# BRITAIN AND THE *ASSOCIATION INTERNATIONALE DU CONGO*, JANUARY 1884 - FEBRUARY 1885

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**Abstract:** In 1884, Britain was concerned with negotiations surrounding three agreements that were closely related to the Berlin West Africa Conference, which began in November 1884 and ended in February 1885; the Anglo-Portuguese Treaty signed on 26 February 1884, which sparked the diplomatic crisis that resulted in the conference; a pre-emption agreement, signed between the *Association Internationale du Congo* and France on 23 April 1884; and the recognition of the *Association* as a sovereign power by Britain after the conference had begun on 16 December 1884. During the period under examination, there was an emphasis on territorial negotiations regarding the lower Congo River between Britain, France, Germany, Portugal, and the *Association Internationale du Congo*. This article focuses on the background to these agreements thereby providing an important contextual framework for what was discussed at the Berlin Conference.

**Keywords:** *Berlin West Africa Conference, Association Internationale du Congo, Anglo-Portuguese Treaty, Scramble for Africa*

## Introduction

The Scramble for Africa produced the peculiar map of modern Africa along with numerous myths that have proved to be widespread and durable. The most prevailing of these myths is that Africa was divided at Berlin. For example, the well-known account of colonialism in the Congo, *In the Footsteps of Mr Kurtz*, described the Berlin Conference as one "at which the world powers carved up Africa" (Wrong 2000: 42). Similar sentiments have also been expressed by African political leaders such as former Ghanaian

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President Kwame Nkrumah, who stated that the partition of Africa was arranged at the Berlin Conference (Wesseling 1996: 126). The reality was more nuanced and by the time the Berlin Conference began in November 1884, many boundaries had already been set (Katzenellenbogen 1996: 21). The Berlin Conference – held between November 1884 and February 1885 – was arranged mainly because Germany wished to impose international control over the Scramble and also to try and limit British expansion. The main issues discussed at the conference were international freedom of trade and navigation on the Congo and Niger rivers, as well as the drafting of international rules for future occupations of territory. The parties agreed that all would be able to participate in the economic exploitation of each claimed territory. It was also agreed that no precise boundaries would be agreed on at the conference. Regarding colonial boundaries, the Berlin Conference only marked an important stage in a process that began much earlier and proceeded long after (Katzenellenbogen 1996: 21-22). In the words of H.L. Wesseling,

> As we have seen, Africa was not only not divided at Berlin, but the subject was not even on the agenda; indeed partition of Africa was explicitly rejected by the conference. It is true that the idea was in the air. The large map of Africa did not adorn the wall for nothing, and the conference had of course been called because here and there in Africa a fierce race for colonies, protectorates and spheres of influence had been started. The conference aimed to stop this process, or at least to keep it in check. It was a 'holding operation', an attempt to calm matters by reaching agreement on principles and codes of conduct… The conference therefore did not so much preside over the partition of Africa as serve as a symbol of it (Wesseling 1996: 126).

With regard to future "effective occupations" of territory, Germany wished to set out unambiguous criteria for the international recognition of territorial claims. This has led to the spread of another myth: that the conference established the rule that the legitimacy of territorial claims was based on the principle of "effective occupation." Notably, the concept of "effective occupation" went against traditional British policy, which was to "secure only a degree of influence which would ensure that their interests were not discriminated against in favour of any other power" (Chamberlain 1974: 56). Furthermore, the "insistence on 'effective occupation' was probably only intended to abrogate Portugal's ancient but shadowy claims to half the

coastline of Africa" (Chamberlain 1974: 56). In fact, Chapter VI of the Berlin Act refers specifically to effective occupation of the coasts, most of which had been divided among the European powers before the conference. Germany had intended to reach a consensus on clear criteria on this issue but this was not achieved as Bismarck realised that German and British interests were complementary. Importantly, this did not put a stop to Britain, other states and individuals using the principle of "effective occupation" to further future claims. The concept of "effective occupation" developed in Europe from the sixteenth century onwards as maritime empires tried to resolve disputed claims of "unoccupied" land. Lawyers made reference to the Roman law of *occupatio*, a principle traditionally applied to *terra nullius*, which referred to vacant or empty land (Katzenellenbogen 1996: 22). Martin Shaw has argued that while the provisions of the Berlin Act would apply in the occupation of *terra nullius*, it does not mean that the continent of Africa was in fact declared as such (Shaw 1986: 38). While it goes without saying that the political, social, and economic actualities of pre-colonial Africa were completely disregarded when boundaries were demarcated, what is contained in Chapter VI of the Berlin Act is largely irrelevant and the principle of "effective occupation" was used by European powers to try and legitimise claims and counter-claims. Any direct reference to the Act "was in reality nothing more than posturing" (Katzenellenbogen 1996: 23). "Effective occupation" had applied in some territorial disputes, such as in respect of islands in the English Channel and disputes in North America between England and Spain, but the principle was never the determining factor in any boundary delimitations in colonial Africa. If anything, "effective occupation" may have "provided some spurious legality for the imperial carve-up" (Katzenellenbogen 1996: 23).

John MacKenzie has described the Scramble as "not so much a reaction to events that had already taken place as to events that it was feared might take place. It was less the result of a 'general crisis' than a symptom of the anxieties that a general crisis was on the way" (MacKenzie 1983: 45). Importantly, the Scramble was not the outcome of Africa's "failed modernity, but of a tumultuous, dynamic process of global engagement" (Reid 2021: 1447). There was also something irrational about the partition as seen in the policies of King Leopold II of Belgium, Carl Peters and Cecil John Rhodes, that was anathema to more rational figures such as Lord Salisbury and Count Otto von Bismarck (MacKenzie 1983: 45). MacKenzie also notes that Africans were not passive actors and took part in the Scramble by entering into treaties and manipulating various European players to achieve the best outcomes (MacKenzie 1983: 41).

