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EXCHANGE OF NOTES

between His Majesty's Government in the Union of  
South Africa and the Portuguese Government

MODIFYING THE AGREEMENT OF NOVEMBER 17, 1934  
IN REGARD TO NATIVE LABOUR  
FROM MOZAMBIQUE

Lisbon, March 11, 14, 24, June 8, 1936

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

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EXCHANGE OF NOTES BETWEEN HIS MAJESTY'S GOVERNMENT  
IN THE UNION OF SOUTH AFRICA AND THE PORTUGUESE  
GOVERNMENT MODIFYING THE AGREEMENT OF  
NOVEMBER 17, 1934, IN REGARD TO NATIVE LABOUR  
FROM MOZAMBIQUE.

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*Lisbon, March 11, 14, 24, June 8, 1936.*

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No. 1.

*Mr. Louw to Dr. A. Monteiro.*

*Legation of the Union of South Africa,  
Lisbon, March 11, 1936.*

M. le Ministre,

I HAVE the honour to confirm the representations made by me in the course of an interview with the Secretary-General of the Ministry for Foreign Affairs on Friday, the 28th February, as follows:—

In Article III of the revised Convention entered into between the Governments of Portugal and of the Union of South Africa on the 17th November, 1934,<sup>(1)</sup> it is provided that the number of natives allowed to be recruited in the Province of Moçambique in terms of the said Convention may, under certain conditions and after consultation between the two Governments, be altered.

My Government has received representations from the Transvaal Chamber of Mines to the effect that it has lately been found impossible to secure sufficient native labour from existing Union sources, for the requirements of the Transvaal mines, and I have been authorised to approach the Government of the Republic of Portugal with the request that in terms of Article III above mentioned, the maximum number of natives allowed to be recruited in the Province of Moçambique be increased from 80,000 to 90,000.

I have the honour formally to submit this request for the favourable consideration of your Excellency's Government.

I avail, &c.

ERIC H. LOUW.

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<sup>(1)</sup> "Treaty Series No. 4 (1936)," Cmd. 5085.

## No. 2.

*Senhor Luiz de Sampaio to Mr. Louw.*

*Ministério dos Negócios Estrangeiros,  
Direcção Geral dos Negócios Políticos,  
Lisboa, 14 de Março de 1936.*

Senhor Ministro,

O GOVÊRNO Português examinou com o maior cuidado, e inspirado como sempre no espirito mais amigavel, o pedido que V.Ex.<sup>a</sup>. apresentou por parte do seu Govêrno para que fôsse augmentado, até ao numero de 90,000, nos termos do artigo 3.<sup>o</sup>. da Convenção de 1934, o contingente de indigenas de Moçambique que trabalham nas minas do Transvaal.

2. Tenho a satisfação de levar ao conhecimento de V.Ex.<sup>a</sup>. que o Govêrno da República acede, em principio, áquêle pedido autorizando o recrutamento solicitado nas condições seguintes:—

3. Deverá ficar expresso na troca de Notas que se celebrar, que esta autorização é feita nos precisos termos de alinea (a) do artigo 3.<sup>o</sup>. da Convenção, isto é; o aumento consentido refere-se sómente ás actuais circumstancias, e não reveste um character permanente que o mantenha em circumstancias diferentes daquela em que a concessão é feita. Não será esta invocavel como precedente obrigatório, e poderá ser retirada sempre que as circumstancias o exijam, sem que isso possa ser interpretado como acto de menos boa vontade.

4. Este recrutamento far-se-à nos termos precisos da lei em vigôr na Colonia de Moçambique e fica sujeito a todas as clausulas e condições que nos termos da Convenção de 1934 são applicadas nos assuntos respeitantes aos contratos de trabalhadores de Moçambique e às minas do Transvaal.

5. Parece ao Govêrno Português que mais conveniente será fixar uma data na qual se procederá à revisão do numero agora fixado, se antes dessa data não houver lugar a alterá-lo por outras circumstancias.

6. Propõe o Govêrno Português que tal data seja a de um ano contado da troca de Notas que agora se efectuar.

7. Espero que no deferimento do pedido por V.Ex.<sup>a</sup>. apresentado, o Govêrno da União Sul Africanã não deixará de reconhecer o desejo de boa e leal cooperação que sempre anima o Govêrno da Republica Portuguêsa nas suas relações com a União.

Aproveito, &c.

Pelo Ministro,

LUIZ DE SAMPAIO.

(Translation.)

*Ministry for Foreign Affairs,*

*Lisbon, March 14, 1936.*

M. le Ministre,

The Portuguese Government has examined with the greatest care and in the friendliest spirit the request which your Excellency has presented on behalf of your Excellency's Government that the native contingent from Moçambique working in the Transvaal mines should be increased to 90,000, in terms of Article III of the Convention of 1934.

