



# Congo Free State: A Turbulent Case Study of Colonialism

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## ABSTRACT

This thesis explores why and how king Leopold II's imperial campaign during the 'Scramble for Africa' (1881-1914) has ended up in him relinquishing his private colony of Congo Free State to Belgium. First, the thesis examines the reasons why Leopold II had to give up his private ownership over Congo Free State, and, secondly, how Leopold II transferred Congo Free State to Belgium. These issues will be addressed through the use of three primary source materials: the Roger Casement Report (1904), the Treaty for Renunciation (1907) and the Colonial Charter (1908). The thesis illustrates how king Leopold II chose for an imperial campaign in order to match up his European neighbors. In the process of this imperial adventure, violence became a recurring theme in his private holdings in Central Africa. Particularly, the exploitation of rubber in Congo Free State led to atrocities and large numbers of casualties in the heart of Africa. It was Roger Casement, along with others, who denounced these practices. The international criticism eventually led to the transfer of Leopold's imperial project to Belgium. In the aftermath of the Black Lives Matter movement, the question on how modern-day societies should deal with their colonial past has been brought to the fore. Also, this thesis explores the way in which Belgium is struggling with its colonial heritage.

Keywords: Africa, Belgium colonial history, colonialism, imperialism, Congo Free State

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*“The Congo Free State is unique in its kind. It has nothing to hide and no secrets and is not beholden to anyone except its founder.”*

**King Leopold II**  
**Clive Foss, *The Tyrants: 2500 Years of Absolute Power and Corruption*, 2006**

# CHAPTER 1: INTRODUCTION

## 1.1 Leopold II and his Appearance in the Public Space

Two weeks after the death of George Floyd, anti-racism demonstrations have spread around the world, reigniting a worldwide movement (Pronczuk & Zaveri, 2020). Floyd, an unarmed black man, died following an arrest by the Minneapolis police officer, Derek Chauvin. A video recorded how Chauvin knelt on Floyd's neck for nearly nine minutes, resulting in his death (Pronczuk & Zaveri, 2020). This resulted in protests against police brutality against black people, racism, and remnants of the colonial past in the U.S. (Pronczuk & Zaveri, 2020). These protests spread to the rest of the world and are referred to as the Black Lives Matter movement. Belgium was no exception to those protests (Rannard & Webster, 2020). Statues of former king Leopold II have been coated with red paint in Ghent and Ostend, pulled down in Brussels and sprayed with graffiti in the park of the Africa Museum in Tervuren (Rannard & Webster, 2020). The protestors in Belgium were demonstrating against racism and Belgium's colonial history. King Leopold II of Belgium managed to privately acquire a private colony in Africa in 1885 at the Berlin Conference in what is today called the Democratic Republic of Congo (Vanthemsche, 2012). As a result of Leopold II's policy to maximize the production of natural rubber, the Congolese population suffered killings, mutilations, kidnappings, cruel beatings and diseases. Due to these atrocities, Leopold was put under international pressure and was forced to end his personal rule over Congo. In 1908, Belgium annexed Congo, turning it into Belgian Congo (Vanthemsche, 2012). For decades, particularly in the interwar period, many Belgians applauded king Leopold II for ending slavery and bringing civilization to Central Africa and had turned a blind eye on the atrocities that his colonial regime committed in the area. To symbolize the praise to king Leopold II, there are many commemorations of the colonial era of Belgium. The daily newspaper *Le Soir* has counted seventy tributes to colonialism on the public space of Brussels alone (Rannard & Webster, 2020). There are more tributes throughout Belgium, such as streets and parks named after king Leopold II and statues that often display the king highly seated on a horse. Leopold II had also contributed to the public space by using the Congo's rubber wealth to fund excessive public buildings, such as the renovation of two palaces, the royal greenhouses at Laeken and the triumphal arch in the Parc du Cinquantenaire (Rannard &

Webster, 2020). Particularly, Belgians from Congolese descent regret the praise of Leopold's reign and the lack of recognition for the atrocities committed in their home country (Rannard & Webster, 2020). Nevertheless, in recent years, Leopold's reign and his presence in public space has been increasingly criticized.

In order to assess how society should deal with its colonial past, it is necessary to contextualize the history of Leopold II and Congo. For this purpose, we will first explore the race for colonies that Europe was engaged in during the 19<sup>th</sup> Century.

## 1.2 Imperialism in Africa: A Bird's Eye View

During the nineteenth century, European nations started to compete with each other over obtaining colonies in Africa (van Reybrouck, 2015, pp. 53-55). At the start of the 1880s, there was a rapid increase in European nations, claiming territory in Africa. In 1885, the Berlin Conference laid down ground rules for further division of Africa, later known as the 'Scramble for Africa' (van Reybrouck, 2015, pp. 53-55). It was there that the participants of the Berlin Conference decided to regulate all activities concerning colonization as well as trade within Africa (van Reybrouck, 2015, pp. 53-55). According to the General Act of the Berlin Conference (1885), the European colonizer should develop a 'sphere of influence' and carry out an effective ownership over their colony (van Reybrouck, 2015, pp. 53-55). The 'Scramble for Africa' is an important pillar of European imperialism.

There is not one singular cause that has induced 'new' imperialism in Africa. Instead, it is a mixture of different causes that had initiated a wave of new imperialism (van Reybrouck, 2015, p. 38). Europeans experienced a change in the production of goods, which led to the improvement of, among other, navigation techniques and machinery. This change allowed the Europeans to exercise their superiority over local governments in Africa which essentially laid the foundation of colonies. Moreover, European regarded themselves as "civilized people." The self-proclaimed superiority of Europeans became the ground for Europeans to extend outside of their own territory (Gozzi, 2007, p. 355). Prior to the 19<sup>th</sup> Century wave of new imperialism, the African middlemen had collected the materials from the interiors of Africa to sell it to the

European merchants who came to the coast. However, the new generation of European merchants wanted direct access to these materials. An important development of ‘new’ imperialism is when the Europeans moved from the coastline to set up actual colonies and built military stations, storage areas and railways (Ocheni & Nwankwo, 2012, p. 47). Imperial activities have gradually become more and more attractive for European nations since they experienced economic growth, partly due to the exploitation of raw materials and labor in Africa. According to Li (2014), “nationalism and imperialism are interrelated. It was the nationalist ideology that motivated the new imperialist domination” (p. 671). Since the new imperialist domination offered economic gains and advantages, the European nations saw an opportunity of using imperial activity as a way of building a national unity (Li, 2014, p. 672). Additionally, there was a genuine scientific interest to explore and map those parts of the world that had not yet been discovered. In the mid nineteenth century, a new class emerged, namely the explorers (Mackenzie, 1983, p. 13). These explorers were individuals who went to Africa for different reasons and purposes. At the beginning, they were mostly concerned with geographical and natural observations. The knowledge brought back by the explorers was considered vital for European discovery and exploitation of large parts of the world (Mackenzie, 1983, p. 13). Soon, these explorers would become a crucial component for Europeans to expand their powers in the interiors of Africa (Mackenzie, 1983, p. 14). Trade was no longer the only factor at stake in Africa, but also the gradual development of national prestige, nationalism, civilization mission, and international status have greatly affected European imperialism.

### 1.3 Central Problem Statement, Objective

In the final phase of European expansion in Africa, Belgium also joined as a player. Of the European powers, Belgium was one of the last to engage in overseas expansion. It was at the conference of Berlin that king Leopold II managed to secure his interests in Congo. From 1885 onwards, he privately owned Congo Free State and exploited the country for its resources, such as ivory and rubber, until he had to give up his imperial project and hand it over to Belgium in 1908. Henceforth, Congo Free State was Belgian Congo.

Although colonialism and imperialism were still commonly accepted in the nineteenth century, it is important to stress that not everything was tolerable. Congo Free State displays the tension between exploitation and good intentions. On the one hand, King Leopold II - officially - had good (although from our modern-day perspective outdated) intentions toward Central Africa, namely to bring civilizations to Africa and combat slave trade. On the other hand, the exploitation of Congo led to exceptional atrocities for which the British diplomat in Congo, Roger Casement, other prominent contemporaries and, eventually, the entire international community were critical.

This bachelor thesis aspires to explore these circumstances in more detail. For this thesis, the research question is as follows: “Why and how did King Leopold II surrender his private ownership of Congo Free State to Belgium?”

## 1.4 Methodology

This bachelor thesis will make use of legal historical research in order to answer the research question. This means historical data will be used, including: primary and secondary sources and visual media.

This thesis will analyze three primary sources through the use of the historical methodology: the Casement Report by Roger Casement (1904), the Treaty of Renunciation (1907) and the Colonial Charter (1908), through which Leopold II turned the Congo Free State to Belgium. The Casement Report was written by Roger Casement in 1903 and published in 1904. He was a British diplomat in Congo Free State, who investigated the practices of collecting rubber by travelling through Congo Free State and collecting testimonies of the indigenous population. The Casement Report is accessible online: <https://www.gutenberg.org/files/50573/50573-h/50573-h.htm>.

In the Treaty of Renunciation (1907) and the Colonial Charter (1908), which had been approved by the Belgian parliament and signed by the King, Belgium accepted domination over the Congo Free State and its territories, officially making the Belgian Congo a colony of Belgium. The



Colonial Charter is to be consulted in the Royal Museum for Central Africa in Tervuren, Belgium and made accessible online for the purpose of this bachelor thesis: <http://www.kaowarsom.be/documents/BOC/BOC1908-09.pdf>. Despite its controversial past, the AfricaMuseum aspires to be a center where research and knowledge on Central Africa is fostered. The museum has a vast collection and archives on the colonial past of Belgium. The museum was created in 1898 and is keeping archives of private individuals, companies and institutions that have a connection with the previous Congo Free State or Belgian Congo. I have reached out to consultant Tom Morren of the AfricaMuseum. In my email, I asked him if the museum has a hold of the Stanley Treaties with the local chiefs in Congo Free State (1882), the General Act of the Conference of Berlin concerning the Congo (1885), the International Commission of Inquiry report (1904-05), and the Colonial Charter (1908). The majority of those documents were in French. For practical reasons, I have chosen to analyze the primary sources which are either in English or in Dutch, namely: the Casement Report by Roger Casement (1904), the Treaty of Renunciation (1907) and the Colonial Charter (1908). Thus, my research will focus on the period towards the end of King Leopold II's reign over Congo Free State.

It should be recognized that most of the employed sources are written from a western perspective. This has practical reasons as the sources are written in Dutch and English. Due to the fact that African history is passed on orally through generations, Europeans often (falsely) assume that their history only began when the Europeans first started communicating with the African continent. Due to the restriction in time and scope of this bachelor thesis, we will not be able to include the oral tales of African history. However, the Roger Casement Report includes eyewitness accounts and testimonies of the indigenous population in Central Africa. These might to some extent compensate for the one-sidedness of most secondary sources.

## 1.5 Relevance

The atrocities committed under the reign of king Leopold II in Congo Free State cast a long shadow ahead. As mentioned before, Belgium is currently forced to face its colonial past as a consequence of the worldwide protest against police brutality. The death of George Floyd and

the reignition of the Black Lives Matter Movement is not the first event that has forced Belgium to face its past. In recent years, the colonial amnesia in Belgium was increasingly articulated in a great variety of events, trends and developments. The need for more dialogue on Belgium's colonial past in today's climate implies the societal relevance of this bachelor thesis.

