

THE NADIR OF ALLIANCE: THE BRITISH ULTIMATUM OF 1890  
AND ITS PLACE IN ANGLO-PORTUGUESE  
RELATIONS, 1147- 1945

by

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ABSTRACT

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As has been stated many times before, the Anglo-Portuguese alliance is the oldest pact still currently in force in the world. It has been the bedrock cornerstone of Lisbon's foreign policy as a means of insuring Portuguese independence against Spanish incursions. Yet, despite the benefit it has given to Portugal, it has often been used by the British to extract unequal economic and political terms from Lisbon, in exchange for a promise of protection.

In Portuguese history, the Ultimatum of 1890 – when Britain issued a threat of war to Lisbon over Portugal's attempt to connect its two African colonies via an inland corridor-- is a seminal event that prompted anger at the monarchy in Portugal and hatred toward Lisbon's oldest ally. Through the negotiations that followed the showdown, the British received unofficial license to perform all sorts of shenanigans with its ally's colonies, including trying to give them to Germany.

This thesis considers the Ultimatum in a larger context of Anglo-Portuguese relations marked by inequality, which had been standard operating procedure since Portugal's separation from Spain in 1640. This status quo continued until the mid-twentieth century.

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## CHAPTER 1

### INTRODUCTION

#### 1.1 Trauma to Portugal

After the American battleship *Maine* exploded in Havana Harbor in 1898, the United States declared war on Spain. Throughout the coming months the Spanish-American War took a poignant turn for the worse for the Spanish, who were taken completely by surprise by American aggressiveness in the war. Their entire naval fleet was destroyed in engagements from the Caribbean to the Philippines. The United States added Cuba, Puerto Rico, and the Philippines to its burgeoning empire, and, according to R.A. Fletcher, Spain suffered one of “the most catastrophic and humiliating naval defeats of modern history.” The end result of this crushing defeat was a “severe psychological blow” to the Spanish nation at large, which prompted a wide reevaluation of Spanish culture.<sup>18</sup>

A similar traumatic event for Portugal occurred eight years earlier, in 1890. The British Ultimatum of January 11, 1890 did not ultimately degenerate into war, but it did introduce radical changes in Portuguese society and in the Anglo-Portuguese alliance. These changes were fundamental and drastic enough that what might have happened had the British Ultimatum not occurred became something akin to the Lost Cause

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<sup>18</sup> R.A. Fletcher, “Reconquest and Crusade in Spain, c. 1050-1150,” in Thomas F. Madden, ed. *The Crusades: The Essential Readings*, (Oxford, UK ; Malden, MA : Blackwell, 2002), 52.



movement in the U.S. South following the American Civil War. It is ironic to note that both Iberian nations, Spain and Portugal, received what could be termed “traumatic injuries” from Anglo-Saxon nations, and both over the matters pertaining to empire.

### 1.2 Historiography of the 1890 Ultimatum

In Portugal, the Ultimatum is a major historical event, and much has been written about it in Portuguese historiography. Almost every aspect of it has been covered in some way or another.<sup>19</sup>

Historically, though, it has been frequently overlooked in the English historiography of the Scramble for Africa. Typically, larger, more dramatic incidents in the push for mastery of Africa have taken center stage. Books about the period have regaled their audiences with the diplomacy of the Berlin West Africa Conference or the clash between the British and the French at Fashoda in 1898. After the intricacies of such dramatic events, it seems, there is little space remaining to focus on Portugal. For example, Mary Evelyn Townsend hardly mentions the Anglo-Portuguese dispute in her work *European Colonial Expansion since 1871*, though she does provide a cursory mention of Portugal’s African colonies.<sup>20</sup>

When an account of the Ultimatum was traditionally to be found in English historiography, coverage was commonly sparse and the dispute was usually only

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<sup>19</sup> For example Maria Teresa Pinto Coelho, *Apocalipse E Regeneração: O Ultimatum E a Mitologia Da Pátria Na Literatura Finissecular*, 1st ed. (Lisboa: Edições Cosmos, 1996) deals with the effects of the British Ultimatum on the literature of late nineteenth century Portugal. She also examines pamphlets for their images about Africa.

<sup>20</sup> M. E. Townsend, Cyrus Henderson Peake, and Walter Consuelo Langsam, *European colonial expansion since 1871*, (Philadelphia; New York [etc].: J.B. Lippincott, 1941).

mentioned in passing, usually on the way to another topic. The same was often true with general surveys of the history of Portugal. For example, David Birmingham, in his *Concise History of Portugal*, glazes over the whole affair in one paragraph about Portuguese Africa. In his defense, he had 900 years of history to deal with in approximately 200 pages: something had to be omitted.<sup>21</sup> H.V. Livermore does better in *A New History of Portugal* in that he devotes three pages to the Ultimatum, but then quickly moves on to other things.<sup>22</sup>

As is to be expected, the Ultimatum is frequently mentioned in monographs dealing with Portuguese Africa, often in much greater detail than in general Portuguese history books. As such works are a specialized treatment, more is to be expected, and this was often the case. For example James Duffy's *Portuguese Africa* dedicates an entire chapter to the sequence of events that led to the Ultimatum.<sup>23</sup>

However, this state of affairs has begun to change recently, as more and more books and articles about the Ultimatum are produced. The only work that deals solely with the Ultimatum and its context is Charles Nowell's 1982 work *The Rose-Colored Map: Portugal's Attempt to Build an African Empire from the Atlantic to the Indian Ocean*. However, his intellectual history of the idea of a "Rose-Colored Map" ends at the issuing of the Ultimatum, which was, needless to say, the end of the idea for a Rose-

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<sup>21</sup> David Birmingham, *A Concise History of Portugal*, 2nd ed. (Cambridge: Cambridge University Press, 2003), 146-147

<sup>22</sup> Harold Livermore, *A new history of Portugal*, 2nd ed. (Cambridge: Cambridge University Press, 1976), 306-309.

<sup>23</sup> James Duffy, *Portuguese Africa* (Cambridge: Harvard University Press, 1959), 201-224

Colored Map.<sup>24</sup> It does not take into consideration the effects the threat had on the Anglo-Portuguese Alliance. There are works that deal with Anglo-Portuguese relations after the January 11<sup>th</sup> dispute, but they generally focus on events, and do not focus on the effects of the Ultimatum on the Old Alliance.<sup>25</sup>

### 1.3 Thesis Statement and Chapter Summaries

This thesis places the context of the 1890 Ultimatum in its proper place within the Anglo-Portuguese Alliance. It argues that the whole debacle was really just one more example of a “Perfidious Albion” that used its larger political, military, and economic might for its own self-interested ends. However, it also argues that the Portuguese also brought the Ultimatum upon themselves by not adhering to the effective occupation clause found in the Berlin Conference. When Portugal plowed ahead with its plans and unilaterally claimed territory that they had not effectively occupied, disaster struck. Such non-adherence to the principles of international law ultimately hurt the alliance. Yet, at the same time, the Ultimatum eventually helped the alliance to thrive and to grow, though the specter of the Ultimatum upset the Portuguese for many years.

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<sup>24</sup> Charles Nowell, *The Rose-Colored Map: Portugal's Attempt to Build an African Empire from the Atlantic to the Indian Ocean* (Lisboa: Junta de Investigações Científicas do Ultramar, 1982), 217. In 1886, after negotiations with the French and German Governments had concluded favorably for Lisbon, the Portuguese Government published a map to show its territorial claims in southern Africa. Those claims were labeled as a bright swath of pink across the continent. As "rose-colored" is synonymous with pink in Portuguese, the idea of a Portuguese controlled corridor from Angola to Mozambique came to be known as the "rose-coloured map."

<sup>25</sup> See, for example, Elizabeth Olivia Nelson, *Anglo-Portuguese relations in South Africa, 1891-1913*. M.A. Thesis, University of Wisconsin-Madison, 1932.

Chapter 2 is an overview of the long-standing Anglo-Portuguese Alliance. The Portuguese and the British have had an official alliance since 1386 (though interaction dates back even further to the 1147 conquest of Lisbon, and perhaps earlier), when the Portuguese house of Avis allied itself with the English monarchy as a counter to Castile. The 1386 treaty was renewed many times in the ensuing centuries by many different treaties. Frequently the alliance provided direct benefits to both parties of the treaty, such as when the British transported the Portuguese monarchy to Brazil to avoid the invading French forces under Napoleon in 1807, in exchange for British access to the markets of Brazil. Other times, however, the British imposed terms upon the Portuguese that were less than egalitarian, such as the 1703 Methuen Treaty, in which the British were permitted to import their textiles into Portugal duty free. The Portuguese on the other hand could only bring port wine into Britain at a considerable discount from what the English charged the French for importing wine.

The chapter also covers anti-British sentiment in Portugal regarding the inequality of treaties as well as British intervention in Lisbon's African colonies, mainly as a response to Portugal's reluctance to end the slave trade. Portugal viewed this with resentment as an unjust intervention in Portuguese affairs.

In addition to giving a brief summary of Portuguese colonization in Africa, Chapter 3 is concerned with the Portugal's West Africa colonies, particularly the area it claimed based upon the idea of prior discovery. Though Lisbon's historical claims gradually lost credibility as the other European powers gained an interest in the area, the Portuguese government clung to them. The ill-fated Anglo-Portuguese Convention of

February 26, 1884 granted Portugal all territory between 8 ° and 5 ° 12' south latitude along the West Coast of the Congo, and as far inland as Nokki, about 75 miles from the mouth of the Congo River. This arrangement was unacceptable to the British public and Parliament as it gave too much to a power that was known to still be engaging surreptitiously in the slave trade. The other European powers such as France and Germany also condemned it on the grounds that it gave too much advantage to Portugal, who, according to them, had done nothing to develop its African colonies. This widespread criticism sealed the doom of the Convention, and it was null and void by June of 1884.

However, this was not the end of the matter. In order to salvage its historic claims, Portugal pressed for the idea of a transnational conference similar to the 1815 Congress of Vienna. The major powers met at Berlin in November of 1884. A major result of the conference was that the doctrine of effective occupation was to be used in all new settlements in Africa.

Though the conference itself did not delineate control of any territory, at the conference the Portuguese representatives concluded a treaty with the International Association of the Congo, Belgian king Leopold's intergovernmental organization, that set Portuguese access to the south bank of the Congo River. This treaty also granted Cabinda to Portugal. This treaty was enough to settle Portuguese claims in the Congo Basin, and Lisbon turned its attention to East and Central Africa.

Chapter 4 details the sequence of events that led to the Ultimatum, beginning with the end of the Berlin Conference. Though the idea of a trans-African corridor

(which roughly corresponds to modern-day Zambia and Zimbabwe) dated back at least to the end of the eighteenth century, it was only during the post-Berlin conference time that the idea really took off in Portugal. During the scramble for Africa, Portugal laid claim to this land. These claims were ratified with both French and German approval, largely because the two powers did not have any interests at that time in the area. Despite the policy of “effective occupation” established at the Berlin West Africa Conference in 1884-1885, the Portuguese merely laid claim to the territory by making a map showing their claims in Southern Africa shaded pink (hence the name, “The Rose-Colored Map”).

Meanwhile, Scottish missionaries in the area around Lake Nyasa felt threatened by Portugal’s projected sovereignty over the Shiré district. At the same time, South African diamond magnate Cecil Rhodes put pressure on the British Prime Minister, Lord Salisbury, to get the Portuguese to remove their claims to this land. After the Portuguese refused to withdraw their claim, on January 11, 1890, Salisbury issued an ultimatum to the Portuguese ambassador, telling him to withdraw his country’s claim of the land, or the British would withdraw their minister from Lisbon, effectively severing relations between the two nations. At the same time, warships were dispatched to the Mozambican coastline with instructions to occupy Portuguese East Africa. Rather than face possible armed conflict with the world’s mightiest military power, the Portuguese backed down.

The reaction of the British and Portuguese also receives treatment in the fourth chapter. Public reaction in Lisbon to the so-called “spineless” actions of the Portuguese

government was so strong that the prime minister's cabinet resigned and it was replaced with a different government that, the Cortes hoped, would reach an amicable settlement with the British. Anti-British sentiment also flared up, higher than before. It also stoked animosity towards the monarchy, which was perceived to be upheld by the alliance with the British. This anti-monarchical sentiment in Portugal later helped to jump start the 1910 Portuguese revolution. The shocked nature of the Portuguese over the outcome of their plan to connect Angola and Mozambique reverberated in the press. The contempt with which many British viewed the Portuguese also found expression as Portugal stubbornly held on to their claims during the dispute.

Chapter 5 covers the fallout of the Ultimatum. The British threat deeply colored Portugal's relations with the British. Over the course of 1890 and 1891, negotiations produced a treaty whereby the British received what later became Rhodesia, and the modern-day borders of Angola and Mozambique were largely laid out. The Anglo-Portuguese Convention of 1891, which satisfactorily ended the dispute for both parties, permitted the British to intervene and prop up Lisbon's colonies in the event of disaster. This clause was interpreted in such a way that London and Germany began secretly negotiating for a German takeover of the Portuguese colonies. Though the negotiations, which occurred in 1898, 1913, and as late as 1938, eventually fell apart, and each time Portugal remained in control of its territory, Anglo-German negotiations over Portuguese Africa are particularly telling as to the attitude of the British toward their lesser ally's possessions. Tom Gallagher has noted that by the time of the Second World War, Lisbon had become regarded more as an English client state than as an

actual independent, sovereign ally.<sup>26</sup> The same could be said of how the British regarded its oldest ally as far back as the late nineteenth century.

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<sup>26</sup> Tom Gallagher, *Portugal : a Twentieth-Century Interpretation* (Manchester: Manchester University Press, 1983), 102



## CHAPTER 2

### A WHISTLESTOP TOUR OF ANGLO-PORTUGUESE RELATIONS, 1147-1870

Nations have no permanent friends or allies,  
they only have permanent interests.

Lord Palmerston

#### 2.1 The Anglo-Portuguese Alliance: Origins, Equality, and Inequality

Prior to examining the sequence of events that led up to the 1890 Ultimatum and its effects on relations between the two European powers, it is necessary to examine the varying treaties that comprise the Anglo-Portuguese Alliance and how those treaties provided a precedence of protection for each nation as well as how that protection evolved to include the colonies of both Portugal and Britain. In addition, British pressure and intervention to abolish the slave trade in Portuguese Africa will serve further to demonstrate the state of nineteenth century Anglo-Portuguese relations in Africa: bitterness in Portugal over the actions of the British became the order of the day.

The Anglo-Portuguese Alliance is the longest standing alliance in the world. From the alliance's inception in 1386, Britain and Portugal have cooperated in an unprecedented way. At the commencement of the association there was equality between the two powers. Since 1640, political power between the two countries has become disproportional, to the extent that the British have taken advantage of the Portuguese many times, oftentimes in exchange for Britain guaranteeing Portuguese protection or independence.

The alliance is traditionally dated as having started with the signing of the 1386 Treaty of Windsor. The roots of that document go back 10 months previous, to “when the English fought along side the Portuguese royal house of Avis at the battle of Aljubarrota against Spain.”<sup>27</sup> However interactions between the two monarchies date back at least two hundred and twenty-six years previously, to the siege of Lisbon during the Crusades.<sup>28</sup>

In June 1147 a fleet of approximately 160 ships departed from Dartmouth, England to sail to the Levant in order to participate in the Second Crusade. The knights who were embarking on this journey came from Flanders, England, and Germany. After sailing down the coast of France, they put into Oporto, in northwest Portugal. The bishop of the city met them there and told them that the king of Portugal, Afonso Henriques, wanted the crusaders to join forces with the monarch to attack and take control of the city of Lisbon, away to the south. After a debate among the crusaders, and after some negotiations and promises of booty, the crusaders decided to join the expedition against Lisbon. After a 17 week siege, the city fell in October 1147. Many of the crusaders stayed the winter in Portugal, and then sailed on to the Holy Land.<sup>29</sup>

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<sup>27</sup>British Embassy – Lisbon. “600 years of Anglo Portuguese Alliance”, <[www.britishembassy.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1053700037476](http://www.britishembassy.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1053700037476)> (May 28, 2008) .

<sup>28</sup> Edgar Prestage, “The Anglo-Portuguese Alliance.” *Transactions of the Royal Historical Society*. 4<sup>th</sup> Series, Vol. 17 (1934), 69.

<sup>29</sup> The main account for the 1147 siege of Lisbon is Charles Wendell David, *De Expugnacione Lyxbonensi: The Conquest of Lisbon*. (New York: Columbia University Press, 1936, reprinted New York: Columbia University Press, 2001). See also, H.A.R. Gibb, “The English Crusaders in Portugal.” In Edgar Prestage, ed., *Chapters in Anglo-Portuguese Relations*. (Westport, CT: Greenwood Press, Publishers, 1971), 1-23; H.V. Livermore, *A New History of Portugal*. 2<sup>nd</sup> Ed. (Cambridge, UK:

Violet Shillington states that “the mutual satisfaction resulting from a favour given and received led to [Afonso’s] remaining on friendly terms with England... during the rest of his reign.”<sup>30</sup>

This first interaction paved the way for further English assistance in crusading adventures in Portugal in the 1150s, which in turn led to the later formal alliance, though, as H.A.R. Gibb notes, “there [was] no further word of English Crusaders in Portugal” “for a long time after this” event.<sup>31</sup> Despite the lack of military cooperation between the two monarchies, trade between the two flourished. For example, the Portuguese supplied the English with “wax, skins and leather, and later also with wine, dried fruits, oil and salt, in payment for which [it] took wool and cloth.”<sup>32</sup> This would be echoed later on as England and Portugal would engage in trade as a direct result of their close relationship.

The first treaty which formally cemented the alliance was signed at Windsor on June 16, 1371. It promised that, among other things, the two kingdoms would:

“...henceforth reciprocally be friends to friends, and enemies to enemies, and [would] assist, maintain and uphold each other mutually by sea and by land against all men that may live or die, of whatever dignity, station, rank, or condition they may be, and against their lands, realms, and dominions. They shall strive for and preserve, as much as in them lies,

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Cambridge University Press, 1976), 57-61; and Joseph F. O’Callaghan. *Reconquest and Crusade in Medieval Spain*. (Philadelphia: University of Pennsylvania Press, 2003), 41-44.

<sup>30</sup> Violet Shillington, “The Beginnings of the Anglo-Portuguese Alliance,,” *Transactions of the Royal Historical Society* 20, New Series (1906): 110.

<sup>31</sup> Gibb, “The English Crusaders in Portugal,” 17.

<sup>32</sup> Edgar Prestage, “The Anglo-Portuguese Alliance,,” *Transactions of the Royal Historical Society*. (1934): 71.

the personal safety, security, interest, and honor, and the harmlessness, conservation, and restitution of their rights, property, effects, and friends, wheresoever they [may] be.”<sup>33</sup>

Central to this agreement is the promise of mutual protection and aid against any enemies that either country might encounter. From the very beginning of the alliance the Portuguese received the promise that their territory would be protected.

At this early stage the promise of territorial protection was very important indeed. Dynastic ties between the thrones of Castile and Portugal threatened to lead to the absorption of Portugal into the ever expanding realm of the Spanish. To protect the independence of Portugal would have been paramount to the monarchy, even though, as C. Willis declares, such a merger between the two Iberian monarchies was “supported by the bulk of the Portuguese nobility.”<sup>34</sup>

The idea of mutual protection was reinforced by a later treaty, signed at Coimbra and Windsor in April of 1386. The agreement stems from the previously mentioned battle at Aljubarrota, in which, with the help of English knights and archers, the Portuguese defeated Castile. As a result, according to Malcolm Vale, “the independence of the small kingdom of Portugal was thereby preserved [at least until 1580], in the face of aggression, and probable annexation, by its larger and mightier

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<sup>33</sup> Governments of the Kingdom of England and the Kingdom of Portugal. “Treaty of Windsor.” 16 June 1373, in *British Documents on foreign affairs—reports from the Foreign Office confidential Print. Part II. From the First to the Second World War. Series F, Europe*, Vol. 24., ed. Anthony Adamthwaite. (Frederick, MD: University Publications of America, 1991), 101.

<sup>34</sup> C. Willis, “Wellington and Portuguese Reservations about the Old Alliance.” <[www.archives.lib.soton.ac.uk/wellington/pdfs\\_for\\_all/penin\\_willis\\_ed.pdf](http://www.archives.lib.soton.ac.uk/wellington/pdfs_for_all/penin_willis_ed.pdf)> (May 28, 2008), 1.

neighbour.”<sup>35</sup> Relations between the two were further strengthened by the marriage of John of Gaunt’s daughter Philippa to the Portuguese king the next year, in 1387.<sup>36</sup>

This treaty has been the cornerstone of both nations’ relations with each other ever since. This is particularly true in regards to the Portuguese. The various treaties that follow it build upon the promises made at Windsor and never abrogate its terms, especially in the case of guarantees of territorial defense and military aid. The pact promised that:

It is cordially agreed that if, in time to come, one of the kings or his heir shall need the support of the other, or his help, and in order to get such assistance applies to his ally in lawful manner, the ally shall be bound to give aid and succour to the other, so far as he is able (without any deceit, fraud, or pretence) to the extent required by the danger to his ally’s realms, lands, domains, and subjects; and he shall be firmly bound by these present alliances to do this.<sup>37</sup>

These two agreements show that the two parties entered into them in good faith. As is to be expected, the language of the 1371 and the 1386 treaty both reflect this. Indeed, C. Willis notes that at this point the “Old Alliance was an alliance of equals,”<sup>38</sup> and neither power was significantly more powerful than the other. Naturally, England and

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<sup>35</sup> Malcolm Vale, “The Treaty of Windsor in a European Context,” in *The Treaty of Windsor (1386) and 620 Years of Anglo-Portuguese Relations*, 2006, 1, <<http://www.clpic.ox.ac.uk/doc/1.doc>> (June 3, 2008), 1; see also Peter Russell, *The English Intervention in Spain and Portugal in the Time of Edward III and Richard II*. (Oxford: The Clarendon Press, 1955), 357-400.

<sup>36</sup> C.H. Williams, “The Expedition of John of Gaunt to the Peninsular,” In Edgar Prestage, ed., *Chapters in Anglo-Portuguese Relations*. (Westport, CT: Greenwood Press, Publishers, 1971), 39-40.

<sup>37</sup> Governments of the Kingdom of England and the Kingdom of Portugal. “A Treaty of Perpetual Alliance between England and Portugal, 1386.” in, A.R. Myers, ed. *English Historical Documents*. Vol. 4: 1327-1485. (New York: Oxford University Press, 1969), 149.

<sup>38</sup> C. Willis, “Wellington and Portuguese Reservations about the Old Alliance,” 1.

Portugal entered into these two agreements prior to either one having any colonies. Because of this, no mention is made of colonies as part of any kind of protection, but rather the treaty only applies to the mother country.

After the signing of the treaty, the “close political union between England and Portugal seems to have had important effects on the commercial relations of the two countries... After the treaty of Windsor [the] trade [between the two nations] increased enormously.”<sup>39</sup> This would also suggest a feeling of security that arose from a promise of protection.

Later on, however, the British imposed terms upon the Portuguese that were less than egalitarian, especially in the seventeenth and eighteenth centuries. This largely resulted from the decline of the Portuguese empire after the absorption of Portugal into Spain. In 1580, after the death of the last king of the Avis dynasty, Sebastião I, Portugal became a part of the dominions of Felipe II of Spain. This personal union of both crowns, which is sometimes called the Iberian Union, lasted until 1640, when the Portuguese rebelled against the Spanish. However, after Portugal regained its independence, Lisbon’s parity with Britain had been erased, especially as parts of its empire was taken over by other European powers like the Dutch, or were retained by the Spanish.<sup>40</sup> As a result of this inequality, Britain took advantage of its smaller ally in subsequent treaties in varying ways. In a similar nature to the 1371 and

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<sup>39</sup> Shillington, “The Beginnings of the Anglo-Portuguese Alliance,” 128.

<sup>40</sup> David Birmingham, *A concise history of Portugal*, 2nd ed. (Cambridge: Cambridge University Press, 2003), 31-44.

1386 treaties, a military treaty was signed between the two nations in June of 1661, in which Britain pledged to defend Portugal from foreign attack, especially from the Spanish.

The 1661 treaty precluded another treaty which was signed nineteen years earlier, in 1642. Both nations signed this former treaty, and it “secured to the English merchants in Portugal a fair degree of religious toleration, protection from pecuniary losses on account of the Inquisition, a limited extraterritorial jurisdiction, and certain immunity from Portuguese laws.” In addition to the commercial benefits it brought, it also provided for the English and the Portuguese an alliance against their common enemy, the Spanish.<sup>41</sup> Thus, the 1642 pact was a mutually self-protecting treaty. However, as is to be expected, in this regard it benefitted the Portuguese, for they were more in need of protection from Madrid than were the English.

The main thrust of the 1661 treaty was actually to set forth a marriage agreement between Charles II of England and Catherine of Braganza, the sister of the Portuguese king. Her dowry consisted of 2 million Portuguese crowns, the colonies of Tangiers in Africa, and Bombay in India. The English were also permitted to have greater “trade in the East Indies,” in several of the important cities in Brazil, and in Portugal itself. In exchange for these expected commercial rights, the English monarch would guarantee the sovereignty of Portugal and “take [its] interests... to heart, defending the same with

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<sup>41</sup> Guernsey Jones, *Beginnings of the Oldest European Alliance: England and Portugal, 1640-1661*. (Washington, D.C.: Government Printing Office, 1919), 409; see also Birmingham, *A concise history of Portugal*, 47-49.

his utmost power by sea and by land.”<sup>42</sup> In addition, Charles pledged to provide such military aid to Portugal, as Alfonso, the Portuguese sovereign, required.

No overt mention of Portugal’s colonies is to be found in the public version of this treaty. However, included in a secret article is the assurance by the English crown that Charles would promise to “to defend and protect all conquests or colonies belonging to the crown of Portugal against all his enemies, as well future as present.”<sup>43</sup> A secret article, it seems, would doubly seek to reinforce a guarantee that the British would not intervene in Portugal’s colonial affairs. In addition, it would not unduly alarm the enemies of the Portuguese monarchy. Despite the seeming disadvantageous nature of this agreement, “the Portuguese, whose European and world position was still shaky, felt that they had made a reasonably good bargain.”<sup>44</sup>

During the War of Spanish Succession, Britain induced the Portuguese to enter the war against Spain and France. The two treaties that linked the Portuguese with the British were known as the Methuen treaties of 1703, after the British diplomat who negotiated them.

As is the case with the previous pacts, the Methuen treaties provide for a framework of defense for Portugal and her colonies. The agreement stipulated that:

If it shall at any time happen that the kings of Spain and France, as well the present and future, or either of them, have a mind to be suspected to intend to make war against the kingdom of Portugal in its continent or

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<sup>42</sup> Governments of the Kingdom of England and the Kingdom of Portugal. “Marriage Treaty with Portugal, 1661,” in, Andrew Browning, ed. *English Historical Documents*. Vol. 8: 1660-1714. (New York: Oxford University Press, 1953), 336.

<sup>43</sup> Ibid.

<sup>44</sup> Charles Nowell, *A history of Portugal*. (New York: Van Nostrand, 1952), 156.



transmarine provinces (whatever kings they be), her sacred royal Majesty of Great Britain and the States General shall use their endeavours in a friendly manner to persuade the said kings, or either of them, that he or they will keep the treaties of peace with Portugal and not make war upon that kingdom....But in case these offices shall avail nothing, but prove ineffectual, so that the said kings...shall wage war against Portugal, the aforesaid potentates of Britain and Holland shall make war with all their might against the aforesaid king or kings that shall invade Portugal.<sup>45</sup>

However, unlike the 1661 treaty before it, the Methuen treaties provided this protection in uneconomic and equal terms. In exchange for territorial defense, Portugal promised to enter the conflict against the French and the Spanish. No mention is made in the offensive and defensive treaties of commerce. There was, however, a separate and distinct commercial treaty that was just as equal as the two military pacts signed later that year. It is this treaty that is the most prominent of the three Methuen treaties. The British were permitted to import their textiles into Portugal duty free. The Portuguese, on the other hand, could only bring port wine into Britain at a considerably discounted tariff compared to what the English charged the French for importing wine. While the treaty provided direct and advantageous benefits to each nation, it is obvious that the English wrought more benefit from the Methuen treaties than did the Portuguese. For example the clause that grants English textile traders access to the Portuguese cloth industry was interpreted by the British to mean that such exclusivity allowed them access to the previously closed markets in Brazil. This was something that the

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<sup>45</sup> Governments of the Kingdom of England and the Kingdom of Portugal. "Methuen Treaties, 1703," in Andrew Browning, ed. *English Historical Documents*. Vol. 8: 1660-1714. (New York: Oxford University Press, 1953), 342.

Portuguese protested, but eventually they had to give way to the British interpretation of the treaty. At the same time, the Portuguese were not allowed “to raise the duties which had been paid before the prohibition” which was issued in 1684 by Lisbon.<sup>46</sup>

Ultimately, and despite any inequalities in interpretation, according to A.D. Francis, though “the treaty was of minor importance for the moment...it proved to be the sheet anchor for the continuation of the Anglo-Portuguese Alliance, which guaranteed the integrity of Portugal and Brazil” into the future, at least until 1810.<sup>47</sup>

When Napoleon invaded Portugal in 1807, the entire Portuguese royal family fled to Brazil and activated the 1386 Treaty of Windsor.<sup>48</sup> The resulting treaty of 1810 between Britain and Portugal contained the following stipulations:

First, to renew and render more solemn the alliance between the two states, both of which pledged themselves to unremitting efforts against France, while Great Britain assumed the further obligation never to recognize any but a prince of the house of Braganza as king of Portugal...; and, second, to provide for the gradual suppression of the slave-trade.<sup>49</sup>

This treaty does not directly promise protection. However, the guarantee by the British that the United Kingdom would “never recognize any but a prince of the house of Braganza as king of Portugal” effectively promises protection, for it would maintain

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<sup>46</sup> Sir Richard Lodge, “The Treaties of 1703.” In Edgar Prestage, ed., *Chapters in Anglo-Portuguese Relations*. (Westport, CT: Greenwood Press, Publishers, 1971), 167-168.

<sup>47</sup> A.D. Francis, *The Methuens and Portugal, 1691-1708*, (Cambridge: Cambridge University Press, 1966), 335-336.

<sup>48</sup> ” British Embassy -- Lisbon . “600 years of Anglo Portuguese Alliance.”

<sup>49</sup> Daniel De Leon, “The Conference at Berlin on the West-African Question.” *Political Science Quarterly*. Vol. 1, No. 1 (March 1886), 110.

Portugal's sovereignty under the current regime, regardless of any joint French and Spanish forays into Portugal. However, according to De Leon, the clause requiring the abolition of the slave trade would be most heinous and egregious to the Portuguese, for the Portuguese "had always driven a lucrative trade" in African slaves.<sup>50</sup> In addition, the British were able to extract from the Portuguese trading rights in Brazil, more so than the Methuen Treaty had by implication guaranteed them.<sup>51</sup> The British, in a similar manner, promised a universal freedom of trade "except in those parts that are generally and positively excluded from any foreigners, the names of which will be specified after in a separate article."<sup>52</sup> This may have been expected, but it is important to note, according to an anonymous Portuguese negotiator, presumably one who was involved in the talks over the 1810 treaty, that the British never specified in an additional article what territories the Portuguese would not be permitted to trade in. Thus, they could exclude at will certain dominions to give British and other foreign merchants a distinct advantage over any Portuguese traders. According to the negotiator, this is exactly what the British did by barring the Portuguese from such

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<sup>50</sup> Ibid.

<sup>51</sup> Birmingham, *A Concise History of Portugal*, 99.

<sup>52</sup> Governments of the United Kingdom of Great Britain and the Kingdom of Portugal. "Treaty of Friendship Commerce, and Navigation between His Britannic Majesty and His Royal Highness the Crown Prince of Portugal." February 19, 1810, in *Negociante Portuguez, Posição em que se acha Portugal para com Inglaterra Segundo os Tratados entre os dois Paizes* Trans. Matthew Winslett (Lisbon: Felipe Nery, 1834), 15, in Library of Congress., *The Portuguese pamphlets [1610-1921] a collection of pamphlets, published primarily in the 19th century, which was assembled for the most part by Antonio Augusto de Carvalho Monteiro*. Microfilm (Washington D.C.: Library of Congress Photoduplication Service, 1983), reel 67, Document 3121.

places as the coast of Africa and the Caribbean.<sup>53</sup> While the 1810 treaty guaranteed the de facto legitimacy and independence of the Portuguese monarchy despite French occupation of the country, it, like the 1661 treaty, did so at a steep price.

With the Portuguese royal family in exile in Brazil, the British commander in chief of the Portuguese army, Lord Beresford, effectively ruled the country. Some policies he espoused, including the spread of freemasonry throughout Portugal, led to open rebellion in August of 1820. The result of the rebellion—the expulsion of Beresford — prompted the formation of a constitutional monarchy similar to the British system. However, this new form of government was rather unstable, and prompted unrest and rebellion throughout the nineteenth century. This could be largely attributed to Beresford, who, when he was expelled, left no power structures behind. In essence, he left a power vacuum in the country. To claim this power many different segments of society strove to claim control of the country. This conflict culminated in a Civil War in 1832 which lasted until 1834.<sup>54</sup> Because of the destructiveness of the Civil War and the perception that Beresford provided the impetus for the conflict, anti-British sentiment grew.

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<sup>53</sup> *Negociante Portuguez, Posição em que se acha Portugal para com Inglaterra Segundo os Tratados entre os dois Paizes*, 16 In the Portuguese text, the negotiator mentions "Ilhas da America," or "Islands of America." In light of British holdings in 1810, it seems consistent to assume that he is referring to the Caribbean.

<sup>54</sup> Birmingham, *A Concise History of Portugal*, 110-117. The point about Beresford and his power vacuum was made by Douglas Richmond, a professor at the University of Texas at Arlington, in June 2008.

## 2.2 The Foundation of British Foreign Policy and the Abolition of the Slave Trade in Portuguese Africa

As has been alluded to in the previous section, one nineteenth century British event that particularly stirred up anti-British sentiment in Portugal was the abolition of the slave trade. The British Parliament outlawed the practice in 1807, and the Anglo-Portuguese Treaty of 1810 required the Portuguese to not trade in slaves as one of the conditions for British guarantees of the Braganza dynasty. In 1815, according to Harold Livermore, the British and the Portuguese came to an agreement in which slave “traffic was prohibited north of [a specific] line, and mixed commissions were set up to judge cases of illegal trafficking.”<sup>55</sup> By 1836, the formerly reluctant Portuguese government acted to effectively stop the trade. Sá da Bandeira, the Portuguese Prime Minister of the time, proclaimed that the slave trade was banned in all of Portugal’s dominions. However, colonial officials in Mozambique chose to ignore Lisbon and continued to allow the operation. As a result, Lord Palmerston, the British Prime Minister , “authorized British warships to search ships flying Portuguese colours, an interference with Portuguese sovereignty.”<sup>56</sup> Over time, however, the Portuguese role in the slave trade drew to a close. In the event that the Portuguese, however, did not stop the slave trade, Palmerston promised that “the British Parliament would take and approve the most rigorous measures against Portugal, [and]... [the nation] would be known as the

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<sup>55</sup> Livermore, *A new history of Portugal*, 301.

<sup>56</sup> *Ibid.*

protector of the slave trade,” obviously something that would not be very favorable for the Portuguese.<sup>57</sup> In essence, it seems that such a course of action would effectively terminate the Anglo-Portuguese Alliance, as Britain would be hostile to and would not associate with any nation that permitted the trade to go on. Though the alliance lived on, such interference in Portuguese sovereignty gave rise to charges of British intervention in Portuguese affairs.

Before proceeding, it is important to make a note regarding British foreign policy in the nineteenth century and the idea of intervention. Following the defeat of Napoleon at Waterloo in 1815, British foreign policy largely concerned itself with maintaining the balance of power in Europe.<sup>58</sup> A lapse back to the state of affairs that existed when Napoleon was in control would be dangerous to British interests, merely because larger nations could disrupt commerce and combine against the United Kingdom, as the French did with their Continental system during Bonaparte’s control of France.

Though the policy of Great Britain was to keep the balance of power in Europe, this power was not “by any means necessary” in scope. Generally, the British were very reluctant to stage an intervention in the affairs of other nations; however,

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<sup>57</sup> Carlos Testa, *Lord Palmerston : a opinião e os factos : um brado a pró da verdade* (Lisboa: Sociedade Typographica FRanco-Portugueza, 1865), 13-14, in Library of Congress., *The Portuguese pamphlets [1610-1921] a collection of pamphlets, published primarily in the 19th century, which was assembled for the most part by Antonio Augusto de Carvalho Monteiro*. Microfilm (Washington D.C.: Library of Congress Photoduplication Service, 1983), reel 68, document 3223.

