligation of scaled voyages, ports of stoppage, of depot, of breaking bulk, or of compulsory interruption.

In all the extent of the Congo, ships and merchandise passing along the river shall not be subjected to any transit dues, whatever may be their origin or their destination.

There shall not be established any maritime or river transit tax based upon the simple fact of navigation, nor any dues upon the merchandise which is found on board the ships. Only taxes or dues can be collected which shall have the character of compensation for services rendered to navigation itself, namely:

1st. Port taxes for the actual use of certain local establishments such as quays, storehouses, etc. etc.

The tariff of these taxes shall be calculated upon the expenses of construction and maintenance of said local establishments, and its application shall be made without regard to the origin of ships or to their cargo.

2nd. Certain dues of pilotage upon the sections of the river where it may appear necessary to create stations of commissioned pilots.

The tariff of these dues shall be fixed and proportioned to the service rendered.

3rd. Certain dues designed to cover the technical and administrative expenses, made in the general interest of navigation, including therein dues for lighthouses, lights and buoys.

Dues of this last category shall be based upon the tonnage of vessels, as it appears from the papers on board, and conformably to the rules adopted upon the lower Danube.

The tariffs according to which the taxes and dues, enumerated in the three preceding paragraphs, shall be collected, shall carry with them no differential treatment and must be officially published in each port.

The Powers reserve to themselves to examine, at the end of a period of five years, whether there is occasion to revise, by common accord, the tariffs above mentioned.

ARTICLE 15.

The affluents of the Congo shall in all respects be submitted to the same regime as the river of which they are tributaries.

The same regime shall be applied to the rivers and streams as also to the lakes and canals of the territories defined by Article 1, paragraphs 2 and 3.

The attributions of the International Commission of the Congo however shall not extend over the said rivers, streams, lakes and canals, except with the assent of the States under the sovereignty of which they are placed. It is well understood also that for the territories mentioned in Article 1, paragraph 3, the consent of the sovereign States on which these territories depend, remain reserved.

ARTICLE 16.

The routes, railroads or lateral canals which may be established for the special object of supplementing the innavigability of imperfections of the river way over certain sections of the course of the Congo, of its affluents and of the other water courses which are assimilated to them by Article 15 shall be considered, in their quality of means of communication, as dependencies of this river and shall be equally open to the traffic of all nations.

In like manner as upon the river, upon these routes, railroads and canals transit taxes can only be collected which are calculated upon the expenses of construction, of maintenance and of administration, and upon the profits due to the constructors.

As to the rates of these transit taxes strangers and allegiants of the respective territories shall be treated upon the footing of perfect equality.

ARTICLE 17.

There is instituted an International Commission charged to assure the execution of the dispositions of the present navigation Act.

The signatory Powers of this Act, as well as those who shall adhere to it hereafter, can, at all times, have themselves represented in the said Commission, each by one delegate. No delegate can dispose of more than one vote even in the case where he may represent several governments.

This delegate shall be directly compensated by his government.

The pay and allowances of the agents and employés of the International Commission shall be charged upon the product of the dues collected conformably to Article 14, paragraphs 2 and 3.

The figures of the said pay and allowances as well as the number, the grade and the attributions of the agents and employés, shall be inscribed in the report which shall be addressed each year to the governments represented in the International Commission.

ARTICLE 18.

The members of the International Commission as well as the agents named by it, are invested with the privilege of inviolability in the exercise of their functions. The same guarantee shall extend to the offices, bureaus and archives of the Commission.

ARTICLE 19.

The International Commission of navigation of the Congo shall constitute itself so soon as five of the signatory Powers of the present general Act shall have named their delegates. While awaiting the constitution of the Commission, the nomination of the delegates shall be notified to the Government of the German Empire, by whose care the necessary steps shall be taken to provoke the assemblage of the Commission.

The Commission shall immediately elaborate regulations of navigation, of river police, of pilotage and of quarantine.

These regulations, as well as the tariffs to be established by the Commission, before being put in force, shall be submitted to the approbation of the Powers represented in the Commission. The Powers interested shall make known their opinion with the least delay possible.

Infractions of these regulations shall be repressed by the agents of the International Commission, where it shall exercise direct its authority, and elsewhere by the riparian Power.

In case of an abuse of power or of an injustice on the part of an agent or employé of the International Commission, the individual who shall regard himself as injured in his person or in his rights may address himself to the consular agent of his nation. The latter shall examine the complaint; if he finds it *prima facie* reasonable, he shall have the right to present it to the Commission. Upon his initiative, the Commission represented by at least three of its members, shall join itself to him to make an investigation touching the conduct of its agent or employé. If the consular agent considers the decision of the Commission as giving rise to objections of right, he shall make a report of it to his government which may have recourse to the Powers represented in the Commission and invite them to come to agreement upon the instructions to be given to the Commission.

ARTICLE 20.

The International Commission of the Congo, charged by the terms of Article 17 to assure the execution of the present Act of navigation shall have notably in its attributions:

1. The designation of the works proper to assure the navigability of the Congo according to the needs of international commerce.

Upon the sections of the river where no Power shall exercise the rights of sovereignty, the International Commission shall itself take the necessary measures to assure the navigability of the river.