It is noteworthy to mention that it is challenging to find recent academic sources on the topic of my bachelor thesis. In articles that were published before the 1990s, the views on colonialism and imperialism are outdated as they still reflect paternalistic views on the colonial history of Belgium. It is only recently that colonial history has changed its scope, resulting in a shift from the 'Eurocentric' perspectives to the perspectives of those who were colonized (Verbeeck, 2020, p. 292). While many of the articles of the last century do condemn Leopold's ownership of Congo Free State and the atrocities committed during his rule, they are not critical of the idea of the Belgian colonization of Congo and do not fundamentally question colonization. An example of such an article is "*The Belgian Congo*" by Count Lippens in 1939. The attitude toward the colonial history of Belgium has been set early on where the author praises the king and Belgium for their imperial practices in Central Africa:

"On the 15th November, 1908, King Leopold gave the Congo Free State to Belgium and it became thus the Belgian Congo. The dream of our great king was fulfilled. He had wished to bestow a Colony on his country. We owe it entirely to his genius, his energy, and his tenacity, for when he gave it to us a great majority of my countrymen misinterpreted the patriotic and humanitarian ends he was striving for. Today, Belgian public opinion is absolutely won over by the splendid work begun by King Leopold, and so remarkably continued by our late beloved King Albert, and his successor, King Leopold III, who has such a deep knowledge of colonial problems and whose vast personal experience in these matters and high comprehension of our humanitarian duties towards the Natives are well known to you This article is representative of the view on colonialism in many articles that I have come across during my literature research."

The secondary sources that will be relied on in this bachelor thesis will date from the 1990's onwards, because the nineties marked a transition in the way colonialism was looked upon (Verbeeck, 2020, p. 292). It should be noted that it is arduous to find recent sources on the topic. The lack of articles suggests the originality of the scope of the present thesis and its scientific relevance. During the search for sources, two books have been employed to help contextualize

this thesis' topic further: "*Congo. The Epic History of a People*" (2015) by David van Reybrouck and "*King Leopold's Ghost*" (1998) by Adam Hochschild. Although both books are written for a broader audience, the authors have an academic background. David van Reybrouck, a Belgian historian and archeologist who holds a doctorate from Leiden university, and Adam Hochschild, an American historian, journalist and author, have immersed themselves in the colonial history of Belgium and Congo. Both authors have attempted to include the perspectives of those who were colonized in their historiography of Belgian imperialism and thus contributing greatly to the academic world where most articles have taken a Eurocentric perspective on colonialism and imperialism.

The next chapter will give a historical contextualization of Leopold II's rule in Congo Free State. The third chapter will analyze three primary sources: the Casement Report (1904), the Treaty of Renunciation (1907) and the Colonial Charter (1908). Applying the historical methodology, the chapter will not only analyze the content of the report, but will also relate its content to the author, purpose of the report, the audience and its response to it when published. Regarding the Colonial Charter, the origins and the legal consequences of the document will be taken into account when analyzing the charter. The fourth chapter shall discuss how the atrocities were possible and reflect on ways in which Belgium has dealt and could deal with its colonial past. In the fifth and final chapter, the conclusion will answer the research question.

*“The colonialists care nothing for Africa for her own sake. They are attracted by African riches and their actions are guided by the desire to preserve their interests in Africa against the wishes of the African people. For the colonialists all means are good if they help them to possess these riches”*

**Patrice Lumumba’s, first Prime Minister of Congo after its independence  
Speech at the All-African Conference in Leopoldville  
August 1960**

## CHAPTER 2: HISTORIOGRAPHY OF BELGIAN COLONIALISM

In 1908, Leopold II, king of Belgium had to transition his private possession of Congo Free State to the Belgian state. In a context wherein colonialism and imperialism were commonly accepted practices and ideologies in Europe, this was a drastic event. It shows that the acceptance of the practices of colonialism and imperialism do not mean that everything was tolerable. In this chapter, we will chronologically explore the events that led up to King Leopold's private claim on Congo, and eventually surrendering it to Belgium, and why Congo Free State constitutes a textbook example of 'new' imperialism.

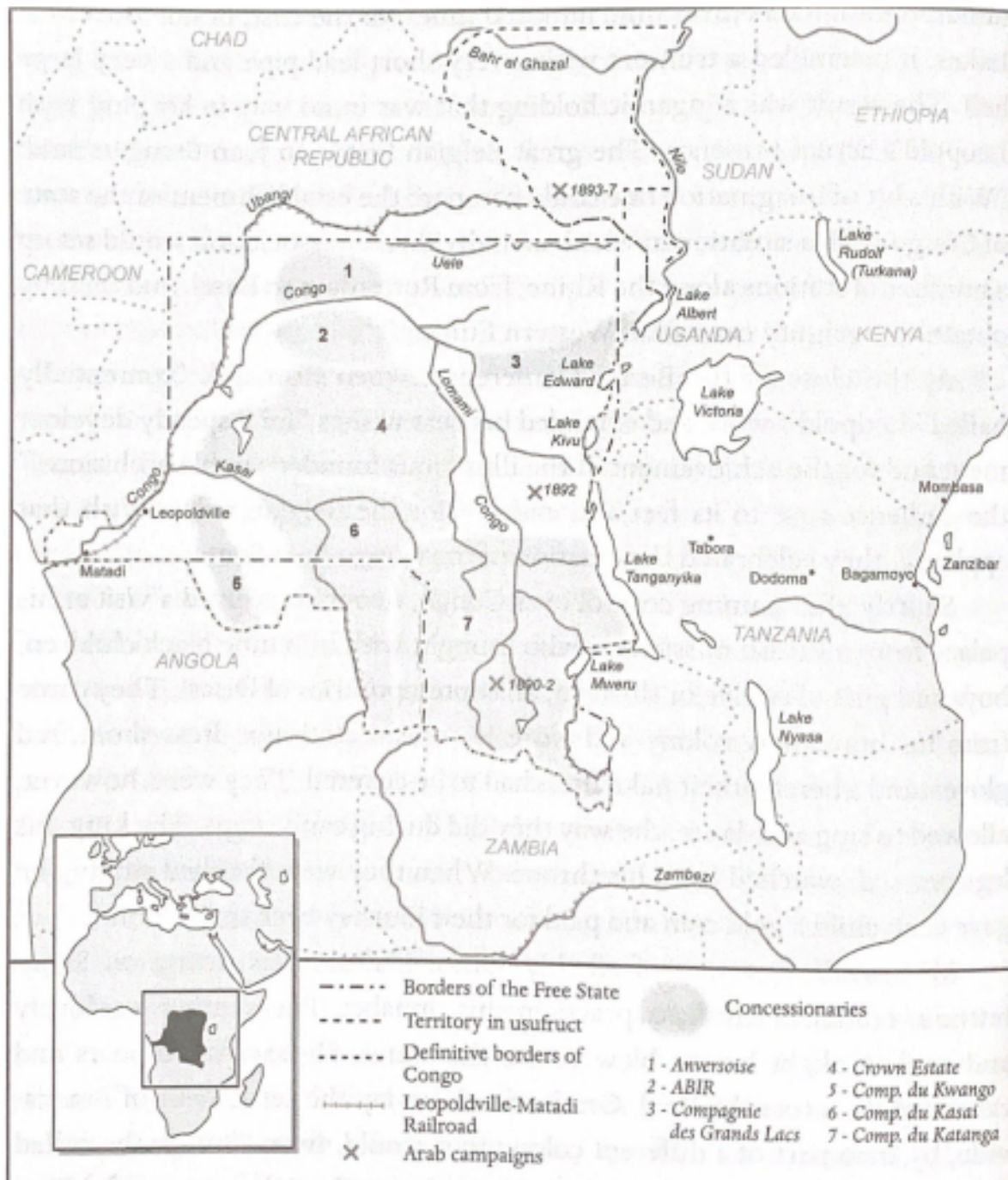
Leopold II succeeded his father in 1865 as king of the Belgians (Hochschild, 1998, p. 33). The relatively small and young nation had gained independence from Dutch rule in 1830 (Hochschild, 1998, p. 33). Leopold II believed that, having a colony, would add to the status of the country on the European stage and would increase its national pride. While other European countries had colonies in other parts of the world, Belgium had none. Leopold's father had tried to expand Belgian territory by going on colonial adventures in Central America and elsewhere but returned disappointed (Stanard, 2012, p. 28). King Leopold II himself tried to acquire a colony in 1875 through buying the Philippines from Spain, but failed since Spain was not willing to sell (Hochschild, 1998, p. 41-43). Thereafter, he started to express a colonial interest in Central Africa (Hochschild, 1998, p. 42).

In the nineteenth century, the urge to possess Africa or Asia were justified by Europeans claiming that they wanted to civilize and Christianize the indigenous population or benefit from free trade (Hochschild, 1998, p. 38). Like many other European colonial powers, King Leopold II had declared that it was his responsibility to civilize the indigenous people of the Congo (Lefevre, 2014, p. 168). As more information came to be known about the Arab slave trade in Central Africa, Leopold II saw an opportunity to succeed in his dream of acquiring a colony and establishing an image of a philanthropist and humanitarian (Hochschild, 1998, p. 42). In 1876,

king Leopold II invited explorers, geographers, and entrepreneurs from all over Europe to Brussels to discuss the ongoing Afro-Arab slave trade in Central Africa (van Reybrouck, 2015, p. 39). His official intention, when founding the International African Association, was to put a halt to the Afro-Arab slave trade and to promote science (van Reybrouck, 2015, p. 39). The objectives of the newly formed association were scientific, namely the exploration and mapping of Central Africa, and humanitarian, namely tackling the slavery in the area and bringing civilization to the region (Hochschild, 1998, pp. 45-46).

Despite the colonization of the coastal areas, the heart of Africa had remained unexplored until Henry Morton Stanley, a 19<sup>th</sup> century explorer and journalist, had been able to cross Central Africa from east to west in the 1870s (van Reybrouck, 2015, pp. 33-35; Hochschild, 1998, p. 21). In 1879, the International African Association hired Henry Morton Stanley to get a foot in Congo by concluding treaties with indigenous chieftains, who transitioned sovereignty over their territory in exchange for European luxury goods (van Reybrouck, 2015, pp. 50-51).

During the Berlin Conference (1884-1885), European states met to decide upon the division of Africa amongst themselves in the so-called 'Scramble for Africa' (Mackenzie, 1983, p. 10). This event had shaped the relationship between the Europeans and the Africans, initiating political, economic and social shock waves, in such a way that it still affects Africa today (Mackenzie, 1983, p. 10). Due to his multilateral diplomatic skills, King Leopold was able to have his claim on Congo Free State acknowledged and be recognized as its sovereign by the participating European states in the Berlin Conference (1884-1885) (Vanthemsche, 2006, p. 90). Contrary to being a constitutional monarchy in Belgium, Leopold ruled Congo Free State as an autocrat (van Reybrouck, 2015, pp. 57-58). Leopold had asked the Belgian Chambers for consent on assuming the headship of a new State under art. 62 of the Belgian Constitution (Reeves, 1909, p. 116). The consent given by the Belgian Chamber came with a provision that Congo Free State would have a personal union with Leopold himself, turning Congo Free State into Leopold's private property (Reeves, 1909, p. 116).



Map of Congo Free State, 1885-1908

Source:

Van Reybrouck, D. (2015). *Congo: Een geschiedenis*. Amsterdam: De Bezige Bij.