Fourteen European powers were represented at the conference of whom only four had a direct interest in the Congo basin: Britain, France, Germany and Portugal. The other nations at the conference were Austria-Hungary, Belgium, Denmark, Italy, the Netherlands, Norway, Russia, Spain, Sweden and Turkey (Gavin and Betley 1973: 128). The *Association Internationale du Congo* occupied an ambiguous position as, although it had been recognised as a sovereign power by the start of the conference by France, Germany and the United States, it had not been recognised by the other countries, notably Britain and Portugal. Leopold, who "genuinely believed that he was pegging out claims for a new Java or India in the African interior," had previously founded the *Association Internationale Africaine* at the Brussels Geographical Conference in 1876 (Viaene 2008: 750). The conference was ostensibly concerned with the international coordination of future geographical exploration and the suppression of the slave trade in Africa. It was agreed that the *Association Internationale Africaine* would be set up to construct and staff a number of scientific stations in equatorial Africa and it elected an International Committee, of which Leopold was elected head, as well as a number of national committees. Britain declined to form a committee within this structure and instead formed the Royal Geographical Society in 1877. Although Belgium formed a national committee of its own, Leopold founded the *Comité d'Études du Haut Congo* in 1877 to deal exclusively with his interests in the Congo basin. This body was renamed the *Association Internationale du Congo* (the "*Association*") during 1882 (Anstey 1962: 11). The *Association Internationale Africaine* convened only once in June 1887, and never fulfilled its dual mandate of opening up Africa to scientific exploration and contributing to the suppression of the slave trade (Bederman 1989: 63-73; Crowe 1942: 13-15). The *Association* was not officially represented at the conference, and Leopold needed to work through the representatives of other states such as Belgium and the United States, in order to ensure that the views of the *Association* were taken into account (Crowe 1942: 98). Importantly, Leopold kept the vast wealth of the Congo – something he became aware of in 1876 through the discoveries of Verney Lovett Cameron – secret from his allies during the conference (Van Beurden 2022: 99-100).

Territorial negotiations regarding the lower Congo occurred in Berlin between Britain, France, Germany, Portugal and the *Association*, but these took place outside the formal proceedings of the conference. The *Association* emerged as the Congo Free State with the largest share of the Congo basin and an enormous hinterland (Anstey 1962: 185). Britain had no claims in

the region and she preferred to play a passive role in the negotiations, which involved dividing the territory around the mouth of the Congo between the *Association*, France, and Portugal. France and the *Association* signed a bilateral agreement whereby the *Association* would cede the Koulilou valley, north of the Congo River, to France. In exchange, France supported the *Association*'s claims to the north bank of the Congo River and mouth. Portugal claimed the entire coastline from Ambriz to the French frontier, as well as both banks of the Congo and the north bank as far as Boma. Britain's main role was to support Germany and France in resisting Portugal's claims. The three powers feared that the Free Trade Zone in the Congo basin that was established at the conference would be endangered if Portugal had control over both banks of the Congo mouth. Portugal was accordingly permitted to retain the south bank, as well as Kabinda and Malemba, which were north of the river but separated from it by territory granted to the *Association*, as she regarded them as historic domains of the Portuguese crown (TNA FO 84/1821, Malet to Granville, 4 February 1885).

As the *Association* was not officially represented at the conference, there was very little correspondence between itself and the Foreign Office on matters directly related to the conference. Notably, with respect to the Anglo-Portuguese Treaty and British recognition of the *Association*, direct communication between Leopold and the Foreign Office virtually ceased after April 1884, and Lord Granville dealt with matters relating to the *Association* principally through Sir Edward Malet, the British envoy in Brussels (Pakenham 1991: 241). Britain was concerned with negotiations surrounding three agreements that were closely related to the conference and were signed during the course of 1884: the Anglo-Portuguese treaty signed on 26 February, which sparked the diplomatic crisis that resulted in the conference, a pre-emption agreement, signed between the *Association* and France on 23 April, and the recognition of the *Association* as a sovereign power by Britain after the conference had begun on 16 December. Based on archival sources housed in the National Archives in London, this article will focus on these agreements, which provide an important contextual framework for what was discussed at the Berlin Conference.

## The Anglo-Portuguese Treaty

Since 1879, Britain and Portugal had been in negotiations regarding Goa, Mozambique and the Congo. Regarding the Congo River, they resolved that the navigation of the Congo would be regulated by an Anglo-Portuguese

Commission although Britain would have preferred an international commission. Ultimately, France and Germany persuaded Portugal to decide the question of the Congo River at an international conference, to be held in Berlin. Britain's rationale for signing the Anglo-Portuguese Treaty was to put a stop to France's ambitions in the region (Chamberlain 1974: 53-55). The idea of a conference arose as a direct result of the treaty, which was signed on 26 February 1884, but never ratified. Portugal had the oldest claim to the lower Congo, but this was not internationally recognised, and she was unable to occupy the territory as the other European powers were strongly opposed to the idea of Portuguese control of the Congo River mouth (Crowe 1942: 11). After France had ratified Pierre Savorgnan de Brazza's claims to the right bank of the Congo in November 1882, Britain countered this by recognising Portugal's claims to the lower Congo in return for guarantees of free trade (Robinson and Gallagher 1979: 604). This formed part of Britain's transition away from the slave trade towards "legitimate commerce," which began in the mid-1800s (Reid 2021: 1434). The terms of the treaty, which in S.E. Crowe's view was an attempt by Britain to establish a veiled protectorate over the Congo, were that Portuguese territory lying between 5° 12′ and 8° south latitude would be recognised by Britain in return for a low tariff of 10% on imported goods, and most-favoured-nation treatment for British subjects. Importantly, it provided for an Anglo-Portuguese Commission on the river to regulate shipping traffic (Crowe 1942: 15-16). Portugal suggested the arrangement to Britain as she correctly judged that Britain had no territorial ambitions in the region, and it appeared that Britain's decision to accept Portugal's offer was motivated by fear of France's exclusive commercial policies (Crowe 1942: 15-16). The treaty was strongly opposed by commercial interests in Britain, as they feared the extortions of ill-paid officials as well as high customs dues, and were determined to prevent the annexation of the Congo mouth by Portugal (Anstey 1962: 113-114).

