

THE BERLIN CONFERENCE

THE PART THE UNITED STATES TAKES THEREIN.

AN UNDERSTANDING THAT THE WORK OF THE CONFERENCE IS NOT BINDING—THE MONROE DOCTRINE UPHELD.

WASHINGTON, Jan. 29.—In response to the House resolution of the 5th inst., calling for information respecting the participation of the United States in the Congo Conference, the President to-day sent to the House a report submitted by the Secretary of State to the President, of which the following is an extract:

Secretary Frelinghuysen remarks that the purview of the resolution may be summarized under three heads. It requests information (1) as to the causes and modes of the participation of this Government in the Berlin Conference, (2) as to the manner in which this Government so participated, and (3) as to the results of that conference with especial reference to whatever views may have been sustained by the United States delegates thereat. The resolution, moreover, calls for copies of all correspondence, reports, and information here received touching said conference. These papers, the Secretary says, are now in the copyist's hands, but, owing to the limited clerical force at the command of the department, the voluminousness of the papers, (most of which have to be translated,) and to the fact that the conference is still in session, some time must necessarily elapse before the full documentary history of the transaction can be laid before Congress. The importance of the subject, however, and the general interest taken in it, have prompted the Secretary to submit a preliminary report covering the ground of the resolution, leaving the transmission of the papers to follow.

In this preliminary report the Secretary says: "The first step toward an international expression of the views of this Government with regard to the Congo basin was taken by the Senate, which, by a resolution of April 10, 1884, advised the President to recognize the flag of the International Association of the Congo as that of a friendly Government; and this was followed by the action of Congress in providing for the appointment of a commercial agent for the Congo basin. Both of these measures were carried out by the President. In so doing the Government of the United States recorded its share in the already general conviction that the prospective rich trade of the Congo Valley should be open to all nations on equal terms, while avoiding any prejudicement of conflicting territorial claims in that region. On the 11th of October last the German Minister at this capital called upon the undersigned and communicated to me by note the proposal of the German Government, in connection with that of France, and in the interest of all nations engaged in commerce with the Congo region, to arrange, in a spirit of mutual good understanding, the conditions which would tend to assure the development of that commerce and prevent conflicts and misunderstanding. The basis on which it was suggested that an accord might be attainable were as follows: (1) Liberty of trade in the basin of the Congo and in the delta thereof. (2) The application to the Congo and the Niger of the principles adopted by the Congress of Vienna, to the end of establishing the freedom of navigation upon several international rivers, which principles were later applied to the Danube. (3) The definition of the formalities to be observed in order that any new occupations of territory upon the African coasts should be deemed to be effective. To the end of considering these propositions it was proposed to hold a conference at Berlin, and inquiry was made of this Government whether it was disposed to take part in such a conference. In communicating this invitation the German Minister said it was expected that the powers taking part would severally reserve the fullest liberty of action with respect to the results which might be reached by the conference.

"Upon receiving this invitation the undersigned instructed the United States Minister at Berlin to report as to the advisability of this Government being represented at the conference, and Mr. Kasson was asked if he possessed any intimation of the nature of the measures to be proposed, and, if so, whether they would comport with the policy of non-interference adopted by this Government. Mr. Kasson's reply was to the effect that the first of the German propositions had already been enunciated the previous Winter by the United States; that the second, carefully analyzed, seemed safe in principle and applicable to at least two African rivers; that the third was restrictive and conservative of the rights of the native tribes against foreign encroachment; that the object of the conference was simply discussion with a view to reaching an accord on all points where agreement might be found, each Government reserving the right to adopt or reject conclusions; and that these points being understood, participation appeared to be advisable and consistent with our precedents and declared policy. On the 17th of October, the invitation of the German and French Government was accepted, with due reserve, as expressed in the following extract from the note of the Secretary of State to the German Minister:

"On the understanding (so far as this Government is concerned) that the business to be brought before the conference is to be limited to the three heads mentioned in your note, dealing solely with the commercial interests of the Congo region and of Western Africa, and that, while taking cognizance of such establishment of limits to international territorial claims in that region as may be brought before it as matters of fact, the conference is itself not to assume to decide such questions. The object of the conference being simply discussion and accord, the Government of the United States in taking part therein reserves the right to decline to accept the conclusions of the conference."