In order to make his private property profitable, Leopold introduced a tax system in Congo Free State. The indigenous population collected rubber quota as tax. This was profitable due to the booming trade in wild rubber at the global market (Vanthemsche, 2006, p. 90). In order to harvest the wild rubber, the indigenous population was forced to work under harsh circumstances (Vanthemsche, 2006, p. 90). Contrary to the essence of the Berlin agreement, Leopold had confiscated all lands and any raw materials (Lowes & Montero, 2020, p. 6). The collection of natural rubber was problematic because it was done by soldiers of the army in the areas that were directly governed by the king or by guards in the territories of concession companies (Lowes & Montero, 2020, p. 11). The men who had to collect the rubber were paid according to the amount of rubber they collected (van Reybrouck, 2015, p. 94). Since the soldiers wanted to optimize their profit, they would force the population to collect the required quota. The inability to do so led to punishments, executions and repressions (Lowes & Montero, 2020, p. 11). It was a perverted and toxic system, which inevitably led to abuses and blurring of moral standards. The tax collection also disrupted the economy as it became time-consuming to find vines that were not drained dry (van Reybrouck, 2015, p. 94). This hindered people from working the fields. As a consequence, people were weak and underfed, so that diseases could hit the population hard (van Reybrouck, 2015, p. 94). As a result, mortality rates were high (van Reybrouck, 2015, p. 94). Due to the high mortality rate amongst the indigenous population, the rubber collection is referred to as 'red rubber' (Gewald, 2006, p. 472).

At the start of the 1900s, commotion began in Europe against Leopold II for the atrocities committed in Congo Free State (van Reybrouck, 2015, p. 90). Photographs depicting Congolese persons with severed limbs found their way around the world (van Reybrouck, 2015, p. 91). Additionally, the British consul in Boma in Congo Free State, Roger Casement, released a report on the atrocities committed in Congo Free State (van Reybrouck, 2015, p. 96). Unlike the indications of the protestors, Casement's report could not be dismissed that easily since he was a respected diplomat, an official British envoy who was acquainted with Congo Free State and investigated the atrocities with the permission of the British parliament. Additionally, authors such as Arthur Conan Doyle, Joseph Conrad, and Mark Twain also portrayed their condemnation openly. Consequently, an international protest group, called the Congo Reform Association (CRA), which originated in Great Britain and was led by the journalist Edmund Dene Morel,



came as a response to the Casement report and demanded action taken from king Leopold II (Vanthemsche, 2006, p. 91).

A year later, king Leopold II was forced to act and send out an international, independent committee to investigate these atrocities (van Reybrouck, 2015, p. 97). This committee was to be called the International Committee of Inquiry of 1905. This committee consisted of three magistrates, namely: a Belgian, a Swiss and an Italian (van Reybrouck, 2015, p. 97). They travelled around Congo Free State for months gathering information, listening to hundreds of witnesses and, based on those findings, they would draw up a report (van Reybrouck, 2015, p. 97). Where king Leopold thought that this report would help him relieve all these accusations, the report actually gave the basis for the international pressure the Belgian ruler was facing. The pressure became so heavy that his only option was to part with his private ownership of Congo Free State. After delaying this option for almost two years, in 1908 the Congo Free State was transferred to Belgium making it Belgian Congo, an official colony of Belgium (van Reybrouck, 2015, p. 97).

*“The world has forgotten one of the great mass killings of recent history  
[...] it was unmistakably clear that the Congo of a century ago had indeed  
seen a death toll of Holocaust dimensions”*

**Adam Hochschild, King Leopold’s Ghost, 1998**

## CHAPTER 3: CASEMENT REPORT AND COLONIAL CHARTER

### 3.1: CASEMENT REPORT

In 1908, king Leopold II had to surrender his private ownership of Congo Free State to Belgium. In this chapter, we will thoroughly analyze the Casement Report in order to find out what forced king Leopold to give up on his colonial project. The report was written by Roger Casement and describes the atrocities and abuses of indigenous labor in Congo Free State committed under colonial rule. The publication of the Casement Report (1904) renewed the criticism of the Congo Free State and would ultimately lead to the end of Leopold II's colonial regime.

#### 3.1.1 Roger Casement

Roger Casement was born in 1864 in the county of Dublin into a Protestant family (Kearns & Nally, 2019, p. 2). Casement lived in African colonies from 1883 onwards. He was first employed for commercial ventures in West Africa and, there, he also came to learn indigenous languages (Hochschild, 1998, p. 196). After his commercial ventures, Casement started working for the British colonial administration in Nigeria and was later transferred to the British consular service, serving several posts in Africa. In 1900, he was assigned to set up the first British consulate in Congo Free State (Hochschild, 1998, p. 197). During his consular services, he wrote reports on the rubber collection and treatment of the indigenous population (Kearns & Nally, 2019, p. 2). Casement's reports were public and commented upon in newspapers but still failed to draw the attention and action of the British parliament. He then proceeded to investigate the interiors of Congo and interview indigenous rubber collectors (with the permission of the British parliament) to deliver a complete report, the so-called Casement Report. After his consular services in Congo, Casement's next project brought him to the Amazon, where he investigated and criticized the rubber extraction in the Amazonian district of Putumayo (Mitchell, 2009, p. 184). For his human rights activism in the Congo and the Amazon, he received the knighthood in 1911 (Mitchell, 2009, p. 184). During his consular/ official services, Casement had secretly been supporting the Irish independence movement (Mitchell, 2009, p. 184). After his retirement from

the British Consular Service in 1913, he supported the movement openly and participated in the Easter Rebellion of 1916 (Mitchell, 2009, p. 184). As a result of supporting the Irish independence movement, Casement was stripped from his knighthood and other honors and was executed for high treason (Mitchell, 2009, p. 184).

### 3.1.2 Context of the Casement Report

The early reports of Casement were marked by the British parliament as incomplete since he had focused on the living conditions of the indigenous people near the coast, as he was located there as a consul, and did not include a representative description of the conditions throughout the whole of the Congo Free State (Kearns & Nally, 2019, p. 3). In 1903, Casement therefore requested permission from the British parliament to investigate the practices of rubber collection in the interiors of Congo Free State as well. This permission was granted in early June (Peffer, 2008, p. 60). The Casement Report is very argumentative. Casement adduces arguments to prove that something is going on in Congo Free State. This indicates that the purpose of the report is to expose the atrocities committed in Congo and thus convince the British parliament, and eventually the other participants of the Berlin Conference (1884-1885), to exert international and diplomatic pressure on Leopold II.

Casement had travelled through Congo with the intent to investigate the rubber areas in Congo thoroughly. At the start of the Report, it is stated:

*“Presented to both Houses of Parliament by Command of His Majesty. February 1904”*

This implies that the report is intended for the British parliament and is thus also presented to them. Although the Casement Report was an official government document purposely drafted for the British parliament, it did have a wider audience. The report had been sent to the Belgian government as well as to the other signatories of the Berlin Agreement of 1885 (Roes, 2010, p. 661).

Casement was not the only figure in Britain to have claimed that there were atrocities committed in the Congo Free State. Prominent figures such as Edmund D. Morel, Arthur Conan Doyle, Mark Twain, Anatole France and others also protested against Leopold's colonial regime with similar claims (Bevernage, 2018, p. 203).

### 3.1.3 Analysis of the Casement Report

The Casement Report is part of a larger report. Lord Cromer, Sir C. Phillips and Mr. Casement submitted their impressions of Congo and presented it to the British parliament by command of His Majesty in 1904. The Casement Report can be found in the third chapter and consists of sixty-one pages. Forty pages of the Casement Report consist of Casement's own impression on his visit to the interiors of Congo Free State and on the conditions of the indigenous people. He methodologically compared the state of affairs in 1903 with that of his previous visits in 1887. The remaining twenty pages include lengthy and detailed testimonies of eye witnesses, which give information on the killings, mutilations, kidnappings and cruel beatings of the indigenous population by soldiers of the Congo administration of King Leopold and sentries of the private concession companies. Since Casement spoke the languages of the indigenous population, he was able to gather these testimonies. In the first part of his report, he refers multiple times to the testimonies in the second part. Nonetheless, he also includes short testimonies to argue his suspicions in the first part. It is thus difficult to say how many people he interviewed during his travels. Casement travelled for two and a half months in the Upper Congo. Moving upriver, Casement interviewed the indigenous population on their living circumstances. He primarily visited the villages that were located in the rubber areas where wild rubber was being harvested as taxes to be sold on the international market. What made the Casement Report so distinct from other consular reports is that Casement had cited indigenous informants, so that his report reveals the way in which the indigenous population experienced and interpreted the change and hardships brought about by colonial occupation.

Casement worked for the British Foreign Office as a diplomat. It would not be considered diplomatic for him to openly and publicly investigate Leopold's practices in Congo Free State

(Hasian, 2012, p. 230). Keeping that in mind, Casement compliments the Belgian administration at the start of his report:

“That very much of this intervention has been called for, no one who formerly knew the Upper Congo could doubt, and there are to-day widespread proofs of the great energy displayed by Belgian officials in introducing their methods of rule over one of the most savage regions of Africa”

But the compliments to the Belgian administration in Congo do not prevent Casement from revealing the atrocities against the indigenous people under Leopold II's rule over Congo. Moreover, the citation above also shows that Casement is a child of his time. Although Casement has sympathy for the indigenous population, he also qualifies their region as savage. This line of thought reflects the stereotypical approach towards the African culture and widespread ideas of spreading civilization to these so-called backward territories (Gozzi, 2007, p. 355).

A relevant treaty obligation for Leopold II, imposed at the Berlin Conference (1884-1885), was the abolition of the Afro-Arab slave trade and ensuring free trade for all (Vanthemsche, 2006, p. 90). Casement does not refer to slavery in his report, but acknowledges that the Belgian administration played a role in abolishing the open slave trade, acknowledging that “the suppression of an open form of slave dealing has been an undoubted gain”. Alongside the direct exploitation of Leopold II of Congo, the concession companies forced the indigenous population to collect rubber as a form of paying tax, also known as weekly supplies (Lowes & Montero, 2020, p. 8). The tax was paid in rubber and food, “collected by the agents of a trading firm, and figured as the outcome of their trade dealings with the people”. Casement further explored in his report whether the quota was realistic by comparing villages with each other:

“The Bolobo people do not object so much to the regular food tax, just because this is regular, and they can prepare and regularly meet it”

Compared to a village where:

“The labour required did not seem to be excessive, but it would seem to be irregularly called for, unequally distributed, and only poorly remunerated, or sometimes not remunerated at all.”

When the weekly supplies are irregular, excessive or unexpected, it becomes harder for the indigenous people to prepare for it or even meet it. Rubber extraction was time consuming and physically exhausting since it could take days to collect them (Lowes & Montero, 2020, p. 9). For example, in the Baringa area, the indigenous population would spend approximately 14 days in the rainforests to meet their quota (Lowes & Montero, 2020, p. 9).

Casement thus shows in his report how Leopold II did not meet his treaty obligations of free trade. The violence that came with arranging and collecting the weekly quota mocked the principle of free trade agreed upon in the Berlin Conference (1884-1885). The amount of rubber that was sold on the market was a product of general exploitation of the indigenous population which only became successful due to the usage of arbitrary and illegal force.

Casement wrote in his report that he sensed that the people were frightened and would even flee from him when he tried to approach the indigenous population to ask for their testimony:

“We thought you were Bula Matadi” (*i.e.*, “men of the Government”). Fear of this kind was formerly unknown on the Upper Congo; and in much more out-of-the-way places visited many years ago the people flocked from all sides to greet a white stranger. But to-day the apparition of a white man’s steamer evidently gave the signal for instant flight.”

The fundamental change in reaction to his visit suggests that these people had bad experiences with the “men of the government” after his last visit. Casement then proceeded to ask the chief of the village what the reason was for the fear of the white man and he answered:

“they had undoubtedly had an “awful past” at the hands of some of the officials who had preceded him in the local administration, and that it would take time for confidence to be restored.”