Britain did not intend the treaty to be directed against the *Association*, which during 1883 and the early part of 1884 was a small private organisation whose stated ambitions to uphold free trade and promote civilisation were genuinely believed by the European powers. During the negotiations with Portugal, Lord Granville maintained excellent relations with Leopold, frequently informing him of developments related to the treaty. At times he thought that Leopold was too exacting in his demands, but believed this was because he was only defending the "cause of [civilisation] and the freedom of trade" (TNA FO 123/212, Vivian to Granville, 18 February 1885). Similarly, in early 1884, Granville believed that the treaties that had recently been concluded

between Henry Morton Stanley and chiefs in the Congo were not intended to effect anything more than the protection of the Congo trade from the designs of de Brazza, and the opening of that trade to the world. However, Sir Thomas Lister, the assistant under-secretary in the Foreign Office clearly had reservations about the *Association* and commented that the wording of the treaties he saw was "certainly calculated to convey the idea of strict monopoly" (TNA FO 84/1809, Lister to Mackinnon, 20 January 1884). In spite of this, Britain wished to make arrangements with Portugal to ensure that regulations regarding trade in the Congo basin would not affect the part of the river where the *Association* was operating. The station of Vivi was to be placed beyond Portuguese limits and the *Association* was to be granted exemption from any transit duties. This was to ensure that "the King of the Belgians need fear no interference with his great enterprise" (TNA FO 84/1809, Lister to Mackinnon, 20 January 1884). Leopold had reason to be concerned about the terms of the treaty because, once it was ratified, Portugal would gain control of the Congo mouth, which would severely compromise any future commercial or territorial expansion of the *Association*. Therefore, in the weeks before it was signed, Leopold exploited the goodwill that existed between Britain and the *Association* to press for changes to specific clauses. Although at this stage of the negotiations Leopold stressed the importance of free trade, his ultimate aim was "direct income to be derived from the exploitation of a tropical dependency" (Viaene 2008: 752).

Leopold was particularly concerned about Article V of the treaty, which dealt with tariffs on goods in transit. Large ships could only travel as far as Boma, and their cargoes needed to be transferred onto smaller vessels at that point. In the process, goods would have to be stored onshore, and Leopold wanted assurance that no tariffs would apply in such circumstances. He was successful, and the exemption was applied to goods in transit, including those landed and temporarily stored, until they could be transported further up the river (TNA PRO 30/29/198, Granville to Leopold, 20 February 1884). After this amendment had been successfully negotiated, the Portuguese complained to Britain that the agreement was constantly being reopened. In spite of this, Leopold wanted to make a further amendment to be made in order to ensure that goods transported by land would also be exempt from duties but was unsuccessful (TNA FO 123/213, Granville to Malet, 21 February 1884). Granville made many references to his commitment to humanitarian ideals in official correspondence. However, Foreign Office correspondence refers to an incident towards the end of the conference that casts doubt on his sincerity. Just before the close of the conference in February 1885, Granville received

news of alleged ill treatment by agents of the *Association* of members of the Hausa tribe who were British subjects from the Gold Coast. On one occasion, some ran away from a station and were retaken and, at the orders of an agent of the *Association,* were each given 100 blows with a hippopotamus hide whip, which drew blood at every stroke; the ringleader later died after receiving 600 lashes. In addition, some were subjected to hard labour in chains, which was against the regulations of the *Association* itself. In spite of these abuses of British subjects during the conference itself, Granville allowed Leopold to employ Sierra Leoneans as replacements for the Hausas in April 1885 (TNA FO 84/1821, Malet to Granville, 1 February 1885).

Lord Granville hoped that Leopold's objections to the Anglo-Portuguese Treaty would be satisfied as the "great work of civilisation and humanity will be in infinitely greater danger if this treaty were not concluded, with all the safeguards that are therein provided being abandoned" (TNA PRO 30/29/198, Granville to Leopold, 20 February 1884). Granville's willingness to accommodate Leopold indicates that he too had misgivings about Portugal and her long history of commercial exclusivity and slavery. The preservation of free trade was the government's main priority, and the best means of achieving that in the short term Portugal's claims to the lower Congo would be recognised. However, Britain could not turn to the other powers for diplomatic support as they bitterly opposed the treaty. This explains why she maintained friendly relations with the *Association* as it represented her best chance of gaining an ally who shared her desire to promote free trade in the Congo basin. In spite of this goodwill, Leopold actively joined French, German, and British commercial interests in their successful bid to destroy the treaty as soon as it had been signed. Its subsequent demise led to the question of the Congo basin being discussed at the conference, and ultimately enabled him to place the *Association* in a position to take control of the Congo basin (Crowe 1942: 79). When the treaty was eventually signed on 26 February 1884, "it was born into a world very different from that in which the negotiations had begun" as France and Leopold were now established in the Congo basin and Bismarck was now involved and he refused to recognise it (Sanderson 1975: 29).