<sup>58</sup> John Lowe. *British and foreign affairs, 1815: Europe and Overseas*. ( London and New York: Routledge, 1998), 1.

sometimes they did make exceptions to this rule. According to Roger Bullen, “in the early nineteenth century the word ‘intervention’ was used by statesmen and diplomats to describe the use of force by one state in the internal affairs of another.” Throughout the 1800s, the Great Powers intervened several times in several of the smaller states in Europe, yet not once were such military actions preceded by a declaration of war. Thus, there was a distinction between invasion and intervention of a country. This was viewed as legitimate because of

the assumption shared by all the powers that they were the self-appointed guardians of the peace of Europe. If it was the obligation of the great powers to maintain peace, it was argued that they had the right to see that it was not disturbed by others.<sup>59</sup>

For example, the April 1823 French military action against Spain could be termed intervention since France wanted to remove a constitutional government from power. Viscount Castlereagh, the foreign secretary at the time of Waterloo, demonstrated his opposition to the policy of intervention in a State Paper on May 5, 1820. In dealing with the policy of nonintervention in the internal affairs of other nations, Castlereagh stated that “unless [the British government is] prepared to support our interference with force, our judgment or advice is likely to be but rarely listened to, and would by frequent [repetition] soon fall into complete contempt.”<sup>60</sup> Intervention would raise questions “of the greatest possible moral as well as political delicacy.”<sup>61</sup> Any attempt at

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<sup>59</sup> Roger Bullen, “The Great Powers and the Iberian Peninsula, 1815-48.” In Alan Sked, ed. *Europe’s Balance of Power, 1815-1848*. New York: Barnes and Noble, 1979), 54-55.

<sup>60</sup> Robert Stewart, Viscount Castlereagh. “The State Paper of 5 May 1820.” In Harold Temperley and Lillian M. Penson, *Foundations of British Foreign Policy From Pitt (1792) to Salisbury (1902)*. (London: Cambridge University Press, 1938), 54

superseding a sovereign nation's control over its territory could possibly be seen as meddling, and could threaten the continuation of British investment in Portugal—which by the time of the 1755 Lisbon earthquake included besides port wine a significant British textile factory at Lisbon, which “had its own by-laws and customs; it had levied a small duty upon cargoes imported from England, and appointed a treasurer.”<sup>62</sup> Trade and commerce was what made the United Kingdom particularly potent among the Great Powers of Europe, and it would not be prudent to endanger that source of strength.<sup>63</sup>

Non-intervention, and the State Paper of May 5<sup>th</sup>, 1820, became the so-called “foundation of British foreign policy.”<sup>64</sup> Calling something the “foundation” of a particular nation's foreign policy would naturally imply that such a principle would indeed be inviolate, a line to never be crossed under any circumstances.

### 2.3 Anti-British Sentiment in Portugal

As a result of the inequality of the treaties and as a result of London's actions in suppressing the slave trade, anti-British sentiment was common in Portugal during the nineteenth century. This seems to arise from some kind of affronted national honor; specifically that Britain, Portugal's oldest ally, despite the goodwill that the Portuguese manifested to the British by opening their ports in Brazil and in Portugal itself, took unjust advantage of Lisbon in the name of self-interest. Several examples are in order.

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<sup>61</sup> Ibid., 61.

<sup>62</sup> Richard Lodge, “The English Factory at Lisbon: Some Chapters in Its History.” *Transactions of the Royal Historical Society*, 4<sup>th</sup> Series, Vol. 16 (1933), 225.

<sup>63</sup> Christopher Bartlett. “Britain and the European Balance of Power, 1815-48.” In Alan Sked, ed. *Europe's Balance of Power, 1815-1848*. New York: Barnes and Noble, 1979), 150.

<sup>64</sup> Temperley and Penson, *Foundations of British Foreign Policy*, 48.



At the conclusion of the above mentioned anonymous Portuguese negotiator's analysis of the February 1810 treaty between Lisbon and London, the author makes the somewhat bitter remark (and there are many throughout his text) that "at the end of a long period of negotiating the mutual vantages of the two nations, which [would] propose and determine their respective jurisdictions, [such negotiations would] only cause the prosperity of the English, and the ruin of the Portuguese!"<sup>65</sup> It seems unlikely, though, that the English were deliberately trying to run the Portuguese economy into the ground, as such an action would provide one less marketplace for the goods of English merchants.

Further, in light of the proclaimed British policy of non-intervention in other nation's domestic affairs, it is interesting that an anonymous Portuguese polemicist in *A Interferencia Inglesa nos Negocios de Portugal (English Interference in Portuguese Affairs)* charged the British in 1847 with the violation of this central pillar of their foreign policy. Indeed, according to him "the term non-interference, which many times was uttered in the English Parliament, is today an abstract term" with a limited jurisdiction. All states are independent and sovereign, it was reasoned, and any kind of internal interference was tantamount to invasion.<sup>66</sup> In addition, the author named

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<sup>65</sup> *Negociante Portuguez, Posição em que se acha Portugal para com Inglaterra Segundo os Tratados entre os dois Paizes*, 66.

<sup>66</sup> *A interferencia inglesa nos negocios de Portugal* Trans. Matthew Winslett (Paris: Imprensa Laurent, 1847), 1, in Library of Congress., *The Portuguese pamphlets [1610-1921] a collection of pamphlets, published primarily in the 19th century, which was assembled for the most part by Antonio Augusto de Carvalho Monteiro*. Microfilm (Washington D.C.: Library of Congress Photoduplication Service, 1983), reel 67, Document 3168.

several improprieties committed by the British and declared his or her discontent about the treaties and the general attitude of Britain toward their lesser ally. For instance, the pamphlet notes that “today [Britain’s] victim Portugal offers a terrible example of all that history regards as barbarous and inhumane, and if she judges that she should intervene to drown out the rights of the people, [the Portuguese] will interfere as well to save the lives and acts of those who are sacrificed to [the] blind and black selfishness [of the British].”<sup>67</sup>

However, further reflection bears out the reasons that the Portuguese felt as they did, if this writer is indicative of the cross section of all Portuguese citizens. Such vitriolic language arose, it seems, from the anger that some Portuguese felt about the terms of the 1810 treaty and previous agreements. It also seems to have its roots in the rise of nationalistic feelings in Portugal as well as the pressure exerted by the British to stop slave traders from carrying their cargo to Brazil and the New World. The author notes that “Portugal is recognized as an independent nation, and it is not a province, colony or fiefdom of any other foreign power, nor do any of its government officials swear oaths of loyalty and obedience.” The assertion about Portuguese sovereignty indicated that this was clearly a nationalistic statement.<sup>68</sup>

As mentioned by De Leon above, the slave trade was quite lucrative to the Portuguese.<sup>69</sup> Gervase Clarence Smith notes that those who made money off of the

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<sup>67</sup> *A interferencia inglesa nos negocios de Portugal*, 33.

<sup>68</sup> *Ibid.*, 36.

<sup>69</sup> Daniel De Leon, “The Conference at Berlin on the West-African Question,” 110.

slave trade “brought at least some of this wealth back to the metropolis.” In the metropolis, he goes on to say, this money could be (and most definitely was) taxed by the government for revenue. As the British used their navy and political pressure to force the Portuguese to end the exportation of slaves from Africa, the trade increasingly was transacted in the black market, where the government could not make as much revenue from taxes upon the practice. Naturally, the Portuguese government would have lost money as a result.<sup>70</sup> In a sense, this could be termed an intervention, because Britain stopped a practice that was important to Portugal’s economy, and hence interfered with a sovereign, independent nation. The British practice of intervention where its interests were concerned, according to the writer of *A Interferencia*, earned the British the hatred and dislike of many in Europe, including its oldest ally.<sup>71</sup>

Pamphleteer Carlos Testa also expressed dissent towards the British for their intervention in the Portuguese slave trade. In his work *Lord Palmerston: A Opinião e os Factos* ( Lord Palmerston: Opinion and Facts), Testa is not as bombastic as the author of *Interferencia Ingleza*. However, he does accuse the British of intervention in Portugal, but also adds the charge of hypocrisy. His works demonstrates that dislike for the British was fairly common in Portugal in the nineteenth century, but that that abhorrence was not blind vitriol, as the author of *Interferencia Ingleza nos Negocios de Portugal* was. For example, the writer mentions a “perpetual stipulation” in a May

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<sup>70</sup> Gervase Clarence-Smith, *The Third Portuguese Empire, 1825-1975 : a Study in Economic Imperialism* (Manchester U.K.; Dover N.H.: Manchester University Press, 1985), 22-23

<sup>71</sup> *Interferencia Ingleza nos Negocios de Portugal.*, 34.

1839 treaty that states that British ships would be permitted to “destroy at will Portuguese ships in African waters.” Further, these same ships could, it was feared, explore the coastline of Portuguese territory, and by claiming it for Britain, take it away from Lisbon. Such explorations would undoubtedly lead to “a violation of the territory” of Portugal.<sup>72</sup> Testa accuses Britain of hypocrisy, however, by noting that a century previously, the British were among the most active of nations involved in the slave trade. Their role in the traffic earned them much lucre and commerce, particularly in regards to exporting slaves to the West Indies, under the control of Spain.<sup>73</sup> If Britain was so actively engaged in such a trade previously, what right, he implied, did the British have in telling Portugal what to do regarding it? At any rate, the pamphlet is not specifically anti-British, but it does protest and condemn the intervention of Britain into its lesser ally’s supposedly domestic affairs. Needless to say, such treaty inequalities and interventions related to the end of the slave as listed here led to a fair amount of bitterness in Portugal.

In conclusion, in the words of the British diplomatic historian Charles Webster, it is “self-interest which is the determining factor in the policy of all nations.”<sup>74</sup> Self-interest governed the British alliance with Portugal from the beginning. Thus, no one

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<sup>72</sup> Carlos Testa, *Lord Palmerston : a opinião e os factos : um brado a pró da verdade*, 11, Library of Congress., *The Portuguese pamphlets [1610-1921] a collection of pamphlets, published primarily in the 19th century, which was assembled for the most part by Antonio Augusto de Carvalho Monteiro*. Microfilm (Washington D.C.: Library of Congress Photoduplication Service, 1983), reel 68, document 3223.

<sup>73</sup> *Ibid.*, 6.

<sup>74</sup> Charles Webster and Great Britain., *Britain and the independence of Latin America, 1812-1830 select documents from the Foreign Office Archives*. Vol. 1. (New York: Octagon Books, 1970), 11.

need suppose that Britain offered Portugal protection for entirely altruistic reasons. Quite the contrary was true. Britain and Portugal both entered into these alliances as a matter of self-interest. This was true even when both nations were economically, politically, and militarily equal and it continued to be so as the British rose to prominence in the eighteenth and nineteenth centuries. What is ironic about the situation is that the perfidiousness of the British in negotiating inequitable terms is frequently trumpeted about. Inequitable terms may have been the order of the day, but it is interesting to note that the Portuguese, in light of their own self-interest, acquiesced to these treaties as well. Portugal could have probably negotiated more favorable terms, at least to a certain extent. Despite any inequalities that arose as a result of one stronger power exerting its will over the weaker partner in the alliance, the alliance held together because it was beneficial in both political and economic ways.

## CHAPTER 3

### PORTUGAL'S WEST AFRICAN CLAIMS AND THE BERLIN WEST AFRICA CONFERENCE

#### 3.1 Historic Claims and Portuguese Settlement of Africa

Large-scale European imperialism in Africa can largely be said to have begun with the meeting of representatives from Britain, Portugal, France, Germany, and Belgium at Berlin in 1885. This gathering, aptly named the Berlin West Africa Conference, legitimized the European colonization of Africa, especially the Congo Basin. At the same time, the conference also largely defeated Portuguese claims, and prompted Lisbon to seek other methods to obtain control over larger territorial dominions.

Sub-Saharan Africa on the eve of the Berlin West Africa Conference was largely territory vacant of European settlement. This emptiness is readily apparent by observing a map of the region from the late nineteenth century. Figure 3.1 is a French map from 1880, drawn by Eugéné Andriveau-Goujon. It depicts a northern Africa that was largely claimed by the Ottoman Turks, whose territory is shown as blue regions, and the French, representative of the yellow territory which covers a large part of the Sahara Desert. At the same time, the interior of the southern part of the continent is largely unclaimed. Any European settlement in sub-Saharan Africa is largely confined to the coasts. However, Portuguese settlements in Angola, which are rendered as brown



Figure 3.1 Eugéné Andriveau-Goujon’s 1880 map of Africa showing European settlement south of the Sahara desert as being largely confined to the coastlines.

areas, extend significantly into the interior.<sup>75</sup>

While previously the major European powers occupied important trading posts along the coastline, it was only with the advent of drugs such as quinine, which proved effective against malaria, and the introduction of steam engines, which would permit ships to travel upstream regardless of river currents, did the Europeans make large inroads into Africa’s interior. After these hurdles were cleared, it was simply a matter

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<sup>75</sup> Eugene Andriveau-Goujon, “Carte générale de l’Afrique, d’après les dernières découvertes.” Steel engraved map, with added color, 59 x 86 cm., mounted on linen. Historic Maps Collection, Princeton University, <[http://libweb5.princeton.edu/visual\\_materials/maps/websites/africa/maps-continent/1880%20andriveau.jpg](http://libweb5.princeton.edu/visual_materials/maps/websites/africa/maps-continent/1880%20andriveau.jpg)>.

of time before colonial competition and international rivalry determined which power would acquire which tracts of land.<sup>76</sup>

At this point, it is important to note that Portuguese claims in Africa rested upon four important points. These four points arose from the continued claim of the Portuguese to the mouth of the Congo River in the latter half of the nineteenth century. The first was based on the premise that Portugal was the first European nation to explore and discover the coast of Africa beginning in the fifteenth century.<sup>77</sup> Portugal established the colonies of Angola and Mozambique in the race to get to India during the fifteenth century.

Initial Portuguese contact with the natives along the African coast was largely for trade and commerce. In fact, according to David Birmingham, the “lure of Africa was gold. It was known... that much of the Mediterranean world’s gold came from West Africa via the Moroccan gold caravels.”<sup>78</sup> If the Portuguese could tap into the source of that gold, it was reasoned, then they could effectively control the Mediterranean gold trade. In addition, traversing the African coastline led to India, which also promised wealth from the spice trade.

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<sup>76</sup> Daniel Headrick, *The Tools of Empire : Technology and European Imperialism in the Nineteenth Century* (New York: Oxford University Press, 1981).

<sup>77</sup> "Memorandum from Senhor Corvo to Lord Lytton, January 8th, 1876," in Kenneth Bourne, ed., *British documents on foreign affairs--reports and papers from the Foreign Office confidential print. Part I, Series F, From the mid-nineteenth century to the First World War. Europe, 1848-1914* Volume 29: *Portugal, 1846-1907*. ([Frederick Md.]: University Publications of America, 1987), 203.

<sup>78</sup> David Birmingham. *A Concise History of Portugal*. 2<sup>nd</sup> Ed. (Cambridge, UK and New York: Cambridge University Press, 2003), 25.



Following advances in sail technology and a discovery about the wind system in the Atlantic Ocean, the Portuguese moved down the African coast, establishing settlements everywhere they went. In 1482 the Portuguese built El-Mina in modern day Ghana, which in later times became a major slave trading port. In that same year Diogo Cão discovered the estuary of the Congo River, which would later prove to be a source of dispute among the European Powers.<sup>79</sup> In 1485 Bartolomeo Dias rounded the Cape of Good Hope and landed near the present-day South African city of Port Natal before returning to Lisbon. Twelve years later, in 1497, the well-known Vasco da Gama made it all the way to India. Each of these explorers established several forts along the East and West African coasts as well, at such places as Mombasa, Kenya, and Sofala, Mozambique, and at the mouth of the Congo River.

Portuguese colonization of Mozambique began at this time as well, and they were quite distinct from the settlements that Portugal set up in India. Whereas on the Subcontinent the Portuguese were largely confined to coastal cities, the navigability of the Zambezi River permitted the Portuguese to move their large, oceangoing ships upstream. There they set up large landed estates called *prazos*, which were not unlike the *haciendas* of the New World. According to Erik Gilbert and Jonathan Reynolds, “the *prazeros* that governed these vast estates used them not only to produce agricultural products, but also to control the trade in the two goods (other than gold) that

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<sup>79</sup> Jonathan Reynolds and Erik Gilbert, *Africa in World History: From Prehistory to the Present* (Upper Saddle River NJ: Pearson Educational, 2004), 127-130

the Portuguese sought most—ivory and slaves.”<sup>80</sup> Indeed, by taking control of the coastal cities such as Sofala or Mozambique, which were also locations where trading took place, the Portuguese could plug themselves in to that trade and garner large profits. In time, these landed estates expanded throughout Portuguese East Africa to form the foundation of Portugal’s colony there.<sup>81</sup>

Angola was settled as a natural result of the move down the coast en route to India. The country was in part peopled by an African silver rush in the 1580s, during which “adventurers from all walks of life... spent 30 years tenaciously inching their way up the Kwanza river in an endeavour to capture the wholly mythical mountains of silver” similar to the large deposit the Spanish found at Potosí, which many expected to find in Angola, because it was at roughly the same latitude as the mine in Peru.<sup>82</sup> In addition, Portuguese settlement in Angola largely was prompted by attempts to find other precious metals, ivory, and slaves.<sup>83</sup> It is ironic to note that the Portuguese based their nineteenth century territorial claims upon settlements that were established in response to a need to have stopping points to somewhere else—in this case, India. Only after the Portuguese failed to gain significant holdings in India beyond Goa and Bombay did their African colonies become important for the wealth that they held both in precious metals and in slaves for the sugar trade in Brazil.

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<sup>80</sup> *Ibid.*, 202-205. Italics were added to distinguish it as a Portuguese or Spanish word.

<sup>81</sup> *Ibid.*, 206.

<sup>82</sup> David Birmingham, *Portugal and Africa* (New York: St. Martin's Press, 1999), 14.

<sup>83</sup> *Ibid.*, 14-19.

It should be noted, in addition, that as of 1876 the British government never disputed the “priority of discovery” of Portugal as a legal claim for control over its territories.<sup>84</sup> This “priority of discovery,” as Senhor Corvo describes it, is the most important of the four points that Portugal made for possession of their colonies. Naturally, if Lisbon had never established settlements in Africa, then the other claims that follow would not be valid, for they are based upon the historicity of Portuguese colonization of Africa.

The second basis for Portugal’s claims comes from many different attempts to occupy its claimed territory. However, these endeavors were “always interrupted [by the actions of a foreign power]... for reasons of an economical, or perhaps, a political nature.”<sup>85</sup> However, according to the Portuguese, the mere intention of trying to occupy the territory gave Lisbon instant claim to the territory.

The third claim is similar to the second. Corvo stated that his government had “the intention, continually shown, both by word and deed, of maintaining, even in the absence of an effective and durable possession, the right of sovereignty over” its territories. Merely claiming sovereignty on paper was sufficient grounds for the Portuguese. As an example, Senhor Corvo gave the example of three Brazilian slave ships captured in 1846 by the British navy. The commander of the naval squadron that was patrolling the coasts trying to limit the slave trade wanted to destroy a slave barracks near the city of Ambrizette (in northern Angola, near the Congolese border),

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<sup>84</sup> Memorandum from Senhor Corvo to Lord Lytton, January 8th, 1876,” 203.

<sup>85</sup> Ibid.

which was presumably the port from which the Brazilian ships were originating.

However, after the Portuguese officials in the area asserted their authority that the offense occurred in Lisbon's territorial waters, the case was turned over to the Portuguese authorities.<sup>86</sup>

The fourth and final claim stems from the longstanding treaties with Great Britain, specifically article 10 of the "Treaty signed at Rio de Janeiro on the 19<sup>th</sup> of February, 1810," in which "the rights of the Portuguese Crown to the territories of Cabinda and Molembo are explicitly acknowledged" and guaranteed.<sup>87</sup> Because the British guaranteed the area of the river's mouth to the Portuguese via a treaty, the Portuguese believed that they had a right to it.

Though these reasons are given in a document relating to Portuguese claims over the mouth of the Congo River, it is telling of Portuguese attitudes regarding their African colonial ventures. The Lisbon government's whole argument rests on the idea that because Portugal was the first to discover the land, it automatically would gain sovereignty over that territory. Portugal's tactic was a reasonable approach, as international law of the time dictated that:

It is necessary that [a nation] should take the territory under its sway (corpus) with the intention of acquiring sovereignty over it (animus). This can only be done by a settlement on the territory accompanied by some formal act which announces both that the territory has been taken possession of and that the possessor intends to keep it under his sovereignty. It usually consists either of a proclamation or of the hoisting of a flag. But such formal act by itself constitutes fictitious

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<sup>86</sup> Ibid., 204.

<sup>87</sup> Ibid.

occupation only, unless there is left on the territory a settlement which is able to keep up the authority of the flag.

During the age of discoveries, international law permitted that discovery of a previously “unknown territory was equivalent to acquisition through occupation by the State, in whose service the discoverer made his explorations.” This system of doing things would be held up as long as the discovering power made efforts to occupy the territory in question. Though this idea changed during the eighteenth and nineteenth centuries, no other power challenged Portuguese claims to its African holdings, so its claims largely stood.<sup>88</sup> Indeed, as the Portuguese “could trace their title back to the oldest of all, that of the discoverer,” the other European powers largely admitted that Portuguese claims were consistent with international law and were indisputable.<sup>89</sup>

These claims of discovery did not guarantee Portuguese access to the Congo basin. Though the claims of Lisbon were in accordance with the law of nations, the other European Powers, as Edward Hertslet notes, namely “France, Germany, Holland, or Belgium ... [failed to recognize] the Portuguese claim to sovereignty over the Congo district.”<sup>90</sup> By not submitting to Portuguese sovereignty, the other European Powers provided themselves a “foot in the door,” if it became expedient to do so. If the

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<sup>88</sup> Lassa Oppenheim, *International Law: a Treatise*, ed. Ronald Francis Roxburgh, Vol. 1: Peace, 3rd ed. (London: Longmans, Green and Co., 1920), 385-386.

<sup>89</sup> H. L. Wesseling, *Divide and Rule : the Partition of Africa, 1880-1914* (Westport, Conn.: Praeger, 1996), 99.

<sup>90</sup> “Memorandum by Sir E. Hertslet, April 20, 1883,” in Kenneth Bourne, ed., *British documents on foreign affairs--reports and papers from the Foreign Office confidential print. Part I, Series F, From the mid-nineteenth century to the First World War. Europe, 1848-1914* Volume 29: *Portugal, 1846-1907*. ([Frederick Md.]: University Publications of America, 1987), 280-281.

sovereignty of the Portuguese was recognized, then, according to international law, any foreign settlement in a hypothetical Congo controlled by Lisbon could be considered tantamount to invasion or intervention, which could conceivably lead to war, either with Portugal or its ally Britain. Thus, it seems, Germany, France, Belgium, and Holland largely honored the historic claims of Portugal over the Congo area.

### 3.2 The Anglo-Portuguese Convention of February 26, 1884

There was much interest in the Congo region, largely for its resources and the strategic value of the Congo River. By failing to recognize Lisbon's sovereignty over the region, the real issue, according to H.L. Wesseling, was what the response of the Portuguese would be regarding the presence of the other powers in the area.<sup>91</sup>

As other powers, notably the Belgians and the French, moved into the area and attempted to establish spheres of influence, Lisbon understandably felt that its claims were threatened, and searched for ways to retain its title to the area. The travels of Henry Morton Stanley in the Congo further exacerbated the issue, especially since Stanley was employed by Belgium's King Leopold, who was seeking to establish a colony for Belgium in the Congo River Basin. Likewise, French explorer Savorgnan de Brazza's expedition in the region had the same effect as Stanley's travels. Sir Percy Anderson, a British diplomat, noted that "when the extraordinary results of Stanley's exploration of the Congo were known, Portugal suddenly awoke from her torpor, and began to press her claims as the old, historical, African Power."<sup>92</sup> It became

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<sup>91</sup> Ibid..

increasingly apparent to the Lisbon government that if Portugal were to continue having a hold over the territory it claimed in the area, it would need to reassert its authority. The logical choice of a European power to aid in this endeavor was naturally Britain, Portugal's oldest ally. However, due to Portugal's reluctance to end the slave trade in its territories, many European governments, including the British, looked upon the Portuguese with disdain. This state of affairs would need to be overcome. Daniel De Leon notes that:

when the presumable causes for the policy of Great Britain regarding Portugal's possessions in West Africa [in which they seized suspected slave-bearing Portuguese ships,] had at last ceased to exist, the cabinet of Lisbon opened negotiations with that of London to remove the cloud upon Portugal's title in that region.<sup>93</sup>

The British response to this seeming public relations and territory claiming campaign, after some negotiation between London and Lisbon, was the Anglo-Portuguese Convention of 1884, signed in February of that year. According to Sybil Crowe, the British could have annexed the area in question in 1875, 1882, or 1883. That they did not, may have been because they "evidently did not consider the trade of sufficient value there to warrant more than indirect control."<sup>94</sup> Because of this secondary difference, they granted the Portuguese the territory, as it was better to have a nation of

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<sup>92</sup> "Memorandum by Sir Percy Anderson on the Portuguese Campaign in Africa, January 6, 1890." in Kenneth Bourne, ed., *British documents on foreign affairs--reports and papers from the Foreign Office confidential print. Part I, Series F, From the mid-nineteenth century to the First World War. Europe, 1848-1914* Volume 29: *Portugal, 1846-1907*. ([Frederick Md.]: University Publications of America, 1987), 335.

<sup>93</sup> Daniel De Leon, "The Conference at Berlin on the West-African Question," *Political Science Quarterly* 1, no. 1 (March 1886): 113-114

a friendly disposition to the British in control of the area rather than one that was hostile: France, for example. Thus, any perceived altruism by the British to help out their lesser ally in its hour of need superseded any notions of self-interest.

At any rate, the Convention granted to Portugal sovereignty over the Congo region. Like other Anglo-Portuguese treaties of times past, this agreement began with the two powers “being animated with the desire to draw closer the ties of friendship which unite the two nations.” In addition, the stated purpose of the treaty was to:

put an end to all difficulties relative to the rights of sovereignty over the districts at the mouth of the Congo on the West Coast of Africa, situated between 8 ° and 5 ° 12’ of south latitude; to provide for the complete extinction of the Slave Trade; and to promote the development of commerce and civilization in the African Continent.<sup>95</sup>

The treaty was consistent with a long history of the Portuguese “claiming sovereignty over the West African coast.”<sup>96</sup> The treaty provided for an area of Portuguese control of approximately 228 miles of coastline, including the mouth of the much sought after Congo River. It also provided for an area of interior control to the settlement at Nokki, which is located about 76 miles inland from the mouth of the river. The treaty also stipulates that an “inland eastern frontier shall coincide with the boundaries of the present possessions of the coast and riparian tribes.” That boundary was to be

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<sup>94</sup> Sybil Crowe, *The Berlin West African Conference, 1884-1885*, (Westport Conn.: Negro Universities Press, 1970), 208

<sup>95</sup> Governments of the United Kingdom of Great Britain and Ireland and the Kingdom of Portugal and the Algarves. "Anglo-Portuguese Convention, February 26, 1884," in Edward Hertslet, *The Map of Africa by Treaty*, Vol. 3: *Great Britain and Germany to United States*. 3rd. ed. (London: Cass, 1967), 1004-1005. A selection of the most relevant part, Article 1, can be found in Appendix A

<sup>96</sup> John Keltie, *The Partition of Africa*, 2nd ed. (London: E. Stanford, 1895), 142



delineated by the Portuguese government, with the approval of the British.<sup>97</sup>

Conveniently, the treaty also excluded King Leopold's International Association of the Congo, a shadow organization which Leopold used to set up a colony in the Congo basin. The Association claimed the area in question, and the treaty kept it from having any presence on the coast and on the mouth of the river, effectively rendering it landlocked.<sup>98</sup>

In addition, "all foreigners were to receive equal treatment with Portuguese subjects in all matters in the territory... there was to be complete freedom of trade and of navigation on the Congo and its affluents," and there was also to be freedom of navigation on the Zambezi River, in East Africa as well.<sup>99</sup>

Once again, the subject of the slave trade reared its ugly head. Interestingly, the 1839 decree by Lord Palmerston that was so galling to the Portuguese in the 1830s—namely, that the British could enter into Portuguese territorial waters to suppress the slave trade—was ratified in this convention, perhaps because the Portuguese were slow to do anything about it. However, the 1839 decree also permitted the Portuguese to have the same right of enforcement. According to Hertslet, the Portuguese could enter

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<sup>97</sup> Hertslet, *The Map of Africa by Treaty*, 1005

<sup>98</sup> De Leon, "The Conference at Berlin on the West-African Question," 118

<sup>99</sup> Arthur Berriedale Keith, "International Rivalry and the Berlin Conference," in Barbara Harlow and Mia Carter, eds., *Archives of Empire. Vol. 2, The scramble for Africa* (Durham, N.C.; London: Duke University Press, 2003), 55.

into British territorial waters in South Africa to suppress the slave trade, “if required.”<sup>100</sup>

Though the decree settled the problem appropriately for the Portuguese, it did not settle the matter conclusively for the British, or other European powers. In fact, the other European powers and the British media soundly rejected it, according to Keltie, on the grounds that it was inconceivable for “Portugal, who had been in Africa for four centuries and had done nothing for its development, to have the virtual command of one of the finest rivers on the Continent.”<sup>101</sup> German chancellor Otto von Bismarck protested further that by granting Portugal control over the territories, the 1884 treaty would set up a system of tariffs that would:

be prejudicial to trade.... Even the provision for limiting the dues to a maximum of ten per cent—the basis of the Mozambique tariff—would not be a sufficient protection against the disadvantages which the commercial world rightly anticipates would ensue from an extension of the Portuguese colonial system over territories which have hitherto been free.<sup>102</sup>

Negative reaction was widespread in Britain as well. Reasons for objections were similar to those of Bismarck. The Manchester Chamber of Commerce condemned the 1884 treaty on the basis that “Portugal as elsewhere in her possessions [would] hamper British trade.”<sup>103</sup> The old specter of the slave trade also gave rise to further criticisms of the treaty. The Anti Slavery Society dismissed it on the [grounds] that, despite what

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<sup>100</sup> Hertslet, *The Map of Africa by Treaty*, 1005

<sup>101</sup> Keltie, *The Partition of Africa*, 146

<sup>102</sup> Quoted in "Count Munster to Earl Granville, June 7th, 1884," in *Ibid.*, 147-148

<sup>103</sup> Keith, "International Rivalry," Harlow and Carter, *Archives of Empire*, 56

it promised, “long experience has shown that any control over these regions on the part of the Portuguese Home Government is of the feeblest character.” Furthermore, “the Committee [was] able to show, on unquestionable evidence, that at this very time the Slave Trade is to a considerable amount [still] being carried on.”<sup>104</sup> By the end of June of 1884 Lord Granville, the British Prime Minister, was forced by the negative backlash of public opinion to abandon the Convention. In this way, the Anglo-Portuguese Convention of 1884 died an ignominious death, and Portugal’s attempts to gain further holdings in Africa and cement its old historic claims near the mouth of the Congo River were thwarted by the backlash of European Powers and of the British public.

### 3.3 The Berlin West Africa Conference

However, this disappointment did not mean that Lisbon would end its pursuit of the territory. Quite the contrary was true. Worried that the French and the Belgians both desired its historically claimed territory, Portugal sought to settle the dispute by an international conference.

The Portuguese first proposed the idea of a conference to the British, according to Crowe, “as an alternative to what both the British and Portuguese Governments considered... to be... a necessity,” that is, the 1884 Convention.<sup>105</sup> However, while Granville considered it and ultimately rejected the idea, the Portuguese issued a circular

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<sup>104</sup> “Arthur Pease, et. al to Earl Granville, April 12, 1884.” in Kenneth Bourne, ed., *British documents on foreign affairs--reports and papers from the Foreign Office confidential print. Part I, Series F, From the mid-nineteenth century to the First World War. Europe, 1848-1914* Volume 29: *Portugal, 1846-1907.* ([Frederick Md.]: University Publications of America, 1987), 284

<sup>105</sup> Crowe, *The Berlin West African Conference, 1884-1885,*, 207.

to all of its embassies in all the major European capitals, proposing the same idea.<sup>106</sup> Bismarck was especially receptive to the idea of a conference and adopted it as his own. The French along with most of the other European powers, also backed the conference proposal and sent their representatives to Berlin.<sup>107</sup> And so, the Berlin West Africa Conference convened in November 1884 with the intent of delineating control of the Congo Basin. The states present totaled fourteen: Austria–Hungary, Belgium, Denmark, France, Germany, the United Kingdom, Italy, the Netherlands, Portugal, Russia, Spain, Sweden, the Ottoman Empire, and the United States. The conference’s outcome was to have astounding effects upon Portugal’s Africa policy.

Much has been written about the Berlin Conference; moreover, a detailed analysis of its proceedings is not the purpose of this work.<sup>108</sup> However, two pertinent points must be examined: 1.) the cession of the Congo Basin to the Congo Free State, and 2.) the principle of effective occupation. The results of the conference were critical to the sequence of events that eventually would lead Britain to issue the 1890 Ultimatum to its smaller ally.

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<sup>106</sup> Ibid., 27, 207

<sup>107</sup> Ibid., 329-30

<sup>108</sup> For a good, in depth treatment of the Conference, see Sybil Crowe, *The Berlin West Africa Conference, 1884-1885*. (Westport, Conn: Negro Universities Press, 1970). Also, Stig Förster, *Bismarck, Europe, and Africa : the Berlin Africa Conference 1884-1885 and the onset of partition* (Oxford, and New York: Oxford University Press, 1988) provides articles from the perspective of the major players at the Conference, especially the British, the Germans, the French, and the Portuguese, though the latter country is only sparsely treated. It also has a few chapters on native Africans’ reactions to the onset of partition.

The membership of Lisbon and London's delegation to the conference is telling for what each government hoped to achieve at the conference. The British contingent to the meeting included Sir Edward Malet, the British minister to Germany, and Percy Anderson, who was the head of the African department in the Foreign Office.

Wesseling notes that Anderson came to see that

Africa had become a chessboard on which every move had to be answered with a countermove. At stake was nothing less than Britain's power and renown. There were admittedly too many players for a proper game of chess, but that did not matter because as far as Anderson was concerned there was only one really one opponent, France.<sup>109</sup>

In addition, British interests were represented by numerous merchants who played a critical role in preserving British interests in Africa.<sup>110</sup> It is clear that both Malet and Anderson represented the desire of the British government to maintain the status quo. By so doing, the balance of power could be upheld in accordance with Britain's longstanding foreign policy of doing the same.

Quite obviously, the goal of Lisbon at the conference was to try to acquire recognition over its rights over to the Congo, recognition which it eventually lost by the end of the 1884 Convention. In what could be considered a slight to the British, the Portuguese sent Serpa de Pimental, a former minister in the Portuguese cabinet, to Berlin to aid the Portuguese minister already there. According to Crowe, his "presence there was in itself an indication of the pro-French and anti-British policy, which

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<sup>109</sup> Wesseling, *Divide and rule*, 101-102.

<sup>110</sup> Crowe, *The Berlin West African Conference, 1884-1885*, 99

[Portugal] was likely to pursue.”<sup>111</sup> Indeed, through the failure of the convention in June, the British had been wholly unable to give Lisbon the territory that it desired. Thus, it was logical for the Portuguese to attempt to gain settlement through other means, even if that meant treating with France, the rival of Britain. Though the Portuguese wanted to cement their claims to the Congo Basin, because of their wish to retain their claim to the area, it could be said that like London, Lisbon desired to retain the status quo, because that would give them the most control over the territory in question.

Needless to say, the Portuguese did indeed press their claims to the Congo basin based on their old rights of discovery. They even attempted to campaign for complete control of the river by promising to institute freedom of navigation. At the second session of the conference on November 19<sup>th</sup>, the Marquis de Penafiel, Lisbon's minister to Berlin, expressed the commitment of the Portuguese government to adhere to freedom of Navigation of the Congo River, once "it had established a regular administration on the West Coast of Africa." It should be so, according to Penafiel, because the Congo Basin, or at least its coastline, had for "centuries...been incorporated by incontestable title in the domains of the Crown of Portugal."<sup>112</sup>

Nevertheless, the conference was a sort of defeat for the Portuguese in certain terms. Despite its quest to gain complete control of the area, the Congo River was

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<sup>111</sup> Ibid., 101

<sup>112</sup> *Protocols and General Act of the West Africa Conference*. (London: Harrison and Sons, March 1885), 21, reproduced in *Irish University Press series of British parliamentary papers. Colonies:*

declared to be a free territory so that “all flags, without distinction of nationality, [could have equal] access to the whole of the coastline of the territories... to the rivers there running into the sea, to all the waters of the Congo and its affluents, including the lakes.”<sup>113</sup> The Congo River was to be an international waterway, which would prohibit excessive tariffs for merchants moving up and down the river. Though the river’s shores would be sovereign territory under the control of whatever government controlled the area, no one power would control the river itself or the accompanying navigation and shipping.