Another observance of Casement is the population loss in certain areas. Casement compared the number of populations with those during his last visit:

“Perhaps the most striking change observed during my journey into the interior was the great reduction observable everywhere in native life. Communities I had formerly known as large and

flourishing centres of population are to-day entirely gone, or now exist in such diminished numbers as to be no longer recognizable.”

When he asked the indigenous people for an explanation they would refer to “the sleeping sickness” that remained unchecked in the heart of Africa. The indigenous population had become malnourished, weak and spiritless as a result of their agriculture diminishing and their indigenous commerce being lost (van Reybrouck, 2015, p. 94). The sleeping sickness as follows could make victims because the indigenous population was weakened, as the tax collection had disrupted their local economy (van Reybrouck, 2015, p. 94). Today, we know that sleeping sickness as one of was spread by the tsetse fly (van Reybrouck, 2015, p. 93). There are no accurate records to determine the exact number of deaths, however, it is estimated that a total of ten million people, roughly half of the indigenous population, during Leopold II’s reign over Congo Free State (Lowes & Montero, 2020, p. 1).

During his travels, Casement also observed that some indigenous’ hands were cut off. In his report, he argued that the practice of mutilation was not a “native custom” but rather a “deliberate act of the soldiers of a European Administration”. Casement asked an indigenous to give testimony on how he came to lose his hands, and he said:

“State soldiers came from P\*, and attacked the R R\* towns, which they burned, killing people. They then attacked a town called A B\* and burned it, killing people there also. From that they went on to L L\*. The L L\* people fled into the forest, leaving some few of their number behind with food to offer to the soldiers—among whom was V V. The soldiers came to L L\*, under the command of a European officer, whose native name was T U. The soldiers took prisoner all the men left in the town, and tied them up. Their Hands were tied very tight with native rope, and they were tied up outside in the open; and as it was raining very hard, and they were in the rain all the time and all the night, their hands swelled, because the thong contracted. His (V V’s) hands had swollen terribly in the morning, and the thongs had cut into the bone. [...] The soldiers seeing this, and that the thongs had cut into the bone, beat his hands against a tree with their rifles, and he was released. He does not know why they beat his hands. The white man, T U, was not far off, and could see what they were doing. T U was drinking palm-wine while the soldiers beat his hands with their rifle-butts against the tree. His hands subsequently fell off (or sloughed away). When the soldiers left him by the waterside, he got back to L L\*, and when his own people



returned from the forest they found him there. Afterwards some boys—one of whom was a relation—came to L L\*, and they found him without his hands.”

It was unclear for Casement whether their hands had fallen off or had been cut by the soldiers:

“There was some doubt in the translation of V V’s statement whether his hands had been cut with a knife; but later inquiry established that they fell off through the tightness of the native rope and the beating of them by the soldiers with their rifle-butts.”

Nevertheless, it was apparent for Casement that in this case, and many others, that mutilation of the bodies of the indigenous were practiced in consequence of superior orders of officials.

It soon became clear for Casement that the indigenous who failed to complete their task (in time) or complain, were sanctioned in different manners. By way of sanction, they could be flogged. Casement had written about this one case where an indigenous person’s canoe of the Mantumba People was confiscated by the official there:

“A man I visited told me that a fine canoe he bought for 2,000 brass rods (100 fr.), in which to send the weekly imposition of fish to the local State post, had been kept by the official there, had been used to transport Government soldiers in, and was now attached to a Government wood-cutting post, which he named, outon the main river. He had received nothing for the loss of this canoe, and when I urged him to lay the matter before the local official responsible, who had doubtless retained the canoe in ignorance, he pulled up his loin cloth and, pointing to where he had been flogged with a chicotte, said: “If I complained I should only get more of these.”

This case indicates that there was no control mechanism: the indigenous could not turn to any instance to complain about their situation, or to get justice done. Instead, they were surrendered to the arbitrariness of the governmental forces. Casement continued to research whether the punishments were based on any kind of royal decree or law in Congo Free State if the indigenous population failed to complete their weekly supplies. Casement concluded that “[he] could not find that a failure to meet the weekly tax is punishable by law”, suggesting that these punishments were not regulated by law.

Casement also found out the killings of the indigenous populations through multiple observations and testimonies, one of the cases being:

“The result of this expedition, which took place towards the end of 1900, was that in fourteen small villages traversed seventeen persons disappeared. Sixteen of these whose names were given to me were killed by the soldiers, and their bodies recovered by their friends, and one was reported as missing. Of those killed eleven were men, three women, and one a boy child of 5 years.”

The family of the indigenous people were compensated 50 fr. for each head which is “not [...] an extravagant estimate for human life, seeing that the goats were valued at [20 fr.] each”, according to Casement. This estimate conveys how low the value of an indigenous’ life was assessed. Other than his obligation to compensate the villagers, the Government commissioner (who was officially responsible for the raid) had not suffered any further punishment. This case described how the killings of the indigenous population was handled. It also signifies how the indigenous’ life and their condition thereof had been deteriorating during Leopold’s colonial regime.

#### 3.1.4 International response

Upon his return from Congo, Casement wanted his report to be acted upon. For this purpose, he supported the foundation of the Congo Reform Association, which is a political and humanitarian group that sought to promote the reform of Congo Free State (Peffer, 2008, p. 60). Whereas other states were restricted by diplomatic relations to act upon another state’s behavior toward the indigenous of its colony, he believed that a pressure group could force the administration to change their colonial practices. The purpose of the Congo Reform Association was not to end colonialism completely but to return to the promises that had been made during the Berlin Conference (1884-1885) and to safeguard the basic philanthropic and free trade principles (Peffer, 2008, p. 60). After the publication of the Casement Report, the Congo Reform Association demanded action of the British parliament to relieve the situation of the indigenous in Congo Free State (Peffer, 2008, p. 60; Roes, 2010, p. 652). The British parliament forwarded the Casement Report to the Belgian government, and to the other signatories of the Berlin agreement (van Reybrouck, 2015, p. 97). Moreover, the British parliament demanded the

participants of the Berlin Conference (1884-1885) to reconvene to review the interests in Africa (van Reybrouck, 2015, p. 97).

Leopold's behavior in Congo Free State had become too blatant to ignore and required action taken by the international community. Since questioning the way authorities in Congo Free State treated the indigenous is regarded as an act of interference in the sovereign affairs of a state, it can wreck diplomatic relationships if action is taken without evidence. The Casement Report had provided foreign powers, especially the signatories of the Berlin Conference (1884-1885), with the confirmation they needed to exert diplomatic pressure on king Leopold II to give up his privately owned colony (Roes, 2010, p. 661). This diplomatic pressure had eventually caused the Belgian parliament to draft the Colonial Charter and the Treaty of Renunciation in order to annex Congo Free State.

### 3.2: THE TREATY OF RENUNCIATION (1907) AND THE COLONIAL CHARTER (1908)

King Leopold II of Belgium had privately possessed the Congo Free State from 1885 to 1908. The Casement Report and international pressure had eventually forced Leopold in 1908 to hand over his private ownership of Congo to Belgium, and thus creating Belgian Congo. The transfer of power was enacted by the “The Law for the Transfer of the Congo Free State to Belgium” of 18 October 1908, also known as the “Colonial Charter” (in Dutch: “Wet tot overdracht van den Onafhankelijken Congostaat aan België” or “Koloniaal Charter”), which was guided by a number of laws, decrees and acts of which the most important one was the “Treaty of Renunciation of Congo Free State and Belgium” of 1907 (in Dutch: Verdrag tot afstand van den Onafhankelijken Congostaat aan België). In this chapter, we will explore how king Leopold II surrendered his private ownership of Congo Free State to Belgium by assiduously analyzing the Treaty of Renunciation (1907) and the Colonial Charter (1908).

#### 3.2.1 Origins of the Colonial Charter

Before we discuss the content of the Treaty of Renunciation (1907) and Colonial Charter (1908), it is important to explore the origins of these documents to grasp how this document came into being.

The roots of the Charter date back to 1901. Leopold II asked the parliament of Belgium to grant him a loan in 1890 to pursue his personal ventures. In return, Belgium would have the right to annex Congo in 1901 (Meeuwis, 2014, p. 52). In line with this agreement, the political leaders of Belgium had come together to draw up a ‘bill of law’ on 7 August 1901, which is also referred to as the “Colonial Charter”. However, the bill was not implemented due to the political power Leopold II had exerted to oppose the annexation and the adopted bill (Meeuwis, 2014, p. 52). Nonetheless, the exposed cruel mistreatment of the indigenous in Congo Free State and the following international pressure had put the annexation of the territory by Belgium on the political agenda again. Belgian politicians believed that annexation was the only remedy for the abuses that were taking place in their king’s colony (Meeuwis, 2014, p. 52). As a result, the

Colonial Charter was voted upon by the Belgian parliament and signed by the King in October 1908.

### 3.2.2 Analysis

The colonial charter is officially called “The Law for the Transfer of the Independent State of Congo to Belgium” (in Dutch: De Wet tot Overdracht van de Onafhankelijke Congostaat aan België). The law, which was signed on 18 October 1908, transferred Congo to Belgium. The law states the following:

“It herewith approves the treaty of renunciation between Belgium and the Independent state of Congo, concluded on November 28, 1907”<sup>1</sup>

The Law for the Transfer of the Congo Free State to Belgium, which had been voted by the Belgian parliament, was signed by the king and the entire government and enacted the “treaty of renunciation”. This is the Treaty of Renunciation of Congo Free State to Belgium (in Dutch: Verdrag tot afstand van den Onafhankelijken Congostaat aan België), which was concluded on 28 November 1907.

Since the Colonial Charter mentions and approves of this “treaty of renunciation”, it is necessary to examine the treaty as well. The Treaty of Renunciation (1907) was concluded between the Belgian state, with the permission of the Belgian parliament, and Congo Free State and consists of an introduction, four articles and three appendices. The introduction refers to the time king Leopold II asked the Belgian parliament for a loan to fund his commercial ventures in Congo Free State in return for the right of the annexation of Congo Free State in 1900. The introduction states that the both parties, the Belgian government and king Leopold II, have now agreed to act upon that right to annex Congo. This was euphemistically formulated as king Leopold II reluctantly agreed to the annexation due to the international pressure he and Belgium were facing.

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<sup>1</sup> “Wordt goedgekeurd het hierbij behoorend, op 28 November 1907, tusschen België en den Onafhankelijken Congostaat gesloten verdrag tot afstand.”

The first article of the Treaty of the Renunciation of Congo Free State (1907) shows us how king Leopold II declare to hand over Congo Free State to Belgium:

“His Majesty, the King Sovereign, declares to relinquish to Belgium sovereignty over the regions that make up the independent state of Congo, with all the associated rights and obligations. The Belgian State declares to accept this renunciation and to take over the obligations of the Independents Congo State as their own, as defined in Appendix A, and to honor the legally recognized rights of the existing foundations, as well as third parties and (non) natives, in the Independent State of Congo.”<sup>2</sup>

Belgium accepted Leopold's renunciation of the colony but also agreed to take over the rights and obligation attached to their new colony.

Article 2 of the treaty specifies the transfer of property also implied a transfer of movable and immovable properties to Belgium:

“The transfer encompasses all the immovable and movable property of the Independent State of Congo and particular:”<sup>3</sup>

And article 3 also includes the liabilities and the financial commitments of Congo Free State in the transfer:

“On the other hand, the distance includes all the liabilities and all the financial commitments of the Independent State, as defined in Appendix C.”<sup>4</sup>

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<sup>2</sup> “Zijne Majesteit de Koning-Souverein verklaart aan België de souvereiniteit af te staan over de landstreken die den Onafhankelijken Congostaat uitmaken, met al de daaraan verbonden rechten en verplichtingen. De Belgische Staat verklaart dien afstand te aanvaarden, de verplichtingen van den Onafhankelijken Congostaat over te nemen en tot de zijne te maken, zooals die omschreven zijn in bijlage A, en verbindt zich er toe de in Congo bestaande stichtingen, alsmede de aan derden, al of niet inboorlingen, wettelijk erkende verworven rechten te eerbiedigen.”