Even though the government was forced into adopting an active policy as a result of international pressure in the late nineteenth century, the basic policy of safeguarding free trade continued. According to this interpretation, Britain's decision to enter into negotiations with Portugal was purely an attempt to preserve free trade on the lower Congo, rather than an attempt to expand her political sphere of influence. The purpose of the treaty was to safeguard free trade, even though it was concluded with Portugal, a

country with little tradition of upholding free trade principles (Robinson and Gallagher 1953: 14). This explains why Britain allowed Leopold to become involved in the drafting process; she needed the support of a power that believed, at least ostensibly, in free trade in order to counterbalance Portugal, which followed exclusive economic policies.

An analysis of Cain and Hopkins's socio-economic theory leads to the more fundamental question of whether the Hobsonian economic principles on which the entire foundation of gentlemanly capitalism is built, are applicable in the West African context (Fieldhouse 1994: 534). J. A. Hobson's theory is based on the emergence of under-consumption in the domestic economy, and Lenin's is based on the rise of monopoly capitalism. Both used their respective theories to argue that imperialism was a result of the need for investors to export capital, which resulted in government intervention to protect those investments (Lenin 1982: 57). Importantly, both interpretations are based on the assumption that dramatic changes in the domestic economy after 1870 were the root causes of imperial expansion in the late nineteenth century. Robinson and Gallagher criticised this aspect of the Hobson-Lenin thesis and argued that Britain continuously expanded her overseas influence throughout the nineteenth century, through "informal empire" and free trade. Their theory of the "imperialism of free trade" is founded on the extension of influence by merchants and traders, and the willingness of the government to extend British spheres of influence. In the mid nineteenth-century, the government played a passive role but was forced to intervene as a result of international competition in the late nineteenth-century. This interpretation explains Britain's decision to enter into negotiations with Portugal, as she wished to preserve free trade rather than protect the overseas investments of bondholders in the City.

According to Robinson and Gallagher's theory, Britain entered into negotiations with Portugal because France began to actively defend her West African interests at the same time as the occupation of Egypt. This has been disputed by Cain and Hopkins who claimed that France began advancing inland from Senegal in 1879 and sought control on the Niger River in the early 1880s (Cain and Hopkins 1993: 385). Diplomatic explanations suggest that France's decision to ratify de Brazza's treaties was an attempt to gain diplomatic advantages in Europe. However, the present case study suggests that neither interpretation offers an adequate explanation, and France appears to have been primarily motivated by the desire to protect her commercial interests, which compelled her to expand her sphere of influence.

## The Pre-emption Agreement

In the months following the rejection of the Anglo-Portuguese Treaty, the two major issues that were discussed between Britain and the *Association* were British recognition of the latter as a sovereign power, and the closely related issue of the pre-emption agreement entered into between the *Association* and France. Leopold realised that international recognition of the *Association* was vital to the success of his venture, and he dispatched his envoy, Henry Sanford, to the United States in November 1883 with a view to obtaining this from Congress (Crowe 1942: 81). In order to maintain momentum, Leopold sought recognition of the *Association* by one of the powers that understood the legal arguments for recognition but also accepted that it was in its own interests to grant it and the United States was identified as the "softest target" (Ewans 2002: 84). The United States duly recognised the flag of the *Association* as that of a friendly government on 22 April 1884 in return for the promise of free trade in the Congo basin. This was something Leopold never had any intention of honouring, as his agents were actively signing treaties during this time with local chiefs in terms of which the *Association* was granted exclusive monopolies (Crowe 1942: 81). France recognised the flag of the *Association* the next day – 23 April – in return for a right of pre-emption granting the French the right of first refusal to purchase and occupy the *Association's* territories in the Congo basin in the event that it was forced to sell them. France also undertook to recognise the *Association's* stations and territories. Following the signing of the agreement, Maximilien Strauch, an advisor to Leopold, reported a general sense of antipathy towards the *Association* noting that Britain regarded the pre-emption agreement as an abandonment in favour of an unfriendly country (Anstey 1962: 168-171).

Undoubtedly, France signed the pre-emption treaty with the *Association* out of fear of Britain, as the Anglo-Portuguese Treaty had recently been signed but not yet ratified (Crowe 1942: 81). The French also firmly believed that the *Association* was in a perilous financial state and would be compelled to sell its African possessions in the near future. By signing the pre-emption agreement, France believed it had outmanoeuvred the *Association* as well as Britain and Portugal. In fact, the treaty signed on 23 April 1884 was a "masterstroke of diplomacy on the part of Leopold in which he succeeded in completely outwitting the French" (Crowe 1942: 82). The signing of the pre-emption treaty resulted in a complete reversal in the international situation with fear of Anglo-Portuguese control of the Congo River mouth being replaced by a fear of France and the imposition of French tariffs (Crowe 1942: 82-83).

This act by the *Association* had arguably the greatest effect on the relations between itself and the European powers, and Leopold skillfully exploited its effects. It caused great apprehension among the powers, as they all believed that the *Association* would be unable to control its territories in the Congo basin for very long. Portugal, Germany, and Britain greatly feared the imposition of French tariffs, and they were therefore forced to support the *Association* politically (Crowe 1942: 81-82). The British became aware of the French right of pre-emption a day after it was concluded and the *Association* had declared that, although it had no "present idea of realizing its property, should it be obliged to do otherwise, the French government should have, in the first instance the option of purchase" (TNA FO 123/213, Malet to Granville, 25 April 1884). In consideration of this advantage, France would respect the "possessions and establishments of the *Association,* and in no way interfere with its authority" (TNA FO 123/213, Malet to Granville, 25 April 1884).