Upon the sections of the river occupied by a sovereign Power, the International Commission shall come to an understanding with the riparian authority.

2. The settlement of the tariff of pilotage and that of the general tariff of navigation dues, provided in the 2nd. and 3rd. paragraphs of Article 14.

The tariff mentioned in the 1st. paragraph of Article 14 shall be settled by the territorial authority, within the limits provided in said Article.

The collection of these different duties shall be made by the care of the International or territorial authority for the account of which they are established.

3. The administration of the revenues proceeding from the application of the above paragraph 2.

4. The supervision of the quarantine establishment established in virtue of Article 24.

5. The nomination of the agents belonging to the general service of navigation and that of its own employés.

The institution of sub-inspectors shall belong to the territorial authority upon the sections occupied by a Power, and to the International Commission upon the other sections of the river.

The riparian Power shall notify to the International Commission the nomination of sub-inspectors whom it shall have instituted, and this Power shall charge itself with their pay.

In the exercise of these attributions as they are above defined and limited, the International Commission shall not depend upon the territorial authority.

ARTICLE 21.

In the accomplishment of its task, the International Commission may have recourse, at need, to the war vessels of the signatory Powers of this Act and of those who shall accede to it in the future, subject to every reserve of the instructions which may be given to the commandants of these vessels by their respective governments.

ARTICLE 22.

The vessels of war of the signatory Powers of the present Act which enter the Congo are exempt from the payment of the navigation dues

provided in paragraph 3 of Article 14; but they shall pay the eventual pilot dues as well as port dues, unless their intervention may have been called for by the International Commission or its agents according to the terms of the preceding Article.

ARTICLE 23.

For the object of providing for the technical and administrative expenses with which they are charged, the International Commission instituted by Article 17 may negotiate in its own name loans exclusively based upon the revenues attributed to the said Commission.

The decisions of the Commission tending to the conclusion of a loan must be taken by a majority vote of two-thirds. It is understood that the governments represented in the Commission cannot, in any case, be considered as assuming any guarantee or contracting any engagement or responsibility in respect to said loans, unless by special conventions concluded by them to this effect.

The product of the dues specified in the 3rd. paragraph of Article 14 shall be by priority assigned to the service of the interest and to the extinguishment of said loans, according to the agreements entered into with the lenders.

ARTICLE 24.

At the embouchures of the Congo, there shall be founded, either by the initiative of the riparian Powers, or by the intervention of the International Commission, a quarantine establishment which shall exercise control over vessels as well on arrival as on departure.

It shall be decided later, by the Powers, whether and under what conditions a sanitary control shall be exercised over vessels in the course of the navigation of the river.

ARTICLE 25.

The dispositions of the present Act of navigation shall remain in force in time of war. Consequently, the navigation of all nations, neutral or belligerent, shall be free, at all times, for the uses of commerce upon the Congo, its branches, its affluents and its mouths, as also upon the territorial sea opposite the mouths of this river.

Trade shall remain equally free, notwithstanding the state of war, upon the routes, railroads, lakes and canals mentioned in Articles 15 and 16.

There shall be no exception to this principle except in what relates to the transport of objects destined to a belligerent and considered, by virtue of the law of nations, as articles contraband of war.

All the works and establishments created in execution of the present Act, notably the bureaus of collection and their coffers, likewise the personnel attached in a permanent manner to the service of these establishments, shall be placed under the regime of neutrality and, under this head, shall be respected and protected by the belligerents.

CHAPTER V.

ACT OF NAVIGATION OF THE NIGER.

ARTICLE 26.

The navigation of the Niger, without exception of any of the branches or issues of this river, is and shall remain entirely free for the merchant ships, laden or in ballast, of all nations, as well for the transport of merchandise as for that of travelers. It must conform to the dispositions of the present navigation Act and to the regulations to be established in execution of the same Act.

In the exercise of this navigation, the subjects and the flags of all nations, shall be treated, in all respects, upon the footing of a perfect equality, as well for the direct navigation from the open sea toward the interior ports of the Niger, and vice versa, as for the great and small coastwise navigation, and also for the small boat transportation throughout the extent of this river.

Consequently, upon all the extent and at the mouths of the Niger, there shall be no distinction made between the subjects of the riparian and non-riparian States, and no exclusive privilege of navigation shall be conceded, either to societies or corporations of any kind, or to private persons.

These dispositions are recognized by the signatory Powers as forming henceforth part of international public law.

ARTICLE 27.

The navigation of the Niger cannot be subjected to any hindrance or charge based solely upon the fact of navigation.

It shall not be subjected to any obligation of scaled voyages, ports of stoppage, of depot, of breaking bulk, or compulsory interruption.

Upon all the extent of the Niger, vessels and merchandise passing upon the river shall not be subjected to any transit dues, whatever may be their origin or their destination.

There shall not be established any maritime or river transit tax, based upon the simple fact of navigation, nor any duty upon the merchandise which is found on board the vessels. There can be collected only the tax or duty which shall have the character of compensation for service rendered to navigation itself. The tariffs of these taxes or duties shall carry with them no differential treatment.