<sup>3</sup> “De afstand omvat gansch de onroerende en roerende haven van den Onafhankelijken Staat en inzonderheid:”

<sup>4</sup> “Anderdeels, omvat de afstand gansch het passief en al de financieele verbintenissen van den Onafhankelijken Staat, zooals die omschreven zijn in bijlage C.”

The articles 2 and 3 are further illustrated with tables in appendices A, B and C, which elaborately list and depict an accurate picture of Congo's properties, liabilities and financial commitments. The appendices show us that everything was kept track of in Congo Free State. For instance, in appendix A, it is specifically laid out what has been privately owned by Leopold II and what has been designated to private (concession) companies by king Leopold (Lowes & Montero, 2020, p. 2). The appendices are therefore worthwhile to include in the Treaty of Renunciation since it consists of the exact demonstration of the properties, liabilities and financial commitments in order to get the picture of what exactly has been transferred to Belgium.

What is interesting and noteworthy to mention is that article 2 paragraph 4 states the following:

“the ivory, the caoutchouc/rubber and the other African goods which are the property of the Independent State of Congo as well as the supplies and other goods belonging to it, as stated in appendix B, nos 1 and 3.”<sup>5</sup>

Properties such as ivory and rubber are collected by the indigenous people for the commercial ventures of Leopold II. As a result of the transfer, these properties now belong to the Belgian state. Legally, this is correct since the collected ivory and rubber were owned by Leopold II and now it is transferred to Belgium. But to whom do these collected raw materials belong to morally? You could say that the indigenous population should be the ones that own these ivory and rubber morally since they were the ones that collected them. However, there is no clause in the Treaty of Renunciation which puts the possession of the fruits of the soil into the hands of the indigenous population.

Article 4 specifies the date on which the sovereignty right in article 1 of the Treaty of Renunciation is activated:

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<sup>5</sup> “Het ivoor, de caoutchouc en de verdere Afrikaansche voortbrengselen die eigendom van den Onafhankelijken Staat zijn, evenals de voorraadsartikelen en verdere hem toebehoorende waren, zooals opgegeven in bijlage B, nrs 1 en 3”

“The date on which Belgium exercises its right of sovereignty over the properties referred to in Article 1, will be determined by royal decree. As of January 1908, receipts and expenditures of the Independent State of Congo will be charged to Belgium's account. In witness whereof the respective plenipotentiaries have signed this treaty and stamp printed on it. Done in duplicate in Brussels, the 28th November 1907.”<sup>6</sup>

On the 18th of October 1908, the Colonial Charter was signed by the Belgian parliament thus approving the Treaty of Renunciation. The Colonial Charter was published, together with the Treaty of Renunciation, on the 15th of November 1908 in the official gazette of Belgium and therefore came into force on that date. But the expenses and receipts of Congo Free State as mentioned in article 4 of the treaty will be charged to Belgium from January 1st, 1908 onwards.

The Colonial Charter and the Treaty of Renunciation taught us how the Belgian administration in Congo Free State was well-organized in a bureaucratic way. However, it must be noted that these documents give us little insight into how Belgian Congo was governed, and to what extent Belgium has taken the critics of the international community into account in their newly acquired colony. Nevertheless, there is one document that should be regarded as a legal consequence of the Colonial Charter and the Treaty of Renunciation which does give us that insight, namely: The Law on the Governance of the Belgian Congo (1908).

### 3.2.3 Legal consequence

Belgian Congo was ruled upon by laws and acts. The Law on the Governance of the Belgian Congo (1908) (in Dutch “*Wet op het beheer van den Belgischen Congo*”) provides for 38 articles on how the governance of Belgian Congo will be organized. The atrocities committed under the rule of Leopold II are echoed in this Law on the Governance of the Belgian Congo (1908), suggesting that Belgium did not want to be subject to the international condemnation

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<sup>6</sup> “De datum waarop België de uitoefening van zijn recht van souvereiniteit over de bij artikel 1 bedoelde landstreken op zich zal nemen, zal bij koninklijk besluit worden bepaald. De door den Onafhankelijken Staat te rekenen van in Januari 1908 gedane ontvangsten en uitgaven zullen op België's rekening gebracht worden. Ten blijke waarvan de wederzijdsche gevolmachtigden dit verdrag hebben onderteekend en er hun zegel op hebben afgedrukt. In dubbel opgemaakt te Brussel, den 28<sup>e</sup> November 1907.”



they had faced after the publication of the Casement Report.

The Law on the Governance of the Belgian Congo (1908) had specifically prohibited forced labor in article 2, suggesting that Belgium had taken the concerns of the international community and other prominent figures seriously. It is also important to note that this article is one of the first provisions of the Law on the Governance of the Belgian Congo (1908), implying the importance of this article. Belgium has also committed itself in the Law on the Governance of the Belgian Congo (1908) to work on the protection and improvement of indigenous' life. Where officers could not be held accountable for diminishing the lives of the indigenous arbitrarily, they can now be held accountable as a result of the Law on the Governance of the Belgian Congo (1908). The most considerable consequence is that the Belgian parliament and government, replacing king Leopold II, became the highest governing bodies in Belgian Congo (Leloup, 2015, p. 508). Belgium was determined to tackle the international criticism of Congo Free State and turn the new Belgian colony into a model colony (Leloup, 2015, p. 508). Although Belgium managed to let a new wind blow through its colony, it did not entirely make a clean sleeve either. Instead, with the passing of the years, the horrors and memory of Leopold's regime were weakened, relativized and eventually repressed within Belgium.

*“Those who cannot remember the past are condemned to repeat it”*

**George Santayana, The Life of Reason, 1905**

## CHAPTER 4: DISCUSSION

In order to turn Belgium into a colonial power, king Leopold II successfully convinced the other European powers of his philanthropic and humanitarian purposes in Central Africa at the Berlin Conference (1884-1885). As a result, Congo Free State was created in 1885 as the personal colony of Leopold II. In line with agreements made at the Berlin agreement, the International African Association, under personal rule of Leopold II, was to abolish the Afro-Arab slave trade and to ensure that Congo Free State was to remain a free trade zone for all individuals of all nationalities. The rubber collection in Congo Free State led to a number of atrocities, committed in the region, as explained in this bachelor thesis. Why Leopold's private ownership over Congo Free State escalated into extreme violence and what it means for the current affairs in Belgium and the rest of the world still remains up for debate till today.

### 4.1 The Escalation of Violence in Congo Free State: An Explanation

In order to explore what the violence in Congo Free State means for the current affairs in Belgium, we have to explain how the violence could have escalated.

According to Van Reybrouck, there was no doubt that the news of what was happening in Congo Free State did reach Brussels (p. 93). Officially, Leopold II and Congo Free State condemned the reported violence, but, in reality, it could not control its subordinates. As demonstrated in this thesis, rubber extraction had detrimental consequences for the indigenous population (Lowes & Montero, 2020, p. 11). The indigenous subjected to the rubber regime were unable to work their fields, which led to low yields and famine. Rubber extraction gradually became more time consuming since untapped rubber vines became more difficult to find (van Reybrouck, 2015, p. 94). The indigenous had to go farther and farther into the jungle in order to meet their quota, disrupting the local economy and agricultural activities. Moreover, malnourished individuals became vulnerable to getting diseases, such as the rampant sleeping sickness (Lowes & Montero, 2020, p. 11). This led to huge casualties.

Furthermore, the rubber extraction had imposed forced labor on the indigenous population. The sentries in the areas controlled by the concession companies and soldiers of La Force Republique in the crown domain were responsible for ensuring compliance with the rubber quota (Lowes & Montero, 2020, p. 9). The sentries were purposefully recruited from other areas of Congo, so that they did not have a tie with the local community and thus were more willing to use violence against villagers who did not meet their weekly quota (Lowes & Montero, 2020, p. 10). A tactic employed by the concession companies is to let the salary of the sentries depend on the adequate collection of rubber quota (van Reybrouck, 2015, p. 94). Thereupon, sentries would do anything to make sure that their village would meet the quota. Neither Leopold II nor his Belgian administration in Congo Free State would admit that these atrocities were inherent to his imperial system. There was no control mechanism in place to ensure the conditions of an indigenous' life as recognized by Roger Casement in his Casement Report. He pointed out that the indigenous people could not turn to any instance with authority to complain about their situation or get justice done. There was no possibility to protest against the atrocities for the indigenous. Thus, the violence continued.

## 4.2 Current Affairs

A century after the horrors committed in Congo Free State, the late descendant of king Leopold II, current king Philippe, issued a statement on Tuesday, June 30<sup>th</sup>, on the 60<sup>th</sup> anniversary of the Congo's independence from Belgium expressing his formal apology to Congo. In his apology, king Phillipe encouraged both parties to talk about the "long common history in all truth and serenity" (Gijs & Moens, 2020). The fact that it took a century for an apology to be expressed makes the situation complex and concerning.

The question that should come to mind is what Belgium's colonial past means for current affairs. Belgium should be regarded as a late-comer in, not only assuming colonial power outside its territories, but also in the process of critically coming to terms with its colonial past. After the Congolese independence in 1960, Belgium hesitantly developed a critical eye on the collective memory of its colonial past. Until recently, one of the paradigms in public memory discourses on the colonial past was that the Belgian population regarded the independence of Congo as an

unjust end after the “civilizing campaign” (Verbeeck, 2020, p. 295). The underlying message of this paradigm is clear: the Congo was better off under Belgian rule. Be that as it may, we see the dominant narrative slowly beginning to shift in the last decades. Today, following the Black Lives Matter protests in the U.S.A. and the world, Belgium’s colonial past has gained renewed attention in the public debate. Protestors violated statues of Leopold II in a number of cities by setting them on fire and splattering them with (red) paint as a reference to the period of “red rubber” (Rannard & Webster, 2020). Many of Leopold II’s statues were erected in the 1930s. At that time, Belgium along with other European states were still dealing with the traumatic episodes of World War I, overshadowing the events of red rubber. King Albert I, nephew of Leopold II, had statues built of Leopold II to boost the Belgian populations’ ego and to remember the successes of years gone by (Rannard & Webster, 2020).

The renewed attention on Belgium’s colonial past have led to petitions asking to tear down every statue of Leopold II and to rename all parks and streets that are named after Leopold (Rannard & Webster, 2020). Others see this as a radical point of view and instead want to get rid of the one-sided perspective of Leopold II in the public space by contextualizing the statues. An example of such an attempt is the renewal of the museum in Tervuren, Belgium. Originally, the Royal Museum for Central Africa was built by Leopold II in 1897 to publicize the civilizing mission and economic opportunities in Congo Free State (Verbeeck, 2020, p. 300). For decades, the Royal Museum for Central Africa continued to exhibit the colonial history of Congo Free State from a paternalistic and Eurocentric perspective (Verbeeck, 2020, p. 300). After five years of a major renovation, the museum opened in late 2018 as ‘AfricaMuseum’ and now aspires to be a center for research and knowledge on Central Africa (Verbeeck, 2020, p. 301; McDonald-Gibson, 2013).