In the end, though, a sort of compromise was reached. Portugal did not control the whole of the Congo basin, but it did control part of the territory that touched the river. Whereas the 1884 Convention gave Portugal claim over all the territory on the coast from 8 ° to 5 ° 12’ south latitude and inland to Nokki, agreements concluded with the International Association of the Congo during the conference (but not a part of the actual General Act of the Berlin West Africa Conference) limited Portugal’s territory in West Africa to Cabinda and Angola-- hardly continuous territory as Lisbon had hitherto possessed under the 1884 Convention. The northern border of Angola followed the southern bank of the Congo River until it reached Nokki. After Nokki, the boundary followed a straight line due east until it reached the Kwango River, at which point the frontier was to turn south.

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*Africa* Vol. 8: *Papers Relating to Africa, 1802-1899*. (Shannon, Ireland: Irish University Press, 1971), 289.

<sup>113</sup> *Protocols and General Act of the West Africa Conference*. (London: Harrison and Sons, March 1885), 306 ,reproduced in *Irish University Press series of British parliamentary papers. Colonies: Africa* Vol. 8: *Papers Relating to Africa, 1802-1899*. (Shannon, Ireland: Irish University Press, 1971), 574. The full text of the treaty can be found in Appendix A.

Though final terms of the convention were not exactly what the Portuguese wanted, what was granted was better than being completely shut out of the river. The General Act also granted the International Association of the Congo a route to the sea. Portugal, it seems, was permitted to possess what it did gain in exchange for recognizing the sovereignty of the Congo Association and its control over the Congo Free State.<sup>114</sup>

Interestingly, there is much in the 1884 Anglo-Portuguese Convention that was repeated in the 1885 General Act of the Berlin Conference. The similarities between the two documents imply that though the treaty in and of itself was rejected on the basis of what it granted to the Portuguese, the instrument still had merit, and its ideas were later used. For example, as is to be expected, the treaty declared that “the Powers which do or shall exercise sovereign rights or influence in the territories forming the Conventional basin of the Congo declare that these territories may not serve as a market or means of transit for the trade in slaves.”<sup>115</sup>

There are a number of principles of international law established at the Berlin Conference which were eminently important to what happened later, not just in the scramble for Africa but also in regard to the Ultimatum of 1890. Perhaps the most

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<sup>114</sup> Government of the Kingdom of Portugal and the Algarves and the International Association of the Congo. “Convention between Portugal and the International Association of the Congo; respecting Boundaries, 14<sup>th</sup> February 1885”, in Herstlet, *The Map of Africa by Treaty*, Vol. 2: *Abyssinia to Great Britain and France.*, 591-592. The text of Articles 3, 5, and 6 can be found in Appendix A.

<sup>41</sup> *Protocols and General Act of the West Africa Conference*. 307, reproduced in *Irish University Press series of British parliamentary papers*, 575.



important aspect of the whole treaty, Articles 34 and 35 established an orderly way of claiming territory in Africa. These two articles state that

any Power which henceforth takes possession of a tract of land on the coasts of the African continent outside of its present possessions, or which, being hitherto without such possessions, shall acquire them, as well as the Power which assumes a Protectorate there, shall accompany the respective act with a notification thereof, addressed to the other Signatory Powers of the present Act, in order to enable them, if need be, to make good any claims of their own.... The Signatory Powers of the present Act recognize the obligation to insure the establishment of authority in the regions occupied by them on the coasts of the African continent sufficient to protect existing rights, and, as the case may be, freedom of trade and of transit under the conditions agreed upon.<sup>116</sup>

These articles are the effective occupation clause. The notification of the other powers was in essence similar to staking a claim on the territory. The practice would be roughly analogous to the placing of a flag in an unknown area.

However, merely notifying the other European powers of a new territorial acquisition was simply not enough. Rather, according to Lassa Oppenheim, “after having... taken possession of a territory, the possessor must establish some kind of administration thereon which shows that the territory is really governed by the new possessor...[otherwise] there is no effective occupation.”<sup>117</sup> If there was no legal government in the territory, then naturally the area could not be effectively occupied.

If the claims of two nations conflicted and intersected with each other, each power had the right to seek arbitration from a neutral third party. The process for dispute resolution was elucidated under Article 12:

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<sup>116</sup> *Protocols and General Act of the West Africa Conference*. 312, reproduced in *Irish University Press series of British parliamentary papers*, 580,

<sup>117</sup> Oppenheim, *International law*, Vol 1: *Peace*, 385.

In case a serious disagreement originating on the subject of, or in the limits of, the territories mentioned in Article 1, and placed under the free trade system, shall arise between any Signatory Powers of the present Act, or the Powers which may become parties to it, these Powers bind themselves, before appealing to arms, to have recourse to the mediation of one or more of the friendly Powers. In a similar case the same Powers reserve to themselves the option of having recourse to arbitration.<sup>118</sup>

Naturally, if one of the two powers had a dispute, a binding arbitration could be employed, as this provided for a peaceful settlement between the disputants, all the while avoiding war. Such mediations were not new; in fact, several had already occurred prior to the Conference, as in the case of the Delagoa Bay incident between Portugal and Britain in the 1870s. The Delagoa Bay incident arose out a claim that the British made to an island in the strategically important Delagoa Bay, also known as Lourenço Marques. The Bay's proximity to South Africa made it an excellent landing point for goods and military materials. Portugal protested Britain's claim, stating that it retained the right to the territory based upon its historic occupation of the bay. Twice the dispute ended up in arbitration, and both times the arbitrators sided with the Portuguese. The decisions made in its favor emboldened Lisbon. It thought that since the arbitrators had sided with Portugal, they could win any dispute with Britain merely by subjecting it to arbitration.<sup>119</sup>

Also implicit in the effective occupation article was the making of treaties with African tribes. Many times these treaties assumed the form of a protectorate. Such a

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<sup>118</sup> *Protocols and General Act of the West Africa Conference*. 307, reproduced in *Irish University Press series of British parliamentary papers*, 575.

<sup>119</sup> For a good concise treatment of this dispute, see Raymond W. Bixler, "Anglo-Portuguese Rivalry for Delagoa Bay," *The Journal of Modern History*, Vol. 6, No. 4 (Dec., 1934), 425-440.

course of action would be followed since few tribal leaders would permit a direct cession of territory to a European Power. That was the case with the Treaty of Simulambuco, which established a protectorate with the African natives over Cabinda in exchange for trading rights.<sup>120</sup> These treaties were highly suspect since they largely featured X's for signatures of African tribesmen, which were quite easy to forge. In addition, such treaties could be entirely falsified, either in their claims or in their provenance. Thus, according to Wesseling, European statesmen were highly wary of basing claims on them. Nonetheless, "such documents had a considerable effect in practice, as no country was anxious to cast explicit doubt on them. If it did, another country might challenge the validity of the doubter's own treaties." To avoid territorial losses at the expense of colonial rivals, the Great Powers permitted and accepted the treaties at full "face value."<sup>121</sup> In the case of the British and the Portuguese, this treaty making would lead to rivalry with the other power. Treaty-making with the natives became something of a game. Whoever could make the most of them won the most territory.

Though the concept of effective occupation goes back much further than the Berlin Conference—Hasani notes that it is rooted in the idea of *uti possidetis* in Roman law--- the concept was institutionalized by the Berlin Act for the peaceful claiming of territory.<sup>122</sup>

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<sup>120</sup> Oppenheim, *International law*, Vol 1: *Peace*, 385. See also Phyllis M. Martin, "The Cabinda Connection: An Historical Perspective." *African Affairs*, Vol. 76, No. 302 (January 1977), 53.

<sup>121</sup> Wesseling, *Divide and Rule*, 127.

In the “scramble for Africa” that followed the Berlin Conference, the terms of the Act were applied to many places that the original treaty did not specifically cover. The territory which the Berlin Act covers—the Congo Basin-- is largely inside the modern-day boundaries of the Democratic Republic of the Congo. However, some of the basin as defined by the treaty covers northern Angola as well as the area around the African Great Lakes—Lakes Victoria, Albert, and Tanganyika, respectively. Lake Nyasa was not a part of the Congo Basin, but the region immediately to the west of it was. The basin of the Congo, even when loosely applied, was to be the area where the treaty could be enforced, especially the provision allowing for free trade and navigation of the waterways.

In a sense all the terms of the treaty would only be in force within the broadly defined Congo Basin. However, the effective occupation and arbitration articles were frequently applied outside the territory specified.<sup>123</sup> Because of the explicit instructions in the document that explains that the Act is only applicable inside the area of the Congo Basin, it became frequently arbitrary whether or not two nations in dispute over an area could use the terms of the treaty at all to settle their dispute. The Portuguese made this mistake in the wake of the 1890 Ultimatum, when they wanted to use arbitration to settle their dispute with Britain. Such an attitude was later disastrous to Portugal as the British noted that the arbitration term did not apply to the dispute at all.

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<sup>122</sup> Enver Hasani, “*Uti Possidetis Juris: From Rome to Kosovo,*” in *Fletcher Forum of World Affairs*, 2003, 85-86.

<sup>123</sup> *Protocols and General Act of the West Africa Conference*. 305, reproduced in *Irish University Press series of British parliamentary papers*, 573

Unlike the Anglo-Portuguese Convention of 1884, the largely Portuguese-controlled Zambezi river system was outside the purview of the freedom of navigation clauses of the Act of the Berlin Conference. Indeed, in order to navigate it and apply the free trade principle to it required the permission of the power that had sovereign control over the river system. The Act noted that

this principle shall only be applicable in so far as it is approved by such State. But the Powers agree to use their good offices with the Governments established on the African shore of the Indian Ocean for the purpose of obtaining such approval, and in any case of securing the most favourable conditions to the transit of all nations.<sup>124</sup>

It is ironic to note that the Portuguese campaign of attempting to solidify territorial control over the mouth of the Congo River prompted the convening of the Berlin West Africa Conference and the subsequent denial of Portuguese hegemony over the area based upon its ancient historic claims. The Anglo-Portuguese Convention of 1884 did exactly that. The promise of Portuguese control over the Congo basin prompted widespread opposition in Europe to the Convention. Though at the Berlin conference the Congo River Basin in essence largely came under the dominion of Belgian King Leopold's International Association of the Congo, the major participants of the meeting-- Germany, France, Belgium, Portugal and Britain--agreed to make the river itself an international waterway. Thus, the Lisbon government was once again foiled in its efforts to gain complete control over the basin. Despite this seeming setback, the outcome was "good enough" for the Portuguese, who now turned their

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<sup>124</sup> *Protocols and General Act of the West Africa Conference*. 306, reproduced in *Irish University Press series of British parliamentary papers*, 574.

focus to other areas, namely East Africa and attempted to link Angola with Mozambique.

## CHAPTER 4

### FROM BERLIN TO THE SHOWDOWN, MAY 1885 TO JANUARY 1890

#### 4.1 1886: The Year of Treaties

One way of examining Portuguese and British expansion in Africa after the Berlin Conference is to put it in the context of the hinterland doctrine, which became popular at the conclusion of the Berlin Conference. Wesseling defines the hinterland concept as any “power with claims to the coast had a right to its hinterland.” Naturally, it would be prudent for any nation that wanted to avoid conflicts and squabbles over territory to not project its hinterland into the hinterland or territory of any other state. The hinterland doctrine was used primarily by the French and the Germans, though, according to Lord Salisbury, the British foreign secretary, it was not a part of international law. Even so, the British still used it in negotiations throughout the 1890s to satisfy their ends.<sup>125</sup>

Thus, it is useful to note that the territory between Angola and Mozambique could be regarded as hinterland for both of the Portuguese colonies. It would be a simple matter of extending Portuguese claims from both colonies inland until they met in the middle, forming a corridor of Portuguese land.

However, the area could also be claimed as hinterland for British controlled South

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<sup>125</sup> Wesseling, *Divide and rule* , 127

Africa. Both Britain's and Portugal's attempt to acquire it is what ultimately spawned the collision that ended in an Ultimatum in January 1890.

To clarify, though, the Portuguese plan to acquire the land between Angola and Mozambique does not originate from the time of the Berlin Conference. Rather, it is much older, going back at least to the end of the eighteenth century. Ironically, it was conceived of by a man who saw the potential for British expansion in southern Africa and desired to check that expansion.

In the wake of the British occupation of the Cape of Good Hope during the Napoleonic Wars in 1795, the commander of Tete (a city on the Zambezi River), a man named Francisco Lacerda, journeyed upstream and into the interior of Central Africa, in the general direction of Angola. By visiting the area, Lacerda hoped to be able to strengthen Portugal's claim to the land, even though at the time the Portuguese Government had little interest in the area. Unfortunately, en route, Lacerda died near Lake Mweru in October of 1798.<sup>126</sup> However, other explorers like Pereira, Capelo, and Ivens followed his lead, crisscrossing the continent throughout much of the nineteenth century and learning much about the interior the continent.

Prior to the 1884 Anglo-Portuguese convention, efforts were made by the Portuguese to diplomatically acquire their desired trans-African corridor. For example, Lord Granville "saw insuperable objections to permitting Portugal to claim the right of indefinite extension in the interior, for she more than hinted at her ambition to unite her

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<sup>126</sup> P Warhurst, *Anglo-Portuguese Relations in South-Central Africa 1890-1900*. ([London]: Published for the Royal Commonwealth Society by Longmans, 1962), 1



East and West African colonies.”<sup>127</sup> Lisbon’s desire to claim the land between its colonies was unquenchable, and it appeared that Portugal wanted to acquire it by whatever means necessary.

The natural choice for the Portuguese to ratify their efforts to extend their claims in the hinterland was the two states which were the most active in employing the hinterland doctrine: France and Germany. Lisbon concluded treaties with both in 1886 with clauses permitting Portugal to have the right to the land between Angola and Mozambique. This was in exchange for other boundary concessions elsewhere.

The ink was barely dry on the Berlin Act before negotiations with the French began in October of 1885. Most of the treaty concerned itself with the border between French holdings in northern Africa and Portuguese Guinea. The treaty essentially granted everything to Lisbon between the Casamansa and São Domingo de Cacheu Rivers on the north, and the Cajet and Componi Rivers on the south. The treaty also delimited boundaries between Portuguese controlled Cabinda and the French Congo.<sup>128</sup>

As the French government at the time was embroiled in domestic problems rather than being focused on imperial expansion in Africa, the French negotiators did not engage in much hard bargaining. It was perhaps for this reason that the Portuguese thought that they could get French support for their trans-African domains without too much haggling.

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<sup>127</sup> Keltie, *The Partition of Africa*, 144

<sup>128</sup> Government of the French Republic and the Government of the Kingdom of Portugal, "Franco-Portuguese Convention, May 12, 1886," in Edward Hertslet, *The Map of Africa by Treaty*, Vol 2: *Abyssinia to Great Britain and France*. (London: Cass, 1967), 673-675. The full document can be found in Appendix B.

Nevertheless, France was quite wary about giving Portugal any guarantee over the area. Nowell notes that the French “shied away from agreeing to concrete boundaries where France neither owned nor aspired to own any territory.” The closest French territory would be the French Congo, and even that was quite distant from the Portuguese claimed hinterland.<sup>129</sup>

Even so, Paris, at the request of du Bocage, the Portuguese Foreign Minister, did agree to include recognition of Portugal’s right and a map showing Portugal’s claims. The recognition ended up in the final treaty, signed on May 12, 1886, in this rather lackadaisical and wishy-washy statement:

The Government of the French Republic recognizes the right of His Most Faithful Majesty to exercise his sovereign and civilizing influence in the territories which separate the Portuguese possessions of Angola and Mozambique; reserving rights already acquired by other Powers and binds itself on its side to abstain from all occupation there.<sup>130</sup>

It was mere recognition, not any guarantee that could possibly bring aid to the Portuguese in the event of a collision between Lisbon and another European Power, such as Germany or Britain, over the territory. Indeed, the clause merely meant that Paris “had no objection to the Portuguese claims if they could be realized, but this, if not satisfactory, was better than nothing.”<sup>131</sup> The alternative would have been to have left France with nothing, which would have been much worse. If Portugal had managed

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<sup>129</sup> Nowell, *The Rose-Colored Map*, 127-128

<sup>130</sup> Government of the French Republic and the Government of the Kingdom of Portugal, “Franco-Portuguese Convention, May 12, 1886,” in Edward Hertslet, *The Map of Africa by Treaty*, Vol 2: *Abyssinia to Great Britain and France*. (London: Cass, 1967), 673-675.

<sup>131</sup> Nowell, *The Rose-Colored Map*, 128

to get another power to sign on to its plans in southern Africa, that guarantee would have been far shakier than if two powers ratified Lisbon's plan for its African corridor.

The negotiations with Berlin, the other power to which Portugal turned for acceptance of its plans, would be far more difficult because the Germans had territory bordering the area in question.<sup>132</sup> They began at the end of 1885. A major point of contention between Portugal and Germany in these negotiations was the border between German Southwest Africa and Angola. The Portuguese believed that the boundary line extended to Cape Frio, based upon commonly held beliefs in the Portuguese government and the perception of it being recognized among the other European powers.<sup>133</sup> On the other hand, Germany believed that the southern limit of Angola was where the 18<sup>th</sup> parallel met the African coast line. They arrived at this number because of stipulations in an 1817 treaty between the British and the Portuguese. There was also language in the 1884 Anglo-Portuguese Convention stating much the same: that the limit of Portuguese control in West Africa ended at 18° south latitude.<sup>134</sup>

The Portuguese, rather slyly, argued that when the 1817 and 1884 treaties meant 18°, they were really talking about Cape Fria, which, incidentally, is located at 18° 24'

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<sup>132</sup> Ibid., 129

<sup>133</sup> Barbosa du Bocage to the Marquis de Penafiel, June 30, 1885, in Portugal, Ministerio de Negocios Externos, *Documentos Apresentados às Cortes Na Sessão Legislativa De 1887 Pelo Ministro E Secretario d'Estado Dos Negocios Estrangeiros: Negociações Relativas á Delimitação Das Possessões Portuguezas e Allemas na Africa Meridional* (Lisboa: Imprensa Nacional, 1887), 6. All citations have been translated by the author, unless otherwise noted.

<sup>134</sup> von Schmidthals to Barbosa du Bocage, December 1, 1885, in Ibid., 8

south latitude.<sup>135</sup> The actual distance between the two coordinates was only about 28 miles.<sup>136</sup> In the long scheme of things, it seems inconsequential to dispute a mere 30 miles, especially when Portugal already controlled about 750 miles of coastline in Angola alone. However, it is easy to understand why the Portuguese did so. Any area not controlled by Lisbon could be gobbled up by potential rivals. Thus, the quibbling over 28 miles of coast between the 18<sup>th</sup> parallel and Cape Fria shows that Portugal, like all the other colonial powers were caught up in what has been called the “scramble for Africa.”

Despite quibbling over minuscule boundary changes, Portugal was willing to work “by common accord and with the greatest precision to define the boundary between the adjoining possession of Portugal and Germany.”<sup>137</sup> Without delay the two governments began talking. Eventually Berlin and Lisbon came to an agreement. The border would be

A line that should be drawn, which, starting from the mouth of the Cunene follows its course by the left bank to the point which faces the Portuguese [fort at] Humbe... From [there] the line should be extended eastward along the parallel of latitude of Humbe until it strikes the Zambezi, taking into account as much as possible the boundaries of the native inhabitants of those parts.<sup>138</sup>

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<sup>135</sup> Barbosa du Bocage to de Schmidthals, December 15, 1885, in *Ibid.*, 9-10.

<sup>136</sup> The distance between two degrees of latitude is equal to 69.047 statute miles. 24' minutes of latitude is 2/5ths of one degree (60' = 1°). Thus, the 24' of latitude = 27.62 miles (69.047 x 2/5). Of course, the curves of the coastline would increase the distance between 18° and Cape Fria. However, 28 miles is a good approximation of the “as the crow flies” distance.

<sup>137</sup> Barbosa du Bocage to de Schmidthals, December 15, 1885, in *Ibid.*

<sup>138</sup> Memorandum of July 27, 1886, in Portugal, Ministerio de Negocios Externos, *Documentos Apresentados às Cortes Na Sessão Legislativa De 1887*, 11; Translated by Nowell, *The Rose-Colored Map*, 131

Nowell notes that this “pushed the German boundary claims still further north, because the Cunene enters the Atlantic at 17° 18’ S.” This did not make the Portuguese entirely happy, as they had to give up some territory above Cape Fria, but it was all the Germans were willing to yield, so it had to be good enough.<sup>139</sup>

Like the French treaty, the German treaty with Portugal provided for German recognition of Portuguese designs in the interior of Central Africa. However, the difference between the two was that the German document was more precise and definitive. It very well had to be, as, unlike France, Germany had territory bordering the effected area. Any ambiguity could lead to later disputes over previously promised territory. The treaty promised in Article 3 that

His Majesty the German Emperor recognizes the right of His Majesty the King of Portugal to exercise his influence of sovereignty and civilization in the territories which separate the Portuguese possessions of Angola and Mozambique, without prejudice to the rights which other Powers may have acquired there up to now of exercising their sovereign and civilizing influence. And in accordance with this acknowledgement, binds himself not to make acquisitions of sovereignty in the territories in question, not to accept Protectorates in them, and, finally, not to place there any obstacles to the extension of Portuguese influence.<sup>140</sup>

In this text, Germany bound itself to not only recognize Portugal’s aspirations to the interior, but agreed to actively desist from attempting to claim any of it. This was much more of a help to Lisbon than the French had been. Paris was merely content to acknowledge Portuguese claims, but not to do anything to aid the Portuguese. The

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<sup>139</sup> Nowell, *The Rose-Colored Map*, 131-132

<sup>140</sup> Government of the German Empire and the Government of the Kingdom of Portugal, "German- Portuguese Declaration, December 30, 1886," in Hertslet, *Map of Africa by Treaty*, Vol. 2: *Abyssinia to Great Britain and France*, ( London: Cass Co., 1967), 703-705. See Appendix B for the text.

reason for the dichotomy of responses to Portugal's plan had much to do with colonies. A trans-Africa corridor controlled by Portugal seriously curtailed any possible expansion by Berlin. However, it also limited British expansion, which could, in the long run, be beneficial to Germany. On the other hand, France, which did not have any interest in the area, would not bind itself to Lisbon's scheme and risk getting involved where it had nothing to gain.

As the treaty had to be ratified by the Portuguese Cortes to go into effect, the government submitted it to the Chamber of Deputies. The ratification process was not flawless; rather, there was some opposition. One of the deputies that opposed the treaty was a man named Alexandre Serpa Pinto. He had previously been an explorer in Africa, and crossed the continent from Angola to Mozambique in the 1870s. As such, he was something of a national hero in Portugal. On his return to Portugal from Africa he got himself elected to the legislature. His reasons, as well as those of others, for opposing the treaty was that the Portuguese had given too much to the Germans for the border they did secure. The treaty divided "a region that was a natural unit." Further, defining the boundary between Angola and Southwest Africa at the Cunene River was shaky at best because there were seasons when the river would dry up or not be visible at all.

Barbosa du Bocage's successor in the Foreign Ministry post was Henrique de Barros Gomes, and it was he who led the fight to get the treaty ratified. Though the land given to Berlin was large, he said, the border that Lisbon had acquired was the "best obtainable for protection of Portuguese interests between the Cunene and the

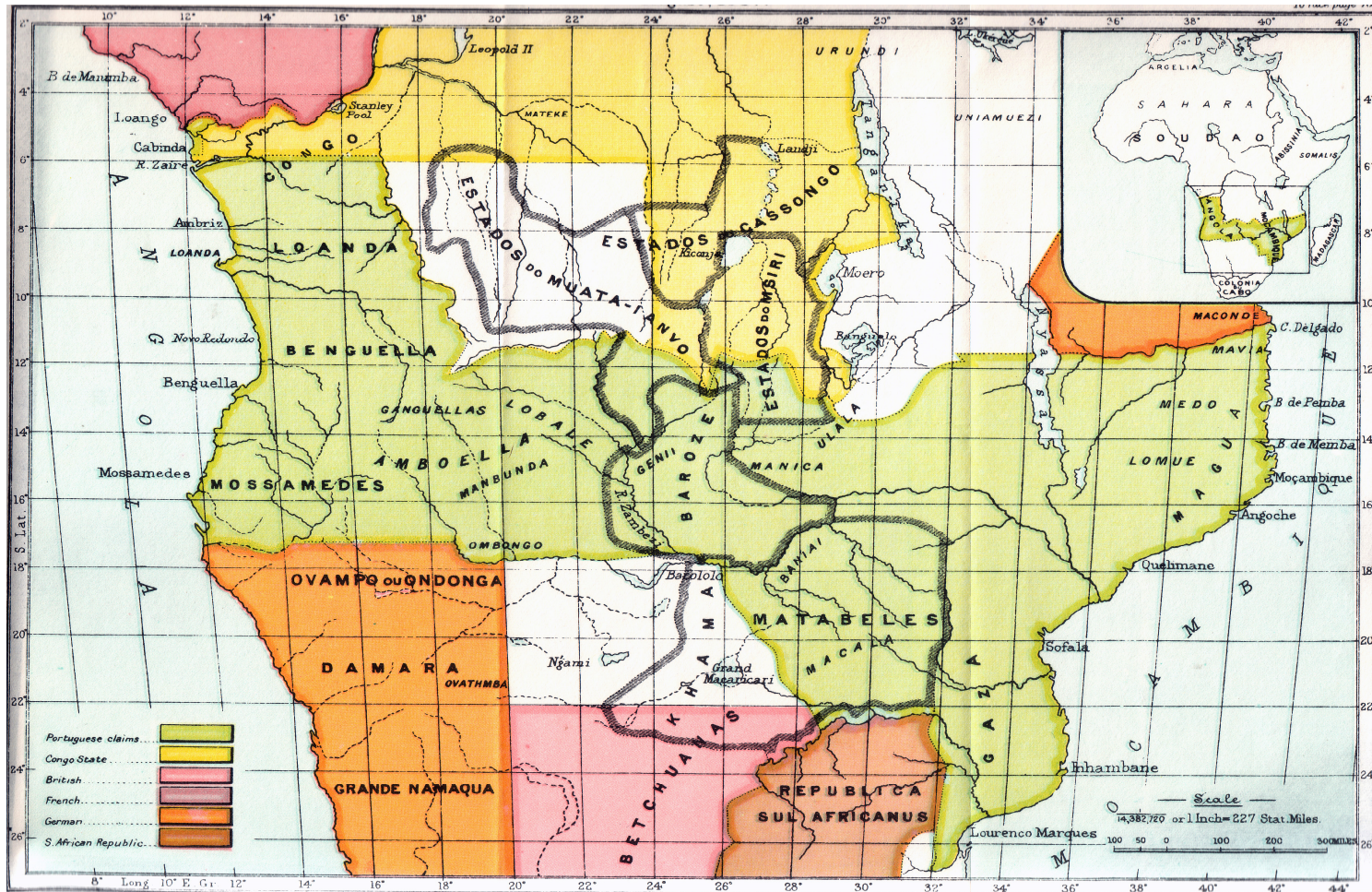


Figure 4.1 Edward Hertslet's Reproduction of the Rose Colored Map in *The Map of Africa by Treaty*. This map shows Portuguese claims in Central Africa as delineated by the German-Portuguese treaty, which are colored green in this replica.



Cubango” Rivers. The Cunene and Cubango Rivers were the edges of southwest Angola. At the current time, Barros Gomes reasoned, it was easier to find the mouth of the Cunene than it had been in the recent past. Furthermore, prolonged competition with more powerful nations like Germany would end in disaster for lesser nations like Portugal.

Despite the opposition in the Cortes, the German-Portuguese treaty eventually was ratified. As part of the documentation on the treaty and on the French document (which was ratified a few months later), Barros Gomes prepared a map showing the territorial claims that Portugal aspired to in the interior of Africa. This was the eponymous Rose Colored Map. In it the territorial claims of Portugal were colored pink or rose. The claims of the British were colored “blue, German brown, the Congo Free State, yellow, and unclaimed areas were left white.”<sup>141</sup> Figure 4.1 shows a reproduction of the map from the second volume of Edward Hertslet’s *Map of Africa by Treaty*. The colors are different in the reproduction than they are in the original. In Hertslet’s copy, Portuguese claims are green; the Congo Free State remained yellow, with British claims colored pink. The French colonies near the mouth of the Congo are colored red, while the Transvaal’s territory is brown. Blank areas are white.<sup>142</sup> As often happens with maps, what was printed on the Portuguese document was interpreted

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<sup>141</sup> Nowell, *The Rose-Colored Map*, 135-136

<sup>142</sup> Edward Hertslet, “Map Laid Before the Portuguese Cortes Shewing the Territories in Africa claimed by Portugal, August, 1887.” (London: British Foreign Office, August 1887), in Hertslet, *Map of Africa by Treaty*, Vol. 2, Between pages 705 and 706.



“in Portugal and elsewhere to denote full ownership,” even though they were unoccupied and proposed claims.<sup>143</sup>

The treaty negotiations with Germany were conducted in secret, so as to not elicit interference from the British. Naturally, it was not very long before London found out about Portugal’s efforts. When they did find out, Great Britain lodged a formal protest against the Portuguese. London’s objections to the whole affair stemmed primarily from the fact that “there was not a sign of Portuguese jurisdiction or authority” in most of the territory. However, in certain areas, notably around Lake Nyassa, there were British settlers. Understandably so, Britain called on Portugal under the terms of the 1875 Delagoa Bay arbitration agreement to cease implementing the Rose Colored Map.<sup>144</sup>

Britain’s biggest complaint with the 1886 German treaty was that it did not abide by the principles of international law established the previous year at Berlin.<sup>145</sup> As has been previously mentioned, the Berlin Conference Act threw out historic claims as an appropriate means of gaining territory in Africa. In its place the idea of effective occupation was instituted, whereby territory a state desired had to be occupied by that power. Then, once that was completed, the occupying power would notify the other

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<sup>143</sup> Nowell, *The Rose-Colored Map*, 136.

<sup>144</sup> The arbitration agreement limited the expansion of Portuguese dominions in Tongaland ( in northeast South Africa) to north of 26° 30’ south latitude.

<sup>145</sup> British Legation at Lisbon, "British Protest against Treaties between Portugal and France, and Portugal and Germany, August 13, 1887," in Edward Hertslet, *The Map of Africa by Treaty*, Vol. 2: *Abyssinia to Great Britain and France*, (London: Cass Co., 1967), 705-706. A copy of the protest can be found in Appendix B.

signatory powers about their newly formed occupation.

If one considers the treaties with Germany and France as forms of notification about the intent to occupy, then the Portuguese followed the whole procedure backwards. Instead of occupying first and then telling the signatories of the Berlin Act, they claimed and notified the other powers, and then sought to occupy the lands in question. Thus, it is readily apparent as to why the British protested like they did: the Portuguese were blatantly violating international law. Such an attitude is not surprising in the least. The British sought to adhere to international law because, according to Caspar Sylvest, “justification for territorial expansion [was] premised on the fundamental distinction between civilization and barbarism.”<sup>146</sup> Adherence to international law—in this case effectively occupying a claim-- was a hallmark of being “civilized,” whereas taking territory by force or by subterfuge was a mark of barbarism. Thus, if London stuck to the tenants of the law of nations, it would justify expansion throughout the world, as it was bringing civilization to the “barbarians.”

However, the British only really followed international law when it fit its interests to do so. In the case of Portugal’s trans-Africa corridor, there were definite British interests at stake, especially in the Shiré district.

#### 4.2 The Transitional Period

The dispute did not really gain momentum until 1888, when the British established a protectorate with Lobengula, the chief of Matabeleland, which is in

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<sup>146</sup> Caspar Sylvest, “‘Our Passion for Legality:’ International Law and Imperialism in Late Nineteenth Century Britain,” *Review of International Studies*, Vol. 34 (2008), 406.

western Zimbabwe. Lobengula was “by far the most powerful of South African potentates.” Even so, he desired to have some protection from incursions by the Portuguese and by the Boers in South Africa.<sup>147</sup>

The idea of a protectorate over what later became Nyasaland came from a conversation Lord Salisbury, the British Foreign Secretary and Prime Minister, had with representatives of the Scottish missionaries left in the African Great Lakes country in the 1870s by David Livingstone. Livingstone, in his travels throughout South-Central Africa, had set up missions throughout Nyasaland in an attempt to convert the natives. He had little success in this venture. However, his perspectives on the still-active slave trade, which circulated throughout the British Isles via his best-selling books, “caused an outcry in Britain against the East African slave trade.”<sup>148</sup>

Though he won few souls over to Protestantism, the missions that Livingstone and those that followed him established in the area—including one a few miles west of the Shiré River at a place called Blantyre, named after Livingstone’s home city in Scotland--were, as Jonathan Reynolds notes, “catalysts of cultural change.” The missions “placed a high value on the reading of scripture and hence on literacy. Teaching converts to read and write ... were considered the core purpose of mission

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<sup>147</sup> Miguel Martis D’Antas to Henrique de Barros Gomes, March 7, 1889, in Portuguese Ministry of Foreign Affairs, *Documentos Apresentados às Cortes na Sessão Legislativa de 1890: Correspondencia com a Inglaterra e Documentos Correlativos Até 13 de Janeiro de 1890*. (Lisbon: Imprensa Nacional, 1890), 12-13.

<sup>148</sup> Reynolds and Gilbert, *Africa in World History: From Prehistory to the Present*. (Upper Saddle River, NJ: Pearson Prentice Hall, 2004), 216.

schools.”<sup>149</sup> Reading and writing permitted those who learned to have far more superior access to the affairs of the colonial state than those who were illiterate. Because the newly literate Africans could write letters of protest and understand what was going on by reading newspapers and reports, they became a potential new political force for lobbying the British Government alongside the Scottish missionaries to keep the Portuguese out of the area around Lake Nyasa.

The Scottish missionaries did not want to be ruled by a Catholic country like Portugal, whom they feared would cause problems for their civilizing efforts in Africa. Despite sincere Portuguese assertions to the contrary, the missionaries doubted that Lisbon would protect them or that they would be allowed to continue their missionary efforts in the region in the event of Portugal’s acquisition of the area. The Portuguese government, however, did not, according to Nowell, seem to have any objections over the presence of the missionaries in the area. Their dispute with the British over the area was political, not religious. Indeed, “dislike the missions Portugal did, but this distaste grew from fear that they were preparing the way for annexation by their government,” which was a common way that European powers acquired new territories in Africa: by trying to protect religious organizations from attacks, or by reining in unruly religionists.<sup>150</sup>

Though the Portuguese promised to allow the Lake Nyasa area to be proselytized by the Protestant Scottish missionaries, it does not follow that Lisbon did

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<sup>149</sup> Ibid., 309

<sup>150</sup> Nowell, *The Rose-Colored Map*, 76; Reynolds and Gilbert, *Africa in World History: From Prehistory to the Present*, 309

not send forth its own missionaries to convert the natives. In fact, nothing could be further from the truth. From the beginning of its colonial empire Portugal had sought religious expansion and conversion among the subjects of its territories. Missionary efforts, according to Duffy, were “a logical expression of national character.”<sup>151</sup> Like the British missionaries around Lake Nyasa, Portugal’s Catholic missions were made “responsible not only for the spiritual welfare of the African but also for his educational and physical welfare.”<sup>152</sup>

Like other aspects of its African empire, it was not until the latter half of the nineteenth century that Lisbon began “shoring up the dilapidated missionary program,” which had gradually declined since its heyday in the sixteenth century.<sup>153</sup> In April 1889 the Portuguese and the French established a “Catholic mission by the lake, more to counter British influence than because of its own religious zeal,” with several priests subsidized by the Lisbon government.<sup>154</sup> Though the British missions in the area did not begin under the same auspices, London did eventually annex the lands in the area into full fledged colonies.

Nevertheless, the territory south of Lake Nyassa- called the Shiré district – was vacant territory, not claimed by either Britain or Portugal. Moreover, and as a result of meeting between representatives of the Shiré missions and Salisbury, the British Prime

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<sup>151</sup> James Duffy, *Portuguese Africa*. (Cambridge, MA: Harvard University Press, 1961), 104.

<sup>152</sup> *Ibid.*

<sup>153</sup> *Ibid.*, 112.

<sup>154</sup> Nowell, *The Rose-Colored Map*, 154-155.

Minister would not consciously permit any outside nation to interfere with the Scottish missionaries.<sup>155</sup>

Harry Johnston, a Foreign Office diplomat who had some experience with African problems, was dispatched to Mozambique in March 1889 to replace the British consul there. The Portuguese requested that he stop in Lisbon prior to going to Portuguese East Africa to see if the dispute over the Central African hinterland could be resolved. Once there, he informed Portuguese Foreign Minister Henrique de Barros Gomes of “the Cape to Alexandria idea,” which was the precursor to Cecil Rhodes’ Cape to Cairo dream.<sup>156</sup> In exchange for permitting Britain to acquire this north to south corridor, the Portuguese would be granted sovereignty over the southern parts of Lake Nyassa. Lisbon would also gain control of the Zambezi River basin. In return Portugal was to completely abandon its claims for Mashonaland, Matabeleland, and the whole trans-African corridor idea. This was agreeable to both sides, who signed a treaty to the effect in the spring of 1889. Perhaps the most radical part of the whole treaty was that it gave the Lake Nyassa area to Portugal. Lake Nyassa, as has been stated before, was where Scottish Presbyterian missionaries had established themselves. They would be under the dominion of Portugal if the treaty was ratified. Such a state of affairs

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<sup>155</sup> D’Antas to Barros Gomes, May 18, 1889, in *Ibid*, 39. Reynolds and Gilbert, 309.

