

EXCHANGE OF NOTES constituting an Agreement between the United Kingdom and Portugal regarding the Boundary between Tanganyika Territory and Mozambique.-- Lisbon, May 11, 1936--December 28, 1937

(No. 1)--His Majesty's Ambassador at Lisbon to the Portuguese Minister for Foreign Affairs

May 11, 1936

M. le Ministre,

IN accordance with instructions from His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to inform your Excellency that, with the view of clarifying the existing position as regards sovereignty over islands situated in the River Rovuma, and of defining more clearly the boundary between the Tanganyika Territory and Mozambique as laid down in paragraph 2 of the preamble to the mandate for East Africa, His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland are willing, subject to the approval of the Council of the League of Nations, to conclude with the Government of the Portuguese Republic an agreement in the following terms:

(1) All the islands of the Rovuma River situated between the confluence of the River Domoni with the Rovuma River and the mouth of the latter belong to Portugal.

All the islands situated above the said confluence are part of the Tanganyika Territory.

For the purpose of this agreement there shall be considered as islands only those which emerge when the river is in full flood and which contain land vegetation and rock or firm soil and are not shifting sandbanks.

(2) Throughout the course of the River Rovuma in those places where there are no islands, the boundary shall follow the thalweg, even when the position of the latter is changed by a natural alteration in the bed of the river. By thalweg is understood the line of minimum level along the river bed.

In places in the river where the channel between the islands and the bank belonging to the other territory does not contain the thalweg of the river, the boundary shall follow the thalweg of that subsidiary channel until it meets the thalweg of the River Rovuma.

(3) Should the bed of the river undergo any alteration in the sense of clause (2) of this agreement, the Government of the territory prejudiced thereby shall have the right, which shall expire at the end of 4 years, to divert the river into its old bed, or, if this proves impracticable, to compensation on terms to be agreed upon with the Government benefited. But, even in the event of the diversion being practicable, either of the contracting parties may, if it prefers, agree upon compensation with the Government of the other territory. In the absence of agreement the contracting Governments will submit the point in dispute to arbitration by the Permanent Court of International Justice.

(4) Freedom of navigation in the River Rovuma, without distinction of nationality, shall be maintained in accordance with the treaties and conventions in force.

(5) In order to supply their needs the inhabitants of both banks shall have the right over the whole breadth of the river to draw water, to fish and to remove saliferous sand for the purpose of extracting salt therefrom.

(6) The local authorities shall conclude whatever agreements may be necessary in order that the inhabitants on both banks may be granted such facilities as are possible with regard to

hunting, fishing and the collection of salt in the neighbourhood of the river, without prejudice to the existing sovereign rights and in such measure as may, in the circumstances, be permissible without inconvenience to the two Administrations concerned.

(7) The present agreement shall not take effect until it has been submitted to the Council of the League of Nations and the approval of the Council has been notified to the contracting Governments. It shall thereafter come into force on a date to be agreed upon between the two Governments.

2. If the Portuguese Government approve of this proposal, I would suggest that the present note and your Excellency's reply embodying their acceptance of the foregoing provisions be regarded as constituting a formal agreement in this matter between the two Governments.

I avail, &c.

CHARLES WINGFIELD.

(No. 2.)--*The Portuguese Minister for Foreign Affairs to
His Majesty's Ambassador at Lisbon*

(Translation)

Your Excellency,

May 11, 1936.

I HAVE the honour to acknowledge receipt of your note of to-day's date regarding the islands situated in the River Rovuma, and to confirm that the Government of the Portuguese Republic and His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, with a view to defining the boundary between the colony of Mozambique and the Tanganyika Territory, as laid down in paragraph 2 of the preamble to the mandate for East Africa, and subject to the approval of the Council of the League of Nations, have agreed as follows

[Clauses 1-7 as in No. 1.]

2. As your Excellency proposes in the note of to-day's date, the present note and that to which it replies will be regarded as constituting a formal agreement in this matter between the two Governments.

I have, &c.

ARMINDO MONTEIRO.

(No. 3.)--*His Majesty's Ambassador at Lisbon to the
Portuguese Minister for Foreign Affairs*

M. le Ministre,

December 28, 1937.

THE Council of the League of Nations has now approved the agreement of the 11th May, 1936, between His Majesty's Government in the United Kingdom and the Government of Portugal regarding the sovereignty over the islands situated in the River Rovuma and the boundary between the Tanganyika Territory and Mozambique, and have so notified the contracting Governments.

2. In accordance with sub-paragraph (7) of the notes constituting the agreement which were exchanged by their Excellencies Sir Charles Wingfield and Dr. Armino Monteiro on the above-mentioned date, I have the honour, by direction of His Majesty's Principal Secretary of State for Foreign Affairs, to propose that the agreement should enter into force with effect from the 1st February, 1938, and that the present note and your Excellency's reply should be regarded as constituting a formal agreement in this sense between the two Governments.

I avail, &c.

W. SELBY.

*(No. 4.)-The Portuguese Minister for Foreign Affairs to
His Majesty's Ambassador at Lisbon*

(Translation)

December 28, 1937.

M. l'Ambassadeur,

IN reply to your Excellency's note of to-day's date, I have the honour to inform your Excellency that, having taken note of the approval by the Council of the League of Nations of the agreement of the 11th May, 1936, between Portugal and Great Britain regarding the islands situated in the River Rovuma and the demarcation of the boundary between Mozambique and the Tanganyika Territory, as manifested in the decision of the 2nd session of the 98th meeting of the Council, which took place on the 14th September, 1937, and in accordance with subparagraph (7) of the 1st paragraph of the notes exchanged