"It being established," the report proceeds, "that the conference was not to have plenipotentiary functions, no special credentials were needed to enable Mr. Kasson to attend as the delegate of this Government, he being already accredited as Minister to the Imperial Court. The instructions sent to Mr. Kasson were brief, but precise as to the exclusion of questions of territorial jurisdiction. The scope of the conference, which at first was intended as a preliminary discussion on the part of the nations directly or indirectly interested in the question of the hitherto unexplored and unpre-empted Congo Valley, was soon enlarged to embrace the representation of nearly all the commercial powers and the admission of associate delegates, to be chosen from those whose knowledge of African questions might aid the conference in considering the topics before it was proposed by the German Government. By direction of the President Mr. Henry S. Sanford, whose relations to the international association representing the Free States of the Congo seemed to fit him for the work, was appointed associate delegate on behalf of the United States, his course to be governed by the instructions sent to Mr. Kasson. Mr. Sanford, not being an officer of this Government, was accredited by a letter addressed by the undersigned to the Minister of Foreign Affairs of Germany as an associate delegate. The resolution of the House of Representatives calls for the text of the credentials or powers given to the representatives of the United States, and the letter accrediting Mr. Sanford will be transmitted with the rest of the correspondence at an early day. It may, however, be here mentioned that it confers no definite powers on him. It merely recites the proposal of the imperial Government that associate delegates, having special knowledge of the condition of affairs in Western Africa and especially in the region of the Congo, should assist at the meetings of the conference, and formally accredits Mr. Sanford as such associate delegate on behalf of the United States.

"Subsequently," the report says, "Mr. Henry M. Stanley was invited by the conference itself to appear and give information touching the Congo region, as to which he is admittedly the original and sole authority. Mr. Stanley's name appears in the protocols of the proceedings as an associate delegate of the United States, but he was not accredited otherwise than by Mr. Kasson's personal introduction. Neither Mr. Sanford nor Mr. Stanley have had a vote in the proceedings. Voting has been by countries, the delegation of each voting as a unit. As a fact, the voting is quite a matter of form. The conference, being admittedly destitute of plenipotentiary authority, (that is, not being a congress,) adopts no measures by yeas and nays vote; it merely records the agreement of the parties present where the concurrence of views is unanimous. A single objection prevents anything from being spread on the minutes as representing the views of the conference. No opportunity is given for imposing the views of the majority upon the minority.

"As the Conference is still in session no final view of results can be given. An examination of the voluminous protocols in the French language, received by mail, furnishes information as to the preliminary treatment of detached subjects. It is seen that Mr. Kasson and Mr. Sanford have confined their propositions to matters affecting commercial intercourse with the whole region, freedom of navigation of the rivers, and land communications between the coasts and the separate districts of the interior, without advancing any plan affecting the political tenure of the diverse territories."

For the convenience of Congress a statement is made by the Secretary of State called "American Propositions" so far put forward under the general instructions of the Department of State and their treatment in detail. This statement gives in compendious form a history of the proceedings of the conference as they have been received from day to day in the newspapers of this country, beginning with Minister Kasson's address at the second sitting of the conference, Nov. 9, 1884, and concluding with the proceedings of Dec. 15. In regard to the action of the conference upon the question as to how far the Governments represented were accordant in defining the rights of free navigation in the Congo and the Niger, the Secretary in his résumé says:

"The principles enunciated by the congress of Vienna served as the basis of this discussion. As first presented the proposition, as Mr. Kasson reports under date of Dec. 8, involved the admission that the principles of the congresses of Vienna and of Paris in respect to the free navigation of international rivers 'had passed into the domain of public law' by reason of their application to a number of rivers in Europe and America. To this I objected, as we had never yet conceded the right of any European congress to regulate, directly or indirectly, the rights applicable to American jurisdiction. My scruples were respected, and the redaction changed by the commission."

"The latest dispatches received from Kasson,"

Secretary Frelinghuysen says, "contain the proceedings to Dec. 15, on which day the conference adjourned until Jan. 5. Up to that time the Department of State has seen no reason to feel otherwise than satisfied with the discretion, prudence, and ability with which Mr. Kasson has carried out the instructions given to him. Besides limiting the position of the United States to one of commercial interest, dissociated from questions of territorial control, he has been attentive that no act on our part shall deviate from the consistent national policy. He has been watchful that no expression should be found of record in the agreements of the conference which might imply that its results are to be binding upon or to be respected by any power which may not formally accept them. Even where well established principles of international law apply, such as those in regard to riparian privileges and the right of an inland State to freely reach the ocean by any navigable waterway passing through its territory, recognition thereof is confined to the signatory powers only."