<sup>156</sup> The basic idea of the Cape to Cairo idea was a stretch of British territory running from Cairo, Egypt in the North to Cape Town, South Africa in the south. The British finally achieved this dream at the end of World War I when they gained Tanzania from the Germans at the Versailles Conference. Lois A. C. Raphael, *The Cape-to-Cairo dream; a study in British imperialism*, (New York: Octagon Books, 1973).

would not be acceptable to them, as they feared that a Catholic Portugal would limit their missionary activities.

In the end, Johnston did not have the authority to conclude a treaty with Lisbon. That should have been Ambassador George Petre's responsibility. Nevertheless, Lord Salisbury called Johnston back to London and allowed him to explain to the Scottish Presbyterian Church leadership the terms of the treaty. When they rejected it flatly, Salisbury killed the treaty, causing it to not be ratified. What could have been an easy solution to the problem of the Portuguese trans-Africa corridor was rejected, and negotiations continued, with no end in sight. Johnston went on to Mozambique to assume his consular post.<sup>157</sup>

In order to keep the Portuguese out of the Nyassa region, the British Government eventually expanded the Protectorate over Lobengula's territories to include the Lakes District. *The London Times* noted that "the whole region to be included would lie between the south end of Tanganyika, the west shores of Nyassa, the southern boundary of the Congo Free State, and the western and eastern possessions of Portugal, down to the frontiers of the Bechuanaland protectorate."<sup>158</sup> This territory by and large comprised the same territory that Portugal had claimed in East Africa with its Rose Colored Map, though for the most part Bechuanaland was outside of the proposed Portuguese sphere of influence.

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<sup>157</sup> Nowell, *The Rose-Colored Map*, 169-172

<sup>158</sup> D'Antas to Barros Gomes, May 29, 1889, in Portuguese Ministry of Foreign Affairs, *Documentos Apresentados ás Cortes na Sessão Legislativa de 1890.*, 45.

From this point onwards, a pattern arose in the relations between Britain and Portugal. When one side would do something, the other would reciprocate. Lisbon and London entered into a period of rivalry, trying to outdo each other. The rivalry eventually escalated to the point of disaster for the Portuguese.

The Portuguese response to the protectorate was for the Chamber of Peers in Lisbon to declare in June 1889 that Eastern and Central Africa belonged to Portugal based upon the rights of prior discovery and effective occupation. This was demonstrated by the “constant demonstration of political influence for centuries” prior. Portugal’s claim was also strengthened by the treaties made in 1886 with the Germans and the Portuguese.<sup>159</sup>

#### 4.3 Serpa Pinto Aggravates the Situation

In March of 1889, Serpa Pinto, the old Portuguese hero, went to Portuguese East Africa for a third expedition into the Nyassa area. The general purpose of the expedition was to explore the Mashonaland and Chequalaquala regions, and also to make tribal chieftains in the area subject to Portuguese rule. It was to be a scientific mission, purely for exploration.<sup>160</sup>

However, Serpa Pinto received word that the Makololos, a migrant tribe originally from the area of Bechuanaland (modern-day Botswana), had been causing trouble at the point where the Shiré River meets the Ruo River in Mozambique. He

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<sup>159</sup> Barros Gomes to Portuguese Ministers in Paris, Brussels, the Hague, London, Berlin, Rome, and the Portuguese Embassy in Rome, June 6, 1889, in *Ibid.*, 52.

<sup>160</sup> The Portuguese Navy Minister to the Governor of Mozambique, April 1, 1889, in *Ibid.*, 18-19; Nowell, *The Rose Colored Map*, 179.



decided to investigate. Ascending the Zambezi River with the 2,000 Zulu and Portuguese soldiers granted to him by the Portuguese government for the expedition, he set up camp on the Shiré River. Serpa Pinto then moved up the river with 300 soldiers and arrived at the Massingire district, where he met a Portuguese explorer, a man named José Cardoso.

Cardoso informed him that Portugal had very little control over the area. The natives were threatening to rebel and kill any Portuguese settlers in the area. To make matters worse, the Makololo chief, a man named Mlauri, was also threatening to attack other natives in the area if they provided aid of any kind to Serpa Pinto's expedition. In an act of seeming braggadocio, the Portuguese explorer told the natives in the surrounding area that they did not have to fear Mlauri as long as the Portuguese explorer was there, as he "had force enough for their protection."<sup>161</sup>

At this point one of Harry Johnston's underlings arrived on the scene. He informed Serpa Pinto that Mlauri and his band of men were under the protection of the British Government. Thus, it would not be prudent to provoke the Makololos, lest armed conflict result, which could draw the Portuguese into war with Britain. In a meeting, Buchanan warned Serpa Pinto to not advance up the Shiré, which would provoke Mlauri.<sup>162</sup>

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<sup>161</sup> Ibid., 180

<sup>162</sup> Governor of Mozambique to the Minister of the Navy, August 30, 1889, in Portuguese Ministry of Foreign Affairs, *Documentos Apresentados às Cortes na Sessão Legislativa de 1890*, 66.

Serpa Pinto replied to this challenge of his orders to continue up the Shiré by telling Johnston that if he was “attacked in Makololo territory, he would take the offensive and ‘finish off’ the trouble.” In regards to the English settlers in the area, Serpa Pinto further promised that:

If the Makololo make war on me I have no fault in it, and if, as you say, this war should bring grave damages to the English [at] Blantyre [one of the Scottish missionary settlements in the Nyasa area], I shall have the more to grieve for this, and I shall do all that is possible to safeguard the interests of Her Britannic Majesty’s subjects; the English of Blantyre and the Makololo chiefs who shall attack me being alone blameworthy.<sup>163</sup>

In other words, Serpa Pinto was not engaged in wanton destruction of English settlements in the area, and nor would he be. Rather, if he was attacked he would fight back. The Portuguese would protect innocent settlements from collateral damage. Further, Serpa Pinto indicated that he was going to continue up the Shiré, as he had not received news to the contrary from Lisbon.

Fearing an attack, Serpa Pinto called up the rest of his men to come into Massingire. Unsure of what to do, he left the expedition under the command of Álvaro Ferraz, a railroad engineer who tagged along to survey a rail line into the Shiré, and went to Quelimane, on the Mozambique coast, to ask for clarification on whether Lisbon would unconditionally support him or not in further advancement into the Nyassa area. The response was somewhat ambiguous, and it left Lisbon’s position open to interpretation.<sup>164</sup>

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<sup>163</sup> Quoted in Nowell, *the Rose Colored Map*, 183.

<sup>164</sup> *Ibid.*

While he was in Quelimane, news reached him that Mlauri, provoked by the presence of the Portuguese in his territory, had attacked the expedition on September 5<sup>th</sup>. Ferraz easily beat the Makololos back, and, by the end of the battle, six of Mlauri's men had been killed.

The attack somewhat frightened Serpa Pinto, who wired the Minister of the Navy that the attack was without a doubt instigated by the British. Because of this seeming attack on Portuguese citizens in the area for alleged scientific reasons, it was "indispensable to respond quickly and energetically to prevent the total loss of the Shiré."<sup>165</sup> However, there was some question as to who attacked first. Johnston reported to his government that the Portuguese advanced up the river, which provoked Mlauri to attack them.<sup>166</sup> Reality was probably somewhere in between.

Serpa Pinto followed his own advice, and, returning to his expedition, mustered reinforcements in the various Portuguese settlements along the way. The Makololos attacked the expedition once again, this time bearing two British flags, on November 8th.<sup>167</sup> Seventy-two Portuguese were killed. Charles Nowell provides this description of the battle:

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<sup>165</sup> Serpa Pinto to the Navy Minister, September 5, 1889, in Portuguese Ministry of Foreign Affairs, *Documentos Apresentados ás Cortes na Sessão Legislativa de 1890*, 67; Nowell, *The Rose Colored Map*, 184.

<sup>166</sup> Memorandum by Sir Percy Anderson on the Portuguese Campaign in Africa, January 6, 1890, in Kenneth Bourne and D.Cameron Watt, eds., *British Documents on Foreign Affairs: Reports and Papers from the Foreign Office Confidential Print. Part I: From the Mid Nineteenth Century to the First World War, Series F: Europe, 1848-1914. Volume 29: Portugal, 1846-1907.* ([Frederick Md.]: University Publications of America, 1987), 341.

<sup>167</sup> Governor of Mozambique to the Naval Minister, November 17, 1889, in Portuguese Ministry of Foreign Affairs, *Documentos Apresentados ás Cortes na Sessão Legislativa de 1890*, 85

The two attacking forces bore British flags and charged fiercely, but were beaten back by the fire of Kropatschek and Martini rifles and a Nordenfeld machine-gun. As the Makololo recoiled, Serpa ordered his Landins to charge them and José Cardoso to attack them in the flank. Temudo handled a piece of artillery and Ferraz operated the Nordenfeld...The fight lasted about an hour, at the end of which Makololo were in full flight, leaving 184 men dead on the field.

Serpa Pinto believed that the British had ordered the attack on the expedition. This was based on the belief that the flags that the natives carried into battle were made of a rougher material that was customarily used in “local trade” in the area. Furthermore, the natives possessed Martini rifles, which to him suggested that the Makololos had been supplied by the African Lakes Company.<sup>168</sup>

Due to illness, Serpa Pinto left his Shiré expedition in the hands of one of his underlings, a man named Coutinho. The Portuguese continued to advance, and the “lieutenant carried out instructions so speedily as to be regarded in Portugal as the real hero of the campaign.” He was named military Governor of the Shiré. Due to the large number of native tribes vassalizing themselves to the Portuguese, by the end of November “the country to... Murchison Falls had been pacified under Portuguese authority.”<sup>169</sup> The Shiré had been militarily occupied by Lisbon. Though the expedition was originally deemed to be scientific, it “conveniently” ended up occupying part of the territory that the Portuguese had claimed in their Rose Colored Map. Even so, Portugal’s successes in suppressing the Makololo attacks emboldened them to carry out other plans to try and realize the national dream of a trans-Africa corridor.

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<sup>168</sup> Nowell, *The Rose Colored Map, 185-186*.

<sup>169</sup> *Ibid.*, 186-187.

The rivalry between Britain and Portugal continued unabated. Queen Victoria, at the behest of Cecil Rhodes, the South African diamond magnate, granted the British South Africa Company the territory “immediately to the north of British Bechuanaland, and to the north and west of the South African Republic, and to the west of the Portuguese dominions” in November 1889.<sup>170</sup> The operations area of the British South Africa Company overlapped with the boundaries established by the combined protectorate of Lobengula and the Great Lakes area. By granting this territory to a royally chartered company, it effectively cut the Portuguese out of the corridor that they had desired from Angola to Mozambique. They could not try to force the South Africa Company out of the area without risking armed conflict with the British.

However, the Portuguese were not easily swayed from their scheme. Lisbon’s response to the South Africa Company’s charter was to announce on November 9<sup>th</sup> that a new district would be established in Mozambique. It would be headquartered in Zumbo, an ancient village on the Zambezi River.<sup>171</sup> The new district reached into Mashonaland, and also comprised “an immense tract to the northward approaching the frontiers of the Congo Free State and the Water Shed of Lake Nyassa.”<sup>172</sup>

The British, needless to say, were quite upset by this turn of developments. Salisbury told Petre to remind Barros Gomes that “Mashonaland is under British influence and to state [that] Her Majesty’s [Government does] not recognize a claim of

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<sup>170</sup> Appendix A of the Letter of D’Antas to Barros Gomes, November 12, 1889, in Portuguese Ministry of Foreign Affairs, *Documentos Apresentados às Cortes na Sessão Legislativa de 1890*, 71

<sup>171</sup> Decree Published in the *Diario do Governo*, November 9, 1889, *Ibid.*, 85-86.

<sup>172</sup> Salisbury to Petre, November 21, 1889, in *Ibid.*, 100.

Portugal to any portion of that territory.” Further, the British Government was “also unable to recognize the claims of Portugal to the territory north of the Zambezi indicated in the above mentioned proclamation.” The British recognized the “existence of Portuguese occupation at Tete and Zumbo” only. Anything beyond that was not acknowledged by London to be a part of Lisbon’s sphere of influence in the area.<sup>173</sup>

Barros Gomes noted that Portuguese claims in the area under question derived from a 1629 treaty with the defunct Empire of Monomotapa. According to the treaty, the emperor ceded his entire land to Lisbon. The empire extended over Mashonaland as well as other places.<sup>174</sup> Because it preceded the 1888 treaty the British had with Lobengula, the 1629 treaty should have precedence over London’s protectorate, thereby giving Portugal the land.

Evidence of this cession came from military forts in the area, which were abandoned “some two hundred years earlier.” Even though the fact that the forts were abandoned would suggest that the Portuguese were not effectively occupying the territory, and hence their claim moot, Lisbon creatively maintained that international law scholars had never determined that the effective occupation had to be continuous.<sup>175</sup>

While that was true, it was not very logical, for the very idea of effective occupation implies continuous occupation. Otherwise, by Portugal’s logic, any place

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<sup>173</sup> Ibid, 100-101.

<sup>174</sup> The Empire of Monomotapa and the Kingdom of Portugal. “Conditions of Vassalage of the King of Monomotapa to the Portuguese Crown, May 24, 1629, in Portuguese Ministry of Foreign Affairs, *Documentos Apresentados às Cortes na Sessão Legislativa de 1890*, 110-111.

<sup>175</sup> Extract of the *Standard*, December 9th, 1889, in Ibid., 121.

where a Portuguese flag had been planted in the long history of Portuguese discovery would have been Lisbon's sovereign territory. Not only was such a position untenable, but it was entirely rejected by the British Government, and by the other signatories of the Berlin Act. As Salisbury put it, "forts which are in ruins, and which have been neither reconstructed nor replaced can only prove... that, so far as territory is concerned, the domination of which they were the instrument and the guarantee is in ruins also."<sup>176</sup>

Negotiations in December of 1889 focused on the advance of Serpa Pinto's advance up the Shiré. Coutinho's intentions were to take "possession of the whole country up to [Lake] Nyassa. Moreover, he has given warning to the Blantyre British settlement that they must either place themselves under the protection of Portugal, or else take the consequences of not doing so." An attack on British subjects would not be accepted and was perceived by the British as a "serious infraction of the rights of a friendly state."<sup>177</sup> Petre asked Barros Gomes to respect the English missions and to not attack the Makololos.<sup>178</sup>

#### 4.4 Flashpoint: The Ultimatum, January 11, 1890

By early January 1890 the reluctance of the Portuguese to withdraw Serpa Pinto's forces from the Shiré caused much consternation in London. Petre told Barros Gomes that the refusal of Serpa Pinto's expedition to follow Johnston's declaration of a British protectorate over the Makololos was "totally unjustifiable, and was opposed to the

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<sup>176</sup> Salisbury to Petre, December 26th, 1889, in *Ibid.*, 153-154

<sup>177</sup> Petre to Barros Gomes, December 18th, 1889, in *Ibid.* 133.

<sup>178</sup> Naval Minister to the Governor of Mozambique, December 20th, 1889, in *Ibid.*, 144.

universal practice which governs the relations of civilized and friendly States in international disputes.”<sup>179</sup> Salisbury, weary of the back and forth with Lisbon over the past 3 years, began considering direct action to end the dispute over the Shiré. He put the British naval squadron patrolling the English Channel “on alert, pending orders to sail for the Portuguese coast, with care to let the Lisbon authorities know its intended destination.” Nowell notes that “the Portuguese matter became the center point of British diplomacy.” The use of force was permitted by the British Cabinet, should Portugal not yield to the pressure from Britain.<sup>180</sup>

Three days later, Salisbury, through Petre, wanted “an immediate declaration from the Portuguese Government that Portugal will not be permitted to interfere with the British Settlements on the Shiré and Nyassa... or any other country which has been declared to be under British protection.” This was requested to be placed in Petre’s hands by the 8<sup>th</sup>. Further, any territorial gain by Portugal was not to result from a use of force, as had been happening since September.<sup>181</sup> In essence, Britain expected Portugal to behave in a civilized manner.

Barros Gomes did respond on January 8<sup>th</sup>, promising to yield to the requests of the British in avoiding occupying the Shiré.<sup>182</sup> However, Serpa Pinto himself had

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<sup>179</sup> Petre to Barros Gomes, January 5, 1890, in Portuguese Ministry of Foreign Affairs, *Documentos Apresentados às Cortes na Sessão Legislativa de 1890*, 172.

<sup>180</sup> Nowell, *The Rose Colored Map*, 193-194.

<sup>181</sup> The Marquis of Salisbury to George Petre, January 2, 1890, in *The London Gazette*, January 17, 1890. Issue No. 26015, 283-284.

<sup>182</sup> Petre to Salisbury, January 8, 1890, in *Ibid.*, 284-285.



returned to Mozambique, but his troops had remained in the land of the Makololos.<sup>183</sup>

Such an action by the Portuguese Government would seem to contradict the assurances given by Barros Gomes. This was unacceptable to Salisbury, who on January 10<sup>th</sup> instructed Petre to get Lisbon to remove its troops from the Shiré forthwith.<sup>184</sup>

Furthermore, the newspapers in Mozambique reported that the Portuguese Governor declared that the Shiré was fully under the control of Lisbon and would be administrated by the Portuguese from that point on.<sup>185</sup> Things, it seems, had come to an impasse. Passions were running high, and it was only a matter of time until the situation spiraled out of control.

It did not take long for tensions to boil over. The next morning—January 11<sup>th</sup>—Petre handed Barros Gomes a note with British demands for an end to the situation. It read:

What Her Majesty's Government require and insist upon is the following: That instructions shall be sent to the Governor of Mozambique at once to the effect that all and any Portuguese military forces which are actually on the Shiré or in the Makololo or in the Mashona territory are to be withdrawn. Her Majesty's Government consider that without this the assurances given by the Portuguese Government are illusory. Mr. Petre is compelled by his instruction to leave Lisbon at once with all the members of his legation unless a satisfactory answer to the foregoing intimation is received by him in the course of this evening, and Her Majesty's Ship *Enchantress* is now at Vigo waiting for his orders.<sup>186</sup>

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<sup>183</sup> Petre to Salisbury, January 10, 1890, in *Ibid.*, 286.

<sup>184</sup> Salisbury to Petre, January 10, 1890, in *Ibid.*

<sup>185</sup> Churchill to Salisbury, January 11, 1890, in *Ibid.*

<sup>186</sup> Petre to Barros Gomes, January 11, 1890, in Portuguese Ministry of Foreign Affairs, *Documentos Apresentados ás Cortes na Sessão Legislativa de 1890: Correspondencia com a Inglaterra e Documentos Correlativos Até 13 de Janeiro de 1890.* (Lisbon: Imprensa Nacional, 1890), 198.

The much vaunted Ultimatum seems almost trivial—after all, withdrawal of a diplomat is often used to show displeasure of the diplomat’s government towards the government where his station is located. However, the threat to sever relations was further reinforced by a report Barros Gomes received from his consul in Zanzibar. The diplomat reported that on the same day the threat from London was given to Portugal, a squadron of 10 English naval ships set sail. They were rumored to be sailing to either Delagoa Bay or to Quelimane, in Portuguese East Africa.<sup>187</sup> It was clear that the British were willing to resort to war against their oldest ally to keep Portugal out of the Shiré.

After some deliberations with the Portuguese cabinet and Carlos I, Barros Gomes capitulated to the British demands. He wired to Petre that in “light of the imminent rupture of relations with Great Britain, and in consideration of all the consequences that [such a break] would produce, the Government of His Majesty resolves to accede to the demands” of Salisbury. Incredibly, the Portuguese Foreign Minister wished to also invoke Article 12 of the Berlin General Act—the arbitration clause—to resolve this particular argument.<sup>188</sup>

It is interesting that up until the Ultimatum, the Portuguese had been unwilling to follow the tenets of the Berlin Act. They used force and tried to obtain by treaty that which they should have attempted to occupy according to the effective occupation terms present in the Act. Salisbury denied the Portuguese international recognition for the

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<sup>187</sup> The Portuguese Consul in Zanzibar to Barros Gomes, January 11, 1890, in *Ibid.*

<sup>188</sup> Barros Gomes to Petre, January 11, 1890, in *Ibid.*, 199-200.

exact same reasons. Besides, he noted, the General Act of the Berlin West Africa Conference did not apply to the area in dispute, as it only was designated to be used for the Congo River Basin, not the Zambezi basin. According to Nowell, the Foreign Secretary's "decision left room only for direct negotiations between Portugal and England."<sup>189</sup> This was probably more beneficial to the British than to the Portuguese. If Lisbon managed to drum up international sympathy for its cause, it could conceivably convince any arbitrators to side with it instead of with London.

Somewhat smugly, Petre responded to Barros Gomes' backing down that he "hastened to inform my Government of the decision of the Portuguese Government, and I avail myself of this opportunity to renew to Your Excellency [Barros Gomes] the assurance of my highest consideration."<sup>190</sup> The British withdrew the Ultimatum.

On January 13<sup>th</sup>, the Chamber of Peers met to discuss the situation. The President of the Council, after speaking to the King, asked for the resignation of the Cabinet, in order for "someone else to proceed with better success in the negotiations with England." The resignation was accepted. In place of the previous Prime Minister, Antonio de Serpa Pimental, one of the negotiators at the Berlin Conference, was installed as Premier. Barros Gomes was replaced as foreign minister with Ernesto

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<sup>189</sup> Nowell, *The Rose Colored Map*, 196.

<sup>190</sup> Petre to Barros Gomes, January 13<sup>th</sup>, 1890, in *Documentos Apresentados ás Cortes na Sessão Legislativa de 1890*, 201.

Hintze Ribeiro. The new foreign minister would go on to negotiate with the British a treaty to conclude the whole dispute amicably.<sup>191</sup>

#### 4.5 Anti-British Sentiment in Portugal and Anti-Portuguese Sentiment in Britain

The Portuguese reaction to the British Ultimatum was understandably nationalistic because the event itself became a case of national honor. As might be expected, reactions to the Ultimatum were also anti-British. On January 12<sup>th</sup>, the day after the capitulation of the Portuguese Government, *the London Times* correspondent in Lisbon reported that the Republican party in Portugal instigated mobs to go about wreaking havoc throughout the city. One such mob attacked the British Consulate and “pulled down the standard and the escutcheon, cheering for Major Serpa Pinto, for the Army and Navy, and for Portugal.” The mob also broke windows, and attacked 2 English men, one of whom was seriously injured. Several mobs also went roaming about, shouting such things as “Viva Serpa Pinto! Viva Portugal!” When the police arrived, they quickly dispersed the mob. In Oporto, calls were made to boycott all British products.<sup>192</sup> The cheering for Major Serpa Pinto and the destruction of British property show that the general Portuguese populace (or at least the ones who engaged in mobocracy) clearly viewed the Ultimatum as something that was London’s fault.

The Lisbon Geographical Society received enough correspondence from angry members to fill an entire 250 page book with outrage over the “treason” that England

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<sup>191</sup> Barros Gomes to All Portuguese Legations, 13 January, 1890, in *Ibid.*, 202. See also Nowell, *The Rose Colored Map*, 196.

<sup>192</sup> “The Ultimatum to Portugal,” in *The London Times*, January 14, 1890.

committed against the Portuguese.<sup>193</sup> Several members proposed setting up a subscription to buy a warship so that 100 leagues of open coast on the African continent could be symbolically patrolled lest the British tried to occupy Mozambique or Angola.<sup>194</sup> Though these were far less destructive activities, they still demonstrated the discontent of the Portuguese over the showdown with the British. The purchase of a warship also shows something of a desire to engage Britain militarily. Though such an engagement would be futile and foolhardy, it is interesting that the high amount of nationalism prompted some to seriously consider it.

Pamphlets attacked the British as well, too. Following the Ultimatum, a large amount of pamphlets surged throughout Portugal excoriating London. Since they were all written for the same purpose, the documents all contained several similar characteristics. Angelina Vidal's *Odio á Inglaterra* (Hatred towards England), though it is a prayer in the form of poetry invoking the Virgin Mary, calls down the wrath of God upon the English. The poem began with the phrase, "Liberty died."<sup>195</sup> The Ultimatum tied Portugal's hands and prevented it from doing what it wanted.

A common response to the Ultimatum was to recall Lisbon's past glories. Vidal notes that "previous generations of illustrious people/ royal copies of Olympic heroes"

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<sup>193</sup> Sociedade de Geographia de Lisboa, *O Ultimatum Britannico: Correspondencia Expedida e Recebida Pela Sociedade de Geographia de Lisboa Relativamente Ao Ultimatum Dirigido Ao Governo Portuguez Pelo Inglez em 11 de Janeiro de 1890*. (Lisbon: Imprensa Nacional, 1890), 21.

<sup>194</sup> Correio Elvense to The Portuguese Nation, January 13, 1890, in *Ibid*.

<sup>195</sup> Angelina Vidal, *Odio á Inglaterra*. (Lisboa: Imprensa Minerva, 1890), 3, in , in Library of Congress., *The Portuguese pamphlets [1610-1921] a collection of pamphlets, published primarily in the 19th century, which was assembled for the most part by Antonio Augusto de Carvalho Monteiro*.

had explored the world and brought honor and glory to Portugal. The likes of Ferdinand Magellan (though he sailed for the Spanish), Vasco da Gama, Albuquerque, Castro, and Prince Henry the Navigator should be inducted into the Pantheon of Greek gods for their roles in making Portugal great. These were to come and save Portugal from its Carthage-like defeat at the hands of the British.<sup>196</sup>

Further, the affronted national honor of the Portuguese is very evident in these pamphlets. In the aptly named *A Affronta Nacional* (The National Affront), the offended nationalists raged:

Oh, perfidious England, slag of the nations!  
Thou cannot extinguish our burning and virgin hearts!  
Thou canst not extinguish the heroic Portugal  
The birthplace of Albuquerque, the birthplace of Pombal,  
Never again and never more.

In addition, the nation that assaulted the Portuguese homeland was “to be whipped” for their offenses. This was not to be done by the Portuguese people, the purported victims, but by the court of public outrage the world over.<sup>197</sup>

Lastly, in the eyes of the Portuguese, the nation in general and Serpa Pinto in particular could do no wrong. Several of the pamphlets were dedicated to him. Hailed as “the bold explorer and the valiant officer of the Portuguese Army,” Serpa Pinto

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Microfilm (Washington D.C.: Library of Congress Photoduplication Service, 1983), reel 68, document 3223

<sup>196</sup> Ibid., 5.

<sup>197</sup> Horacio D’Araujo, *A Affronta Nacional*. (Porto, Portugal: 1890), 10-11, in , in Library of Congress., *The Portuguese pamphlets [1610-1921] a collection of pamphlets, published primarily in the 19th century, which was assembled for the most part by Antonio Augusto de Carvalho Monteiro*. Microfilm (Washington D.C.: Library of Congress Photoduplication Service, 1983), reel 68, document 3223304

almost always is presented as a martyr to the whole debacle. D'Araujo notes that though "our Portugal is small and poor ... it is above all extremely noble." It was only the British that were at fault in the matter.<sup>198</sup>

It should be noted that these invectives against the British were largely carried out by the Republicans, who sought to use the Ultimatum "to strengthen its position [in Portugal] and... [the press] did not miss the opportunity to win the people over to the Republican side." However, though the Republican press was busy trying to undermine the Anglo-Portuguese Alliance because of the Ultimatum, it was not alone in condemning Britain for its actions. Maria Teresa Pinto Coelho notes that the whole Portuguese "press was unanimous in condemning the Alliance as the symbol of Portugal's political and economic dependence on Britain."<sup>199</sup>

Another place that anti-British sentiment was expressed in Portugal in the wake of the Ultimatum is the Portuguese national anthem. *A Portuguesa* was composed in 1890 as a response to the events of January 11<sup>th</sup>. Like pamphleteers engaged in the work of anti-British rabbleroising, the song references the past glories of the nation with such stanzas as:

Hoist the unconquerable Flag,  
In the living light of your sky!  
Europe cries out to the world entire:  
Portugal has not perished  
Kiss the soil jolly of yours  
The Ocean, roaring of love,

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<sup>198</sup> Ibid., 13.

<sup>199</sup> Maria Teresa Pinto Coelho, "British and Portuguese Attitudes Towards the British Ultimatum of 1890." *Annual Report and Review of the British Historical Society of Portugal*, Vol. 21 (1994), 20-21.

And your winning arm  
Gave new worlds to the World!<sup>200</sup>

In this verse, the song heralds the days of yore when the Portuguese were at the forefront of discovery. In that time, all of Europe looked to Portugal for leadership and guidance, as Lisbon alone could provide the gold and spices of the east. Underscoring the whole anthem, according to Maria Teresa Coelho, is a maritime theme. This is also consistent with the past glories idea. Almost implied in the anthem is the sorrow of losing such past glories, through centuries of decline, which had been forcefully removed. Indeed, it was through a return to the sea, she notes, would a return to the marvels and splendors of the past be possible.<sup>201</sup>

At any rate, the song in its original incarnation was decisively anti-English. Though it was changed prior to its adoption at the onset of the Portuguese First Republic, the national anthem, originally at the end of the chorus, featured the line:

Against the Britons, we march, we march!

The post-Republic version changed “against the Britons” to “against the cannons.”<sup>202</sup> Further anti-British sentiment can be found in the above mentioned stanza. It mentions that “Europe cries out to the world entire.” No mention is made here, and for that matter anywhere else in the song, of the British. Europe as a whole is, but not London. While it could be argued that Britain is a part of Europe, and is thus

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<sup>200</sup> Henrique Lopes de Mendonça, *A Portuguesa*, (1890). The lyrics of the whole anthem can be found in Appendix C.

<sup>201</sup> Maria Teresa Pinto Coelho, *Apocalipse e regeneração : o Ultimatum e a mitologia da pátria na literatura finissecular*, 1st ed. (Lisboa: Edições Cosmos, 1996), 158-159

<sup>202</sup> Pinto Coelho, “British and Portuguese Attitudes Towards the British Ultimatum,” 27-28.



represented in that way, the British and the Portuguese, through their alliance, have been an indelible part of each other for several centuries. This would suggest at least an implicit, if not overt mention of the close relationship the two nations share.

Nevertheless, there is not, which further adds to the anti-British nature of the hymn.

Though the voluminous nature of the anti-British sentiment in the press implies that the majority of people viewed the action as heinous, not all Portuguese were convinced that the Ultimatum was the sign of the coming Apocalypse. Rather, some noted that though the Portuguese Government had acted with cowardice and had violated the most sacred rights of states, Lisbon did not “have unfortunately means to resist effectively.”<sup>203</sup> This was a realist position, since any sign of resistance to British demands could have lead to open war with London, something that would have been even more disastrous to Lisbon. Nevertheless, it was more popular to complain about the situation than to accept it for what it was.

Like anti-British sentiment in Portugal, anti-Portuguese sentiment in Britain was very common around the time of the Ultimatum. In the January 18, 1890 edition of *Punch, or The London Charivari*, there is a small poem accompanied by a drawing (Figure 4.2).<sup>204</sup> The drawing shows a swarthy sailor addressing a smaller man in a military uniform. The smaller man is prancing carefree on land that is represented by a British flag. Stuck in the ground behind him is a sword. The swarthy sailor—a representation

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<sup>203</sup> Correio Elvense to Portugal, January 13, 1890. Sociedade de Geographia de Lisboa, *O Ultimatum Britannico*, 21.

<sup>204</sup> *Punch* was a satire magazine that mostly focused on political events. It would be roughly analogous to *Mad Magazine* in the United States.

of John Bull, the British stereotypical man—says to the smaller man, “look here my little friend, I don’t want to hurt your little feelings,— but, COME OFF THAT FLAG!!!”<sup>205</sup> It is clear that this illustration was meant to satirize and defend the Ultimatum.

The little man, Portugal, according to the British sailor, carelessly and recklessly traipsed all over British territory. Having the Portuguese man walk all over the flag in such a manner as to disrespect the flag was sure to invite anger at Portugal, and ultimately justify the British Government’s actions. The fact that John Bull did not wish to “hurt [Portugal’s] feelings” would demonstrate that it was only necessary to threaten its ally as needed, since that was the only way that London would get Lisbon to withdraw its troops from the Shiré.

The accompanying poem, like *A Portuguesa* and the pamphlets, also mentions the historic deeds of Portugal. But instead of lauding the greatness of the Portuguese, it is used as chastisement. Under no means did it justify the arbitrary occupation of another nation’s sovereign territory. Further, the more Lisbon tried to press its historic claims in regards to the Rose-Colored Map, the more foolish it made the Portuguese look to the British. There is also further warning not to press the issue about the Rose-Colored Map any further as Portugal had already “tested [the wrath of Britain] in circumstantial manner.”<sup>206</sup>

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<sup>205</sup> “Plain English!” in *Punch, or the London Charivari*, Vol. 98 (January 18, 1890), 31. John Bull is roughly equivalent to Uncle Sam in the United States.

<sup>206</sup> *Ibid.*, 30.



PLAIN ENGLISH!

JOHN BULL. "LOOK! HERE, MY LITTLE FRIEND, I DON'T WANT TO HURT YOUR LITTLE FEELINGS,—  
BUT, COME OFF THAT FLAG!!!"

Figure 4.2 "John Bull" orders the Portuguese Soldier to "Come off that Flag" immediately.

The British press during the Ultimatum generally portrayed Portugal as an “uncivilized, backward nation--- [and] as a monkey in [one] cartoon.”<sup>207</sup> This seems consistent with Britain’s view of Portuguese expansion. It also implies that London was the champion of progress and humanitarian efforts in the world, since it was the adversary of backwardness and uncivilized behavior everywhere. Indeed, “allowing Portuguese progress in Africa meant betraying Livingstone’s most cherished dreams of converting and civilizing the natives.”<sup>208</sup> By portraying Portugal as little, *Punch* and other British publications reflected the long held belief in Portugal that the Alliance reduced the Portuguese to the rank of second class power in the alliance, and that the Ultimatum made such a state of affairs all the more true. It was only by the good graces of Britain that the Portuguese had not been either conquered outright by another power or absorbed into Spain.

Though the Ultimatum was a huge blow to the Portuguese and prompted a huge outcry among the populace in Lisbon, and though the British gained the territory in question, in the end the outcome of the whole affair was the least beneficial to the African natives in the area. They were merely pawns moved around by two distant European powers. For the natives, British colonial administration would have been more preferable than Portuguese governance because, as David Birmingham notes, "Britain would defend the rights of Africans over and above the rights of settlers and

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<sup>207</sup> Maria Teresa Pinto Coelho, “‘Pérfida Albion’ and ‘Little Portugal:’ The Role of the Press in British and Portuguese National Perceptions of the 1890 Ultimatum,” *Portuguese Studies*, Vol. 6 (1990), 189.

<sup>208</sup> *Ibid.*

prospectors” in the area.<sup>209</sup> It was Cecil Rhodes who was seeking to extend his influence into the area in order to exploit possible gold deposits in Mashonaland. On the other hand, "in the very narrow strip of coast territory where the Portuguese have power the natives are serfs at the best."<sup>210</sup> Though slavery had been eradicated officially in the Portuguese Empire by the late nineteenth century, an unofficial type of slavery still existed. This is what was meant by classifying the Africans as serfs. James Duffy states that:

A series of techniques were evolved under which the colony’s labor supply... remained relatively undisturbed. The simplest method was for the master to keep his former slaves under the pretence of contracted *serviçais*. In the interior, certain Portuguese, mulatto, and Negro profiteers operated as in the days of the slave trade, with the small difference that instead of buying the prisoners or subjects of a chief they contracted for them. For his part in gaining the contracts of workers, who remained in ignorance of the whole procedure, the chief was bribed with alcohol, powder, and guns.<sup>211</sup>

Furthermore, Portuguese relations with the natives were tempered by the fact that the vast majority of settlers from the mother country were prisoners exiled from Portugal. These prisoners were "not only at large, but [they were] leading men" in the colony.<sup>212</sup>

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<sup>209</sup> David Birmingham, "Britain and the African Background to the Ultimatum of 1890," *Studia*, Vol. 54-55, (1996), 27.

<sup>210</sup> Notes by the Rev. W.P. Johnson on the Portuguese and their Relation to Native Labour on the East Coast of Africa, June 14, 1884, in Kenneth Bourne and D. Cameron Watt, eds. *British Documents on Foreign Affairs: Reports from the Foreign Office Confidential Print. Part I: From the Mid Nineteenth Century to the First World War. Series F: Europe, 1848-1914. Vol. 29: Portugal, 1846-1907.* (Frederick, MD: University Publications of America, 1987), 292.

<sup>211</sup> James Duffy, *Portuguese Africa*. (Cambridge, MA: Harvard University Press, 1961), 153.