Britain had been completely excluded from the negotiations, and she resented the fact that the right had not previously been offered to her. In addition, the government had to rely on press reports on the matter, as France had not officially informed it of her agreement with the *Association* (Hansard's Parliamentary Papers, Sir Herbert Maxwell to Fitzmaurice, 31 July 1884). On hearing the news, Granville candidly wrote to Leopold that, "I cannot pretend that the French convention produced no excitement in this country and no apprehension as to the prospect of the future of the great [enterprise]" (TNA PRO 30/29/198, Granville to Leopold, 2 March 1884). Jules Devaux, Leopold's cabinet secretary, unsuccessfully attempted to reassure Granville that "it could not be too distinctly stated the objects of the *Association* are purely philanthropic and that the *Association* never will, under any circumstances, become a commercial undertaking – that this was the firm and irrevocable decision of the King" (TNA FO 123/213, Malet to Granville, 27 April 1884). The resentment that Britain felt as a result of the agreement was long-lasting and clouded relations between herself and the *Association* throughout 1884. A month before the conference began, Lister wrote to Baron Solwyns, a senior Belgian diplomat, about the "Berlin Conference and the folly of Belgium mixing herself up in these matters, and losing the friendship of England" (TNA FO 881/5023, Lister, Memorandum, 16 October 1884). He said he "had not the slightest idea what had induced the King to throw himself and his Congo *Association* into the hands of France, but he was evidently much annoyed at the underhand game which His Majesty had played towards England" (TNA FO 881/5023, Lister, Memorandum, 16 October 1884). Even by the end of the Berlin Conference in February 1885, Sir Percy Anderson, the head of

the African department, displayed the government's feelings towards the *Association* as a result of it entering into the pre-emption agreement: "I quite agree that the King of Belgians has behaved badly… especially in his secret bargain with the French behind our back" (TNA FO 84/1821, Anderson, Memorandum, 4 February 1885). The pre-emption agreement destroyed the cordial relations that had existed between Britain and the *Association* during the Anglo-Portuguese negotiations, and this partly explains why Britain delayed recognising the *Association* for so long.

News of the pre-emption agreement was badly received nationwide, even in Manchester, the centre of commercial support for the *Association*. It was generally agreed that Portugal – with all her faults – might have been easier to deal with than France (Anstey 1962: 181). Doubt was also expressed in commercial circles about the *Association's* general motives in Africa. For example, the *Manchester Guardian* criticised the *Association* after its agents had been engaged in buying up the sovereign rights of chiefs in the Congo, and a few days later it suggested that commercial leaders weigh the possible advantages offered by Portugal against the uncertain conditions offered by the *Association* (Anstey 1962: 181). Although major newspapers such as the *Times*, *Manchester Guardian* and the *Manchester Examiner* supported recognition, this was not without serious reservations, which stemmed from fears aroused by the *Association's* exclusive treaties and the pre-emption agreement (Anstey 1962: 182).

Britain's negative reaction on hearing the news that the *Association* had granted France the right of pre-emption was partly because she was concerned about the imposition of French tariffs in the Congo basin. However, the government's distrust of France went deeper than commercial issues, as their relationship had deteriorated sharply since the British occupation of Egypt in 1882. Anderson wrote that fear of France was the principal factor that determined British policy after 1883 and believed that France had an antagonistic policy towards Britain, on the East and West coasts of Africa (Louis 1966: 293). According to Robinson and Gallagher, France began to actively defend her interests in West Africa as compensation for her loss of influence in Egypt, which is possible as de Brazza's treaties were ratified only five months after the bombardment of Alexandria. In addition, diplomatic theories suggest that the occupation destroyed a political alliance lasting more than 20 years and hampered future cooperation in West Africa. Importantly, both interpretations of the Scramble explain the source of Anglo-French antagonism as originating outside the scope of the case study. This supports Robinson and Gallagher's theory that Egypt had a significant effect in all areas and phases of the Scramble (Robinson and Gallagher 1965: 13-14).

**Recognition of the *Association***

One of the main difficulties faced by Leopold was the lack of international recognition of the *Association Internationale Africaine* and the *Association internationale du Congo*. Without a secure legal position and a recognised flag, it was not assured that these organisations' jurisdiction would be respected and their treaties honoured (Anstey 1962: 168). Britain felt isolated once she became aware of negotiations between the *Association* and Germany regarding recognition of the *Association's* flag as that of a friendly state. It is evident from this quotation that Lister could hardly believe Bismarck's decision:

> It is inconceivable that Bismarck would seek to promote and establish the claims of the Association knowing that there was every possibility of the vast territories they allege themselves to have acquired becoming the property of the French government. I believe he has been bamboozled by the Association and that it is therefore important to open his eyes to the truth. As for committing ourselves I think we are bound to commit ourselves against the filibustering of an irresponsible Association of no nationality which cheats the natives out of their lands and sovereign rights in order to sell them to the highest bidder (TNA FO 84/1812, Lister to Granville, 17 July 1884).

Furthermore, Bismarck put pressure on Britain to recognise the *Association*, saying it was the only way she could be of use to the other powers who had interests in the Congo. He also believed that the work of the impending conference would be much more difficult "if the Association is not given the vitality which it can alone receive from recognition" (TNA FO 84/1816, Malet to Granville, 1 December 1884). Malet informed Granville that Bismarck regarded the matter very strongly, and he suggested that the issue should be considered in a wider context: whether it was worthwhile to "incur a generally unfriendly attitude of Germany on the matter of the highest importance to us. I fear that this will be the result if we refuse to meet the Chancellor's views on the point of recognition" (TNA FO 84/1816, Malet to Granville, 1 December 1884). He also warned that if a treaty was not concluded with the *Association* before the end of the conference "it will greatly militate against the interests of the *Association*, in consequence of the Scramble for territory which is likely to immediately succeed the Conference" (TNA FO 84/1815, Malet to Granville, 8 December 1884).