A symbolic response to the attacks of the statues is the apology of king Phillipe as discussed above. The apology did not include any sign that Belgium would provide compensation for the suffering they have brought upon Congo Free State. However, it does show that Belgium is willing to take actions to address the trauma that has been inflicted upon the indigenous population of Congo Free State. Unsurprisingly, Belgium has not been the only one proposing redress. On May 28th, Germany formally apologized to its former colony, Namibia, for the

massacre of the Herero and Nama people they had committed over a century ago (Reuters, 2021). Additionally, Germany offered to fund projects in areas of Namibia populated by the descendants of the Herero and Nama tribes worth more than a billion dollars to atone for its role in these regions (Oltermann, 2021). The remedial actions of Belgium and Germany demonstrate the changing nature of the concepts of colonialism and imperialism. At the start of this thesis, we have recognized that the notions such as colonialism and imperialism in articles of the last century do not share the same perspectives on these terms as we define them today. Where colonialism and imperialism in Africa was once justified from a Eurocentric view through motives such as the “civilizing campaign”, it is today viewed as an outdated belief through the perspectives of those who were colonized.

#### 4.3 Limitations and Recommendations

It is of pivotal importance to acknowledge the limitation in this thesis in order to create a foundation for further research on this topic. As mentioned at the start of this thesis, it is noteworthy that this legal historical research has fundamentally taken a Western perspective into account. I recognize that the indigenous population in Congo Free State, or Africa in general, have passed their history orally through generations but perhaps by involving the Congolese descendants of the indigenous population into real dialogue, through film, literature, poetry, art and so on, it could tackle this issue. Notwithstanding, it is serious to note that the Eurocentric approach often taken when dealing with non-European history can be very limiting. I would thus recommend that further research on this topic should include the perspectives of those who were colonized. Moreover, more research could be done on how the imperial campaign of Leopold II in Congo Free State actually escalated to extreme violence. We have touched upon this issue in the discussion, but a more in-depth examination of how this imperial policy could lead to so many casualties would be interesting. Finally, we have briefly touched upon the Law on the Governance of the Belgian Congo (1908) as a legal consequence of the Colonial Charter (1908). This legislation provides an insight into the way in which Belgium positions itself with regard to their recent imperial past, which makes it worthwhile to further look into as it implicitly informs us on Belgium’s assessment of Leopold II’s rule at the foundation of Belgian Congo.

*“Without dignity there is no liberty, without justice there is no dignity, and without independence there are no free men.”*

**Patrice Lumumba  
Letter to this wife (Congo, my Country 1962)**

## CHAPTER 5: CONCLUSION

At the start of this thesis, we posed one central question in which we sought to shed more light on Leopold's imperial campaign in Central Africa that ended up in his transfer of sovereignty over Congo Free State to Belgium. The first sub question that the thesis addressed was the following: Why did king Leopold II have to surrender his private ownership of Congo Free State to Belgium? An important historical document to address this question is the Casement Report, written by British Consul Roger Casement (1904) which was historically analyzed by this bachelor thesis. With the permission of the British Parliament, Casement investigated the atrocities in Congo Free State while keeping up with a diary. The report consists of Casement's own observations of Congo Free State and individual statements gathered by him as consul, including testimonies of killings, mutilations, kidnappings and cruel beatings of the native population by government soldiers and sentries. After the Casement Report was presented to the British parliament in 1904, the British government sent the report to the Belgian government and the other participants of the Berlin Conference (1884-1885). Groups such as the Congo Reform Association (CRA) had already started exercising pressure on Leopold II to change his imperial practices in Congo Free State. After the publication of the Casement report, Britain and the other participants in the Berlin Conference started to exert diplomatic pressure on Leopold II as evidence of the atrocities was too brazen to ignore and required action by the international community.

The next question was how king Leopold II surrendered his imperial project to Belgium. This question has been answered through the legal-historical analysis of the Treaty of Renunciation (1907) and Colonial Charter of 1908. The Law for the Transfer of the Congo Free State, also known as the Colonial Charter, which was voted by the Belgian parliament and signed by king Leopold II in October 1908, approves of the Treaty for Renunciation of Congo Free State to Belgium (1908). In the charter, Leopold II turned the Congo Free State to Belgium, turning it into Belgian Congo. In the treaty, Leopold II declared in the first article to relinquish his sovereignty over Congo Free State to Belgium. The second and third articles specify which property (movable and immovable), liabilities and other financial commitments are transferred to



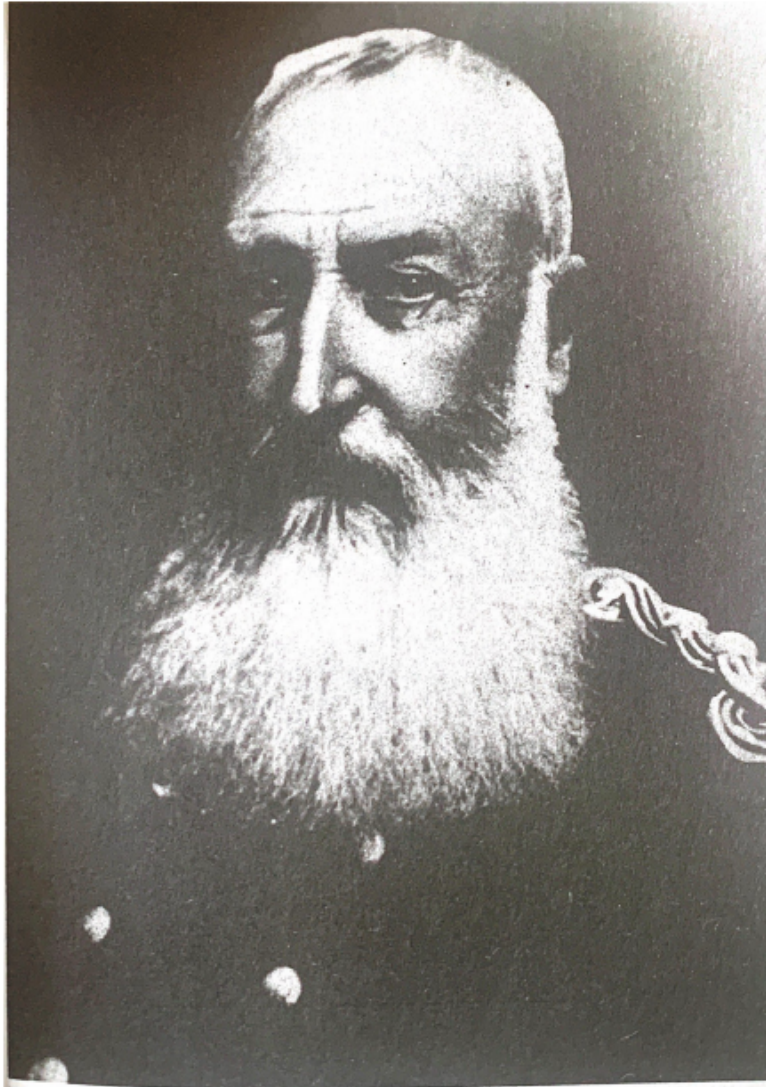
Belgium, reflecting how well Leopold II's administration was organized. Article four, which was the final article, determined on what date Belgium can act upon their right of sovereignty. This Charter marked the end of a turbulent period of time for king Leopold II himself and also for the Congolese population. Contrary to Leopold II's imperial regime, Belgium was striving to make Belgian Congo based on the rule of law. The governance of Belgian Congo was thus laid down in the Law on the Governance of the Belgian Congo (1908). The atrocities that were mentioned in the analysis of the Casement Report seem to be reflected in this law, suggesting that Belgium really wanted to make a change in the imperial practices of Leopold II. However, it must be said that although Belgium did make a change, they never managed to free the Congolese population from the yoke of colonialism, replacing extreme violence with paternalism.

The consequences of colonialism and imperialism resonate until today: it casts a shadow ahead. The historical trauma European colonizers have inflicted on their colonies in Africa forms an obstacle for the indigenous population to form their own identity after decolonization. Many former colonies are left on their own to pick up the pieces when the colonizer leaves, since education for political and social responsibility for the indigenous population was disregarded. The topic of Congo Free State in itself has not been exhausted by this bachelor thesis as it is a contemporary subject matter in modern-day debate following the apology of king Phillipe for the atrocities committed under the rule of his ancestor Leopold II in Congo Free State. This apology symbolizes a shift in attitude on how Belgium wants to confront its colonial past, inviting more research to be done on this topic.

## APPENDICES

### Appendix A

1.



King Leopold II

Source:

Hochschild, A. (1998). *King Leopold's ghost: A story of greed, terror, and heroism in Colonial Africa*. Boston: Houghton Mifflin.

2.



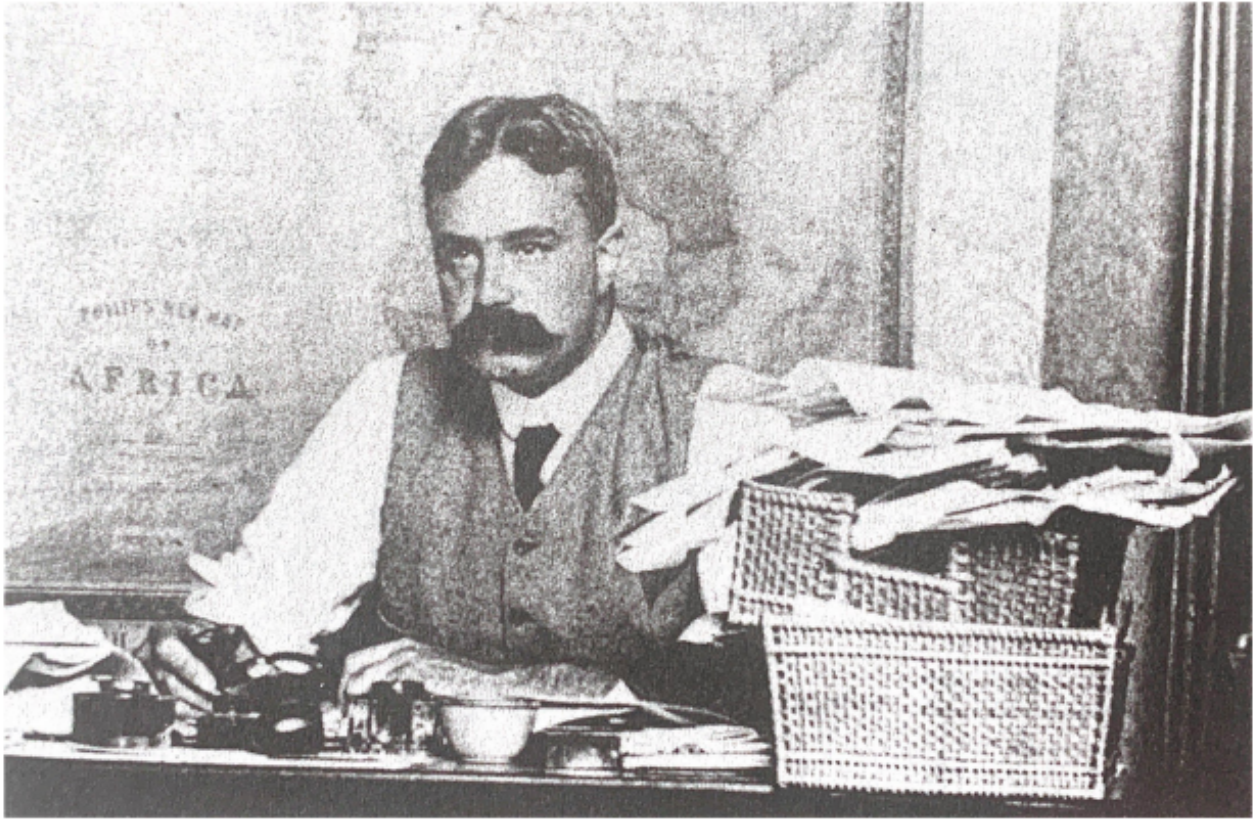
Henry Morton Stanley with the “Stanley Cap”

Source:

Hochschild, A. (1998). *King Leopold's ghost: A story of greed, terror, and heroism in Colonial Africa*. Boston: Houghton Mifflin.