<sup>212</sup> Notes by the Rev. W.P. Johnson on the Portuguese and their Relation to Native Labour on the East Coast of Africa, June 14, 1884, in Kenneth. *British Documents on Foreign Affairs, Part I: From the Series F, Vol. 29: Portugal, 1846-1907*, 292.

It would not be much of an exaggeration to say that Portuguese relations with the natives were not too cozy in the presence of criminals who treated the Africans like mere chattel.

That the British Government would side with the natives instead of a flood of prospectors that would come into the area in the event of a gold discovery shows that overall the policy of the British Government towards the natives in the area was far more beneficial than the Portuguese native policy.

However, there is an apparent disconnect between the policies of the British Government and the practices of the missionaries at Livingstonia, near Blantyre. The Scottish missionaries routinely took advantage of the people that they were charged with “civilizing.” John McCracken tells the story of an “alleged murderer [who] was executed with ‘melancholy clumsiness,’ [and] one man [who] was repeatedly flogged for a crime which... he had not committed.” Another man was flogged so severely that he died the next day.<sup>213</sup> Despite the fact that all three of these abuses occurred in 1879, they still would have colored relations with the natives far beyond the 1880s. Though the abuses ceased shortly after they became known in Britain in 1880, conditions at Blantyre for the Africans remained abysmal. In 1889, a Portuguese traveler by the name of Cardoso went to Livingstonia in search of supplies for his expedition. He mentioned that

As nowhere else did I experience such hunger as at Livingstonia, it is not surprising that for us, and even for the blacks, it is much more useful to

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<sup>213</sup> John McCracken, *Politics and Christianity in Malawi, 1875-1940*. (London, New York, and Melbourne: Cambridge University Press, 1977), 65-66.

leave them with their primitive moral rules than to teach them to sing religious hymns of which they can never perceive any utility.<sup>214</sup>

Further, “the buildings were as badly constructed as those of the natives, and mission agriculture was as bad as aboriginal tillage.”<sup>215</sup> The missions were supposed to be a step up for the natives, who had, prior to the coming of the Europeans, lived in a “primitive” way.

Documentary evidence is lacking as to the specific reaction of the natives to the British Ultimatum. However, it is safe to assume that they were indifferent to the outcome of the Rose-Colored Map incident, as both the Scottish missionaries in the Shiré and the Portuguese in Mozambique were brutal and cruel in their treatment of the natives. Neither British nor Portuguese control of the area, despite London’s promises to uphold African rights, would have seemed appealing based upon the way the Scottish missionaries—in a sense the British vanguard in the area—and the Portuguese had treated the natives. The same could be said for British attempts to eliminate the profitable slave trade. Though the Europeans had largely banned the trade, it still continued with Arab traders who transacted with the tribes around Lake Nyasa. In the late 1880s the Yao, an African tribe in the Shiré “attacked the first Universities Mission at Magomero and battled with Harry Johnston. The Cewa, Ngoni, and Lunda similarly

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<sup>214</sup> Quoted in Nowell, *The Rose-Colored Map*, 84.

<sup>215</sup> *Ibid.*

fought an unequal struggle against white men who threatened to upset established ways of life.”<sup>216</sup>

Technically the various treaties that propped up the alliance throughout the centuries could be used to “[bind] England to assist in suppressing revolts in Portugal and throughout her colonies.”<sup>217</sup> Similarly, it could be argued that the alliance and Britain’s own avowed foreign policy of non-intervention would prevent it from issuing ultimatums to its lesser ally.

However, such was not the case. The Shiré, which Portugal claimed by right of conquest, treaty or by exploration, was merely claimed by the Portuguese, who did not have military means to effectively occupy it. It also happened to be claimed in part also by the British, who, it appears, did have the ability to occupy it. In the end, though it appears that Britain bullied its way into taking the territory. In reality, Portugal had no valid claim to the land, according to the effective occupation principle established at the Berlin Conference. It seems that what made the Ultimatum so galling to the Portuguese was the perception that the ancient treaties *should* have prevented Salisbury from issuing threats to its ally. When the British Foreign Secretary did this anyway, it ultimately made the Portuguese severely angry.

Rather, as Prestage notes about the stipulation that the British could help to suppress Portuguese rebellions, by “the nineteenth century such an obligation, if it ever

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<sup>216</sup> Robert I. Rotberg, *The Rise of Nationalism in Central Africa: The Making of Malawi and Zambia, 1873-1964*. (Cambridge, MA: Harvard University Press, 1965), 27.

<sup>217</sup> Prestage, “The Anglo-Portuguese Alliance,,” 96



existed, was held by British statesmen to have lapsed.”<sup>218</sup> The same situation is true in regards to the dispute over the land between Angola and Mozambique.

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<sup>218</sup> Ibid..

## CHAPTER 5

### THE SETTLEMENT AND BRITISH SHENANIGANS, 1890-1943

#### 5.1 The Process of Settlement

Once the Portuguese accepted the terms of the Ultimatum and began withdrawing from the disputed area, it was desirable to negotiate a settlement. The new government set to work doing this immediately. Serpa Pimentel, the new Portuguese Prime Minister, sent Barjona de Freitas to London to see what could be done with the British. He, according to Nowell, “hoped to salvage something of [the Rose-Colored Map scheme now in shambles],” even though “most Portuguese realized that [the plan] was a dead issue.”<sup>219</sup>

Nevertheless, Freitas went to London in February of 1890 and presented himself to Salisbury. Upon meeting the British foreign secretary, it was evident to Freitas that the ailing Salisbury regarded the issue as moot and not worth negotiating over. However, Freitas persisted, and he began negotiations with one of Salisbury’s underlings that same month.<sup>220</sup>

The initial strategy of the Portuguese minister was to attempt to invoke Article 12 of the Berlin Conference Act, which would require both Lisbon and London to submit the dispute to international arbitration. The British, needless to say, were not

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<sup>219</sup> Nowell, *The Rose-Colored Map*, 198

<sup>220</sup> *Ibid.*, 198-199. Salisbury at this time was intermittently ill and had to leave London

keen on this issue as Britain “had not found international arbitration satisfactory.”

Arbitration had a tendency to more often than not backfire on the British, as can be seen in the Delagoa Bay case, and the *Alabama Claims* case, both in the 1870s.<sup>221</sup>

With this plan of action rejected, Freitas proposed to Salisbury a transcontinental corridor on a much smaller scale than the previous Rose Colored Map. He later explained to the Portuguese Government that:

The English lack a strip of territory to pass from the south to the north and vice versa, and we need a strip...of land from coast to coast. The point where the two strips meet is, so to speak, the crossing point... that to greater or lesser extent would constitute the common zone subject to regulation made by agreement between the two countries.

The common area could be an international area where both parties would have equal access, similar in practice to the international nature of the Congo River in the Berlin Act. This appeared satisfactory for the Portuguese, who hoped that it would suit British interests as well.<sup>222</sup>

After six months of further negotiations—which admittedly were complicated by further northward movements by Cecil Rhodes in Matabeleland (present day Zimbabwe), a corridor of Portuguese territory in Central Africa found its way into the Anglo-Portuguese Convention of August 1890. This convention focuses on Portuguese East Africa, with little mention of Angola. The present boundaries of Mozambique were largely established with this treaty. All the territory between Angola and

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<sup>221</sup> Ibid., 199. *The Alabama Claims* was the suit brought against Britain by the United States over London's perceived aid to the Confederacy during the Civil War. It was decided in the Americans' favor in 1871

<sup>222</sup> Ibid.

Mozambique not covered by Mozambique's boundaries would be ceded to the British.

This was to include the Barotse Kingdom, the area around Lake Nyassa, and all territory south of the Zambezi that was not specifically delineated as Portuguese. Article 11 specifically mentions the land corridor. It says:

It is further understood that within a zone of 20 English miles on the north bank of the Zambesi Portugal shall have the right to construct roads, railways, bridges, and telegraph-lines across the territories reserved to British influence on the north of the Zambesi. Both Powers shall have the same right within a zone of ten English miles on the south of the Zambesi between Tete and the confluence of the Chobe, and within a zone of the same dimensions running from the north-east of the British sphere south of the Zambesi to the above-mentioned zone.

Though it was not exactly the trans-Africa corridor claimed by Portugal under the 1886-1887 treaties with Germany and France, it was something, which was better than nothing.

The most egregious part of the treaty, however, was Article 3. It declared that "Portugal engages that the territory of which the limits are defined in this Article shall not, without the consent of Great Britain, be transferred to any other power."<sup>223</sup> Though conceivably such a stipulation was a protecting measure for the British, as it would limit which powers could have access to South Africa, in Portugal it smacked of paternalism and intervention. It would be a clear violation of Lisbon's sovereignty, and would essentially reduce Portugal to a client state of London. Indeed, such terms, if they were accepted by Portugal, could later be used to justify other incursions into Portuguese

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<sup>223</sup> Government of the United Kingdom of Great Britain and Ireland and the Government of the Kingdom of Portugal and the Algarves. "Anglo-Portuguese Convention, August 26, 1890." *The London Gazette*, August 26, 1890, No. 26082, 4663-4665.

society, eventually reducing it to a full-fledged, British controlled crown colony. Such a situation was not acceptable. However, it was the best that Freitas could do in the situation, and his plan to retain some kind of trans-African corridor completed, he signed the treaty and returned to Portugal.

According to Eric Axelson, once “the terms of the Treaty of 20 August 1890 were published there was an intense outcry against them in Portugal.” Though the pro-government publications in the country thought it a fair settlement, the opponents of the Pimentel government declared that Portugal “had been degraded and humiliated even more than by the ultimatum.”<sup>224</sup> This seems to have arisen from the perception that the government was giving up what was sovereign Portuguese territory to the hated British. To give up even more territory after the British had humiliated Lisbon was particularly galling to those Portuguese smarting from the Ultimatum of eight months hence. Furthermore, the requirement that the British be consulted over any transfer of territory south of the Zambezi rankled many in Portugal.

When Serpa Pimental presented the treaty to the Portuguese Chamber of Deputies, there was much opposition to it, despite the generous terms it offered, so much so that the Government resigned. George Petre informed the Portuguese Government on October 6 that if the Chamber of Deputies did not ratify the treaty prior to going into recess, “Her Majesty’s Government would not consider themselves bound

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<sup>224</sup> Eric Axelson, *Portugal and the Scramble for Africa, 1875-1891*, (Johannesburg: Witwatersrand University Press, 1967), 259.

by the signature of it.” The Portuguese parliament did not ratify it, and the treaty became null and void. A new solution to the problem would have to be found.<sup>225</sup>

As the August treaty had not been ratified by the new Portuguese government, an Anglo-Portuguese *modus Vivendi* was negotiated and put into place in November. Despite commercial guarantees of maintaining the freedom of the Zambezi River and in the Shiré, the agreement essentially sought to maintain the status quo that the August Convention had established. More than anything, it was a truce to prevent further expansion that might once again lead to open conflict should British and Portuguese interests intersect once more in Africa. The treaty required both nations to promise to:

engage to recognize the territorial limits indicated in the Convention of the 20<sup>th</sup> August, 1890, in so far that from the date of the present Agreement to the termination thereof neither power will make Treaties, accept Protectorates, or exercise any act of sovereignty within the spheres of influence assigned to the other Party by the said Convention.<sup>226</sup>

Thus, even though the agreement between Salisbury and Barjonas de Freitas had expired and would not and could not be put into force, the limits proposed in the August 20<sup>th</sup> convention would be put into force until a new treaty could be negotiated. The *Modus Vivendi* was valid for a period of 6 months after it was signed on November 14<sup>th</sup>,

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<sup>225</sup> Edward Hertslet, *The Map of Africa by Treaty*, Vol III: *Great Britain and Germany to United States*. 3rd. Ed. (London: Cass, 1967), 1014

<sup>226</sup> Government of the United Kingdom of Great Britain and Ireland and the Government of the Kingdom of Portugal, "Anglo-Portuguese Modus Vivendi, November 14, 1890," in Edward Hertslet, *The Map of Africa by Treaty*, Vol. 3: *Great Britain and Germany to the United States*. (London: Cass, 1967), 1014-1015. The full text can be found in Appendix D.

though it was extended until the start of the negotiations for the May 1891 convention.<sup>227</sup>

Four days later, a somewhat tacit agreement came from Lisbon. Hertslet notes that “two Portuguese decrees were issued... one granting the right of transit for merchandise from Pungwé to the sphere of British influence... and the other granting free navigation of the Zambesi and the Shiré to the vessels of all nations.”<sup>228</sup> By complying with one part of the treaty, Portugal assented that it agreed with the whole agreement.

A new agreement was established in June of 1891. Its stated purpose, in typical Anglo-Portuguese alliance fashion, was to “settle definitively the boundaries of [the] respective spheres of influence.” Both signatory powers were also “animated with the desire to confirm the friendly relations between the two Powers.”<sup>229</sup> Though the agreement covers a great deal many subjects, it is useful to mention the two most important clauses of the agreement: the territorial delimitations of Portuguese Africa and the British right of pre-emption. Both of these stipulations, especially the pre-emption clause, would have important effects on future events.

The Anglo-Portuguese Agreement of June 11, 1891 conceded even less territory to the Portuguese in between Angola and Mozambique than did the August 1890

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<sup>227</sup> Ibid., 1015

<sup>228</sup> Ibid.

<sup>229</sup> Government of the United Kingdom of Great Britain and Ireland and the Government of the Kingdom of Portugal. “Anglo-Portuguese Treaty of June 11, 1891,” in Ibid., 1016. The Full Text can be found in Appendix D.

agreement. In Portuguese East Africa the territory granted to the Portuguese by the treaty covers by and large the current boundaries of Mozambique. Absent from this convention, though, was any mention of the 20-English mile swath of territory across Barotseland to Angola.<sup>230</sup>

Article 8 of the convention states that “the two Powers engage that neither will interfere with any sphere of influence assigned to the other by Articles I to VI. One Power will not, in the sphere of the other, make acquisitions, conclude Treaties, or accept sovereign rights as Protectorates.”<sup>231</sup> This clause seems to be an assurance to the Portuguese that the British would not interfere again in its colonies. It also dealt a death knell to Cecil Rhodes’ plans to eliminate the Portuguese completely from Central Africa.

For future events, however, Article 7 was the most important in the whole treaty. It stated that:

The two Powers agree that in the event of one of them proposing to part with any of the territories to the south of the Zambesi assigned by these Articles to their respective spheres of influence, the other shall be recognized as possessing a preferential right to the territories in question, or any portion of them, upon terms similar to those proposed.<sup>232</sup>

This clause replaced that which to Lisbon was the most galling part of the August 1890 convention: that is, the rights of the British to approve of any transfer by the Portuguese of its territorial land. If one power were to relinquish its claim on any part of its sphere

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<sup>230</sup> Ibid., 1017-1019.

<sup>231</sup> Ibid., 1020.

<sup>232</sup> Ibid.



of influence, the other would have the right to gain control of it before it was offered to other powers first. As shall be seen shortly, the British interpreted the clause to mean that they would have final say over what the Portuguese did financially with their colonies, just as if the previous consent clause had still existed in the 1891 treaty.

In a most ironic twist, any “differences of opinion between the two Governments as to the execution of their respective obligations... [would] be referred to the arbitration of two experts.”<sup>233</sup> At this point, any disputes over land could now be referred to arbitration, which could or could not be decided in Britain’s favor.

The treaty was accepted after being presented to the Portuguese Cortes in July, despite significant losses of most if not all territory in the former Rose Colored Map corridor. Such a difference from the August 1890 treaty begs the question as to why the Portuguese accepted less from the British after rejecting a more generous concession. The simple answer is that Portugal was ready for an end of the whole bad sequence of events.

Elizabeth Olivia Nelson notes that “by the summer of 1891 even Portugal had appeared anxious for a final settlement.” She quoted George Petre as saying that:

The change has come over public opinion in regard to the settlement of the differences with England is very striking and remarkable. The fact is, the bitter experiences of the last eight months and the present deplorable financial and industrial condition of the country have opened the eyes of all classes to the fact that Portugal committed an enormous error in rejecting the treaty of 1890, and that an error of that nature can not be repeated with impunity.<sup>234</sup>

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<sup>233</sup> Ibid., 1021.

<sup>234</sup> Elizabeth Olivia Nelson, *Anglo-Portuguese Relations in South Africa, 1891-1913*, M.A. Thesis, The University of Wisconsin, Madison, 1932, 18-19.

In other words, the Portuguese desired to salvage what they could from the situation and move on, before another treaty with even fewer provisions were offered to them should they reject the 1891 treaty. The Angola to Mozambique corridor could not and would not be salvaged, so the logical thing to do would be to focus on reviving Portugal. Even though Portugal was ready for closure, the Ultimatum remained a sore point with Lisbon for some time. Thus, it should be noted, by July of 1891 the whole matter of the Ultimatum was concluded.

### 5.2 Anglo-German Negotiations for Portuguese Colonies, 1898-1913

However, the conclusion of the Ultimatum episode did not mean that all was well with Lisbon and London regarding African colonies. Nothing was further from the truth. Indeed, C. Willis notes that by the time the First Portuguese Republic was established in 1910 and when the last stanza in the chorus of the Portuguese national anthem changed from “against the Britons” to “against the cannons,” “Portuguese humiliations and climb-downs... had become a recurrent characteristic of the ‘perpetual’ Old Alliance... [which had been] established centuries earlier.”<sup>235</sup> These humiliations, as it were, came about precisely because of the Ultimatum, and they continued to do so, at least until the end of the Second World War. Because the British largely got away with it, and the alliance stayed in place despite it, successive British governments became bolder and bolder with what they attempted to do with the Portuguese colonies.

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<sup>235</sup> C. Willis, “Wellington and Portuguese Reservations about the Old Alliance.” <[www.archives.lib.soton.ac.uk/wellington/pdfs\\_for\\_all/penin\\_willis\\_ed.pdf](http://www.archives.lib.soton.ac.uk/wellington/pdfs_for_all/penin_willis_ed.pdf)> (May 28, 2008), 1.

By 1898, Lisbon was in dire financial straits to carry out the day-to-day running of its government. It was also unable to pay the interest on the loans extended to it throughout the previous decade. Money would also be needed, according to F. Bertie, an English diplomat, “to provide also an Award in the matter of the Delagoa Bay Railway.”<sup>236</sup> This refers to a dispute in 1889 between the British and the Portuguese “in consequence of the seizure by the Portuguese of the railway to the Transvaal,” in South Africa. The disagreement eventually wound up in arbitration, and was settled in favor of the British in 1900, as Bertie seemed to expect it would.<sup>237</sup> This naturally compounded Lisbon’s financial woes.

The financial situation in Portugal became so bad that, according to the British embassy in Lisbon, “bread, coal and other necessaries have reached prohibitive prices; that distress and destitution prevail throughout [the country], and that the state of affairs is such that a crisis seems inevitable.”<sup>238</sup> To state the obvious, to alleviate the suffering in Portugal, it was necessary to raise money, perhaps through a loan. The Lisbon government’s solution to this was to send Luis de Soveral to the various capitals of Europe, soliciting money. He found a sympathetic ear among the British, who straightaway began negotiations.

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<sup>236</sup> F. Bertie, "Memorandum by Mr. Bertie on England and Portugal in Africa, May 1, 1898," in Great Britain. Foreign Office., G. P. Gooch, and Harold William Vazeille Temperley, eds., *British documents on the origins of the war, 1898-1914*. Vol. 1: *The End of British Isolation*, (London: H.M.S.O., 1927), 44

<sup>237</sup> *Ibid.*

<sup>238</sup> *Ibid.*, 45

However, the Germans complicated the whole situation, and sought to keep the British from gaining too much power in Portuguese Africa. Germany began a campaign to form an international coalition to force the British to stop their “intervention” in Portugal. However, this met to no avail: there was no interest in such a venture. Wesseling reports that the Russian Foreign minister remarked that the whole plan left him “completely cold.” Likewise, “France was equally indifferent of the affair in the wake of a cabinet crisis.”<sup>239</sup> The British government, “desirous of maintaining the best relations with Germany” in order to prevent Berlin from allying with the Boers in South Africa, was prepared to try and deal with the Germans at the same time as the Portuguese.<sup>240</sup>

During the controversy generated by its seeking a loan with the British, the Portuguese government in July announced to Lord Salisbury, who, after a brief stint away from the Foreign Office, once again became Foreign Secretary, that it “had decided in favour of leaving matters *in statu quo*... [which] involved the abandonment of all idea of a loan from the British or any other government.” This was further compounded by London’s adherence to the pre-emption clause in the 1891 Anglo-Portuguese Convention, and Lisbon’s unsuccessful attempt to get the British to abandon the idea. Salisbury further noted that though the Portuguese were abandoning the possibility of a British loan, the financial need that prompted Lisbon to seek after it in

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<sup>239</sup> Wesseling, *Divide and rule* , 315

<sup>240</sup> The Marquess of Salisbury to Viscount Gough, June 14, 1898, in Gooch and Temperley, *British Documents on the Origins of the War*, Vol. I, 48; also, H. L. Wesseling, *Divide and Rule : the Partition of Africa, 1880-1914* , 314-315.

the first place still existed.<sup>241</sup> Portugal continued to search for a financial solution to its domestic problems.

Nevertheless, negotiations continued with Germany about a possible loan to the Portuguese, in the event that Lisbon came looking for one again. The following month, and after much back and forth between London and Berlin, Britain and Germany agreed to the Anglo-Portuguese Convention. The agreement offered a loan to Portugal from both Berlin and London, with the customs duties of Angola, Mozambique, and Portuguese controlled Timor as something of a deposit.<sup>242</sup> Essentially, as Wesseling notes, “the British share would consist of the duties collected in Mozambique south of the Zambezi... and central Angola. The Germans would receive the rest.”<sup>243</sup>

Conveniently, the British claim also extended to Delagoa Bay, which the British had been attempting to acquire since the 1870s. Arthur James Balfour, one of Salisbury’s underlings, and F. Hatzfeldt, Germany’s ambassador to Britain, signed the document.

While this Convention sounded innocuous enough on the surface, secret agreements made by both sides caused it to be much more sinister. In a Secret Convention signed on the same day as the main pact, Berlin and London both pledged that:

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<sup>241</sup> Salisbury to Sir H. MacDonnell, July 13, 1898, in Great Britain. Foreign Office., Gooch, and Temperley, *British documents on the origins of the war, 1898-1914*, 57. Italics are in the original letter.

<sup>242</sup> "Anglo-German Convention of August 30, 1898, Secret Convention, and Secret Note", in Great Britain. Foreign Office., G. P. Gooch, and Harold William Vazeille Temperley, *British documents on the origins of the war, 1898-1914* Vol. 1: *The End of British Isolation*, (London: H.M.S.O., 1927), 71-751-72.. The entire text of the public and secret conventions as well as the secret note can be found in Appendix D.

<sup>243</sup> Wesseling, *Divide and rule* , 315.

In case Portugal renounces her sovereign rights over Mozambique, Angola, and Portuguese Timor, or loses these territories in any other manner, it is understood that the subjects of, and natives of the Protectorates of, one Contracting Party, together with their goods and ships, and also the produce and the manufactures of its dominions, possessions, Colonies and Protectorates, shall, in such portions of the territories comprised in the present Convention as may fall to the other Contracting Party, participate in all the prerogatives, exemptions and privileges with regard to trade, commerce, taxation and navigation which are there enjoyed by the subjects of, and natives of the Protectorates of, the other Contracting Party.

In plainer English this seems to say that in the event of a collapse of Portuguese dominions in Africa, Germany and Britain would gain control over the territory allotted to them in the public convention. Thus, Berlin would take over most of Angola, Timor, and northern Mozambique, while the British would acquire parts of central Angola, and the southern section of Portuguese East Africa. The convention also bound both parties to oppose any attempt by other Powers, notably France, to intervene in extending a loan to Lisbon based on a guaranty of the Portuguese colonies. The secret note compelled the Portuguese to grant to the other contracting power an equal recompense in the event of a Portuguese cession to the other party.<sup>244</sup>

The obvious solution for Portugal to extricate itself from the obligation to give its colonies over to Berlin and London for collateral would be to sign a loan with a third power. Any loan with another power with colonial guarantees were subject to authorization by the British, who interpreted the 1891 Convention they had with Lisbon

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<sup>244</sup> "Anglo-German Convention of August 30, 1898, Secret Convention, and Secret Note", in Great Britain. Foreign Office., G. P. Gooch, and Harold William Vazeille Temperley, *British documents on the origins of the war, 1898-1914* Vol. 1: *The End of British Isolation*, (London: H.M.S.O., 1927), 71-75.

to mean that by their “existing right of pre-emption, quite apart from the Anglo-German arrangement, Portugal is precluded from borrowing on the security of Delagoa Bay,” without the permission of the British.<sup>245</sup> Obviously, London would not approve such an arrangement. Beyond Britain’s right by treaty to dictate where and with whom Portugal could acquire a loan, precedence showed that relations between Portugal and other European powers like France were not cordial.<sup>246</sup> Hence, it would be improbable that the Portuguese could find a loan with one of the other powers. Thus, in order to secure a loan, the Portuguese would have to get a loan from either Germany or Britain, which would force Portugal to use its colonies as collateral, which, if Lisbon defaulted, would become German and British territory.

The treaty was much more beneficial to the British than the Germans.

According to Wesseling, the only benefit the Germans could gain from the treaty would be if Portugal defaulted, for that was their only way they could acquire territory, Germany’s main gain in the whole operation. More importantly for London, it kept the Germans from interfering in South Africa, where tensions with the Transvaal were steadily increasing. The Afrikaner Government had close ties with the German government, to the extent that Transvaal President Paul Kruger went to Berlin seeking aid against the British in the 1880s. In the 1890s, Berlin several times advocated military intervention to protect the Transvaal. For example, in the wake of the 1895

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<sup>245</sup> Mr. Balfour to Mr. Thornton, September 2, 1898, in *Ibid.*, 76

<sup>246</sup> Sir H. MacDonell to the Marquess of Salisbury, November 28, 1898, in Bourne and Great Britain., *British documents on foreign affairs--reports and papers from the Foreign Office confidential print. Part I, Series F, From the mid-nineteenth century to the First World War. Europe, 1848-1914*, 352

Jameson raid, Germany offered assistance to Kruger by offering to land marines at Delagoa Bay to protect Pretoria, the Afrikaner capital, which Portugal refused to permit.<sup>247</sup> The Bay could also, because of its proximity to South Africa, be used to move arms and supplies into South Africa in the event of a war breaking out. Naturally, it would be highly desirable to keep such a critical portion of real estate under control. Under the terms of the treaty, Britain would retain control of Delagoa Bay, either because it “would either remain a part of the Portuguese empire controlled by Britain or else fall to Britain itself.”<sup>248</sup>

Bartering away the Portuguese colonies was a risky gamble. In the event that the Portuguese were able to float a loan with a foreign power without using the colonies as collateral, the whole point would be moot. If, however, Portugal assumed a loan through either Germany or Britain, and was unable to pay, then it would be required to surrender its territories. Such an agreement would no doubt anger the Portuguese populace, which could possibly lead to the end of the Anglo-Portuguese alliance. The end of the alliance could very well cause the Germans to gain access to South Africa by turning Lisbon to Germany’s orbit.

Luis de Soveral, the Portuguese Foreign Minister, and also the representative sent to the various European capitals to procure a loan, eventually found out about the agreement, though he did not know about the stipulation barring a third power from

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<sup>247</sup> Warhurst, *Anglo-Portuguese Relations in South-Central Africa 1890-1900*, 133-134

<sup>248</sup> Wesseling, *Divide and rule*, 315



extending a loan to Portugal.<sup>249</sup> It quickly became obvious to the Portuguese that it would be “impossible to play Germany off against Britain,” in attempts to gain the upper hand. At the same time, the Portuguese government was able to secure a loan on the Paris stock market, without invoking its colonies as a guarantee of Lisbon’s ability to pay, thus ending its need for a loan from elsewhere.<sup>250</sup>

Anglo-Portuguese relations had been gradually improving since both parties had signed the 1891 Convention. However, much still remained to be done in restoring cordial relations.<sup>251</sup> Though the Anglo-German Agreement threatened to cause Anglo-Portuguese relations to retrograde, the events of 1898 led to a significant improvement in relations between Lisbon and London.

Negotiations began in late 1899 to renew the ancient treaties between Britain and Portugal. The extreme tensions London had with the Afrikaners in South Africa and the imminent outbreak of the war soon overwhelmed the negotiations. The Marquis de Soveral wished to acquire from the British a guarantee of Portuguese sovereignty over its colonies. This was due to, as Elizabeth Olivia Nelson notes, the shenanigans of the British in 1898. Portugal did “not entirely [trust] England, hence Portuguese statesmen desired a convention which would secure their colonies from all danger, not only in regard to the Transvaal but also to Germany.”<sup>252</sup> The most obvious way to

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<sup>249</sup> Balfour to Thornton, September 2, 1898, in Great Britain. Foreign Office., Gooch, and Temperley, *British documents on the origins of the war, 1898-1914*, 76

<sup>250</sup> Wesseling, *Divide and rule*, 315

<sup>251</sup> Warhurst, *Anglo-Portuguese Relations in South-Central Africa 1890-1900.*, 135

<sup>252</sup> Nelson, “Anglo-Portuguese relations in South Africa, 1891-1913.”, 33.

accomplish this would be an acknowledgement on the part of the British of Portuguese sovereignty over its African colonies. However, Salisbury did not wish to extend such promises to Portugal, as “sovereignty’ [was] hardly applicable to present circumstances.” London had stated repeatedly that it did not claim sovereignty over the Transvaal, and thus, Salisbury “could hardly sign a Treaty with Portugal implying the contrary assertion,” as it could by extension be interpreted to apply to the Transvaal as well, which would not bode well. Though the British would and were quite willing to extend protections to Portugal’s African colonies, such concessions would have to be at the expense of something the British wanted. In this case, Salisbury wanted to have the Portuguese aid London in any future conflict with the Afrikaners by declaring war against the Transvaal. This would place Portugal in violation of a non-aggression treaty it made with the Transvaal in 1875.<sup>253</sup>

This was acceptable to the Portuguese. One week later, on the 14<sup>th</sup> of October both parties signed the Anglo-Portuguese Secret Declaration. It considered “as of full force and effect the ancient treaties of alliance, amity and guaranteed which subsist between the two Crowns.” This was especially applicable to the 1642 and 1661 treaties, which guaranteed the safety of Portuguese possessions. Furthermore, the last two clauses in the treaty provide Britain with a safe place to bring arms into South Africa— via Delagoa Bay-- during the Boer War, which had begun three days previous, on the 11<sup>th</sup>. The treaty stipulates that:

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<sup>253</sup> Salisbury to Soveral, 7 October 1899, in Harold Temperley, *Foundations of British Foreign Policy from Pitt (1792) to Salisbury (1902) or, Documents, Old and New*, (Cambridge, UK: Cambridge University Press, 1938), 515-516

The Government of His Most Faithful Majesty undertakes not to permit, after the declaration of war between Great Britain and the South African Republic, or during the continuance of the war, the importation and passage of arms, and of munitions of war destined for the latter. The Government of His Most Faithful Majesty will not proclaim neutrality in the war between Great Britain and the South African Republic.<sup>254</sup>

This treaty, while strengthening Anglo-Portuguese relations after an attempt by Britain to barter away Lisbon's colonies, effectively compelled Portugal to enter the war against the Transvaal. It guaranteed Portugal's colonies from any German or Afrikaner incursion. The British got a safe port for warships carrying supplies. It became a favorable situation for both Britain and Portugal.

The 1898 Anglo-German Convention prompted another attempt by the Germans to acquire part of Portugal's colonies. By 1911, the Germans felt that the terms of the 1898 convention would soon "have no practical value."<sup>255</sup> Because the treaty had not worked out in their favor, the Germans felt compelled to "claim their inheritance more vigorously" than they had before, when, in the event of a Portuguese collapse, they would just passively and automatically gain control of either the custom houses in Portuguese Africa, or even the entire area of the colonies allotted to them by the 1898 convention.<sup>256</sup> In addition, Portugal was in need of a loan.

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<sup>254</sup> "Anglo-German Convention of August 30, 1898, Secret Convention, and Secret Note", in Great Britain. Foreign Office., G. P. Gooch, and Harold William Vazeille Temperley, *British documents on the origins of the war, 1898-1914* Vol. 1: *The End of British Isolation*, (London: H.M.S.O., 1927), 71-75. The full text can be found in Appendix D.

<sup>255</sup> Nelson, "Anglo-Portuguese relations in South Africa, 1891-1913," 99

<sup>256</sup> Richard Langhorne, "Anglo-German Negotiations Concerning the Future of the Portuguese Colonies, 1911-1914," *The Historical Journal* 16, no. 2 (1973): 362

Invariably, the aim of a revitalized Anglo-German Treaty would be for further German territorial concessions in Angola should Portugal have to part with its African colonies. Negotiations in this regard began in December 1911, just prior to Christmas. Count Metternich, the German ambassador to London, went to go see Sir Edward Grey, the foreign secretary at the time. He noted that once again, like in 1898, “Portugal was in a very bad financial position, and that the disposal of her Colonies might become a question of practical politics.”<sup>257</sup> The logic behind such a suggestion was: in order to acquire enough cash to get money to extricate itself from the financial mess it found itself in, Portugal should sell off either all or part of its African colonies. This would make good sense only if the Portuguese were included in any discussion of its colonies.

As negotiations wore on, Britain agreed to allow the Germans to acquire that part of Angola that had been conceded to Britain in the 1898 convention. In exchange for this, Berlin permitted the British to retain complete control of Portuguese controlled Timor Island, in the East Indies.<sup>258</sup>

It became increasingly clear that discussion with Germany would not result in a contingency case whereby Portugal would default on its loans and lose its African territory. Moreover, discussion revolved around the idea that Germany and Britain would compel Portugal to sell its colonies. This was a much more sinister problem for Britain. Rather than have the Portuguese, through irresponsible spending or failure to

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<sup>257</sup> Sir Edward Grey to Sir E. Goschen, December 20, 1911, in Great Britain. Foreign Office., Gooch, and Temperley, *British documents on the origins of the war, 1898-1914*, Vol. VI: *Anglo-German Tension*, 651

<sup>258</sup> Appendix III of the Diary of Lord Haldane's Vist to Berlin, February 10, 1912, in *Ibid.*, 684

repay the loan, coincidentally lose their colonies, Britain, Portugal's oldest ally, would in part be the agent by which Portugal was deprived of Angola and Mozambique—sovereign Portuguese territory. Small wonder, then, that such a situation prompted something of moral outrage among some in the Foreign Office, including the Foreign Secretary. Sir Edward Grey wondered:

On every ground, it would be better that Portugal should at once sell her colonies. But how can we of all people put pressure on Portugal to sell: we who are bound by an alliance to protect and preserve her colonies for Portugal—an alliance renewed secretly for value received during the Boer War?<sup>259</sup>

Echoing this, the Secretary of State for War, Lord Holdane, noted that Great Britain was “on good terms with Portugal... and could put no pressure on [it] to sell.”<sup>260</sup>

Rumors leaked out about the negotiations, which the press promptly reported on. According to Nelson, “both the British and Portuguese foreign offices...were busy denying that any disposal of Portuguese colonies was to be made, or that Germany and England were negotiating an actual division.” Anti-British sentiment again flared up in Portugal, so much so that the Portuguese prime minister “published an extract of the Anglo-Portuguese alliance of 1899, giving the main terms of it to the people.”<sup>261</sup>

Nevertheless, and despite British reservations about compelling Portugal to give up its colonies, negotiations continued until August 1913. By October a treaty had been

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<sup>259</sup> Grey to Goschen, December 29, 1911, Quoted in Langhorne, “Anglo-German Negotiations Concerning the Future of the Portuguese Colonies, 1911-1914,” 369

<sup>260</sup> Observations by Lord Haldane on the Memorandum communicated by Count Metternich on March 6, 1912, in Great Britain. Foreign Office., Gooch, and Temperley, *British documents on the origins of the war, 1898-1914*, 710

<sup>261</sup> Nelson, “Anglo-Portuguese relations in South Africa, 1891-1913,” 97-98

put together, and, in order to keep its origins secret, it was initialed instead of signed. As had been previously determined, Germany would gain more territory in Angola. Instead of gaining the Island of Timor, Britain would acquire more territory in Mozambique. Like the 1898 set of conventions, both powers agreed “to oppose jointly any interference from a third power.” In addition, according to Nelson, “as soon as one part of the two great colonies came into [the] possession of England or Germany, the other party would have the right of occupying the share of the colony destined for it.”<sup>262</sup>

The most sinister part of the whole agreement came from the British. Grey agreed that Great Britain would not come to the aid of the Portuguese if a different power had to intervene in Angola and Mozambique to protect its interests. Moreover, Grey declared that London would abrogate the 1899 treaty with Portugal.<sup>263</sup> These two stipulations were clearly the most beneficial to the Germans, who could enter and take control of its spheres of influence defined in the colonies without having to worry about any outside interference from Britain, Portugal’s oldest ally.