The British ambassador in Paris, Lord Lyons, wrote of the serious implications for Britain of Germany's decision. He had heard reports that, in addition to granting the French the right of pre-emption, Leopold was willing to cede the *Association's* territories to Germany. In addition, he heard that the *Association* was considering reneging on the pre-emption agreement, which it claimed it had entered into solely to guard itself against Portugal, and it hoped that the conference would assist it to "force itself from that engagement" (TNA FO 84/1816, Lyons to Granville, 2 December 1884). The *Association* also claimed that the right given to France only extended to territories that it possessed at the time of the treaty. However, it appeared that France was determined to hold the *Association* to the terms of the treaty: that its rights included all territory acquired by the *Association* at the time of the agreement, as well as all territory acquired after that date. Lyons suggested that in light of France's determination to hold the *Association* to the agreement, Bismarck wished to come to an understanding with France to support the transfer of the territories to the French. Both believed this would be imminent because of the weakness of the *Association*, and Bismarck wished to achieve "the double object of presenting Germany to France in the light of a profitable friend, and of providing French energies with occupation at a distance from Europe" (TNA FO 84/1816, Lyons to Granville, 2 December 1884).

After realising the importance of the negotiations between the *Association* and Germany, Lister suggested that the treaties made between the *Association* and the various powers, as well as information held by the Foreign Office on the pre-emption agreement, be sent to Bismarck. This was because the government was anxious to ensure that the German government was aware of the risks involved in recognising the *Association*; in her view it was tantamount to supporting the establishment of monopolies on the Congo River, and their "transfer with extensive sovereign rights to the French government uncontrolled by any treaty engagement" (TNA FO 84/1812, Lister to Granville, 4 July 1884). However, Granville suspended the dispatch of this instruction to Lord Ampthill, the British ambassador in Berlin, after rumours were heard of Bismarck's plans for hosting an international conference in Berlin. After this, the British government adopted an acquiescent policy towards the *Association* – Anderson pointed out that if Britain expressed her suspicions of the aims of the *Association* now that Bismarck was planning a conference on the basis of German support for it, Britain would run the risk of expressing her hostility towards the *Association* without gaining any advantage (TNA FO 84/1812, Anderson, Minute, 14 July 1884).

The Foreign Office eventually decided to recognise the flag of the *Association* and, rather than admitting the political reasons for doing so, it sought to justify her decision with a series of convoluted constitutional arguments. They are insightful as they express the safeguards and rights that Britain wanted in the Congo, and therefore help to explain her motives in wanting to retain her position as a commercial power in the Congo basin. Granville wrote that the *Association* did not yet constitute a state, but it nevertheless contained elements out of which a state could be created. Despite the fact that its constitution was unknown and its government probably only existed on paper, there was no fundamental reason why it should not be allowed to become a reality, and the government would "watch with great interest and sympathy its efforts to develop itself into a new state" (TNA FO 84/1814, Granville to Malet, 15 November 1884). Granville insisted that only if these efforts resulted in the establishment of a political organisation with a regular government and the constituent elements that, according to public law, were indispensable to the existence of a state, would Britain consider recognising it (TNA FO 84/1814/ Granville to Malet, 15 November 1884).

Similarly, Lister wrote that it was one thing to assist the *Association* in its endeavours to become a state, and another to actually recognise it as one. He said it was usual, in recognising a state, to have a clear idea of its boundaries as well as proof of the validity of its claims to territory. He felt that the *Association* should explain its constitution, and give assurances of its intentions regarding personal, religious, and commercial freedom before seeking recognition (TNA FO 84/1815/ Lister, Minute, 19 November 1884). Sir Julian Pauncefote, the under-secretary at the Foreign Office, agreed with this view, as he suspected that Germany, France, and the USA were in possession of secret information regarding the recognition of the *Association*. He felt that a middle course could be devised, outside the conference, whereby the *Association* might be recognised not as an actual state, but as a "state in course of formation" on certain defined conditions as to consular jurisdiction, religious liberty, and freedom of trade (TNA FO 84/1815, Pauncefote, Minute, 19 November 1884). In the meantime, it should not have power to accredit or receive diplomatic or consular representatives. On those conditions it might be provisionally recognised for all practical purposes as an "inchoate state" (TNA FO 84/1815, Pauncefote, Minute, 19 November 1884). He acknowledged that "it will be a new feature in the practice of nations, but I do not see any great objections to it under all the circumstances" (TNA FO 84/1815, Pauncefote, Minute, 19 November 1884).

The Foreign Office questioned whether Germany's treaty with the *Association* was lawful because she had recognised the *Association* as a "state" (TNA FO 84/1816, Pauncefote, Memorandum, 2 December 1884). In the view of Pauncefote, they had in reality recognised the existence of certain "Free States created by Treaties with legitimate Sovereigns" (TNA FO 84/1816, Pauncefote, Memorandum, 2 December 1884). Sovereignty therefore vested in the people who had chosen the *Associatio*n as their governing body. As mandatory of the Free States, the *Association* had "adopted for itself and for the said free states a standard or flag" (TNA FO 84/1816, Pauncefote, Memorandum, 2 December 1884). Therefore, in his opinion, to recognise the *Association's* flag was to recognise the flag of the Free States of which the *Association* was the governing body (TNA FO 84/1816, Pauncefote, Memorandum, 2 December 1884). Having formulated this legal justification for its decision, the Foreign Office finally granted authorisation to Malet on 22 December 1884 to negotiate a convention with the *Association* in terms of which the government would recognise its flag as "the flag of the Free States administered by [*the Association Internationale du Congo*]" (TNA FO 84/1816, Pauncefote to Malet, 2 December 1884).

