

1375



TREATY SERIES No. 29 (1926) : . . .

Agreement

between the Government of the Union of South Africa and the Government of the Republic of Portugal in relation to the Boundary between the Mandated Territory of South-West Africa and Angola

SIGNED AT CAPE TOWN,
JUNE 22, 1926

Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty

LONDON :
PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE
To be purchased directly from H.M. STATIONERY OFFICE at the following addresses.
Adastral House, Kingsway, London, W.C.2 ; 120, George Street, Edinburgh ;
York Street, Manchester ; 1, St. Andrew's Crescent, Cardiff ;
15, Donegall Square West, Belfast ;
or through any Bookseller.

1926
Price 1d. Net

Cmd. 2777

Agreement between the Government of the Union of South Africa and the Government of the Republic of Portugal in relation to the Boundary between the Mandated Territory of South-West Africa and Angola.

Signed at Cape Town, June 22, 1926.

WHEREAS Article 1 of the Treaty entered into at Lisbon and dated the 30th December, 1886, made between the Government of His Majesty the German Emperor and the Government of His Majesty the King of Portugal described the boundary line defining the German and Portuguese possessions in South-West Africa;

And whereas under a mandate issued by the Council of the League of Nations in pursuance of Article 22 of the Treaty of Versailles, the Government of the Union of South Africa, subject to the terms of the said mandate, possesses sovereignty over the Territory of South-West Africa (hereinafter referred to as the Territory) lately under the sovereignty of Germany;

And whereas by the Treaty of Peace and South-West Africa Mandate Act, 1919 (Union Act No. 49 of 1919), the Governor-General of the Union, being the Government of the Union, was authorised to give effect to the said mandate;

And whereas a dispute exists relative to the boundary between the Territory and Angola as described by Article 1 of the said Treaty of the 30th December, 1886, and in particular as to the identity of the waterfalls of the Kunene River mentioned in that article, which dispute it is desirable to settle;

And whereas for this purpose the Government of the Union of South Africa has appointed as its plenipotentiaries:—

1. The Hon. Jacob de Villiers, Judge of Appeal of the Supreme Court of South Africa (*Chairman*),
2. Gysbert Reitz Hofmeyr, Esquire, C.M.G., Ex-Administrator of South-West Africa,
3. Reenen Jacob van Reenen, Esquire, B.A., C.E., A.M. Am.Soc.C.E., A.M.I.C.E.,

and the Government of the Republic of Portugal has appointed as its plenipotentiaries:—

1. Dr. Augusto de Vasconcellos, President of the Delegation, Senator, Minister Plenipotentiary, Ex-Prime Minister, Ex-Minister for Foreign Affairs, Chief of the Portuguese Department for the League of Nations.
2. Vice-Admiral Ernesto de Vasconcellos, Director-General of the Ministry for the Colonies, Ex-Director of Diplomatic, Geographical and Marine Services in the Ministry of the Colonies, Professor of the Lisbon Colonial School, Permanent Secretary of the Geographical Society of Lisbon.

3. Colonel Carlos Roma Machado, Military Engineer, Director of the Geographical Society of Lisbon, Ex-Director of Railways and Public Works in the Colonies.

Now, therefore, under and by virtue of the authority committed to them, the said plenipotentiaries, on behalf of their respective Governments, after due negotiation, agree as follows:—

1. The Waterfalls of the Kunene River referred to in Article 1 of the Treaty Between the Government of His Majesty the German Emperor and the Government of His Majesty the King of Portugal, entered into at Lisbon and dated the 30th December, 1886, are declared and agreed to be the great falls marked on Portuguese maps as Rua Cana Falls and on German maps as Kambele Falls, and situate approximately 17 degrees 23 minutes south latitude.

2. The boundary between the Territory and Angola is accordingly declared and agreed to be the middle line of the Kunene River, that is to say, the line drawn equidistant from both banks, from the mouth of the said river up to a point at the Rua Cana Falls, above the crest or lip where the said middle line crosses the parallel of latitude, passing through the beacon placed on the left bank of the said river in July 1920, by a joint Commission appointed by the British and Portuguese Governments. This beacon is placed on a large rock at the top of the cascade or rapid which leads to the vertical waterfall at the head of the main eastern gorge of the Rua Cana Falls.

The situation of the beacon is further determined by the following bearings, which are given in grades:—

	Grades.
Magnetic north	400·00
True north	21·11
Top quartz peak, about 2 kilom. distant	104·44
Baobab tree near fall, about 80 metres from point of observation and abreast middle waterfall ...	146·50
Lip of middle waterfall	173
Top of hill south-east of first bend of gorge, below the junction of eastern and western gorges ...	191
Prominent stone on sharp red peak west of gorge, below junction of eastern and western gorges ...	244
Top of upper rapid, about 45 metres from point of observation	266
Inscribed stone where Colonel Machado determined the latitude and longitude on the southern edge of the western gorge	268
Portuguese fort close to the most western waterfall	305
Approximate direction of rapids above delta above falls	374

3. From the point at the Rua Cana Falls, described in Article 2 above, the boundary follows the parallel of latitude passing through the said beacon to a point where it cuts the middle line of the Okavango (Cubango) River and thence as described in Article 1 of the Treaty of Lisbon of the 30th December, 1886.

4. The boundary between the Territory and Angola shall in the first favourable season be demarcated by a joint commission to be appointed by the two Governments concerned. When this boundary follows a parallel of latitude or other straight line, the demarcation shall be made without any extensive deviation from that parallel or line. In demarcating the boundary line from the Kunene to the Okavango (Cubango) River, the latitude of boundary marks shall be corrected by means of astronomical observations at distances of not more than 50 kilom. apart. Except where a river forms the boundary, permanent beacons shall be erected along the said boundary line at distances not exceeding 10 kilom. apart and sufficient intermediate beacons, which need not be so durable, shall be erected alongside the roads, ways, rivers, streams and water-courses known as oshanas or mololas. The whole of the boundary line shall be cleared and kept free of bush and trees. The demarcation, clearing and maintenance of the boundary line and the maintenance of the beacons shall be a joint charge against the Government of the Union of South Africa and the Government of the Republic of Portugal, and the demarcation and clearing shall be effected with all convenient speed.

5. The Neutral Zone agreed upon by the German and Portuguese Governments and recognised by the Union and Portuguese Governments shall be maintained and treated as such for all the purposes for which it was created until demarcation of the boundary between the Kunene and the Okavango (Cubango) Rivers now agreed upon is completed.

6. Save as provided in Article 7 below, where the middle line of the river, that is to say the line lying equi-distant from both banks, cuts an island situate in the river, such middle line shall constitute the boundary between the Territory and Angola.

7. Wherever in demarcating the boundary as laid down in this Agreement it may be expedient to deviate from the line described, the Commissioners of the frontier shall arrange equitable compensation between the parties.

8. This Agreement shall take effect as from the date of the execution thereof by the plenipotentiaries.

Thus done and signed at the City of Cape Town on the 22nd day of June 1926.

JACOB DE VILLIERS (*Chairman*).

GYS. R. HOFMEYR.

R. J. VAN REENEN.

AUGUSTO DE VASCONCELLOS.

ERNESTO DE VASCONCELLOS.

CARLOS ROMA MACHADO.