Fortunately for the Portuguese, the outbreak of World War I in July of 1914 ended German aspirations for Angola. Figure 1 in Appendix E shows European colonies on the eve of the Great War. Despite Anglo-German distraction with the outbreak of the war, the specter of losing its territory to Berlin made the Portuguese quite nervous, and it prompted Lisbon to reexamine its colonial policies.<sup>264</sup> Some in

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<sup>262</sup> Ibid., 99

<sup>263</sup> Ibid.

<sup>264</sup> Ibid., 101

Portugal prior to the Great War were concerned that Britain would call for an international conference to settle any questions about the Portuguese colonies. However, according to the *London Times* on February 25, 1913, the Portuguese Foreign Minister denied any such claims and also denied the speculation that any further Anglo-German agreements may be afoot. In addition, Germany had no interest in an international conference, even though such a scheme could be beneficial to Berlin, for it, through diplomatic maneuvering, could acquire more territory than it could via the agreement with London.<sup>265</sup> Though Britain and Germany's intentions as indicated in the *Times* came from early 1913, no further questions of an international conference were raised. Apparently Berlin's agreement with Britain was sufficient for the time.

### 5.3 Negotiations at Munich and during World War II

In 1910, a revolution broke out in Lisbon against the Portuguese monarchy. Initially started by the military, it was supported by the middle class, and caught the republican leaders of the country completely by surprise. Following the successful conclusion of the uprising, the upper-class intellectuals in Lisbon took control of the revolution from the military. A republic was set up in 1911, and Afonso Costa was elected president. Costa's government and successive governments alike instituted various reforms of Portuguese society, such as curtailing the power of the Roman Catholic Church and balancing the budget.<sup>266</sup>

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<sup>265</sup> "The Portuguese Colonies.," *The London Times*, February 25, 1913

<sup>266</sup> David Birmingham, *A Concise History of Portugal*. (New York: Cambridge University Press, 1993), 147-155.

During World War I, the British prompted the Portuguese to enter the war on the side of the Triple Entente. They demanded that Portugal send 55,000 troops to France to fight the Central Powers. The Portuguese government felt that “only Britain could protect Portugal’s colonies in Africa from German cupidity, even though the price to be paid” was to raise 40,000 troops to send to the Western Front in 1917.<sup>267</sup> Staggeringly, Portuguese casualties in the war amounted to 10,000 men. Needless to say, the decision to enter the war was unpopular with the public. Given the history of relations between Britain and Portugal of the last thirty years, such cooperation on the part of Lisbon with London is very surprising. All things considered, it seems that Britain would be the last place Portugal would look for protection of its colonies.

In 1917, Sidónio Pais, the former ambassador to Germany, took control of the government and established a military dictatorship. The next year he was assassinated going to Oporto, a city north of Lisbon to put down a rebellion. Continued instability and unrest plagued the country, and the Republic was overthrown by the military in 1926.<sup>268</sup>

The status of Portuguese Africa during the period between the end of World War I and the end of the First Portuguese Republic in 1926 could best be described as confused. Angola and Mozambique both continued to maintain a low economic output, just as they had done previous to the Great War. Some in the colonies wanted to conduct “careful surveys” of the Angolan and Mozambican economies to see what was

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<sup>267</sup> David Birmingham, *A Concise History of Portugal*, 170.

<sup>268</sup> David Birmingham, *A Concise History of Portugal*, 147-155.



lacking. Others, however, saw that “Portuguese Africa was already overrun with planners and committees wasting their time writing reports when direct action... was needed.” Neither side could agree on what needed to be done<sup>269</sup> The end result of all this indecision and inefficiency was colonial decline. It was not that the ideas put forth by Lisbon were bad, but rather, it was how they were implemented that caused problems in the colonies. Gervase Clarence-Smith further points out that “it was probably the growing instability of the [republican] regime which played the main part in the process.” The First Portuguese Republic was rife with corruption and military intervention. In essence, Clarence-Smith notes that “governments came and went incessantly, and long-term policy decisions gave way to the politics of immediate survival.” Needless to say, the Portuguese colonies suffered from deep neglect during this time period.<sup>270</sup>

James Duffy notes that “by 1930 Portugal’s colonial momentum had come to a halt. Fifty years of dreaming, planning, and building (on a small scale) had ended in exhaustion, frustration, and indifference.” Indeed, in the midst of the worldwide Great Depression, the Lisbon Government focused on “more important problems at home, problems in which the African colonies had but small share.”<sup>271</sup>

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<sup>269</sup> James Duffy, *Portuguese Africa*, (Cambridge, MA: Harvard University Press, 1961), 264.

<sup>270</sup> Gervase Clarence-Smith, *The Third Portuguese Empire, 1825-1975 : a Study in Economic Imperialism*. (Manchester, U.K.; Dover N.H.: Manchester University Press, 1985), 116.

<sup>271</sup> James Duffy, “Portuguese Africa, 1930 to 1960,” in L.H. Gann, and Peter Duignan, eds., *Colonialism in Africa, 1870-1960*. Vol. 2: *The History and Politics of Colonialism, 1914-1960*. (Cambridge, UK, and New York: Cambridge University Press, 1970), 171.

However, it soon became apparent that domestic economic problems could be resolved by employing the African colonies as a capital base. This is what Antonio de Oliveira Salazar, the Portuguese Colonial Secretary of the time and later the Premier of Portugal, sought to do. Instead of allowing Angola and Mozambique to be developed by privately (and most of the time foreign) held companies like the Mozambique Company, Salazar established “a new economic nationalism more favorable to Portugal itself.”<sup>272</sup> The “new economic nationalism” came about because of the 1930 Colonial Act. The Act in general sought to further integrate the colonies with the mother country. The law stated that

the development of spiritual relations between the metropolis and the overseas provinces shall be promoted for their mutual knowledge and rapprochement in all aspects of intellectual life; thus all institutions diffusing Portuguese culture in the overseas provinces should be protected and subsidized.<sup>273</sup>

Duffy notes that the legislation “set forth the general principles for the conduct of affairs overseas. The law provided for the unification of administrative authority in the hands of the state and the cessation of administrative authority” by foreign companies. Essentially, and to put it more simply, it nationalized colonial administration and certain key industries. Progressively, it ended the previous system of *de facto* slavery by requiring private companies to pay their African laborers. In the political realm it required the governors and administrators of the provinces to “sustain the sovereignty of

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<sup>272</sup> Ibid..

<sup>273</sup> Quoted in Duffy, *Portuguese Africa*, 278.

Portugal.”<sup>274</sup> No ambiguity about the rights of Lisbon over territory or industry would be acceptable. One of the first products that the new system stimulated was cotton in Angola.<sup>275</sup> The shift away from foreign-company investment allowed for a greater control over the colonies, which was something that Portugal had not enjoyed since at least the Ultimatum. Fortunately, the 1930 Colonial Act slowly jump-started the development of Portuguese Africa once again.

Germany had lost its African colonies as a result of the Paris Peace Conference at the conclusion of World War I. Figure 2 in Appendix E shows the division of Germany’s African empire among Britain, France, and Belgium as League of Nations mandates. Though Portugal did gain from Germany a minute stretch of territory along the border of Mozambique with German East Africa, the scale of the map prohibits it from being accurately shown. The severity of the Treaty of Versailles left many Germans bitter over the outcome of the war and the terms that the Triple Entente had imposed upon Berlin. Adolf Hitler capitalized on this bitterness to come to power in the early 1930s and launched a slow expansion of German territory in Europe.<sup>276</sup> At the Munich Conference, the British and French Governments were attempting to appease Germany in order to stop Hitler from annexing more territory in Eastern and Central Europe into the Third Reich. However, for Portugal, something much more sinister took place. It was hoped that by offering Portugal’s colonies to Berlin, it would

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<sup>274</sup> Ibid., 279.

<sup>275</sup> Duffy, “Portuguese Africa, 1930 to 1960,” 171.

<sup>276</sup> William O’Neill, *The Oxford Essential Guide to World War II*, (New York: Berkley Books, 2002), 129-130.

appease Hitler to cease further German European expansion. Reports began streaming into Lisbon from Berlin in late 1937 that Britain was trying to appease Germany by giving away the Portuguese colonies, especially Angola, as it was contiguous to the former German Southwest Africa. Stories appeared in newspapers all over Europe

that when Lord Halifax went to Berlin, in November, 1937, the Nazis expected him to make an offer of Angola as a substitute for one of the former German colonies lost in the First World War. When Halifax suggested no such thing, Schacht took the initiative and suggested that Portugal might be persuaded to accept a repartition of colonies in Africa. It also seems that Chamberlain would [have] been willing to talk about Angola or the Congo-as a substitute for the former German territory of Tanganyika- as part of a general settlement.<sup>277</sup>

Lord Halifax was Secretary of the Foreign Office in Britain, Schacht was the economics minister for the Third Reich, and Neville Chamberlain was the British Prime Minister of the time.

Ironically, the British proposal to Hitler was roughly equivalent to a German band across southwest Africa, even though such a swath of territory controlled by the Portuguese had been shut down about fifty years previously. Chamberlain, according to Telford Taylor, proposed to the British Foreign Policy Committee that “no territory was to be returned to German sovereignty.” Instead, the Germans would gain joint administration of a vast stretch of territory in central Africa. Essentially, this “German zone of control” would have its northern frontier begin “roughly south of the Sahara, the Anglo-Egyptian Sudan, Abyssinia, and Italian Somaliland.” The zone would also extend “roughly to the south of the Portuguese West Africa, the Belgian Congo,

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<sup>277</sup> Hugh Kay, *Salazar and Modern Portugal*, (New York, Hawthorn Books, 1970), 128.

Tanganyika, and Portuguese East Africa.”<sup>278</sup> Though all powers would be equal, the Germans “would be brought into the arrangement by becoming one of the African colonial powers... and by being given certain territories to administer.”<sup>279</sup> It would appear that the Germans would be given territory, but it would not be exclusively under German sovereignty. The whole idea has the ring of a German probationary period in which they could control said territory for a while, and then perhaps, if Germany behaved itself, greater control would be given, possibly even up to and including full sovereignty.

Chamberlain’s ploy, needless to say, alarmed Lisbon. After Salazar made inquiries to the German government, Goering, Hitler’s second in command, denied the existence of any plan to divide up Portugal’s colonies.<sup>280</sup> Salazar, upon hearing of the plot to give Portuguese colonies to Hitler, protested to the British Government through Armindo Monteiro, his ambassador.<sup>281</sup> Monteiro warned Anthony Eden about the reasons of why it would be a bad idea to give Germany colonies in Africa: the Germans would build submarine bases along the coast there and harass British shipping and communications in the South Atlantic and Indian Oceans. Obviously, the granting of Portuguese colonies to the scheme would also be a violation of Portuguese sovereignty,

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<sup>278</sup> Telford Taylor, *Munich: The Price of Peace*. (Garden City, N.Y: Doubleday, 1979), 572.

<sup>279</sup> Quoted in *Ibid*.

<sup>280</sup> Kay, *Salazar and Modern Portugal*, 128.

<sup>281</sup> Gallagher, *Portugal* , 102

which the British were obligated by treaty to protect. Furthermore, Eden assured him that:

Hitler had never suggested the cession of Portuguese territory and that British public opinion “would never consider the cession of colonial territory to Germany except that the cession could be regarded as the final contribution in reaching a settlement which would give Europe better prospects of real peace than the Continent enjoyed at present.”<sup>282</sup>

Clearly, then, the question remained that if it was not Hitler who was suggesting these claims, and if the British fervently denied any involvement in the matter, then who was proposing it? In speaking with the Polish Ambassador, who had a reliable French source, Monteiro discovered that:

it would have been Goering that would have raised this issue, asking for a great German colonial empire: Togo, Cameroon, and the establishment of a multi-state company over the Belgian Congo and Angola, giving certain representation to the Portuguese and Belgian interests, but remaining German with the majority of the capital.<sup>283</sup>

Monteiro telegraphed as much to Salazar in Lisbon on December 1. Two days later on December 3, Goering stated that, “the only just German Colonial claims would have to be from England and France, never at the cost of third party countries,” like Portugal and Belgium.<sup>284</sup> The matter appeared to be closed, at least for Portugal. Stone reports that, “Official German denials were reported prominently in the Portuguese press as

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<sup>282</sup> Ministerio dos Negocios Estrangeiros. *Dez Anos de Política Externa (1936-1941): a Nação Portuguesa e a Segunda Guerra Mundial*. trans. Matthew Winslett (Lisbon: Imprensa Nacional de Lisboa, 1973.), 1:215-218. Quoted in Glyn Stone, *The oldest ally: Britain and the Portuguese connection, 1936-1941* (Suffolk, UK: The Boydell Press, 1994.),103.

<sup>283</sup> Ministerio dos Negocios Estrangeiros, *Dez Anos de Política Externa*, 1:212

<sup>284</sup> *Ibid.*, 1:214.

were the visits of the Portuguese and Belgian ambassadors to the foreign office. At the same time, special attention was drawn to the remarkable silence emanating from official quarters in London.”<sup>285</sup> What is ironic about the whole situation is that Germany was publishing abroad the news of this so called conspiracy to sell off Portuguese colonies, while at the same time Portugal’s largest ally, Britain remained silent. Clearly Hitler hoped to humiliate and possibly discredit Britain in the eyes of its ally Portugal and the rest of the world.

Later, on December 14, Portugal again brought the whole issue out into the open. One of the Portuguese deputy foreign ministers, Sampaio, told Bateman, one of the British deputy foreign ministers, that the “ambiguous language used by Anthony Eden in his conversations with Monteiro—specifically his reference to public opinion and the cession of territory – filled his government with misgiving which was increased by growing references in the London [press] to the negotiations of 1898 and 1913.”<sup>286</sup> In other words, the deviousness of the British towards its lesser ally caused doubt in Lisbon about British intentions. Two days later, on the 16<sup>th</sup>, Eden talked to Monteiro once again, during which Monteiro “expressed his astonishment that the Portuguese Government continued to doubt their ally’s attitude.”<sup>287</sup> While Germany had declared its renewed intention to acquire Portugal’s colonies, Eden reasoned with Monteiro that this was not Britain’s goal, which was to uphold its treaty obligations. As Britain had

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<sup>285</sup> Stone, *The Oldest Ally*, 104.

<sup>286</sup> Stone, *The Oldest Ally*, 104.

<sup>287</sup> *Ibid.*

stalwartly stuck to those commitments, there was no need for a press statement detailing this position, as it was standard policy. On December 21, Eden publicly withdrew the statement that the government was thinking about renewing those “pre-war negotiations, in regard to Portuguese territories.”<sup>288</sup> This satisfied Salazar and Monteiro withdrew from pressing the issue with the British Government. The Germans also lost interest in the whole scheme, and appeasement negotiations moved on to other things. The matter was finally over.

What caused the whole plan to crumble was “Hitler’s contempt for the whole scheme, not Portuguese protest.” This demonstrates that Portugal was to be regarded in the late 1930s more as an English client state than an actual independent, sovereign ally.<sup>289</sup>

According to Glyn Stone, the fortuitous disinterest of Hitler spared the British the

considerable embarrassment of explaining to their oldest ally, less than three months after Eden’s public denial, that whereas most of the British Empire in Africa would remain firmly under British sovereign control an overwhelming proportion of the Portuguese African empire would be subject to limitations of sovereignty and part, at least, would be placed under German control.<sup>290</sup>

Tom Gallagher further surmised that had the proposed Luso-German colonial transfer actually gone through, it would have undoubtedly shaken to the core the confidence the Portuguese had in the British, and the “authorities in Lisbon might have concluded...

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<sup>288</sup> Ibid

<sup>289</sup> Gallagher, *Portugal: a twentieth century interpretation*, 102.

<sup>290</sup> Glyn. Stone, *Spain, Portugal and the Great Powers, 1931-1941* (Basingstoke, Hampshire; New York: Palgrave Macmillan, 2005), 125



that their only realistic course of action involved closer co-operation with Germany as perhaps the only means of avoiding further humiliation.”<sup>291</sup> Thus, the Iberian Peninsula would have been completely under German influence, which would have put France and Great Britain in a tight spot.

As German tanks rolled into Poland on September 1, Portugal declared its neutrality almost immediately after the attack became public. Salazar declared on September 2, 1939 that Portugal would maintain, “in the present conflict an attitude of neutrality while it is possible and consistent with [its] interests, duties and dignity, ... not only with regards to Portugal, but also to its ally.”<sup>292</sup> On September 5, The British Government declared that it appreciated “the assurances given by the Portuguese Government and agree[d] with them that observance of neutrality by Portugal would best serve the mutual interests of both Portugal and Great Britain in the present emergency.” The British also declared that there was nothing that they wanted Portugal to do at this time.<sup>293</sup> Fernando Rosas declared that, “Portugal’s declaration of neutrality was ‘unilateral.’ The initiative came from Lisbon, and although the British Foreign Office was consulted prior to the declaration it was in no way a response to a British request.”<sup>294</sup>

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<sup>291</sup> Gallagher, *Portugal: A Twentieth Century Interpretation*, 113.

<sup>292</sup> Ministerios de Negocios Estrangeiros. *Dez Anos de Politica Externa (1936-1947): A Nacao Portuguesa e a Segunda Guerra Mundial*. Trans. Matthew Winslett. Vol. 6. (Lisbon: Imprensa Nacional de Lisboa, 1973), 13.

<sup>293</sup> *Ibid.*, 32.

<sup>294</sup> Fernando Rosas, “Portuguese Neutrality in the Second World War.” In *European Neutrals*

The Cape Verde and the Azores Islands were another point over which the British and their American allies showed that they were willing to use the alliance to advance their own agenda. Since the beginning of the twentieth century British policymakers had “testified to the strategic significance of the Azores and Cape Verde Islands and the vital importance of preventing them from falling into enemy hands.”<sup>295</sup> Had the Germans gotten control of these strategic and important islands, their naval and air forces “would be in a position to seriously threaten Britain’s communications,” because the Islands “occupied important strategic positions on the Atlantic trade routes between the South Atlantic and the United Kingdom.”<sup>296</sup> Therefore, it was necessary that those islands be protected at all costs in order to protect British interests.

Instead of going to the Portuguese and requesting a formal garrison to be placed on those islands, the British Government began to discuss invading the islands and taking control of them. This idea of invading the islands was not new. As early as 1917, discussion arose in the British Foreign Office that England should seize the islands.<sup>297</sup> The Prime Minister himself, Winston Churchill, advocated a surprise military invasion rather than simply asking the Portuguese to build bases there.<sup>298</sup> Others, however, advocated the use of diplomacy, such as Lord Halifax, the British

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*and Non-Belligerents during the Second World War*. Ed. by Neville Wylie. (Cambridge, UK: Cambridge University Press, 2002), 272.

<sup>295</sup> Stone, *The Oldest Ally: Britain and the Portuguese Connection, 1936-1941*, 157.

<sup>296</sup> *Ibid.*, 158.

<sup>297</sup> Stone, “Official British Attitude to the Anglo Portuguese Alliance, 1910-1945.”, 732.

<sup>298</sup> *Ibid.*, 741

Ambassador to Portugal, stating that an invasion “would cause a very unfavorable reaction in Portugal... and hence might well precipitate the very crisis they were so anxious to avoid.”<sup>299</sup>

As the battle of the Atlantic raged in the summer of 1942, it became critically necessary for the British to gain some kind of access to the Azores and the Cape Verde Islands.<sup>300</sup> As a result, in May 1943 the British War Cabinet recommended that an attempt to acquire the bases diplomatically be made first, rather than by a full-scale invasion. Should Salazar and his government reject diplomatic means to gain the islands, then the British would “be in a stronger moral position [to seize the islands] than if, without any preliminary approach, they were suddenly to threaten to seize by force the territory of an ally.” Should Salazar not agree to these diplomatic means, it would demonstrate that he was not interested in preserving the alliance.<sup>301</sup>

Furthermore, in August 1943 formal diplomatic negotiations began.<sup>302</sup> The United States was not included in these negotiations, partly because Roosevelt was willing to “leave the business of handling Salazar to the British Government,”<sup>303</sup> and also due to the fact that the British Government was “convinced that the obvious anxiety of the United States General Staff to get these islands is a manifestation less of

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<sup>299</sup> Stone, *The Oldest Ally*, 165.

<sup>300</sup> Stone, “Official Attitude”, 741.

<sup>301</sup> *Ibid.*, 742

<sup>302</sup> *Ibid.*,

<sup>303</sup> Stone, *The Oldest Ally*, 175.

the American desire to assist the Allied War effort than that of American imperialist expansion.”<sup>304</sup>

Although the Roosevelt Administration did not have a clear role to play in negotiating the use of the Azores, in August 1943 the Portuguese government allowed the British and their U.S. allies to use the islands for the purposes of building bases. Salazar gave final approval in September of 1943, “and men and equipment began to be landed on the islands” shortly thereafter.<sup>305</sup> At the same time, the British and the Portuguese renewed their ancient treaty of alliance.<sup>306</sup> For the remainder of the war, according to Gallagher, “Anglo-Portuguese relations were then normal.” However, it is interesting to note that, “Portugal’s oldest ally [presented] a greater danger to her territorial sovereignty than Germany” during the war.<sup>307</sup> Indeed, such a statement is true after the 1890 Ultimatum. Even though the situation resolved itself diplomatically and there was no need to resort to military might to get the end result, Britain’s eagerness to seize the islands in large part demonstrated a clear disregard for the sovereignty of the Portuguese, which began largely with the Ultimatum. This is particularly telling of the British attitude toward the alliance in the aftermath of the 1890 Ultimatum. While the exploits of Portugal’s role in World War II are beyond the

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<sup>304</sup> Ibid., 178.

<sup>305</sup> Gallagher, *Portugal: A Twentieth Century Interpretation*, 102.

<sup>306</sup> Stone, “Official attitude”, 742.

<sup>307</sup> Gallagher, *Portugal: A Twentieth Century Interpretation*, 102.

scope of this work, it is important to note that “Portugal enjoyed a quiet war, but it was far from uneventful.”<sup>308</sup>

As has been demonstrated, the 1890 Ultimatum fundamentally changed the nature of the Anglo-Portuguese Alliance. Deep distrust of the British became rife throughout Portugal. The Alliance was seen to be the prop upon which the Braganza dynasty was held up, and the Ultimatum seemed to prove this in the eyes of many common Portuguese. Anti-Portuguese sentiment was also common in Britain as well, because of a perceived notion that Portugal was a weak nation not worth bothering over. Furthermore, Britain, while largely ensuring the territorial nature of the Portuguese metropolis, often times took it upon itself to use Portugal’s colonies as leverage to achieve other ends, many times with Germany. Such actions seemed to stem from the political instability of Portugal itself. D.K. Fieldhouse noted that “for centuries [Portugal’s empire] seemed likely to succumb to external attack or Portuguese lethargy.”<sup>309</sup> Though the colonies appeared to be ready to fade away, what was more important than the appearance of the Empire was the “widespread belief in the collapse of [the Portuguese] Empire, ever since the scramble in the nineteenth century.”<sup>310</sup> Because of this conviction, it would be logical to assume that other European powers, believing that the Portuguese colonies in Africa would at some point collapse, took

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<sup>308</sup> Ibid., 101.

<sup>309</sup> D. K. Fieldhouse, *The Colonial Empires; a Comparative Survey from the Eighteenth Century*, Delacorte World History, v. 29 (New York: Delacorte Press, 1967), 349.

<sup>310</sup> Donald. Denoon, Balam Nyeko, and J. B. Webster, *Southern Africa since 1800* (New York: Praeger, 1973), 160

steps to gain as much as possible from an imperial demise which would leave large swathes of land in Africa unclaimed and available for the taking. Thus, the British, ever concerned with maintaining the balance of power in Europe, entered into negotiations in this light. When the oft expected destruction of Lisbon's empire did not come, the negotiations failed, and Portugal continued to hold on to its empire.

APPENDIX A

DIPLOMATIC DOCUMENTS DEALING WITH THE BERLIN WEST AFRICA  
CONFERENCE AND PORTUGUESE WEST AFRICA

*Introduction and Article I of the Anglo-Portuguese Convention of February 26, 1884*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, &c., &c., &c., and His Most Faithful Majesty the King of Portugal and the Algarves, &c., &c., &c., being animated with the desire to draw closer the ties of friendship which unite the two nations; to put an end to all difficulties relative to the rights of sovereignty over the districts at the mouth of the Congo on the West Coast of Africa, situated between 8 ° and 5 ° 12' of south latitude; to provide for the complete extinction of the Slave Trade; and to promote the development of commerce and civilization in the African Continent; have resolved to conclude a Treaty for this purpose, and have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable Granville George, Earl Granville, K.G., Her Majesty's Principal Secretary of State for Foreign Affairs, &c., &c., ;

And His Most Faithful Majesty the King of Portugal and the Algarves, Senhor Miguel Martins d'Antas, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty at the Court of Her Britannic Majesty, &c., &c. ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:--

**Article 1.**--- Subject to the conditions of the present Treaty, Her Britannic Majesty agrees to recognize the sovereignty of His Most Faithful Majesty the King of Portugal and the Algarves over that part of the West Coast of Africa situated between 8 ° and 5 ° 12' of south latitude; and inland as far as follows: --

On the River Congo the limit shall be Nokki.

On the coast situated between 8 ° and 5 ° 12' of south latitude the inland eastern frontier shall coincide with the boundaries of the present possessions of the coast and riparian tribes. This frontier shall be defined, and the definition shall be communicated with the least possible delay by His Most Faithful Majesty to Her Britannic Majesty.

The definition, when approved by the High Contracting Parties, shall be recorded in a Protocol to be annexed to the present Treaty.<sup>311</sup>

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<sup>311</sup> Edward Hertslet, *The Map of Africa by Treaty*, 3rd. Ed. Vol.3: *Great Britain and Germany to the United States* (London: Cass, 1967), 1004-1005.



*General Act of the Berlin West Africa Conference, February 26, 1885.*

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the German Emperor, 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 United States of America; the President of the French Republic; His Majesty the King of Italy; His Majesty the King of the Netherlands, Grand Duke of Luxemburg, etc; His Majesty the King of Portugal and the Algarves, etc; His Majesty the Emperor of all the Russias; His Majesty the King of Sweden and Norway, etc; and His Majesty the Emperor of the Ottomans,

Wishing, in a spirit of good and mutual accord, to regulate the conditions most favourable to the development of trade and civilization in certain regions of Africa, and to assure to all nations the advantages of free navigation on the two chief rivers of Africa flowing into the Atlantic Ocean;

Being Desirous, on the other hand, to obviate the misunderstanding and disputes which might in future arise from new acts of occupation (prises de possession) on the coast of Africa; and concerned, at the same time, as to the means of furthering the moral and material well-being of the native populations;

Have resolved, on the invitation addressed to them by the Imperial Government of Germany, in agreement with the Government of the French Republic, to meet for those purposes in Conference at Berlin, and have appointed as their Plenipotentiaries, to wit:

[The Names of plenipotentiaries are included here.]

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

1. A Declaration relative to freedom of trade in the basin of the Congo, its embouchures and circumjacent regions, with other provisions connected therewith.
2. A Declaration relative to the slave trade, and the operations by sea or land which furnish slaves to that trade.
3. A Declaration relative to the neutrality of the territories comprised in the Conventional basin of the Congo.
4. An Act of Navigation for the Congo, which, while having regard to local circumstances, extends to this river, its affluents, and the waters in its system (eaux qui leur sont assimilées), the general principles enunciated in Articles 58 and 66 of the Final Act of the Congress of Vienna, and intended to regulate, as between the Signatory Powers of that Act, the free navigation of the waterways separating or traversing several States - these said principles having since then been applied by agreement to certain

rivers of Europe and America, but especially to the Danube, with the modifications stipulated by the Treaties of Paris (1856), of Berlin (1878), and of London (1871 and 1883).

5. An Act of Navigation for the Niger, which, while likewise having regard to local circumstances, extends to this river and its affluents the same principles as set forth in Articles 58 and 66 of the Final Act of the Congress of Vienna.

6. A Declaration introducing into international relations certain uniform rules with reference to future occupations on the coast of the African Continent.

And deeming it expedient that all these several documents should be combined in one single instrument, they (the Signatory Powers) have collected them into one General Act, composed of the following Articles:

***CHAPTER I: DECLARATION RELATIVE TO FREEDOM OF TRADE IN THE BASIN OF THE CONGO, ITS MOUTHS AND CIRCUMJACENT REGIONS, WITH OTHER PROVISIONS CONNECTED THEREWITH***

**Art.1-** The trade of all nations shall enjoy complete freedom-

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

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

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

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

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

It is expressly recognized that in extending the principle of free trade to this eastern

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

**Art. 2-** All flags, without distinction of nationality, shall have free access to the whole of the coastline of the territories above enumerated, to the rivers there running into the sea, to all the waters of the Congo and its affluents, including the lakes, and to all the ports situate on the banks of these waters, as well as to all canals which may in future be constructed with intent to unite the watercourses or lakes within the entire area of the territories described in Article 1. Those trading under such flags may engage in all sorts of transport, and carry on the coasting trade by sea and river, as well as boat traffic, on the same footing as if they were subjects.

**Art. 3-** Wares, of whatever origin, imported into these regions, under whatsoever flag, by sea or river, or overland, shall be subject to no other taxes than such as may be levied as fair compensation for expenditure in the interests of trade, and which for this reason must be equally borne by the subjects themselves and by foreigners of all nationalities. All differential dues on vessels, as well as on merchandise, are forbidden.

**Art. 4-** Merchandise imported into these regions shall remain free from import and transit dues.

The Powers reserve to themselves to determine after the lapse of twenty years whether this freedom of import shall be retained or not.

**Art. 5-** No Power which exercises or shall exercise sovereign rights in the abovementioned regions shall be allowed to grant therein a monopoly or favour of any kind in matters of trade.

Foreigners, without distinction, shall enjoy protection of their persons and property, as well as the right of acquiring and transferring movable and immovable possessions; and national rights and treatment in the exercise of their professions.

***PROVISIONS RELATIVE TO PROTECTION OF THE NATIVES, OF  
MISSIONARIES AND TRAVELLERS, AS WELL AS RELATIVE TO RELIGIOUS  
LIBERTY***

**Art. 6-** All the Powers exercising sovereign rights or influence in the aforesaid territories bind themselves to watch over the preservation of the native tribes, and to care for the improvement of the conditions of their moral and material well-being, and to help in suppressing slavery, and especially the slave trade. They shall, without distinction of creed or nation, protect and favour all religious, scientific or charitable

institutions and undertakings created and organized for the above ends, or which aim at instructing the natives and bringing home to them the blessings of civilization.

Christian missionaries, scientists and explorers, with their followers, property and collections, shall likewise be the objects of especial protection.

Freedom of conscience and religious toleration are expressly guaranteed to the natives, no less than to subjects and to foreigners. The free and public exercise of all forms of divine worship, and the right to build edifices for religious purposes, and to organize religious missions belonging to all creeds, shall not be limited or fettered in any way whatsoever.

### ***POSTAL REGIME***

**Art. 7-** The Convention of the Universal Postal Union, as revised at Paris 1 June 1878, shall be applied to the Conventional basin of the Congo.

The Powers who therein do or shall exercise rights of sovereignty or Protectorate engage, as soon as circumstances permit them, to take the measures necessary for the carrying out of the preceding provision.

### ***RIGHT OF SURVEILLANCE VESTED IN THE INTERNATIONAL NAVIGATION COMMISSION OF THE CONGO***

**Art. 8-** In all parts of the territory had in view by the present Declaration, where no Power shall exercise rights of sovereignty or Protectorate, the International Navigation Commission of the Congo, instituted in virtue of Article 17, shall be charged with supervising the application of the principles proclaimed and perpetuated (consacrés) by this Declaration.

In all cases of difference arising relative to the application of the principles established by the present Declaration, the Governments concerned may agree to appeal to the good offices of the International Commission, by submitting to it an examination of the facts which shall have occasioned these differences.

### ***CHAPTER II- DECLARATION RELATIVE TO THE SLAVE TRADE***

**Art. 9-** Seeing that trading in slaves is forbidden in conformity with the principles of international law as recognized by the Signatory Powers, and seeing also that the operations, which, by sea or land, furnish slaves to trade, ought likewise to be regarded as forbidden, the Powers which do or shall exercise sovereign rights or influence in the territories forming the Conventional basin of the Congo declare that these territories may not serve as a market or means of transit for the trade in slaves, of whatever race they may be. Each of the Powers binds itself to employ all the means at its disposal for putting an end to this trade and for punishing those who engage in it.

***CHAPTER III- DECLARATION RELATIVE TO THE NEUTRALITY OF THE  
TERRITORIES COMPRISED IN THE CONVENTIONAL BASIN OF THE  
CONGO***

**Art. 10-** In order to give a new guarantee of security to trade and industry, and to encourage, by the maintenance of peace, the development of civilization in the countries mentioned in Article 1, and placed under the free trade system, the High Signatory Parties to the present Act, and those who shall hereafter adopt it, bind themselves to respect the neutrality of the territories, or portions of territories, belonging to the said countries, comprising therein the territorial waters, so long as the Powers which exercise or shall exercise the rights of sovereignty or Protectorate over those territories, using their option of proclaiming themselves neutral, shall fulfill the duties which neutrality requires.

**Art. 11-** In case a Power exercising rights of sovereignty or Protectorate in the countries mentioned in Article 1, and placed under the free trade system, shall be involved in a war, then the High Signatory Parties to the present Act, and those who shall hereafter adopt it, bind themselves to lend their good offices in order that the territories belonging to this Power and comprised in the Conventional free trade zone shall, by the common consent of this Power and of the other belligerent or belligerents, be placed during the war under the rule of neutrality, and considered as belonging to a non-belligerent State, the belligerents thenceforth abstaining from extending hostilities to the territories thus neutralized, and from using them as a base for warlike operations.

**Art. 12-** In case a serious disagreement originating on the subject of, or in the limits of, the territories mentioned in Article 1, and placed under the free trade system, shall arise between any Signatory Powers of the present Act, or the Powers which may become parties to it, these Powers bind themselves, before appealing to arms, to have recourse to the mediation of one or more of the friendly Powers.

In a similar case the same Powers reserve to themselves the option of having recourse to arbitration.

***CHAPTER IV- ACT OF NAVIGATION FOR THE CONGO***

**Art. 13-** The navigation of the Congo, without excepting any of its branches or outlets, is, and shall remain, free for the merchant ships of all nations equally, whether carrying cargo or ballast, for the transport of goods or passengers. It shall be regulated by the provisions of this Act of Navigation, and by the rules to be made in pursuance thereof.

In the exercise of this navigation the subjects and flags of all nations shall in all respects be treated on a footing of perfect equality, not only for the direct navigation from the open sea to the inland ports of the Congo, and vice versa, but also for the great and small coasting trade, and for boat traffic on the course of the river.

Consequently, on all the course and mouths of the Congo there will be no distinction made between the subjects of riverain States and those of non-riverain States, and no exclusive privilege of navigation will be conceded to companies, corporations or private persons whatsoever.

These provisions are recognized by the Signatory Powers as becoming henceforth a part of international law.

**Art. 14-** The navigation of the Congo shall not be subject to any restriction or obligation which is not expressly stipulated by the present Act. It shall not be exposed to any landing dues, to any station or depot tax, or to any charge for breaking bulk, or for compulsory entry into port.

In all the extent of the Congo the ships and goods in process of transit on the river shall be submitted to no transit dues, whatever their starting place or destination.

There shall be levied no maritime or river toll based on the mere fact of navigation, nor any tax on goods aboard of ships. There shall only be levied taxes or duties having the character of an equivalent for services rendered to navigation itself, to wit:

1. Harbour dues on certain local establishments, such as wharves, warehouses, etc, if actually used.

The tariff of such dues shall be framed according to the cost of constructing and maintaining the said local establishments; and it will be applied without regard to whence vessels come or what they are loaded with.

2. Pilot dues for those stretches of the river where it may be necessary to establish properly qualified pilots.

The tariff of these dues shall be fixed and calculated in proportion to the service rendered.

3. Charges raised to cover technical and administrative expenses incurred in the general interest of navigation, including lighthouse, beacon and buoy duties.

The last mentioned dues shall be based on the tonnage of vessels as shown by the ship's papers, and in accordance with the rules adopted on the Lower Danube.

The tariffs by which the various dues and taxes enumerated in the three preceding paragraphs shall be levied shall not involve any differential treatment, and shall be officially published at each port.

The Powers reserve to themselves to consider, after the lapse of five years, whether it may be necessary to revise, by common accord, the abovementioned tariffs.

**Art. 15-** The affluents of the Congo shall in all respects be subject to the same rules as the river of which they are tributaries.

And the same rules shall apply to the streams and river as well as the lakes and canals in the territories defined in paragraphs 2 and 3 of Article 1.

At the same time the powers of the International Commission of the Congo will not extend to the said rivers, streams, lakes and canals, unless with the assent of the States under whose sovereignty they are placed. It is well understood, also, that with regard to the territories mentioned in paragraph 3 of Article 1 the consent of the Sovereign States owning these territories is reserved.

**Art. 16-** The roads, railways or lateral canals which may be constructed with the special object of obviating the innavigability or correcting the imperfection of the river route on certain sections of the course of the Congo, its affluents, and other waterways placed under a similar system, as laid down in Article 15, shall be considered in their quality of means of communication as dependencies of this river, and as equally open to the traffic of all nations.