Cain and Hopkins's interpretation of the Scramble, as well as Hobson's theory on which it is founded, can be applied in assessing the extent to which commercial interests influenced the government's decision to recognise the *Association*. In his socio-economic theory of imperialism, Hobson referred to a select group of financiers in the City who were the main investors in overseas markets, and who had a significant influence on government policy (Hobson 1938: 46-56). However, he failed to elaborate on the nature of this group, even though it was an important part of his thesis. Cain and Hopkins built on Hobson's original idea in extraordinary detail, in a number of papers as well as their authoritative work on the subject, *British Imperialism: Innovation and Expansion 1688-1914* (Cain and Hopkins 1993: 385). Unlike Hobson's theory, Lenin's largely economic discourse fails to establish a causal nexus between the export of capital and the territorial division of the world among the imperialist powers; in other words he failed to show how the export of capital influenced government policy. Cain and Hopkins recognised that a socio-economic theory was needed to bridge this gap, and they turned to Hobson's idea of a financial elite centred on the City. In order for Cain and Hopkins's thesis to be applied to the issue of the influence of commercial interests on the British government to recognise the *Association* in 1884, the role of gentlemanly capitalists must be established. Cain and Hopkins strongly emphasised the centrality of the City and the southeast

of England for the development of the service sector and the rise of gentlemanly capitalism. They acknowledged that there was a growth in the number of wealthy manufacturers but claimed that their political influence did not rise commensurately. Economic policy continued to be controlled by gentlemanly capitalists, and commercial interests in provinces were largely excluded. Importantly, they stress the great divide between the City and provincial cities such as Manchester and Birmingham.

J. F. Munro argues that William Mackinnon and his enterprise network played a significant role within the trading history of the British Empire, and in sustaining and supporting British political influence on the frontiers (Munro 2003: 505). However, they were not the "gentlemanly capitalists" centred around the City who Cain and Hopkins identify as the group, which had the greatest influence on British policy (Munro 2003: 9). To interpret the economic history of late-Victorian Britain purely from the perspective of the City is to "set aside as insignificant the activities, interests and influence of businessmen working outside the charmed circle of the 'square mile'" (Munro 2003: 507). Munro also mentions that the concept of gentlemanly capitalism plays down the role of provincial regions in "empire-building," such as Merseyside's close connections with West Africa as a result of the palm-oil trade and the Royal Niger Company (Munro 2003: 507).

Since the publication of *British Imperialism: Innovation and Expansion 1688-1914* in 1993, the debate on the divide between the gentlemanly capitalists in the City and the bourgeois industrialists in the provinces, and the influence of the latter on imperial policy, has prompted Cain and Hopkins to publish articles addressing these issues. Hopkins accepted that the debate should not disguise the fact that key interest groups were incorporated into "Great Britain plc" by being given a stake in both domestic and imperial policy making. He referred to the tobacco lords in Glasgow, the jute manufacturers in Dundee, the steel producers of Sheffield and the millocracy in Manchester and acknowledged that the wealth of these disparate groups was derived from the empire, as well as areas of informal influence overseas (Hopkins 1997: 15).

More recently, Cain and Hopkins have explained that their theory on "gentlemanly capitalism" was not about the economics of empire, but rather an explanation of its place in the structure of political power, and how it influenced the conduct of relations with foreign countries in general, as well as with the empire (Cain and Hopkins 1999: 198). This significantly changes the nature of the debate away from the structure of the British economy, the

character of the business classes and how these related to the empire, to one about how the elites, whether they were businessmen in the City or in the provinces, were defined and recognised both by government and society, and how they fitted in to the political structure (Munro 2003: 508).

With regard to pressure from commercial interests to recognise the *Association*, James Hutton and Mackinnon, who had opposed the Anglo-Portuguese Treaty, were Leopold's chief advocates in Britain. James Hutton began his commercial career as the manager of the Manchester branch of his family firm, W.B. Hutton and Sons, which supplied European and native West African merchants with British goods for the West African market. He became the Belgian consul in Manchester, as well as President of its Chamber of Commerce from 1884 to 1885 (Anstey 1962: 65-66). Anstey argues that as these two men had been involved in Leopold's African ventures for a number of years, they accepted as perfectly reasonable the gradual changes away from the humanitarian ideals stated by Leopold in 1876, to an agenda based on trade and the creation of a sovereign state. Importantly, unlike the *Association Internationale Africaine*, the stated aim of the *Comité d'Etudes du Haut Congo* was to establish its own markets on the upper Congo. Hutton and Mackinnon are unlikely to have questioned the idea that an extension of trade was to be commended, and whether it was brought about by moral or commercial means was immaterial to them. Similarly, they had no reservations about supporting the creation of a state. Even if Mackinnon, Hutton, and Sir John Kirk had doubts about the *Association's* moral agenda and the possibility that it might develop into a monopolistic state, these views were never expressed.