2. It gives me great pleasure to be able to inform your Excellency that the Government of the Republic accedes, in principle, to this request authorising the recruiting desired, on the following conditions:—

3. It shall be stated in the Exchange of Notes that will be effected that this authorisation is given in the precise terms of paragraph (a) of Article III of the Convention, that is, the increase allowed refers only to the present circumstances, and will not be of a permanent character to be maintained in circumstances different to those in which the concession is made. This will not be regarded as an obligatory precedent and can be withdrawn whenever circumstances demand it without it being interpreted as an act of less goodwill.

4. The recruiting will be made in the precise terms of the law in force in the Colony of Moçambique, and will be subject to all the clauses and conditions which, in the terms of the Convention of 1934, are applicable to matters in connection with the contracts of the labourers of Moçambique and to the Transvaal mines.

5. It seems to the Portuguese Government that it would be more convenient if a date should be fixed on which a revision could be made of the number now fixed, provided that, before that date, there will be no occasion to alter the number owing to other circumstances.

6. The Portuguese Government suggests that this date shall be a year after the Exchange of Notes now taking place.

7. I trust that, in the granting of the request presented by your Excellency, the Government of the Union of South Africa will not fail to recognise the desire for good and loyal co-operation which always animates the Government of the Portuguese Republic in its relations with the Union.

I avail, &c.

(For the Minister),

LUIZ DE SAMPAIO.

No. 3.

*Mr. Louw to Dr. A. Monteiro.*

*Legation of the Union of South Africa,  
Lisbon, March 24, 1936.*

M. le Ministre,

I HAVE the honour to refer to my Note of the 11th March, 1936, in which I conveyed to your Excellency the request of my Government that in terms of Article III of the Moçambique Convention of the 17th November, 1934, the number of natives allowed to be recruited in the Colony of Moçambique be increased to 90,000.

By a Note dated the 14th March, 1936, the Government of the Republic have expressed their willingness to accede to this request, subject to certain conditions and reservations.

I am instructed by my Government to convey to your Excellency their appreciation of the goodwill shown, and to say that the conditions and reservations set out in the Note above mentioned, are accepted and agreed to by the Government of the Union of South Africa.

In order to permit of the authorised increase in recruitment being put into effect without delay, I would venture to suggest that this Note, together with those which have already passed in regard to this matter, be regarded as constituting the Exchange of Notes referred to at the beginning of paragraph 3 of the Note of the 14th March, 1936. If this course is agreed to, it will be appreciated if your Excellency will be good enough to cause the necessary authorisation to be conveyed by cable to His Excellency the Governor-General of the Colony of Moçambique.

In conclusion, I have the honour to state that the Government of the Union cordially reciprocate the friendly sentiments expressed in your Excellency's Note, and that they share the desire of the Government of the Republic to co-operate in all matters in which the two countries are mutually interested.

I avail, &c.

ERIC H. LOUW.

No. 4.

*Dr. A. Monteiro to Mr. Theron.*

*Ministério dos Negócios Estrangeiros,*

Senhor Encarregado de Negócios, *Lisboa, 8 de Junho de 1936.*

TENHO o prazer de informar V.Sr<sup>a</sup>. de que o Govêrno Português concorda com a suggestão de Sua Ex<sup>a</sup>. o Senhor Eric H. Louw, apresentada na sua Nota de 26 de Março findo, de se considerarem como constituindo acôrdo entre os dois Govêrnos sôbre o aumento

para 90,000 do contingente de indígenas de Moçambique que poderão trabalhar nas minas do Transvaal, a presente Nota, confirmando a que este Ministério dirigiu a Sua Ex<sup>a</sup>. em 14 de Março último, e as Notas do Sr. Eric H. Louw de 11 e 26 do mesmo mês.

O prazo de um ano a que faz referência o parágrafo 6 da Nota deste Ministério de 14 de Março, deverá pois contarse partir da data da presente Nota pela qual o acôrdo se considera formalmente celebrado.

Aproveito, &c.

ARMINDO MONTEIRO.

(Translation.)

*Ministry for Foreign Affairs,*

*Lisbon, June 8, 1936.*

M. le Chargé d'Affaires,

I have pleasure in informing you that the Portuguese Government agrees to the suggestion of His Excellency Mr. Eric H. Louw, presented in his Note of the 26th March last, that the present Note, confirming that which this Ministry addressed to His Excellency of the 14th March last, and Mr. Eric H. Louw's Notes of the 11th and 26th of the same month, shall constitute an agreement between the two Governments concerning the increase to 90,000 of the contingent of Moçambique natives to work in the mines of the Transvaal.

The period of one year to which paragraph 6 of this Ministry's Note of the 14th March refers, shall be reckoned from the date of this Note by which the Agreement is formally considered to be confirmed.

I avail, &c.

ARMINDO MONTEIRO.