And, as on the river itself, so there shall be collected on these roads, railways and canals only tolls calculated on the cost of construction, maintenance and management, and on the profits due to the promoters.

As regards the tariff of these tolls, strangers and the natives of the respective territories shall be treated on a footing of perfect equality.

**Art. 17-** There is instituted an International Commission, charged with the execution of the provisions of the present Act of Navigation.

The Signatory Powers of this Act, as well as those who may subsequently adhere to it, may always be represented on the said Commission, each by one delegate. But no delegate shall have more than one vote at his disposal, even in the case of his representing several Governments.

This delegate will be directly paid by his Government. As for the various agents and employees of the International Commission, their remuneration shall be charged to the amount of the dues collected in conformity with paragraphs 2 and 3 of Article 14.

The particulars of the said remuneration, as well as the number, grade and powers of the agents and employees, shall be entered in the returns to be sent yearly to the Governments represented on the International Commission.

**Art.18-** The members of the International Commission, as well as its appointed agents, are invested with the privilege of inviolability in the exercise of their functions. The same guarantee shall apply to the offices and archives of the Commission.

**Art.19-** The International Commission for the Navigation of the Congo shall be constituted as soon as five of the Signatory Powers of the present General Act shall have appointed their delegates. And, pending the constitution of the Commission, the nomination of these delegates shall be notified to the Imperial Government of Germany, which will see to it that the necessary steps are taken to summon the meeting of the Commission.

The Commission will at once draw up navigation, river police, pilot and quarantine rules.

These rules, as well as the tariffs to be framed by the Commission, shall, before coming into force, be submitted for approval to the Powers represented on the Commission. The Powers interested will have to communicate their views with as little delay as possible.

Any infringement of these rules will be checked by the agents of the International Commission wherever it exercises direct authority, and elsewhere by the riverain Power.

In the case of an abuse of power, or of an act of injustice, on the part of any agent or employee of the International Commission, the individual who considers himself to be aggrieved in his person or rights may apply to the consular agent of his country. The latter will examine his complaint, and if he finds it prima facie reasonable he will then be entitled to bring it before the Commission. At his instance then, the Commission, represented by at least three of its members, shall, in conjunction with him, inquire into the conduct of its agent or employee. Should the consular agent look upon the decision of the Commission as raising questions of law, he will report on the subject to his Government, which may then have recourse to the Powers represented on the Commission, and invite them to agree as to the instructions to be given to the Commission.

**Art.20-** The International Commission of the Congo, charged in terms of Article 17 with the execution of the present Act of Navigation, shall in particular have power-

1. To decide what works are necessary to assure the navigability of the Congo in accordance with the needs of international trade.

On those sections of the river where no Power exercises sovereign rights the International Commission will itself take the necessary measures for assuring the navigability of the river.

On those sections of the river held by a Sovereign Power the International Commission will concert its action with the riparian authorities.



2. To fix the pilot tariff and that of the general navigation dues as provided for by paragraphs 2 and 3 of Article 14.

The tariffs mentioned in the first paragraph of Article 14 shall be framed by the territorial authorities within the limits prescribed in the said Article.

The levying of the various dues shall be seen to by the international or territorial authorities on whose behalf they are established.

3. To administer the revenue arising from the application of the preceding paragraph (2).

4. To superintend the quarantine establishment created in virtue of Article 24.

5. To appoint officials for the general service of navigation, and also its own proper employees.

It will be for the territorial authorities to appoint sub-inspectors on sections of the river occupied by a Power, and for the International Commission to do so on the other sections.

The riverain Power will notify to the International Commission the appointment of sub-inspectors, and this Power will undertake the payment of their salaries.

In the exercise of its functions, as above defined and limited, the International Commission will be independent of the territorial authorities.

**Art. 21-** In the accomplishment of its task the International Commission may, if need be, have recourse to the war vessels of the Signatory Powers of this Act, and of those who may in future accede to it, under reserve, however, of the instructions which may be given to the commanders of these vessels by their respective Governments.

**Art. 22-** The war vessels of the Signatory Powers of this Act that may enter the Congo are exempt from payment of the navigation dues provided for in paragraph 3 of Article 14; but, unless their intervention has been called for by the International Commission or its agents, in terms of the preceding Article, they shall be liable to the payment of the pilot or harbour dues which may eventually be established.

**Art. 23-** With the view of providing for the technical and administrative expenses which it may incur, the International Commission created by Article 17 may, in its own name, negotiate loans to be exclusively guaranteed by the revenues raised by the said Commission.

The decisions of the Commission dealing with the conclusion of a loan must be come to by a majority of two-thirds. It is understood that the Governments represented on the Commission shall not in any case be held as assuming any guarantee, or as contracting

any engagement or joint liability (solidarité) with respect to the said loans, unless under special Conventions concluded by them to this effect.

The revenue yielded by the dues specified in paragraph 3 of Article 14 shall bear, as a first charge, the payment of the interest and sinking fund of the said loans, according to agreement with the lenders.

**Art. 24-** At the mouth of the Congo there shall be founded, either on the initiative of the riverain Powers, or by the intervention of the International Commission, a quarantine establishment for the control of vessels passing out of as well as into the river.

Later on the Powers will decide whether and on what conditions a sanitary control shall be exercised over vessels engaged in the navigation of the river itself.

**Art. 25-** The provisions of the present Act of Navigation shall remain in force in time of war. Consequently all nations, whether neutral or belligerent, shall be always free, for the purposes of trade, to navigate the Congo, its branches, affluents and mouths, as well as the territorial waters fronting the embouchure of the river.

Traffic will similarly remain free, despite a state of war, on the roads, railways, lakes and canals mentioned in Articles 15 and 16.

There will be no exception to this principle, except in so far as concerns the transport of articles intended for a belligerent, and in virtue of the law of nations regarded as contraband of war.

All the works and establishments created in pursuance of the present Act, especially the tax collecting offices and their treasuries, as well as the permanent service staff of these establishments, shall enjoy the benefits of neutrality, and shall, therefore, be respected and protected by belligerents.

#### ***CHAPTER V- ACT OF NAVIGATION FOR THE NIGER***

**Art. 26-** The navigation of the Niger, without excepting any of its branches and outlets, is and shall remain entirely free for the merchant ships of all nations equally, whether with cargo or ballast, for the transportation of goods and passengers. It shall be regulated by the provisions of this Act of Navigation, and by the rules to be made in pursuance of this Act.

In the exercise of this navigation the subjects and flags of all nations shall be treated, in all circumstances, on a footing of perfect equality, not only for the direct navigation from the open sea to the inland ports of the Niger, and vice versa, but for the great and small coasting trade, and for boat trade on the course of the river.

Consequently, on all the course and mouths of the Niger there will be no distinction made between the subjects of the riverain States and those of non-riverain States; and

no exclusive privilege of navigation will be conceded to companies, corporations or private persons.

These provisions are recognized by the Signatory Powers as forming henceforth a part of international law.

**Art. 27-** The navigation of the Niger shall not be subject to any restriction or obligation based merely on the fact of navigation.

It shall not be exposed to any obligation in regard to landing-station or depot, or for breaking bulk, or for compulsory entry into port.

In all the extent of the Niger the ships and goods in process of transit on the river shall be submitted to no transit dues, whatever their starting place or destination.

No maritime or river toll shall be levied based on the sole fact of navigation, nor any tax on goods on board of ships. There shall only be collected taxes or duties which shall be an equivalent for services rendered to navigation itself. The tariff of these taxes or duties shall not warrant any differential treatment.

**Art. 28-** The affluents of the Niger shall be in all respects subject to the same rules as the river of which they are tributaries.

**Art. 29-** The roads, railways or lateral canals which may be constructed with the special object of obviating the innavigability or correcting the imperfections of the river route on certain sections of the course of the Niger, its affluents, branches and outlets, shall be considered, in their quality of means of communication, as dependencies of this river, and as equally open to the traffic of all nations.

And, as on the river itself, so there shall be collected on these roads, railways and canals only tolls calculated on the cost of construction, maintenance and management, and on the profits due to the promoters.

As regards the tariff of these tolls, strangers and the natives of the respective territories shall be treated on a footing of perfect equality.

**Art. 30-** Great Britain undertakes to apply the principles of freedom of navigation enunciated in Articles 26, 27, 28 and 29 on so much of the waters of the Niger, its affluents, branches and outlets, as are or may be under her sovereignty or protection.

The rules which she may establish for the safety and control of navigation shall be drawn up in a way to facilitate, as far as possible, the circulation of merchant ships.

It is understood that nothing in these obligations shall be interpreted as hindering Great Britain from making any rules of navigation whatever which shall not be contrary to the spirit of these engagements.

Great Britain undertakes to protect foreign merchants and all the trading nationalities on all those portions of the Niger which are or may be under her sovereignty or protection as if they were her own subjects, provided always that such merchants conform to the rules which are or shall be made in virtue of the foregoing.

**Art. 31-** France accepts, under the same reservations, and in identical terms, the obligations undertaken in the preceding Articles in respect of so much of the waters of the Niger, its affluents, branches and outlets, as are or may be under her sovereignty or protection.

**Art. 32-** Each of the other Signatory Powers binds itself in the same way in case it should ever exercise in the future rights of sovereignty or protection over any portion of the waters of the Niger, its affluents, branches or outlets.

**Art. 33-** The arrangements of the present Act of Navigation will remain in force in time of war. Consequently, the navigation of all neutral or belligerent nationals will be in all time free for the usages of commerce on the Niger, its branches, its affluents, its mouths and outlets, as well as on the territorial waters opposite the mouths and outlets of that river.

The traffic will remain equally free in spite of a state of war on the roads, railways and canals mentioned in Article 29.

There will be an exception to this principle only in that which relates to the transport of articles destined for a belligerent, and considered, in virtue of the law of nations, as articles contraband of war.

***CHAPTER VI- DECLARATION RELATIVE TO THE ESSENTIAL CONDITIONS TO BE OBSERVED IN ORDER THAT NEW OCCUPATIONS ON THE COASTS OF THE AFRICAN CONTINENT MAY BE HELD TO BE EFFECTIVE***

**Art. 34-** Any Power which henceforth takes possession of a tract of land on the coasts of the African continent outside of its present possessions, or which, being hitherto without such possessions, shall acquire them, as well as the Power which assumes a Protectorate there, shall accompany the respective act with a notification thereof, addressed to the other Signatory Powers of the present Act, in order to enable them, if need be, to make good any claims of their own.

**Art. 35-** The Signatory Powers of the present Act recognize the obligation to insure the establishment of authority in the regions occupied by them on the coasts of the African continent sufficient to protect existing rights, and, as the case may be, freedom of trade and of transit under the conditions agreed upon.

***CHAPTER VII- GENERAL DISPOSITIONS***

**Art. 36-** The Signatory Powers of the present General Act reserve to themselves to

introduce into it subsequently, and by common accord, such modifications and improvements as experience may show to be expedient.

**Art. 37-** The Powers who have not signed the present General Act shall be free to adhere to its provisions by a separate instrument.

The adhesion of each Power shall be notified in diplomatic form to the Government of the German Empire, and by it in turn to all the other signatory or adhering Powers.

Such adhesion shall carry with it full acceptance of all the obligations as well as admission to all the advantages stipulated by the present General Act.

**Art. 38-** The present General Act shall be ratified with as little delay as possible, the same in no case to exceed a year.

It will come into force for each Power from the date of its ratification by that Power.

Meanwhile, the Signatory Powers of the present General Act bind themselves not to take any steps contrary to its provisions.

Each Power will address its ratification to the Government of the German Empire, by which notice of the fact will be given to all the other Signatory Powers of the present Act.

The ratifications of all the Powers will be deposited in the archives of the Government of the German Empire. When all the ratifications shall have been sent in, there will be drawn up a Deposit Act, in the shape of a Protocol, to be signed by the representatives of all the Powers which have taken part in the Conference of Berlin, and of which a certified copy will be sent to each of those Powers.

In Testimony whereof the several plenipotentiaries have signed the present General Act and have affixed thereto their seals.

Done at Berlin, the 26th day of February, 1885.<sup>312</sup>

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*Articles 3, 5, and 6 of the Convention between Portugal and the International Association of the Congo, respecting Boundaries, at Berlin, 14<sup>th</sup> February 1885.*

**Art. 3-** The International Association of the Congo and His Most Faithful Majesty the

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<sup>312</sup> *Protocols and General Act of the West Africa Conference.* (London: Harrison and Sons, March 1885), 304, reproduced in *Irish University Press series of British parliamentary papers. Colonies: Africa* Vol. 8: *Papers Relating to Africa, 1802-1899.* (Shannon, Ireland: Irish University Press, 1971), 572.

King of Portugal and the Algarves adopt the following frontiers between their possessions in West Africa, namely:--

To the north of the River Congo (Zaire) the right frontier joining the mouth of the river which empties itself into the Atlantic Ocean, to the south of the Bay of Kabinda, near Ponta Vermelha, at Cabo-Lombo;

The parallel of this latter point prolonged till it intersects the meridian of the junction of the Culacalla with the Luculla;

The meridian thus fixed until it meets with the River Luculla;

The course of the Luculla to its junction with the Chiloango (Luango Luce);

The course of the Congo (Zaire) from its mouth to its junction with the little River Uango-Uango;

The meridian which passes by the mouth of the little River Uango-Uango between the Dutch and Portuguese factories, so as to leave the latter in Portuguese territory, till this meridian touches the parallel of Nokki;

The parallel of Nokki till the point where it intersects the River Kuango (Cuango);

From this point, in a southerly direction, the course of the Kuango (Cuango).

**Art. 5-** His Most Faithful Majesty the King of Portugal and the Algarves is inclined to recognize the neutrality of the possessions of the International Association of the Congo conditionally upon discussing and regulating the conditions of such neutrality in common with the other Powers represented at the Berlin Conference.

**Art. 6-** His Most Faithful Majesty the King of Portugal and the Algarves recognizes the Flag of the International Association of the Congo, a blue flag with a golden star in the centre, as the flag of a friendly government.<sup>313</sup>

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<sup>313</sup> Herstlet, *The Map of Africa by Treaty*, Vol. 2: *Abyssinia to Great Britain and France.*, 591-592.

APPENDIX B

DIPLOMATIC DOCUMENTS FROM THE BERLIN CONFERENCE  
TO THE ULTIMATUM OF JANUARY 11, 1890

*Articles 1-4 of the Franco-Portuguese Convention on the Limits of Both Powers' Territory in Africa, May 12, 1886.*

His Majesty the King of Portugal and the Algarves, and the President of the French Republic, animated by the desire to draw more closely, through neighbourly relations and perfect harmony, the bonds of friendship which exist between the two countries, have determined to draw up, for this purpose, a special Convention to arrange the delimitation of their respective possessions in West Africa, and have named the following as their Plenipotentiaries:--

His Majesty the King of Portugal and the Algarves, M. João d' Andrade corvo, his Envoy Extraordinary and Minister Plenipotentiary to the French Republic, &c. and M. Carlos Roma du Bocage, Military Attaché at the Legation at the Court of His Majesty the Emperor of Germany and King of Prussia, &c;

The President of the French Republic, M. Girard de Rialle, Minister Plenipotentiary, Chief of the Department of the Archives in the Ministry for Foreign Affairs, &c.;

Who, after declaration of their full powers, which were found to be in good and due form, agreed to the following Articles:--

**Art. 1.** In Guinea, the frontier which shall separate the Portuguese from the French possessions, will follow, in accordance with the tracing upon Map I, which is annexed to the present convention:--

In the north, a line which, starting from Cape Roxo, will keep, as far as the nature of the ground will permit, at an equal distance from the Rivers Casamance (Casamansa) and San Domingo de Cacheu (São Domingo de Cacheu) to the point of intersection of  $17^{\circ} 30'$  longitude west of Paris with the parallel  $12^{\circ} 40'$  of north latitude between this point and  $16^{\circ}$  of longitude west of Paris, the frontier shall be merged in the parallel  $12^{\circ} 40'$  of north latitude:--

In the east, the frontier will follow the meridian of  $16^{\circ}$  west from the  $12^{\circ} 40'$  parallel of north latitude to the  $11^{\circ} 40'$  parallel north latitude:--

In the south, the frontier will follow a line starting from the mouth of the River Cajet, which lies between the Island of Catack (which will belong to Portugal) and the Island of Tristão (which will belong to France), and keeping, as far as the nature of the lands permits, at an equal distance between the Rio Componi (Tabati) and the Rio Cassini, then between the northern branch of the Rio Componi (Tabati) and at first the southern branch of the Rio Cassini (tributary of the Kacondo), afterwards the Rio Grande, until it reaches the point where the  $16^{\text{th}}$  meridian of west longitude cuts the parallel  $11^{\circ} 40'$  of north latitude.



Portugal will possess all the islands included between the meridian of Cape Roxo, the coast, and the southern boundary formed by a line following the thalweg of the River Cajet, and afterwards turning towards the south-west across the Passe des Pilots, where it reaches 10° 40' north latitude, and follows it as far as the meridian of Cape Roxo.

**Art. 2.** His Majesty the King of Portugal and Algarves recognizes the French Protectorate over the territories of Fouta-Djallon, such as it was established by the Treaties concluded in 1881 between the Government of the French Republic and the Almamays of Fouta-Djallon.

The Government of the French Republic, on its side, binds itself not to attempt to exercise influence within the limits assigned to Portuguese Guinea by Article I of the present Convention. They further bind themselves not to modify the treatment which has always been extended to Portuguese subjects by the Almamays of Fouta-Djallon.

**Art. 3.** In the region of the Congo, the frontier of Portuguese and French possessions will follow, in accordance with the tracing on Map II, annexed to the present Convention, a line which, starting from the Chamba Point, situated at the confluence of the Loema or Louisa Lango and the Lubinda, will keep, as far as the nature of the land permits, at an equal distance from the two rivers, and from the northernmost source of the River Luali will follow the crest line which separates the basins of the Loema or Louisa Loango and the Chiloango as far as 10° 30' of longitude east of Paris, when it is merged in this meridian as far as its meeting with the Chiloango, which at this point serves as the frontier between the Portuguese possessions and the Congo Free State.

Each of the High Contracting Parties binds itself not to raise at Chamba Point any works of a nature to impede navigation. In the estuary comprised between Chamba Point and the sea the thalweg will serve as political line of demarcation between the possessions of the High Contracting Parties.

**Art. 4.** The Government of the French Republic recognizes the right of His Most Faithful Majesty to exercise his sovereign and civilizing influence in the territories which separate the Portuguese possessions of Angola and Mozambique; reserving rights already acquired by other Powers and binds itself on its side to abstain from all occupation there.

Paris, May 26, 1886.

(L.S.) JOÃO DE ANDRADE CORVO  
(L.S.) CARLOS ROMA DU BOCAGE  
(L.S.) J. GIRARD DE RIALLE

(L.S.) A. O'NEILL.<sup>314</sup>

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<sup>314</sup> Government of the French Republic and the Government of the Kingdom of Portugal, "Franco-Portuguese Convention, May 12, 1886," in Edward Hertslet, *The Map of Africa by Treaty*, Vol 2: *Abyssinia to Great Britain and France*. (London: Cass, 1967), 673-675.

*German-Portuguese Declaration of the Limits of Both Powers' Territory in Southern Africa, December 30, 1886*

The Government of His Majesty the German Emperor, and the Government of His Majesty the King of Portugal and the Algarves, animated by the same desire to draw more closely the existing friendly relations between Portugal and Germany, and to gain a firm and secure basis for peaceful and cooperation in the opening out of Africa to civilization and commerce, have resolved to establish certain boundaries, within each of the two Powers shall keep their freedom of action for their colonizing activity.

For this purpose the Undersigned, Henrique de Barros Gomes, State Councillor for His Most Faithful Majesty, and his Secretary of State for Foreign Affairs, and Councillor Richard von Schmidthals, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor, have, in accordance with their full powers, agreed upon the following Articles:-

**Art. 1.** The Boundary line which shall separate the Portuguese and German possessions in Southwest Africa follows the course of the River Kunene from its mouth to the waterfalls which are formed to the south of the Humbe by the Kunene breaking through the Serra Cana. From this point the line runs along the parallel of latitude to the River Kubango, then along the course of that river to the village of Andara, which is to remain in the German sphere of influence, and from thence in a straight line eastwards to the rapids of Catima, on the Zambesi.

**Art. 2.** The Boundary line which shall separate the Portuguese from the German possessions in South-East Africa follows the course of the River Rovuma from its mouth to the point where the River M'Sinje joins the Rovuma and runs to the westward on the parallel of latitude to the shores of Lake Nyassa.

**Art. 3.** His Majesty the German Emperor recognizes the right of His Majesty the King of Portugal to exercise his influence of sovereignty and civilization in the territories which separate the Portuguese possessions of Angola and Mozambique, without prejudice to the rights which other Powers may have acquired there up to now of exercising their sovereign and civilizing influence.

And in accordance with this acknowledgement, binds himself not to make acquisitions of sovereignty in the territories in question, not to accept Protectorates in them, and, finally, not to place there any obstacles to the extension of Portuguese influence.

His Majesty the King of Portugal and the Algarves undertakes identical obligation as regards the territory which under Articles I and II of this Agreement are within the sphere of German action.

**Art. 4.** Portuguese subjects in the German Possessions of Africa, and German subjects in the Portuguese Possessions shall enjoy in respect to the protection of their persons and goods, with the acquisition and transfer of personal and real property, and to the exercise of their industry, the same treatment without any difference whatever, and the same rights as the subjects of the nations exercising sovereignty or protection.

**Art. 5.** The Portuguese and Imperial Governments reserve to themselves the right of concluding further Agreements to facilitate commerce and navigation, as well as to regulate the frontier traffic in the African Possessions on both sides.

(L.S.) BARROS GOMES  
(L.S.) SCHMIDTHALS.

**Additional Art.** This agreement shall come into force and shall be binding for both powers after having been approved by the Portuguese Cortes, and officially published in both countries.

Done in Duplicate at Lisbon, on the 30th December, 1886.

(L.S.) BARROS GOMES.  
(L.S.) SCHMIDTHALS.<sup>315</sup>

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<sup>315</sup> Government of the German Empire and the Government of the Kingdom of Portugal, "German- Portuguese Declaration, December 30, 1886," in Hertslet, *Map of Africa by Treaty*, Vol. 2: *Abyssinia to Great Britain and France*, ( London: Cass Co., 1967), 703-705.

*British Protest against the French and German Agreements with Portugal, August 13, 1887*

Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at Lisbon did not fail to forward to Her Majesty's Government copies of the documents as presented to the Portuguese Cortes in the form of White books, recording the result of the recent negotiations carried on by Portugal with Germany and France, the object of which was the delimitation of their respective spheres of influence in Central Africa.

Maps were annexed to these papers showing the territory which, as Portugal understands, is allowed by the two countries to be reserved to her enterprise. The immense field so coloured in the Maps comprises the entire region lying between Angola and Mozambique, Matabeleland, and the entire district of Lake Nyassa, up to the latitudes of the Rovuma River.

In the districts to which Portugal thus appears to lay a preferential claim, and in which, except near the sea-coast and on portions of the Zambesi River, there is not a sign of Portuguese jurisdiction or authority, there are countries in which there are British Settlements, and others in which Great Britain takes an exceptional interest. Her Majesty's Government feel, therefore, that it is impossible to pass over without notice the official publication of the Maps.

Her Majesty's Chargé d' Affaires has consequently the honour to state to his Excellency the Minister for Foreign Affairs of His Most Faithful Majesty, under instructions which he has received from Her Majesty's Principal Secretary of State for Foreign Affairs, that the attention of Her Majesty's Government has been directed to the Maps in question, and that Great Britain considers that it has now been admitted in principle by all the parties to the Act of Berlin that a claim of sovereignty in Africa can only be maintained by real occupation of the territory claimed, and that this doctrine has been practically applied in the recent Zanzibar delimitations. Her Majesty's Chargé d' Affaires is instructed to make a formal protest against any claims not founded on occupation, and to say that Her Majesty's Government cannot recognize Portuguese Sovereignty in territory not occupied by her in sufficient strength to enable her to make order, protect foreigners, and control the natives.

Her Majesty's Chargé d' Affaires is further directed to state that this protest especially applies to the districts of Lake Nyassa occupied by British traders and missionaries, and to Matabeleland, and to point out that, by the decision of the Delagoa Bay Arbitration, Portugal is debarred from extending her dominion into any part of Tongaland beyond the limits of 26° 30' south latitude.

British Legation, Lisbon, August 13, 1887.<sup>316</sup>

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<sup>316</sup> British Legation at Lisbon, "British Protest against Treaties between Portugal and France, and Portugal and Germany, August 13, 1887," in Edward Hertslet, *The Map of Africa by Treaty*, Vol. 2: *Abyssinia to Great Britain and France*, (London: Cass Co., 1967), 705-706

APPENDIX C

THE PORTUGUESE NATIONAL ANTHEM

*Portuguese National Anthem, A Portuguesa, by Henrique Lopes de Mendonça, 1890.*

1. *Heroes of the sea, noble people,  
Brave and immortal nation,  
Give rise today, once more  
To the splendour of Portugal!  
Amidst the mists of memory,  
Oh Fatherland, the voice is felt  
Of your noble forefathers,  
That shall lead you to victory!*

**Chorus:** *To arms, to arms!  
Over the land, over the sea,  
To arms, to arms!  
To fight for the Fatherland!  
Against the Britons (cannons), we march, we march!*

2. *Hoist the unconquerable Flag,  
In the living light of your sky!  
Europe cries out to the world entire:  
Portugal has not perished  
Kiss the soil jolly of yours  
The Ocean, roaring of love,  
And your winning arm  
Gave new worlds to the World!*

*Chorus*

3. *Salute the Sun that rises  
Over a smiling future;  
Let the echo of an offense  
Be the sign for resurrection.  
Rays of that strong dawn  
Are as mother kisses,  
That keep us, sustain us,  
Against the injuries of fate.*

*Chorus*



APPENDIX D

DIPLOMATIC DOCUMENTS REGARDING PORTUGUESE AFRICA, 1890-1899

*Anglo-Portuguese Convention, August 26, 1890*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, &c., &c., &c., and His Most Faithful Majesty the King of Portugal and the Algarves, &c., &c., &c., being animated with the desire to draw closer the ties of friendship which unite the two nations, and to settle by common accord certain matters relative to their respective spheres of influence in Africa, have determined to conclude a Convention to that effect, and have named as their respective Plenipotentiaries—that is to say :—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable Robert Arthur Talbot Gascoyne Cecil, Marquis of Salisbury, Earl of Salisbury, Viscount Cranborne, Baron Cecil, Peer of the United Kingdom, Knight of the Most Noble Order of the Garter, Member of Her Majesty's Most Honourable Privy Council, Her Majesty's Principal Secretary of State for Foreign Affairs, &c.

And His Most Faithful Majesty the King of Portugal and the Algarves, August Cesar Barjona de Freitas, Councillor of His Majesty and of State, Peer of the Realm, Minister and Honorary Secretary of State, Grand Cross of Christ, and Grand Cross of several foreign Orders, Envoy Extraordinary and Minister Plenipotentiary of His Most Faithful Majesty at the Court of Her Britannic Majesty, &c.

Who, having communicated to each other their respective full powers found in good and due form, have agreed upon the following Articles:—

**Art. 1.** Great Britain agrees to recognize, as within the dominion of Portugal in East Africa, the territories bounded—

1. To the north by a line which follows the course of the River Rovuma from its mouth up to the confluence of the River M'Sinje, and thence westerly along the parallel of latitude to the shore of Lake Nyassa.

2. To the west by a line which, starting from the above-mentioned frontier on Lake Nyassa, follows the eastern shore of the lake southwards as far as the parallel of latitude 13° 30' south ; thence it runs in a south-easterly direction to the eastern shore of Lake Chiuta, which it follows Thence in a direct line to the eastern shore of Lake Chilwa, or Shirwa, which it follows to its south-easternmost point; thence in a direct line to the easternmost affluent of the River Ruo, and thence follows that affluent, and, subsequently, the centre of the channel of the Ruo to its confluence with the River Shire. From thence it runs in a direct line to a point half way between Tete and the Kabra-bassa Rapids. The Settlement of Zumbo, with a radius on the northern bank of 10 English miles, remains under the dominion of Portugal, but shall not, without the

previous consent of Great Britain, be transferred to any other Power.

**Art. 2.** To the south of the Zambesi, the territories within the Portuguese sphere of influence are bounded by a line which, starting from a point opposite the western extremity of the 10-mile radius of Zumbo, runs directly southwards as far as the 16th parallel of south latitude, follows that parallel to its intersection with the 31st degree of east longitude (Greenwich), thence running eastward direct to the point where the River Mazoe is intersected by the 33rd degree of east longitude ; it follows that degree southwards to its intersection by the 18° 30' parallel of south latitude; runs along that parallel westward to the affluent of the River Save or Sabi, which is called the River Masheke; follows that affluent, and afterwards the centre of the main channel of the Save, to the confluence of the Lunte, whence it strikes direct to the north-eastern point of the frontier of the South African Republic, and follows the eastern frontier of the Republic, and the frontier of Swaziland, to the River Maputa.

Portugal engages not to cede her territories to the south of the Zambesi to any other Power without the previous consent of Great Britain.

**Art. 3.** Great Britain engages not to make any objection to the extension of the sphere of influence of Portugal, south of Delagoa Bay, as far as a line following the parallel of the confluence of the River Pongola with the River Maputa to the seacoast.

Portugal engages that the territory of which the limits are defined in this Article shall not, without the consent of Great Britain, be transferred to any other Power.

**Art. 4.** It is agreed that the western line of division separating the British from the Portuguese sphere of influence in Central Africa shall follow the centre of the channel of the Upper Zambesi, starting from the Katima Rapids up to the junction with that river of the River Kabompo, and thence up the centre of the channel of the Kabompo.

The country hereby recognized as Portuguese shall not, without the consent of Great Britain, be transferred to any other Power.

It is understood on both sides that nothing in this Article shall affect the existing rights of any other State. Subject to this reservation Great Britain will not oppose the extension of the Portuguese sphere of influence beyond the abovementioned limits.

**Art. 5.** Portugal agrees to recognize, as within the sphere of influence of Great Britain on the north of the Zambesi, the territories extending from the line described in the preceding Article to Lake Nyassa, including the islands in that lake south of parallel 11° 80', and to the line described in Article I, with the exception of Zumbo and a radius of ten English miles round it.

**Art. 6.** Portugal agrees to recognize, as within the sphere of influence of Great Britain to the south of the Zambesi, the territories bounded on the east and north-east by the line described in Article II.

**Art. 7.** All the lines of demarcation traced in Articles I to VI shall be subject to rectification by Agreement between the two Powers, in accordance with local requirements.

**Art. 8.** The two Powers engage that neither will interfere with any sphere of influence assigned to the other by Articles I to VI. One power will not in the sphere of the other make acquisitions, conclude treaties, or accept sovereign rights or protectorates.

It is understood that no Companies nor individuals subject to one Power can exercise sovereign rights in a sphere assigned to the other, except with the assent of the latter.

**Art. 9.** Trading and mineral concessions, and rights to real property, held by Companies or individuals, subjects of one Power, shall, if their validity is duly established, be recognized in the sphere of the other Power. It is understood that concessions must be worked in accordance with local Laws and Regulations.

If a difference of opinion shall arise between the two Governments as to the validity of the concession, or as to the equitable character or suitability of the above-mentioned local Laws and Regulations, it shall be settled by the arbitration of a jurisconsult of a neutral nationality.

**Art. 10.** In all territories in Africa belonging to or under the influence of either Power, missionaries of both countries shall have full protection. Religious toleration and freedom for all forms of Divine worship and religious teaching are guaranteed.

**Art. 11.** The two Powers engage that, in their respective spheres as defined in Articles I to VI, trade shall enjoy complete freedom ; the navigation of the lakes, rivers, and canals, and of the ports on those waters, shall be free to both flags ; and no differential treatment shall be permitted as regards transport or coasting trade ; goods, of whatever origin, shall be subject to no dues except those, not differential in their incidence, which may be levied for objects directly connected with the administration, or the suppression of the Slave Trade under the provisions of the Act of the Brussels Conference, or to meet expenditure in the interest of trade ; no transit-dues shall be permitted, and no monopoly or favour in matters of trade can be granted. The subjects of either Power will be at liberty to settle freely in the Territories within the respective spheres.

Portugal reserves her right to exclude from the operation of the free zone provisions of the Act of Berlin, and from the provisions of the preceding paragraph, her ports on the East Coast, She also reserves the right to exclude from the operation of the provisions of the preceding paragraph her ports on the West Coast.

She engages, however, not to charge transit dues exceeding a maximum of 3 per cent, on goods passing in transit inwards or outwards between the coast and the British sphere of influence, either by land or water. These dues shall in no case have a differential character, and shall not exceed the customs dues levied on the same goods at the above-mentioned ports,

It is understood that, under the terms of this Article, there shall be freedom for the passage of subjects and goods of both Powers across the Zambesi, and through the districts adjoining the river for the purpose of such passage, along its whole course, without hindrance of any description and without payment of transit dues.

It is further understood that within a zone of 20 English miles on the north bank of the Zambesi Portugal shall have the right to construct roads, railways, bridges, and telegraph-lines across the territories reserved to British influence on the north of the Zambesi. Both Powers shall have the same right within a zone of ten English miles on the south of the Zambesi between Tete and the confluence of the Chobe, and within a zone of the same dimensions running from the north-east of the British sphere south of the Zambesi to the above-mentioned zone. The two Powers shall have the power, in these zones, of acquiring, on reasonable conditions, the land necessary for such objects, and shall receive all other requisite facilities, They shall also be allowed facilities for the construction on the river, between the above named limits, of piers and landing-places for the purpose of trade or navigation. All materials for the construction of roads, railways, bridges, and telegraph-lines shall be admitted free of charge.

Differences of opinion between the two Governments as to the execution of their respective obligations, incurred in accordance with the provisions of the preceding paragraph, shall be referred to the arbitration of two experts, one of whom shall be chosen on behalf of each Power, who shall select an Umpire, whose decision, in case of difference between the Arbitrators, shall be final. If the two experts cannot agree upon the choice of an Umpire, this Umpire shall be selected by a neutral Power.

**Art. 12.** The navigation of the Zambesi and Shire, without excepting any of their branches .and outlets, shall be entirely free for the ships of all nation.

**Art. 13.** Merchant ships of the two Powers shall in the Zambesi, its branches and outlets, have equal freedom of navigation, whether with cargo or ballast, for the transportation of goods and passengers. In the exercise of this navigation the subjects and flags of both Powers shall be treated, in all circumstances, on a footing of perfect equality, not only for the direct navigation from the open sea to the inland ports of the

Zambesi, and vice versa, but for the great and small coasting trade, and for boat trade on the course of the river. Consequently, on all the course and mouths of the Zambesi there will be no differential treatment of the subjects of the two Powers; and no exclusive privilege of navigation will be conceded by either to Companies, Corporations, or private persons.

The navigation of the Zambesi shall not be subject to any restriction or obligation based merely on the fact of navigation. It shall not be exposed to any obligation in regard to landing-station or depot, or for breaking bulk, or for compulsory entry into port. In all the extent of the Zambesi the ships and goods in process of transit on the river shall be submitted to no transit dues, whatever their starting-place or destination. No maritime or river toll shall be levied based on the sole fact of navigation, nor any tax on goods on board of ships. There shall only be collected taxes or duties which shall be an equivalent for services rendered to navigation itself. The tariff of these taxes or duties shall not warrant any differential treatment.

The affluents of the Zambesi shall be in all respects subject to the same rules as the river of which they are tributaries.

The roads, paths, railways, or lateral canals which may be constructed with the special object of obviating the navigability or correcting the imperfections of the river route on certain sections of the course of the Zambesi, its affluents, branches, and outlets, shall be considered, in their quality of means of communication, as dependencies of this river, and as equally open to the traffic of both Powers. And, as on the river itself, so there shall be collected on these roads, railways, and canals only tolls calculated on the cost of construction, maintenance, and management, and on the profits due to the promoters. As regards the tariff of these tolls, strangers and the natives of the respective territories shall be treated on a footing of perfect equality.

Portugal undertakes to apply the principles of freedom of navigation enunciated in this Article on so much of the waters of the Zambesi, its affluents, branches, and outlets, as are or may be under her sovereignty, protection, or influence. The rules which she may establish for the safety and control of navigation shall be drawn up in a way to facilitate, as far as possible, the circulation of merchant-ships.

Great Britain accepts, under the same reservations, and in identical terms, the obligations undertaken in the preceding Articles in respect of so much of the waters of the Zambesi, its affluents, branches, and outlets, as are or may be under her sovereignty, protection) or influence.

Any questions arising out of the provisions of this Article shall be referred to a Joint Commission, and, in Case of disagreement, to arbitration. Another system for the administration and control of the Zambesi may be substituted for the above arrangements by common consent of the Riverain Powers.