Treating of the third point of the original German proposals, namely, "the definition of the formalities to be observed in order that any new occupations of territory upon the African coasts should be deemed to be effective," which remains for discussion by the conference, the report says: "Following its own precedent in the acquisition of territory for the Liberian settlement, by American citizens, from the native African tribes by legitimate deeds of cession this Government hopes to see an agreement reached by the conference which shall fix the formalities necessary to show that foreign occupation is established with the consent of the natives, and to remove questions of title from dispute. It has been said that the principles which the conference is discussing with respect to Africa are at variance with those which the United States have ever maintained in respect to the American continent. The cases are diametrically converse. The venerated doctrine put forth by Monroe was simply that the time had passed for obtaining fresh footholds on the American continent, since the whole of it was subject to recognized sovereignties, whose rights of possession must be maintained and respected. In 1829 not a foot of land remained subject to alienation at will by the aboriginal tribes of America. In 1884 the whole of the heart of Africa remained to be opened up to the occupancy and control of civilization.

"From all that precedes, it will be seen that this Government, in taking part in the Congo Conference of Berlin, has not departed from traditional policy; on the contrary, it has followed good precedent. * * * That its rights have been scrupulously reserved and guarded at every stage, and that whatever conclusions the Conference may reach, will record the voluntary and unanimous opinion of its members, which the respective Governments are at liberty to adopt and put into practice by a formal international compact among themselves, if they shall deem it to their interest to do so, or to reject if they prefer."

Since the foregoing was written the Secretary has received a dispatch from Mr. Kasson, dated Jan. 7, in which he adverts to telegrams published in the news columns of the German papers, which appear to show a misapprehension of the motives and purposes of the conference and of the nature of the participation of this Government, and thereupon reviews the position of the United States as understood by himself and the conference. Many of Mr. Kasson's statements are anticipated by the preceding portions of the report, but some extracts from this last dispatch are subjoined. After reviewing the action of the conference thus far Mr. Kasson says:

"Knowing with absolute certainty that the United States would not embark in the eager struggle among European powers for African colonial possessions, I appreciated with equal assurance the importance to the commerce of my country of obtaining the like concessions from present and future possessory powers for the largest possible extent of Central Africa which might be subjected to these beneficent and advantageous provisions. I presented, with such force as I could command to the conference, the reasons for this extension of the sphere of free commerce. With a reservation of the rights of other Governments not represented in our declarations, the conference agreed to this enlargement and embraced within the range of their pledges all the territory east of the Congo basin, from the Zambesi River on the south to the fifth degree of latitude north, and as far as the Indian Ocean on the east. None ever doubted the policy of this action except those who desired to retain the liberty of establishing closed colonies in that region. It was finally made a part of the commercial declaration by unanimous consent. No clause of any declaration contemplated or suggests an 'alliance.' No clause creates a guarantee by any Government of the action of any other Government. There is no joint undertaking for future enforcement. Perfect liberty of action is reserved to each Government, except in what it accepts as limiting that action. All these limitations are in the interest of the non-colonial powers. An international commission is formed to see that the general rights and interests are maintained where the local Government does not exist to apply them. But it is a right reserved to, not a duty imposed on, each Government, to be represented in this commission. Finally, not one of the declarations agreed upon by the conference is binding on the United States until the Government of Washington shall formally accept it. My action in the conference has not merely been in accord with this purpose of preserving the perfect independence of the United States from all joint engagements. It was upon my initiative that every phrase in any proposition which implied a joint guarantee or a joint undertaking was stricken out. Wherever a joint expression was used it was converted into a single expression, in order to avoid all implication of joint action or joint responsibility. Even where a preamble implied the right of this or any former conference or congress to establish a principle of international obligation, binding other powers than those accepting the same, it was modified on my motion to indicate that limit to its obligation. So uniform in these respects was my action that I found occasion to meet inquiries for my reasons by the explicit statement that the policy of my Government did not admit of any joint liabilities or engagements, nor could the United States admit that any combination of powers could by their action bind others not agreeing to it. In every case the conference yielded to this view."