3.



Edmund Dene Morel

Source:

Hochschild, A. (1998). *King Leopold's ghost: A story of greed, terror, and heroism in Colonial Africa*. Boston: Houghton Mifflin.

4.



Sir Roger Casement

Source:

Hochschild, A. (1998). *King Leopold's ghost: A story of greed, terror, and heroism in Colonial Africa*. Boston: Houghton Mifflin.

5.



Congolese youth's hands mutilated by soldiers.

Source:

Hochschild, A. (1998). *King Leopold's ghost: A story of greed, terror, and heroism in Colonial Africa*. Boston: Houghton Mifflin.

6.



Women taken as hostages by a guard so that their husbands will collect rubber in the forests.

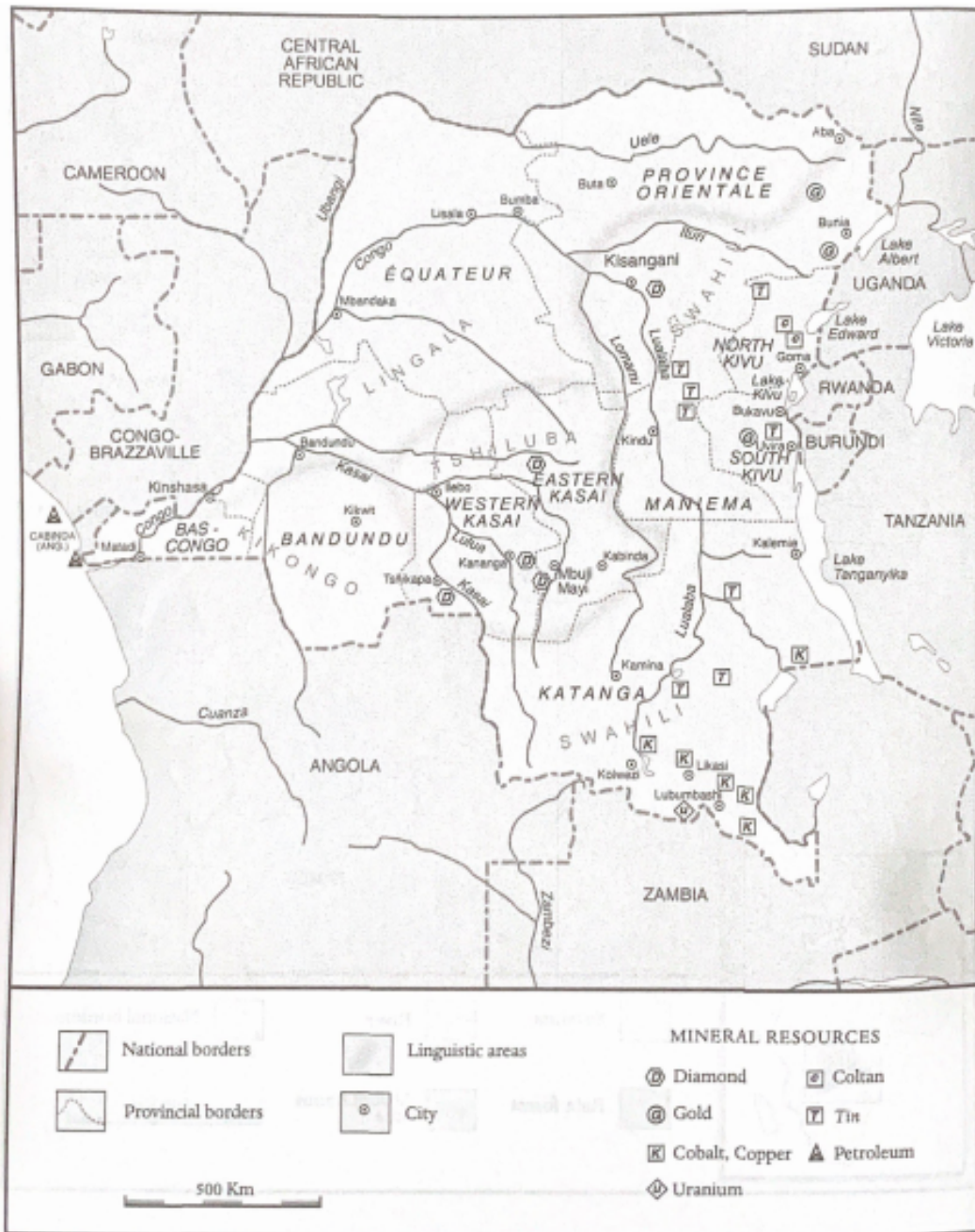
Source:

Hochschild, A. (1998). *King Leopold's ghost: A story of greed, terror, and heroism in Colonial Africa*. Boston: Houghton Mifflin.



## Appendix B

1.



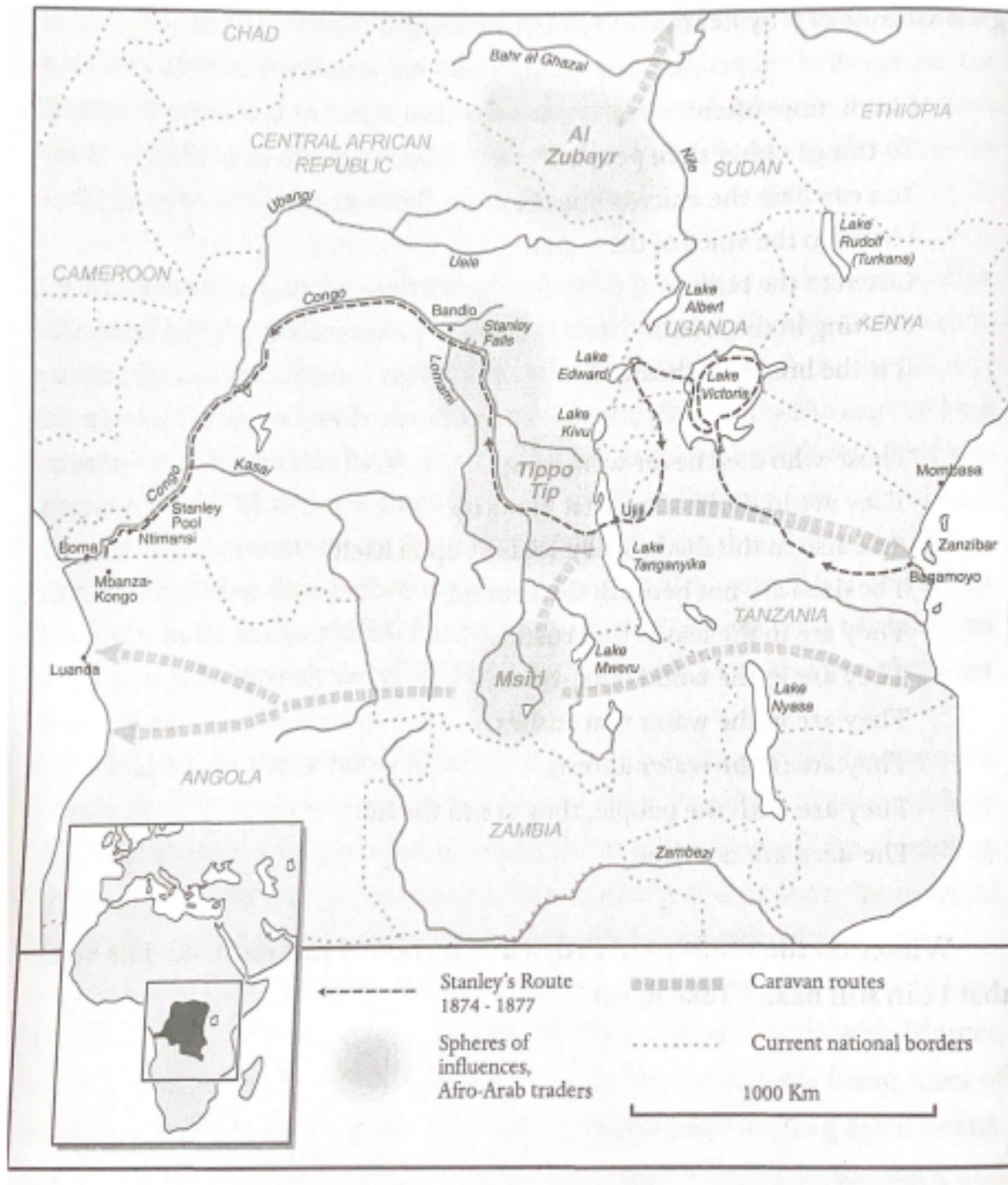
Map of resources and raw materials in Central Africa.

Source:

Van Reybrouck, D. (2015). *Congo: Een geschiedenis*. Amsterdam: De Bezige Bij.



2.

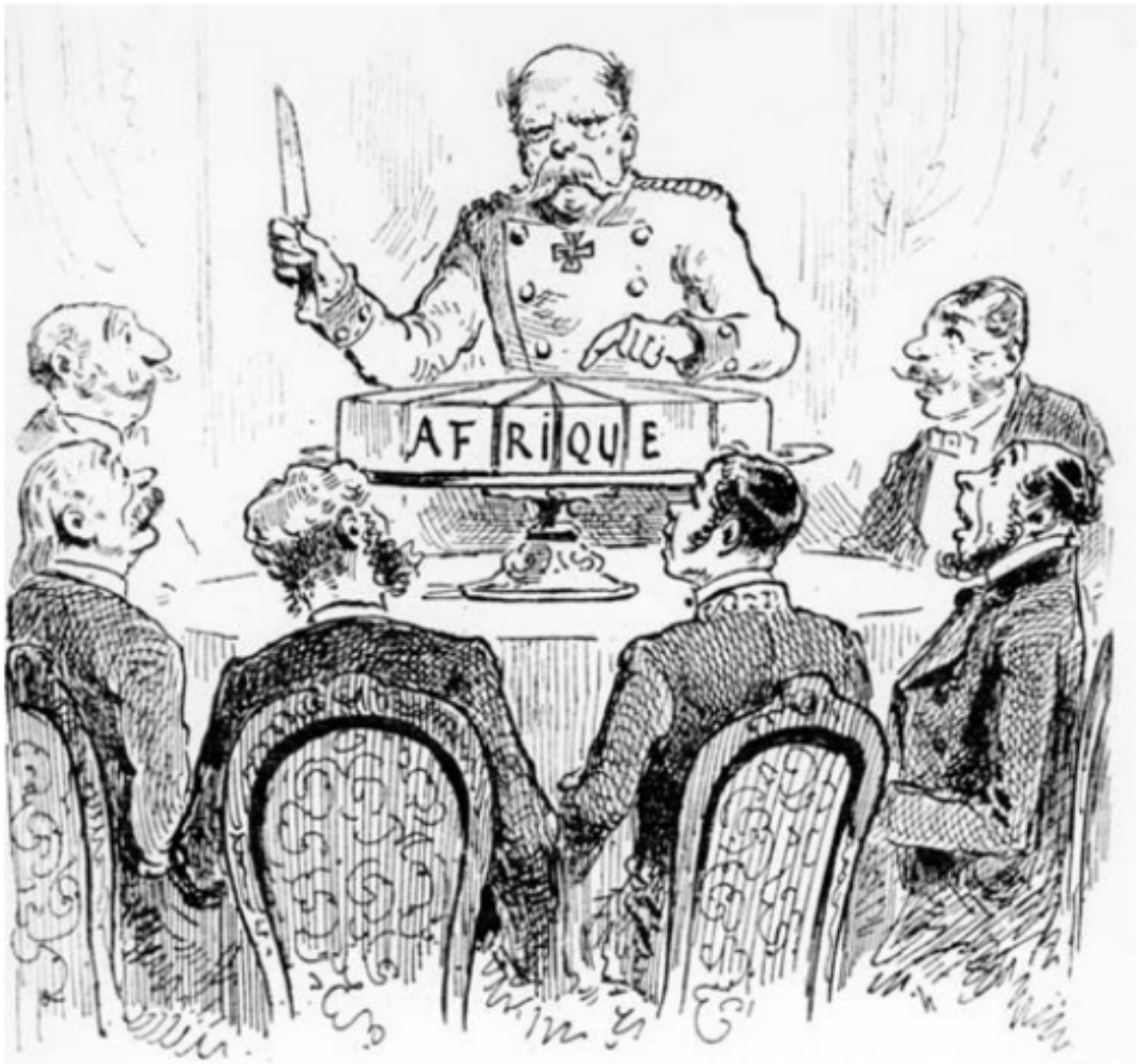


Map of the Stanley route

Source:

Van Reybrouck, D. (2015). *Congo: Een geschiedenis*. Amsterdam: De Bezige Bij.