Portugal will, on application from Great Britain, grant to a Company a lease for one hundred years of 10 acres at the mouth of the Chinde, for purposes of transhipment. The ground so leased shall not in any case be fortified.

**Art. 14.** In the interest of both Powers, Portugal agrees to grant absolute freedom of passage between the British sphere of influence and Pungwe Bay for merchandise of every description, and to give the necessary facilities for the improvement of the means of communication. She undertakes to construct a railway to serve this region within a period fixed by surveys which shall be completed with the least possible delay. An Engineer named by the British Government shall take part in these surveys, which shall commence within a period of four months from the signature of this Convention. In case these conditions should not be precisely carried out, Portugal will grant to a Joint Company under the control of Portuguese and British Directors, and with seats in Lisbon and London, with the least possible delay, a concession for the construction of a railway, with all requisite facilities for the acquisition of land, cutting timber, and free importation and supply of materials and labour.

It is understood that no dues shall be levied at the port of entry or exit on goods in transit exceeding the maximum of 3 per cent, under the conditions stipulated in Article XI.

It is further understood that the same provision as to goods in transit applies to the Limpopo, the Save, and all other navigable rivers flowing to the coast of the Portuguese spheres in East or West Africa, with the exception of the Zambesi.

**Art. 15.** Great Britain and Portugal engage to facilitate telegraphic communication in their respective spheres.

The stipulations contained in Article XIV as regards the construction of a railway from Pungwé Bay to the interior shall be applicable in all respects to the construction of a telegraph-line for communication between the coast and the British sphere south of the Zambesi. Questions as to the points of departure and termination of the line, and as to other details, if not arranged by common consent shall be submitted to the arbitration of experts under the prescribed conditions.

Portugal engages to maintain telegraphic service between the coast and the River Ruo, which shall be open to the use of the subjects of the two Powers without any differential treatment. Great Britain and Portugal engage to give every facility for the connection of telegraphic lines constructed in their respective spheres.

Details in respect to such connection, and in respect to questions relating to the settlement of through tariffs and other charges, shall, if not settled by common consent,

be referred to the arbitration of experts under the prescribed conditions.

**Art. 16.** All differences not specifically mentioned in the preceding Articles which may arise between the two Governments with regard to this Convention shall be submitted to arbitration.

**Art. 17.** The present Convention shall be ratified, and the ratifications shall be exchanged at London as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the seals of their arms.

Done in duplicate at London, the twentieth day of August, in the year of our Lord one thousand eight hundred and ninety.

(L.S.) SALISBURY.  
(L.S.) BAR JONA DE FREITAS.<sup>317</sup>

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<sup>317</sup> Government of the United Kingdom of Great Britain and Ireland and the Government of the Kingdom of Portugal and the Algarves. "Anglo-Portuguese Convention, August 26, 1890." *The London Gazette*, August 26, 1890, No. 26082, 4663-4665.



*Anglo-Portuguese "Modus Vivendi" of November 14, 1890*

The Undersigned, duly authorized to that effect by their respective Governments, have agreed as follows:--

**Art. 1.** The Government of His Most Faithful Majesty the King of Portugal and the Algarves engages to decree at once the freedom of navigation of the Zambesi and of the Shiré.

**Art. 2.** The Government of His Most Faithful Majesty the King of Portugal and the Algarves engages to permit and to facilitate transit over the waterways of the Zambesi, the Shiré, and the Pungwé, and also over the landways which supply means of communication where these rivers are not navigable.

**Art. 3.** The Government of His Most Faithful Majesty the King of Portugal and the Algarves further engages to facilitate communications between the Portuguese ports on the coast and the territories included in the sphere of action of Great Britain, especially as regards the establishment of postal and telegraphic communications, and as regards the transport service.

**Art. 4.** The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Most Faithful Majesty the King of Portugal and the Algarves, engage to recognize the territorial limits indicated in the Convention of the 20<sup>th</sup> August, 1890, in so far that from the date of the present Agreement to the termination thereof neither power will make Treaties, accept Protectorates, or exercise any act of sovereignty within the spheres of influence assigned to the other Party by the said Convention.

But neither Power will thereby be held to prejudge any question whatever which may arise as to the said territorial limits in the course of the ulterior negotiations.

**Art. 5.** The present Agreement shall come into operation from the date of its signature, and shall remain in force for a period of six months.

Done at London, the 14<sup>th</sup> day of November, 1890.

(L.S.) SALISBURY  
(L.S.) LUIZ DE SOVERAL<sup>318</sup>

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<sup>318</sup> Government of the United Kingdom of Great Britain and Ireland and the Government of the Kingdom of Portugal, "Anglo-Portuguese Modus Vivendi, November 14, 1890," in Edward Hertslet, *The Map of Africa by Treaty*, Vol. 3: *Great Britain and Germany to the United States*. (London: Cass, 1967), 1014-1015

*Anglo-Portuguese Convention of June 11<sup>th</sup>, 1891*

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, &c. &c. &c., and His Most Faithful Majesty the King of Portugal and the Algarves, &c. &c. &c., with a view to settle definitively the boundaries of their respective spheres of influence in Africa, and being animated with the desire to confirm the friendly relations between the two Powers, have determined to conclude a treaty to this effect, and have named as their respective Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Sir George Glynn Petre, K.C.M.G., C.B., Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of His Most Faithful Majesty, &c.; and

His Most Faithful Majesty the King of Portugal and the Algarves, Joaquim Thomaz d'Avila, Count of Valbom, Councillor of His Majesty and of State, Peer of the Realm, Grand Cross of various Orders, &c., His Majesty's Minister and Secretary of State for Foreign Affairs, &c.;

Who, having communicated to each other their respective full powers, found in good and due order, have agreed upon and concluded the following Articles:-

**Art. 1.** Great Britain agrees to recognize as within the dominion of Portugal in East Africa the territories bounded—

1. To the north by a line which follows the course of the River Rovuma from its mouth up to the confluence of the River M'Sinje, and thence westerly along the parallel of latitude to the confluence of these rivers to the shore of Lake Nyassa

2. To the west by a line which, starting from the above mentioned frontier on Lake Nyassa, follows the eastern shore of the lake southwards as far as the parallel of latitude 13 30' south; thence it runs in a southeasterly direction to the eastern shore of Lake Chiuta, which it follows. Thence it runs in a direct line to the eastern shore of Lake Chilwa or Shirwa, which it follows to its south-easternmost point; thence in a direct line to the easternmost affluent of the River Ruo, and thence follows that affluent, and, subsequently, the entire channel of the Ruo to its confluence with the River Shiré.

From the confluence of the Ruo and Shiré the boundary will follow the center of the channel of the latter river to a point just below Chiwanga. Thence it runs due westward until it reaches the watershed between the Zambesi and the Shiré, and follows the watershed between those rivers and afterwards between the former river and Lake Nyassa until it reaches the parallel 14 of south latitude.

From thence it runs in a south-westerly direction to the point where south latitude 15 meets the River Aroangwa or Loangwa, and follows the mid-channel of that river to its junction with the Zambesi.

**Art. 2.** To the south of the Zambesi, the territories within the Portuguese sphere of influence are bounded by a line which, starting from a point opposite the mouth of the River Aroangwa or Loangwa, runs directly southwards as far as the 16<sup>th</sup> parallel of south latitude, follows that parallel to its intersection with 31<sup>st</sup> degree of longitude east of Greenwich, thence running eastward direct to the point where the River Mazoe is intersected by the 33<sup>rd</sup> degree of longitude east of Greenwich; it follows that degree southward to its intersection by the 18 30' parallel of south latitude; thence it follows the upper part of the eastern slope of the Manica plateau that channel to its confluence with the Lunte, whence it strikes direct to the north-eastern point of the frontier of the South African Republic, and follows the eastern frontier of the Republic, and the frontier of Swaziland, to the River Maputo.

It is understood that in tracing the frontier along the slope of the plateau, no territory west of longitude 32 30' east of Greenwich shall be comprised in the Portuguese sphere, and no territory east of longitude 33 east of Greenwich shall be comprised in the British sphere.

The line shall, however, if necessary, be deflected so as to leave Mutassa in the British sphere, and Massi-Kessi in the Portuguese sphere.

**Art. 3.** Great Britain engages not to make any objection to the extension of the sphere of influence of Portugal, south of Delagoa Bay, as far as a line following the parallel of the confluence of the River Pongolo with the River Maputo to the sea-coast.

**Art. 4.** It is agreed that the western line of division separating the British from the Portuguese sphere of influence in Central Africa shall follow the centre of the channel of the Upper Zambesi, starting from the Katima Rapids up to the point where it reaches the territory of the Barotse Kingdom.

That territory shall remain within the British sphere; its limits to the westward, which shall constitute the boundary between the British and Portuguese spheres of influence, being decided by a joint commission, which shall have power, in case of difference of opinion, to appoint an Umpire.

It is understood on both sides that nothing in this Article shall affect the existing rights of any other State. Subject to this reservation, Great Britain will not oppose the extension of Portuguese administration outside of the limits of the Barotse country.

**Art. 5.** Portugal agrees to recognize, as within the sphere of influence of Great Britain on the north of the Zambesi, the territories extending from the line to be settled by the Joint Commission mentioned in the preceding Article to Lake Nyassa, including the islands in that lake south of parallel 11 30' south latitude, and to the territories reserved to Portugal by the line described in Article II.

**Art. 6.** Portugal agrees to recognize, as within the sphere of influence of Great Britain to the south of the Zambesi, the territories bounded on the east and northeast by the line described in Article II.

**Art. 7.** All the lines of demarcation traced in Articles I to VI shall be subject to rectification by agreement between the two Powers, in accordance with local requirements.

The two Powers agree that in the event one of them proposing to part with any of the territories to the south of the Zambesi assigned by these Articles to their respective spheres of influence, the other shall be recognized as possessing a preferential right to the territories in question, or any portion of them, upon terms similar to those proposed.

**Art. 8.** The two powers engage that neither will interfere with any sphere of influence assigned to the other by Articles I to VI. One Power, will not, in the sphere of the other, make acquisitions, conclude Treaties or accept sovereign rights or Protectorates. It is understood that neither Companies nor individuals subject to one Power can exercise sovereign rights in a sphere assigned to the other, except with the assent of the latter.

**Art. 9.** Commercial or mineral concessions and rights to real property possessed by Companies or individuals belonging to either Power shall, if their validity is duly proved, be recognized in the sphere of the other Power. For deciding on the validity of mineral Concessions given by the legitimate authority within 30 miles of either side of the frontier south of the Zambesi, a Tribunal of Arbitration is to be named by common agreement.

It is understood that such concessions must be worked according to local regulations and laws.

**Art. 10.** In all territories in East and Central Africa belonging to or under the influence of either Power, missionaries of both countries shall have full protection. Religious toleration and freedom for all forms of Divine worship and religion teaching are guaranteed.

**Art. 11.** The transit of goods across Portuguese territories situated between the

East Coast and the British sphere shall not, for a period of 25 years from the ratification of this Convention, be subjected to duties in excess of 3 per cent for imports or exports. These dues shall in no case have a differential character, and shall not exceed the custom dues levied on the same goods in the abovementioned territories.

Her Majesty's Government shall have the option, within 5 years from the date of the signature of this Agreement, to claim freedom of transit for the remainder of the period of 25 years on payment of a sum capitalizing the annual dues for that period at the rate of 30,000*l.* a year.

Coin and precious metals or all descriptions shall be imported and exported to and from the British sphere free of transit duty.

It is understood that there shall be freedom for the passage of subjects and goods of both Powers across the Zambesi, and through the districts adjoining the Shiré, and those adjoining the right bank of the Zambesi situated above the confluence of the River Luenha (Ruenga), without hindrances of any description and without payment of transit dues.

It is further understood that in the above-name districts each Power shall have the right, so far as may be reasonably required for the purpose of communication between territories under the influence of the same Power, to construct roads, railways, bridges, and telegraph lines across the district reserved to the other. The two Powers shall have the right of acquiring in these districts on reasonable conditions the land necessary for such objects, and shall receive all other requisite facilities. Portugal shall have the same rights in the British territory on the banks of the Shiré and in the British territory comprised between the Portuguese territory and the banks of Lake Nyassa. Any railway so constructed by one Power on the territory of the other shall be subject to local regulations and Laws agreed upon between the two Governments, and, in case of differences of opinion, subject to arbitration as hereinafter mentioned.

The two Powers shall also be allowed facilities for constructing on the rivers within the above districts piers and landing places for the purpose of trade and navigation.

Differences of opinion between the two Governments as to the execution of their respective obligations, incurred in accordance with the provisions of the preceding paragraph, shall be referred to the arbitration of two experts, one of whom shall be chosen on behalf of each Power. These experts shall select an Umpire, whose decision, in case of difference between the Arbitrators, shall be final. If the two experts cannot agree upon the choice of an Umpire, this Umpire shall be selected by a neutral Power to be named by the two Governments.

All materials for the construction of roads, railways, bridges, and telegraph lines shall be admitted free of charge.

**Art. 12.** The navigation of the Zambesi and Shiré, without excepting any of their branches and outlets, shall be entirely free for the ships of all nations.

The Portuguese Government engages to permit and to facilitate transit for all persons and goods of every description over the waterways of the Zambesi, the Shiré, the Pungwé, the Busi, the Limpopo, the Sabi, and the tributaries.

And also over the landways which supply means of communications where these rivers are not navigable.

**Art. 13.** Merchant ships of the two Powers shall in the Zambesi, its branches and outlets, have equal freedom of navigation, whether with cargo or ballast, for the transportation of goods and passengers. In the exercise of this navigation the subjects and flags of both Powers shall be treated, in all circumstances, on a footing of perfect equality, not only for the direct navigation from the open sea to the inland ports of the Zambesi, and vice versa, but for the great and small coasting trade, and for boat trade on the course of the River. Consequently, on all the course and mouth of the Zambesi there will be no differential treatment of the subjects of the two Powers.

And no exclusive privilege of navigation will be conceded by either to Companies, Corporations, or private persons.

The Navigation of the Zambesi shall not be subject to any restriction or obligation based merely on the fact of navigation.

It shall not be exposed to any obligation in regard to landing station or depot, or for breaking bulk, or for compulsory entry into port.

In all the extent of the Zambesi the ships and goods in process of transit on the river shall be submitted to no transit dues, whatever their starting place or destination.

No maritime or river toll shall be levied based on the sole fact of navigation;  
Nor tax on goods on board of ships.

There shall only be collected taxes on duties which shall be an equivalent for services rendered to the navigation itself. The tariff of these taxes or duties shall not warrant any differential treatment.

The affluents of the Zambesi shall be in all respects subject to the same rules as the river of which they are tributaries.

The roads, paths, railways, or lateral canals which may be constructed with the special object of correcting the imperfections of the river route on certain sections of the course of the Zambesi, its affluents, branches, and outlets, shall be considered, in their quality of means of communication, as dependencies of this river, and as equally open to the traffic of both Powers. And as on the river itself, so there shall be collected on these roads, railways, and canals only tolls calculated on the profits due to the promoters. As regards the tariff of these tolls, strangers and the natives of the respective territories shall be treated on a footing of perfect equality.

Portugal undertakes to apply the principles of freedom of navigation enunciated in this Article on so much of the waters of the Zambesi, its affluents, branches and outlets, as are or may be under her sovereignty, protection or influence. The rules which she may establish for the safety and control of navigation shall be drawn up in a way to facilitate, as far as possible, the circulation of merchant-ships.

Great Britain accepts, under the same reservations, and in identical terms, the obligations undertaken in the preceding Articles in respect of so much of the waters of the Zambesi, its affluents, branches, and outlets, as are or may be under her sovereignty, protection or influence.

Any questions arising out of the provisions of this Article shall be referred to a Joint Commission, and, in case of disagreement, to arbitration.

Another system for the administration and control of the Zambesi may be substituted for the above arrangements by common consent of the Riverain Powers.

**Art. 14.** In the interests of both Powers, Portugal agrees to grant absolute freedom of passage between the British sphere of influence and Pungwé Bay for all merchandise or every description, and to give the necessary facilities for the improvement of the means of communication.

The Portuguese Government agrees to construct a railway between Pungwé and the British sphere. The survey of this line shall be completed within six months, and the two Governments shall agree as to the time within the railway shall be commenced and completed. If an agreement is not arrived at, the Portuguese Government will give the construction of the railway to a Company which shall be designated by a neutral Power, to be selected by the two Governments, as being in its judgment competent to undertake the work immediately. The said Company shall have all requisite facilities for the acquisition of land, cutting timber, and free importation and supply of materials and labour.

The Portuguese Government shall either itself construct or shall procure the construction of a road from the highest navigable point of the Pungwé, or other river which may be agreed upon as more suitable for traffic, to the British sphere;

And shall construct or procure the construction in Pungwé Bay and on the river of the necessary landing places.

It is understood that no dues shall be levied on goods in transit by the river, the road, or the railway exceeding the maximum of 3 per cent under the conditions stipulated in Article XI.

**Art. 15.** Great Britain and Portugal engage to facilitate telegraphic communication in their respective spheres.

The stipulations contained in Article XIV, as regards the construction of a railway from Pungwé Bay to the interior, shall be applicable in all respects to the construction of a telegraph line for communication between the coast and the British sphere south of the Zambesi. Questions as to the points of departure and termination of the line, and as to other details, if not arranged by common consent, shall be submitted to the arbitration of experts under the conditions prescribed in Article XI.

Portugal engages to maintain telegraphic service between the coast and the River Ruo, which service shall be open to the use of the subjects of the two Powers without any difference treatment.

Great Britain and Portugal engage to give every facility for the connection of telegraphic lines constructed in their respective spheres.

Details in respect to such connection and in respect to questions relating to the settlement of through-tariffs and other charges, shall, if not settled by common consent, be referred to the arbitration of experts under the conditions prescribed in Article XI

**Art. 16.** The present Convention shall be ratified, and the ratifications shall be exchanged at Lisbon or London as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto the seal of their arms.

Done in Duplicated at Lisbon, the 11<sup>th</sup> day of June, in the year of our Lord, 1891.



(L.S.) GEORGE G. PETRE  
(L.S.) CONDE DE VALBOM.<sup>319</sup>

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*Anglo-German Convention of August 30, 1898.*

In view of the possibility that Portugal may require financial assistance from some foreign Power or Powers, and in order to obviate the international complications which such a condition of things may produce, and to preserve her integrity and independence, the Undersigned, duly authorised by their respective Sovereigns, have agreed as follows:-

**Art. 1.** Whenever either the British or the German Government is of opinion that it is expedient to accede to a request for an advance of money to Portugal on the security of the Customs revenues or other revenues of Mozambique, Angola, and the Portuguese part of the Island of Timor, it shall communicate the fact to the other Government, and the other Government shall have the right to advance a portion of the total sum required.

In the event of the other Government signifying its intention to exercise this right, the two Governments shall consult as to the terms of the two loans, and these loans shall be issued on the security of the Customs revenues of Mozambique, Angola; and Portuguese Timor as near as possible simultaneously. The loans shall bear as near as possible the same proportion to each other as the amounts of the Customs revenues respectively assigned as their security.

The loans shall be issued on terms as favourable to Portugal as the condition of the money market and the security of the loans permit, and shall in other respects be subject as near as possible to similar conditions.

**Art. 2.** Of the Customs revenues, referred to in Article I, those of the Province of Mozambique south of the Zambezi, and of the part of that province lying on the left bank of the Zambezi above its confluence with the Shire, and those of the portions of the Province of Angola, as hereinafter described, shall be assigned to the British loan. The Customs revenues of the remaining parts of the Provinces of Mozambique and Angola and the Customs revenues of Portuguese Timor shall be assigned to the German loan.

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<sup>319</sup> Government of the United Kingdom of Great Britain and Ireland and the Government of the Kingdom of Portugal. "Anglo-Portuguese Convention, June 11, 1891," in Edward Hertslet, *The Map of Africa by Treaty*, Vol. 3: *Great Britain and Germany to United States.*, (London: Frank Cass and Co., Ltd., 1967) 1016-25.

The portion of the Province of Angola, of which the Customs revenues shall be assigned to the British loan, is comprised within the following limits: the northern frontier shall run from the coast along the 8th parallel of south latitude to the 16th degree of longitude east of Greenwich, thence it shall descend that degree to the 9th parallel of latitude, and shall follow that parallel eastwards as far as the frontier of the Congo Free State. The southern frontier shall start from a point on the coast 5 English miles north of Egito, and shall run thence due east to the eastern frontier of the Province of Angola. The western frontier shall be the sea; the eastern frontier shall be the eastern limit of the Province of Angola.

**Art. 3.** Any Delegates sent by Great Britain or Germany to take note of the collection of the revenues which are the security for their respective loans shall have only rights of inspection, but no rights of administration, interference, or control, so long as there is no default in the payment of interest or sinking fund.

**Art. 4.** In case of default in the payment of the interest or sinking fund of either loan, the administration of the various custom-houses in the two provinces and in Portuguese Timor shall be handed over by Portugal; those assigned for the German loan to Germany, those assigned for the British loan to Great Britain.

**Art. 5.** It is well understood that all rights, whether British or German, acquired in the provinces affected before the date of this Convention, shall be fully safeguarded, provided they are of a purely private character, and convey neither political rights nor territorial or administrative jurisdiction.

It is also understood that no influence will be used in the future, either by the British or the German Governments, to obtain fresh Concessions, except in those portions of the provinces of which the customs revenues are assigned to their respective loans.

**Art. 6.** The present Convention shall be ratified, and the ratifications thereof shall be exchanged as soon as possible. The Convention shall come into force immediately after the exchange of ratifications.

In witness whereof the Undersigned, duly authorised, have signed the same, and have affixed thereto their seals.

Done in duplicate, at London, the 30th day of August, 1898.

(L.S.) ARTHUR JAMES BALFOUR.  
(L.S.) P. HATZFELDT.

*Secret Convention attached to the Anglo-German Convention.*

Whereas, notwithstanding the provisions of the preceding Convention of this day's date, it may unfortunately not be found possible to maintain the integrity of the African possessions of Portugal south of the Equator, as well as of those in Timor, the Undersigned, duly authorised by their respective Sovereigns, have further agreed as follows:-

**Art. 1.** Great Britain and Germany agree jointly to oppose the intervention of any third Power in the Provinces of Mozambique, Angola, and in Portuguese Timor, either by way of loan to Portugal on the security of the revenues of those provinces, or by way of acquisition of territory, by grant, cession, purchase, lease, or otherwise.

**Art. 2.** It is understood that, from the conclusion of the Conventions of this day's date, Great Britain will abstain from advancing any claim of whatsoever kind to the possession, occupation, control, or exercise of political influence in or over those portions of the Portuguese provinces in which the Customs revenues have been assigned to Germany, and that Germany will in like manner abstain from advancing any claim of whatsoever kind to the possession, occupation, control, or exercise of political influence, in or over those portions of those Portuguese provinces in which the Customs revenues have been assigned to Great Britain.

**Art. 3.** In case Portugal renounces her sovereign rights over Mozambique, Angola, and Portuguese Timor, or loses these territories in any other manner, it is understood that the subjects of, and natives of the Protectorates of, one Contracting Party, together with their goods and ships, and also the produce and the manufactures of its dominions, possessions, Colonies and Protectorates, shall, in such portions of the territories comprised in the present Convention as may fall to the other Contracting Party, participate in all the prerogatives, exemptions and privileges with regard to trade, commerce, taxation and navigation which are there enjoyed by the subjects of, and natives of the Protectorates of, the other Contracting Party.

**Art. 4.** With regard to the 5th Article of the Convention of to-day's date, which refers to private rights of British or German subjects in the Provinces of Mozambique, Angola, and Portuguese Timor, it is well understood between the two Governments that this Article applies, among others, to the so-called Katembe Concession, and, further, that the Government of Great Britain will adopt a friendly attitude in respect to the confirmation of this Concession by the Portuguese Government in case such a confirmation should be applied for.

**Art. 5.** The present Convention shall be ratified, and the ratifications thereof shall be exchanged as soon as possible. The Convention shall come into force immediately after the exchange of ratifications.

In witness whereof the Undersigned, duly authorised, have signed the same, and have affixed thereto their seals.

Done in duplicate, at London, the 30th day of August, 1898.

(L.S.) ARTHUR JAMES BALFOUR.  
(L. S.) P. HATZFELDT.

*Secret Note attached to the Anglo-German Convention.*

In order to make clear the intention of the two Conventions of this day's date, it is further understood between the two Governments as follows:-

In the event of one of the two Governments obtaining from the Portuguese Government before the contingency contemplated in Article III of the Secret Convention a cession of territory, or the concession of special privileges not of an occasional character, in those portions of the Portuguese Provinces of Mozambique, Angola, or Timor, the customs revenues of which have been assigned to it, it is well understood between the two Governments that such cessions of territory, or concessions of privileges, shall not become operative until analogous grants as near as possible of equal value have been accorded to the other Government in those portions of the provinces, the customs revenues of which have been assigned to it by the present arrangement.

In case either Government applies for special privileges of an occasional character, it shall immediately inform the other Government, and if these privileges are granted, and if the other Government should desire it, shall use its influence to obtain for the other Government similar special privileges of an occasional character and of equal value.

And whereas, owing to the imperfect surveys which alone are at present available, the 2nd Article of the Convention of this day's date may not exactly carry on the intentions of the Contracting Parties, it is understood between them that in any case the port and town of Ambriz shall be included in the security assigned to Germany.

In case, therefore, that the port and town of Ambriz should be found to lie to the south of the 8th parallel of south latitude, the line of demarcation shall start from a point on the coast 5 English miles south of the port of Ambriz, and be continued thence due east until it reaches the 16th degree of longitude east of Greenwich.

From the intersection of the line, which may be determined as the line of demarcation, with the 16th degree of longitude aforesaid, the line shall, if necessary, be extended along that degree of longitude so far south of the 9th parallel of south latitude as will secure to Germany a strip of territory not less than a geographical degree in width between the southern extremity of the Congo Free State in the region of Lunda

and the northern frontier of the portion of Angola of which the customs revenues are assigned to Great Britain.

Done in duplicate, at London, the 30th day of August, 1898.

(L.S.) ARTHUR JAMES BALFOUR.

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*Anglo-Portuguese Secret Declaration, October 14, 1899.*

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and the Government of His Most Faithful Majesty the King of Portugal and the Algarves, considering as of full force and effect the ancient treaties of alliance, amity and guarantee which subsist between the two Crowns, specifically confirm on this occasion Article 1 of the Treaty of the 29th January, 1642, which runs as follows:-

It is concluded and accorded that there is, and shall be for ever, a good true and firm peace and amity between the most renowned Kings, Charles King of Great Britain and John the Fourth King of Portugal, their heirs and successors, and their Kingdoms, Countries, Dominions, Lands, People, Liegemen, Vassals and Subjects whomsoever, present and to come, of whatsoever condition, dignity or degree they may be, as well by land as by sea and fresh waters, so as the said Vassals and Subjects are each of them to favour the other and to use one another with friendly offices and true affection, and that neither of the said most renowned Kings, their heirs and successors, by himself or by any other, shall do or attempt anything against each other, or their Kingdoms, by land or by sea, nor shall consent nor adhere unto any war, counsel, or Treaty, in prejudice of the other.

They equally confirm the final Article of the Treaty of the 23rd June, 1661, of which the first part runs as follows:-

Over and above all and singular agreed and concluded in the Treaty of Marriage between the Most Serene and Most Powerful Charles, the Second of that name, King of Great Britain and the Most Virtuous and Serene Lady Catherine, Infanta of Portugal, it is by the Secret Article concluded and accorded, that His Majesty of Great Britain, in regard of the great advantages and increase of dominion he hath purchased by the above-mentioned Treaty of Marriage shall promise and oblige himself as

by this present Article he doth, to defend and protect all conquests or colonies belonging to the Crown of Portugal against all his enemies, as well future as present.

The Government of His Most Faithful Majesty undertakes not to permit, after the declaration of war between Great Britain and the South African Republic, or during the continuance of the war, the importation and passage of arms, and of munitions of war destined for the latter.

The Government of His Most Faithful Majesty will not proclaim neutrality in the war between Great Britain and the South African Republic.

Done, in duplicate, at London, this 14th day of October, 1899.<sup>320</sup>

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<sup>320</sup> "Anglo-Portuguese Secret Declaration, October 14, 1899," in *Ibid*, 93-94

APPENDIX E

POLITICAL MAPS OF AFRICA IN 1914, 1920, AND 2008.

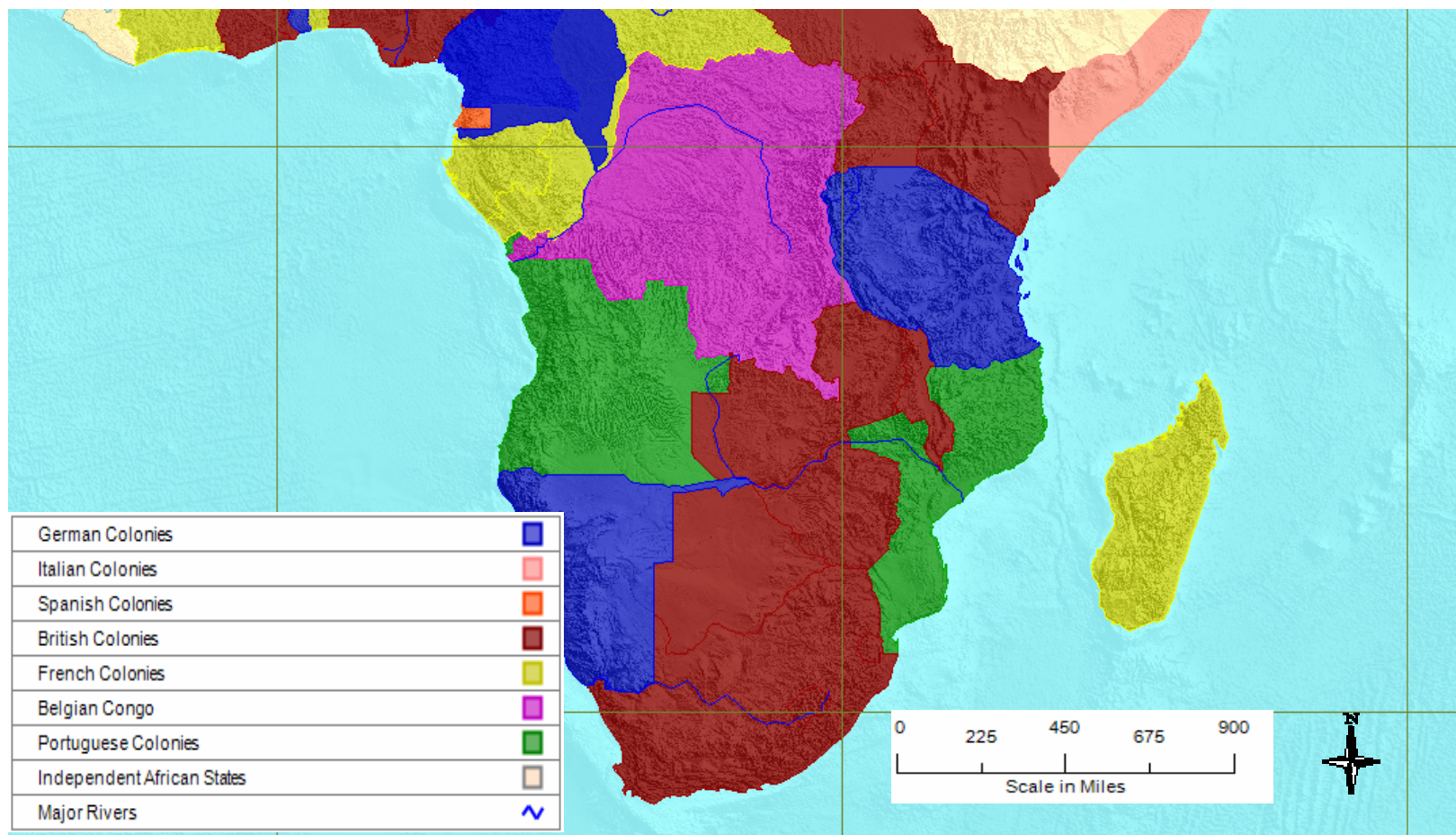


Figure 1. Map showing southern Colonial Africa in 1914, at the outbreak of World War I. See the Legend for a discussion of what color corresponds to each power. The data for this map was derived from John T. Rourke, *International Politics on the World Stage*, 11<sup>th</sup> ed. (Boston: McGraw Hill, 2007), 41



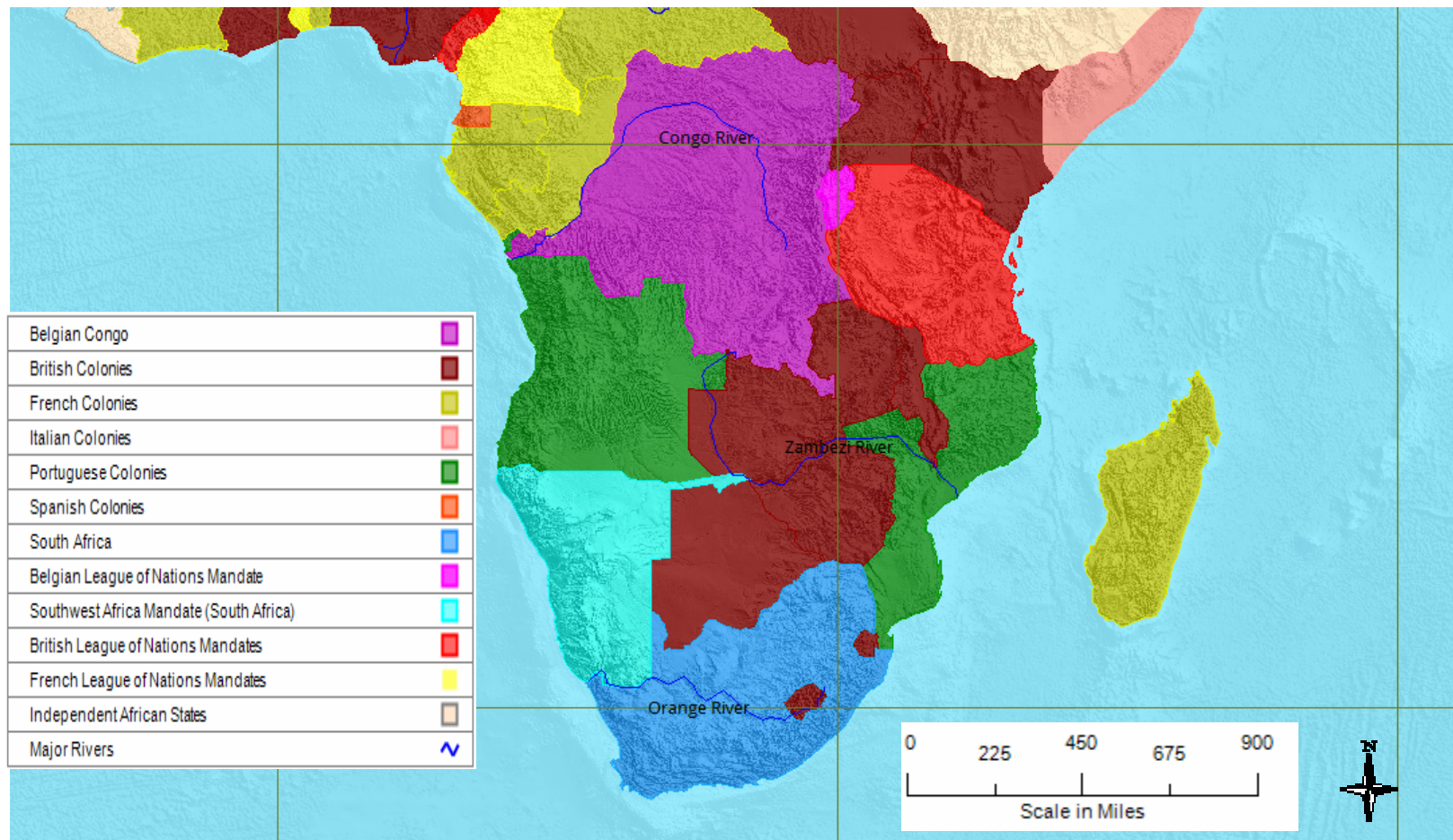


Figure 2. Map showing southern Colonial Africa in 1920. Territorial gains from League of Nations Mandates which each power accrued are colored lighter than the colonies that each power held prior to World War I.



Figure 3. Inset of *Political Map of the World, September 2007*, showing Southern Africa, in United States Central Intelligence Agency, *The CIA World Factbook 2008*, (Washington, D.C.: Central Intelligence Agency, 2008), < [https://www.cia.gov/library/publications/the-world-factbook/reference\\_maps/political\\_world.html](https://www.cia.gov/library/publications/the-world-factbook/reference_maps/political_world.html)> (July 23, 2008)

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Matthew Winslett was born in Palo Alto, California in 1982, but grew up mostly in Houston, Texas. After living in São Paulo, Brazil (where he learned Portuguese and acquired a fondness for hot sauce) for two years, he received a Bachelors of Science degree in History from Brigham Young University- Idaho in August 2006.

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