ARTICLE 28.

The affluents of the Niger shall be in all respects submitted to the same regime as the river of which they are tributaries.

ARTICLE 29.

The routes, railroads or lateral canals which may be established with the special object of supplementing the innavigability or imperfections of the river way upon certain sections of the course of the Niger, of its affluents, branches and issues shall be considered, in their quality of means of communication, as dependencies of this river and shall be equally open to the traffic of all nations.

In like manner as upon the river, there shall be collected upon these routes, railroads and canals, only transit taxes calculated upon the expenses of construction, of maintenance and of administration, and upon the profits due to the constructors.

As to the rates of these transit taxes, strangers and allegiants of the respective territories shall be treated upon the footing of perfect equality.

ARTICLE 30.

Great Britain engages itself to apply the principles of the liberty of navigation announced in Articles 26, 27, 28, 29, in so far as the waters of the Niger, of its affluents, branches and issues, are or shall be under its sovereignty or protectorate.

The regulations which it shall establish for the safety and control of navigation shall be conceived in a manner to facilitate so far as possible the circulation of merchant vessels.

It is understood that nothing in the engagements thus taken can be interpreted as preventing or able to prevent Great Britain from making such regulations of navigation whatever they may be, as may not be contrary to the spirit of these engagements.

Great Britain engages itself to protect the foreign traders of all nations carrying on commerce in the portions of the course of the Niger which are or shall be under its sovereignty or protectorate, as if they were its own subjects, provided always that these traders conform to the regulations which are or shall be established in virtue of what precedes.

ARTICLE 31.

France accepts under the same reserve and in identical terms the obligations established in the preceding Article, in so far as the waters of the Niger, of its affluents, branches and issues are or shall be under its sovereignty or its protectorate.

ARTICLE 32.

Each of the other signatory Powers engages itself likewise, in case it should exercise in the future rights of sovereignty or protectorate upon any part of the waters of the Niger, of its affluents, branches and issues.

ARTICLE 33.

The dispositions of the present Act of navigation shall remain in force in time of war. Consequently, the navigation of all nations, neutral or belligerent, shall be free at all times for the uses of commerce upon the Niger, its branches and affluents, its embouchures and issues, as also upon the territorial sea opposite to the embouchures and issues of this river.

Trade shall remain equally free, notwithstanding the state of war, upon the routes, railroads and canals mentioned in Article 29.

There shall be no exception to this principle except in what concerns the transport of objects destined to a belligerent and considered, by virtue of the law of nations, as articles contraband of war.

CHAPTER VI.

DECLARATION RELATIVE TO THE CONDITIONS ESSENTIAL TO BE FULFILLED IN ORDER THAT NEW OCCUPATIONS UPON THE COASTS OF THE AFRICAN CONTINENT MAY BE CONSIDERED AS EFFECTIVE.

ARTICLE 34.

The Power which henceforth shall take possession of a territory upon the coast of the African continent situated outside of its present possessions, or which, not having had such possessions hitherto, shall come to acquire them, and likewise, the Power which shall assume a protectorate there, shall accompany the respective act with a notification addressed to the other signatory Powers of the present Act, in order to put them in a condition to make available, if there be occasion for it, their reclamations.

ARTICLE 35.

The signatory Powers of the present Act recognize the obligation to assure, in the territories occupied by them, upon the coasts of the African Continent, the existence of an authority sufficient to cause acquired rights to be respected and, the case occurring, the liberty of commerce and of transit in the conditions upon which it may be stipulated.

CHAPTER VII.

GENERAL DISPOSITIONS.

ARTICLE 36.

The signatory Powers of the present general Act reserve to themselves to introduce into it later and by common accord the modifications or ameliorations the utility of which may be demonstrated by experience.

ARTICLE 37.

The Powers who shall not have signed the present general Act may adhere to its dispositions by a separate Act.

The adhesion of each Power is notified, in a diplomatic way, to the Government of the German Empire, and by the latter to all the signatory or adhering States.

It carries by full right the acceptance of all the obligations and admission to all the advantages stipulated by the present general Act.

ARTICLE 38.

The present general Act shall be ratified within a delay which shall be the shortest possible and which, in any case, shall not exceed one year.

It shall enter into force for each Power to begin from the date when it shall have ratified it.

Meanwhile the signatory Powers of the present general Act bind themselves to adopt no measure which may be contrary to the dispositions of the said Act.

Each power shall address its ratification to the Government of the German Empire, by whose care notice shall be given to all the other signatory Powers of the present general Act.

The ratifications of all the Powers shall remain deposited in the archives of the Government of the German Empire. When all the ratifications shall have been produced, there shall be drawn up an act of deposit in a protocol which shall be signed by the representatives of all the Powers having taken part in the Conference of Berlin and of which a certified copy shall be addressed to all these Powers.

In faith of which, the respective Plenipotentiaries have signed the present general Act and have affixed thereto their seal.

Done at Berlin, the 26th day of the month of February one thousand eight hundred eighty five.

[L. s.]	JOHN A. KASSON.
[L. s.]	H. S. SANFORD.
[L. s.]	V. BISMARCK.
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