3.



Berlin Conference, 1884-1885  
- 'Everyone gets his share.' –  
French caricature of Bismarck, 'slicing up Africa like a cake.'  
Wood engraving.  
From: L'Illustration, 1885/I

4.

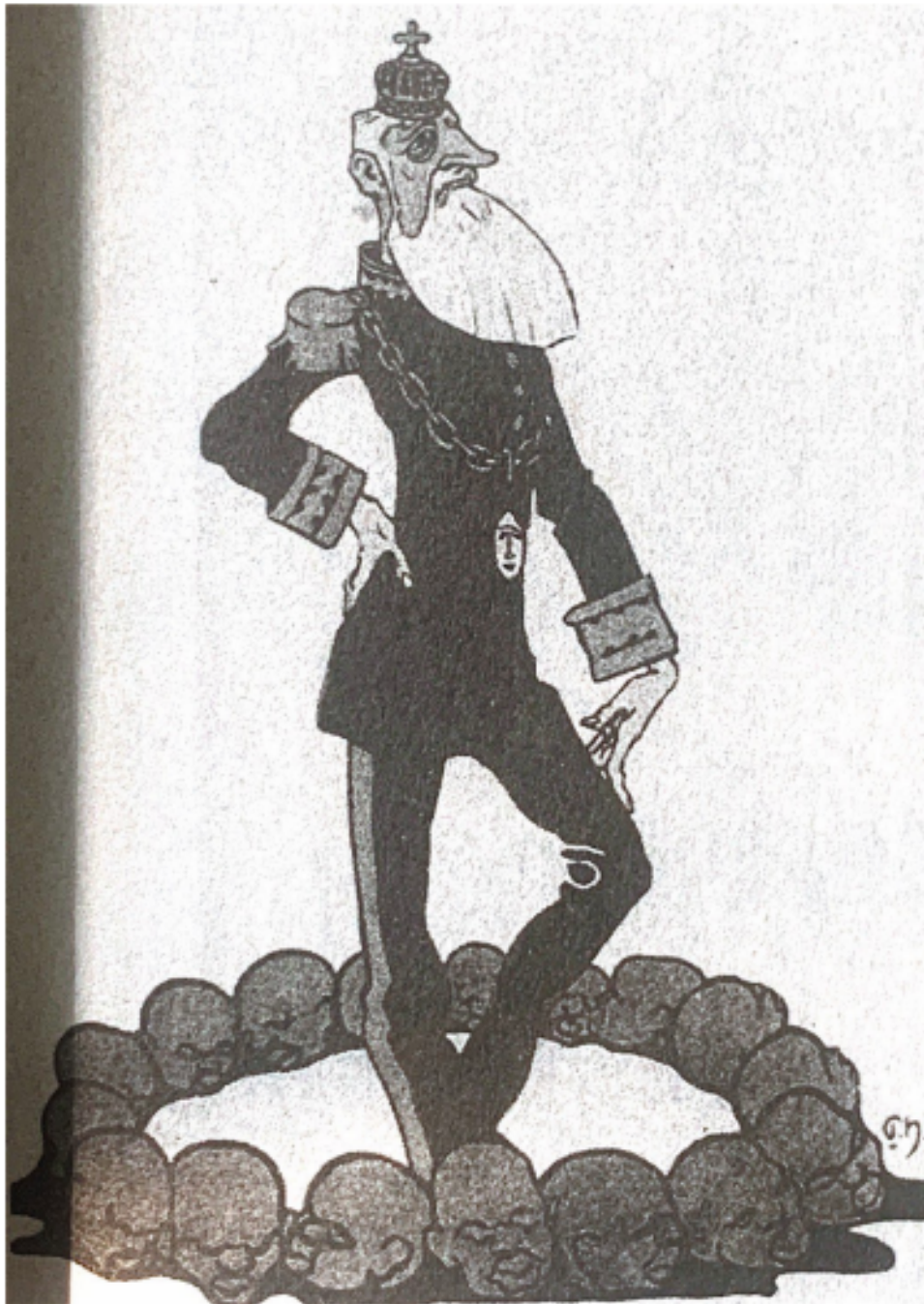


IN THE RUBBER COILS.

Scene—The Congo "Free" State.

Source:

Hochschild, A. (1998). *King Leopold's ghost: A story of greed, terror, and heroism in Colonial Africa*. Boston: Houghton Mifflin.



Cartoon appeared in Germany of Leopold II surrounded by cut-off black heads

Source:

Hochschild, A. (1998). *King Leopold's ghost: A story of greed, terror, and heroism in Colonial Africa*. Boston: Houghton Mifflin.



## BIBLIOGRAPHY

- Bevernage, B. (2018). The making of the Congo question: truth-telling, denial and 'colonial science' in King Leopold's commission of inquiry on the rubber atrocities in the Congo Free State (1904–1905). *Rethinking History*, 22(2), 203–238.
- Casement, R. (1904). *The Casement Report* (pp. 21-82, Rep.). United Kingdom: Foreign Office.
- Gijs, C., & Moens, B. (2020, June 30). Belgian king breaks silence on colonial past. *Politico EU*.
- Gozzi, G. (2007). History of International Law and Western Civilization. *International Community Law Review*, 9(4), 353–373.
- Hasian, M. (2013). Colonial hermeneutics of suspicion, the Spectacular rhetorics of the CASEMENT report, and the British policing of BELGIAN Imperialism, 1904–1908. *Critical Studies in Media Communication*, 30(3), 224-240.
- Hayez (printer of the royal academies), *Ambtelijk Blad van den Belgischen Congo*, 1–1014 (1909). Brussels. (?)
- Hochschild, A. (1998). *King Leopold's ghost: A story of greed, terror, and heroism in Colonial Africa*. Boston: Houghton Mifflin.
- Horvath, R. J. (1972). A Definition of Colonialism. *Chicago Journals*.
- Kearns, G., & Nally, D. (2019). An accumulated wrong: Roger casement and the Anticolonial moments within imperial governance. *Journal of Historical Geography*, 64, 1-12.
- Kohn, M., & Reddy, K. (2006). Colonialism. *Stanford Encyclopedia of Philosophy*.
- LefÈvre, P. (2008). The Congo drawn in Belgium. *History and Politics in French-Language Comics and Graphic Novels*, 166-184.
- Leloup, G. (2015). "Fait accompli", de controversiële controle van de Congolese financiën (1885-1914). *Revue Belge De Philologie Et D'histoire*, 93(2), 487–531.
- Lippens, C. (1939). The Belgian Congo. *African Affairs*, 38, 419–426.
- Lowes, S., & Montero, E. (2020). Concessions, Violence, and Indirect Rule: Evidence from the Congo Free State.
- Lyons, M. (1985). From 'Death Camps' to Cordon Sanitaire: The Development of Sleeping Sickness Policy in the Uele District of the Belgian Congo, 1903–1914. *The Journal of African History*, 26(1), 69–91.

- MacGaffey, W. (1986). Ethnography and the closing of the frontier in Lower Congo, 1885–1921. *Africa*, 56(3), 263–279.
- MacKenzie, J. M. (1983). *The partition of Africa, 1880-1900 and European imperialism in the nineteenth century*. London: Methuen.
- McDonald-Gibson, G. (2013, November 29). Belgian Museum faces up to its brutal Colonial Legacy. *The Independent*.
- Meeuwis, M. (2014). Language legislation in the Belgian Colonial Charter of 1908: a textual-historical analysis. *Language Policy*, 14(1), 49–65.
- Ministerie van Buitenlandse Zaken, Belgisch-Congo Ambtelijk Blad 1908-1909 (1908). Brussel; Hayez, Printer of the Royal Academies.
- Mitchell, A. (2009). Unframing the Black Diaries of Roger Casement. *ABEI Journal*, 11, 183–202.
- Ndem Okon, E., & Ojakorotu, V. (2018). Imperialism and CONTEMPORARY Africa: An analysis of continuity and change. *Journal of African Foreign Affairs*, 5(2), 227-249.
- Oltermann, P. (2021). Germany agrees to pay Namibia €1.1bn over historical Herero-Nama genocide. *The Guardian*.
- Ocheni, S., & Nwankwo, B. C. (2012). Analysis of Colonialism and Its Impact in Africa. *Cross-Cultural Communication*, 8(3), 46-54.
- Peffer, J. O. H. N. (2008). Snap of the Whip/Crossroads of Shame: Flogging, Photography, and the Representation of Atrocity in the Congo Reform Campaign. *Visual Anthropology Review*, 24(1), 55–77.
- Pronczuk, M., & Zaveri, M. (2020, June 9). Statue of Leopold II, Belgian King Who Brutalized Congo, Is Removed in Antwerp. *The New York Times*.
- Rannard, G., & Webster, E. (2020, June 13). Leopold II: Belgium 'wakes up' to its bloody colonial past. *BBC News*.
- Reeves, J. S. (1909). Origin of the Congo Free State considered from the standpoint of international law. *American Journal of International Law*, 3(1), 99-118.
- Reuters. (2021). Germany apologises for colonial-era genocide in Namibia. *Reuters*.
- Roes, A. (2010). Towards a History of Mass Violence in the Etat Indépendant du Congo, 1885–1908. *South African Historical Journal*, 62(4), 634–670.
- Royal Museum for Central Africa - TERVUREN - Belgium. Retrieved February 09, 2021, from <https://www.africamuseum.be/en>

- Stanard, M. G. (2012). *Selling the Congo A History of European Pro-Empire Propaganda and the Making of Belgian Imperialism*. University of Nebraska Press.
- Stearns, P. N. (2021). *The Industrial Revolution In World History*. S.l.: Routledge.
- Van Reybrouck, D. (2015). *Congo: Een geschiedenis*. Amsterdam: De Bezige Bij.
- Vanthemsche, G. (2012). *Belgium and the Congo, 1885-1980*. New York: Cambridge University Press.
- Verbeeck, G. (2020). Legacies of an imperial past in a small nation. Patterns of postcolonialism in Belgium. *European Politics and Society*, 21(3), 292–306.
- Viaene, V. (2008). King Leopold's imperialism and the origins of the Belgian Colonial party, 1860–1905. *The Journal of Modern History*, 80(4), 741-790.