The principal hurdles to securing the recognition of the *Association* were the strong feelings of the government against Leopold as a direct result of the right of pre-emption he had granted to France. Sir Percy Anderson wrote that the reasons given by Leopold for the agreement with France were the attacks of Portugal and his desire to intimidate his adversaries. Anderson also believed that these secret schemes were directed more against Britain than Portugal (Anstey 1962: 171). In light of this, Mackinnon saw Anderson on two occasions in an attempt to allay the fears of the Foreign Office and push for recognition. The press was also used, for example, by Sir Frederick Goldsmid, one of Leopold's administrators, who published an article in the *Times* in June 1884, explaining the *Association's* position (Anstey 1962: 172). A campaign to force the government to recognise the *Association* was launched the following month, and Stanley arrived in Britain to conduct a series of speeches. He was extremely well received by the Chambers of Commerce in London and

Manchester, where he stressed the role of the *Association* as the guardian of free trade in the Congo basin (Anstey 1962: 168-176). Hutton subsequently sent an unanimous resolution of the Chamber to Granville requesting recognition of the *Association* (Anstey 1962: 175). He then invited a number of Liverpool firms to Manchester to discuss the Congo trade, and later made a further representation to Granville from 36 merchants and manufacturers in Manchester and Liverpool, requesting that the British delegates at the conference be instructed to negotiate for the recognition of the *Association* (Anstey 1962: 176).

After Stanley's reception in Manchester, representatives of the city's commercial interests went to London, Liverpool, Glasgow, and other centres, but they were less well received, and Hutton was unable to persuade them to make representations to the government in favour of recognition. Similarly, he was unsuccessful in persuading the anti-slavery movement to lobby the government to recognise the *Association*; among the humanitarian and missionary groups, only one sent a memorandum to the government. The exception to this general state of apathy was the Congo District Defence Association founded in July 1884. It represented merchants from Liverpool who believed that the *Association* should become the dominant power not just in the Congo basin, but also over the entire coast from Gabon to Angola. Importantly, the body, whose formation was unlikely to have been initiated by Hutton, sent four delegates to the Berlin Conference (Crowe 1942: 99-100). They expressed doubts about the lengths to which Hutton had gone to obtain petitions in favour of the *Association,* and they shared the government's feelings concerning the pre-emption agreement with France. They were also displeased at the news that an agent of the *Association* had signed a treaty securing exclusive trading rights in the Congo in July 1884. Even though the Congo Association supported the *Association* at the conference, this was probably because of their fear of France and Portugal's exclusive trade policies, rather than any genuine belief in the *Association's* commitment to upholding free trade (Anstey 1962: 180).

## Conclusion

In the months during which Britain prevaricated over whether to recognise the *Association* or not, the Foreign Office received a steady stream of petitions from commercial lobby groups in favour of recognition. It is clear from a memorandum by Pauncefote that the government was very aware of the concerns and wishes of the commercial lobby during the conference (Anstey

1962: 182). However, there appears to be no further official correspondence on the issue, and Anstey concludes that commercial interests did not play an essential part in influencing the British decision to recognise the *Association.* However, he does not elaborate on how he came to this conclusion and he simply lists a number of political factors that may have induced Britain into recognising the *Association* (Anstey 1962: 182-185).

Britain's decision to enter into an agreement with Portugal was motivated out of a fear of France and the need to protect British interests, rather than a desire to form a long-term alliance with the Portuguese. Granville's efforts to maintain cordial relations with Leopold, manifested by his willingness to change aspects of the Anglo-Portuguese Treaty to suit the king's wishes, suggest that Britain felt isolated in Europe. This was because of being alienated by France and Germany as a result of negotiating a treaty with a minor power - Portugal - that she did not fully trust herself.

Relations between Britain and the *Association* changed literally overnight when the Foreign Office was informed of the pre-emption agreement that had been concluded with France. Subsequently, Britain adopted a policy of trying to ensure that France would not acquire the *Association's* African territories, and she believed that if the *Association* was not universally recognised as a sovereign power, the pre-emption agreement would be of no effect. However, she was eventually forced to recognise the *Association* during the Berlin Conference, after diplomatic pressure from the other powers, especially Germany, as many of the conference's resolutions could not have been enforced without the *Association.* Commercial interests in Britain were united with the *Association* against the Anglo-Portuguese Treaty, as they believed it would hinder free trade in the Congo basin. However, news of the pre-emption agreement was badly received and this, together with later reports of the agents of the *Association* concluding monopolistic agreements with local chiefs, added to the growing mistrust of the *Association.* As a result, commercial interests were disunited in the months leading up to the conference, as Hutton struggled to maintain support for the *Association*. In the end, he secured their approval for the recognition of the *Association*, but this was not without serious reservations.

Diplomatic interpretations of the Scramble hold that Bismarck's African policy was designed to alienate Britain in order to strengthen the Franco-German *entente.* This view explains his motives in recognising the *Association* in order to support France's pre-emptive rights over the *Association's* territories in the Congo basin. Bismarck also wanted to support French expansion in Africa in order to divert her attention from the issue of Germany's annexation of Alsace-

Lorraine. Germany's predominance in matters relating to the Congo basin can also be explained by the rise of the united German Empire after 1871, which was characterised by rapid industrialisation, and which radically changed the European political landscape. Another factor that strengthened Bismarck's position was Germany's alliance with Austria-Hungary and Russia, which isolated Britain and allowed Bismarck to force her to recognise the *Association*.

Robinson and Gallagher's theory suggests that the "official mind" in London influenced Granville to recognise the flag of the *Association* as that of a friendly state. The cabinet as well as officials in the Foreign Office made their decisions in light of domestic and European politics; the state of the economy; the expansive demands from India; and the white settler colonies. Policymaking was a mix of debate and reasoning, and was a reading of the long-term national interest that remained constant regardless of what government was in power. Although ministers were not always fully aware of all the factors at play and were not completely in control of the processes of empire-building, primary documents are, despite these limitations, able to illuminate the workings of the "official mind" by revealing the underlying reasons at play in imperial expansion into Africa (Robinson and Gallagher 1965: 19-20).

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