

Title: Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland (on their own behalf and on behalf of the Government of the Federation of Rhodesia and Nyasaland) and the Government of Portugal with regard to certain Angolan and Northern Rhodesian natives living on the Kwando River

Parties: Great Britain (Rhodesia, Nyasaland), Portugal

Basin: Kwando

Date: 11/18/1954

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND (ON THEIR OWN BEHALF AND ON BEHALF OF THE GOVERNMENT OF THE FEDERATION OF RHODESIA AND NYASALAND) AND THE GOVERNMENT OF PORTUGAL WITH REGARD TO CERTAIN ANGOLAN AND NORTHERN RHODESIAN NATIVES LIVING ON THE KWANDO RIVER. SIGNED AT LISBON, ON 18 NOVEMBER 1954

The Government of the United Kingdom of Great Britain and Northern Ireland, on their own behalf and on behalf of the Government of the Federation of Rhodesia and Nyasaland, and the Government of the Portuguese Republic;

Having determined to conclude this day an agreement for the purpose of settling the principles to be followed in the demarcation of the frontier between Northern Rhodesia and Angola in accordance with the Award concerning the western frontier of the territory of the Barotse Kingdom given at Rome on the 30th of May, 1905, by His Majesty the King of Italy,<sup>2</sup> and

Desiring at the same time to make arrangements so as to permit the temporary residence of certain tribes of the Barotse Kingdom in Angola and of certain natives of Angola in Northern Rhodesia and to grant the facilities desirable for this purpose,

Have agreed as follows:

#### *Article 1*

The natives of authorised Barotse villages (as defined in this Article) shall be accorded the following facilities in Portuguese territory :

1. The natives of villages in the Barotse Kingdom of Northern Rhodesia situated in the Senanga and Sesheke districts between the Zambesi and the Kwando rivers shall always be permitted to camp in temporary settlements on the left bank of the Kwando river in Portuguese territory during every dry season for as long as adequate water is unobtainable within the Northern Rhodesia border. It is understood that the dry season normally extends from July to December, the months corresponding respectively to the last rains of one year and the first of the following year. The District Commissioners of the Senanga and Sesheke Districts shall before July in every year communicate to the officials to be designated for the purpose by the Portuguese Government a list of the villages whose inhabitants wish to camp on the Kwando with an indication of the approximate number of natives who will move into Portuguese territory, and of the heads of cattle which will accompany them. This permission only extends to the natives of the villages which have been included in the list for the year.

2. The natives of authorised Barotse villages, while camping in accordance with subparagraph 1 above, will be allowed-

(a) to fish, not more than is necessary for their own consumption during the season, it being understood that they may not employ for this purpose methods which alter the banks or the course of the water,

(b) to graze their cattle,

(c) to cultivate crops and to make gardens to feed themselves during the season, it being understood that for this purpose they will not be permitted to cross the frontier and undertake the harvesting of agricultural products after they have returned to their own territory, and

(d) to have access to water for themselves and their cattle.

They shall be forbidden to carry out the burning of woods without the previous consent of the authorities.

3. None of the natives of the authorised Barotse villages while camping in accordance with sub-paragraph 1 above will be liable for Portuguese taxation; provided that any native, who is found not to have returned to Northern Rhodesia by the 1st of January shall become liable to such taxation as the Portuguese authorities may demand. This exemption shall not apply to the payment of taxes due as a result of the exercise of commerce or industry, including those which have the nature of customs, nor to the payment of forestry taxes and others of a similar nature.

4. Subject to the provisions of the previous sub-paragraph, the natives of authorised Barotse villages, while camping in accordance with sub-paragraph 1 above shall be subject to the laws for the time being in force in Angola.

## *Article 2*

The natives of authorised Angolan villages (as defined in this Article) shall be accorded the following facilities in Northern Rhodesia :-

1. The natives of Angola living in villages on the left bank of the Kwando river shall always be permitted to camp in temporary settlements in Northern Rhodesian territory within 4 miles of the boundary, during every wet season for so long as the plain of Kwando is flooded. It is understood that the wet season normally extends from December to June. The local authorities of Angola shall provide every year before the month of December to an official to be designated for this purpose by the Government of the Federation of Rhodesia and Nyasaland, lists of the villages whose people desire to camp in Northern Rhodesian territory during the rainy season. The Angolan authorities competent to draw up and transmit the lists referred to above shall be indicated by the Portuguese Government in communications to be made to the British Government, the first of which shall take place at the time of signature of the present Agreement.' Other communications shall be made when these are necessitated by reason of the alteration of the names of the positions held or of the area superintended, by the above authorities.

2. The natives of authorised Angolan villages while camping in accordance with sub-paragraph 1 will be allowed-

(a) to graze their cattle,

(b) to cultivate crops and to make gardens to feed themselves during the season, it being understood that for this purpose they will not be permitted to cross the frontier and undertake the harvesting of agricultural products after they have returned to their own territory, and

(c) to cut such timber as is necessary for their personal use.

They shall be forbidden to carry out the burning of woods without the previous consent of the authorities.

3. None of the natives of authorised Angolan villages while camping in accordance with sub-paragraph 1 will be liable for taxation; provided that any native who is found not to have returned to Angola by the 1st of July shall become liable to such taxation as the Federal or Northern Rhodesian authorities may demand. This exemption shall not apply to the payment of taxes due as a result of the exercise of commerce or industry, including those which have the nature of customs, nor to the payment of forestry taxes and others of a similar nature.

4. Subject to the provisions of the previous sub-paragraph, the natives of authorised Angolan villages, while camping in accordance with sub-paragraph 1 above, shall be subject to the laws for the time being in force in Northern Rhodesia.

#### *Article 3*

(a) Upon the request in writing by one Contracting Government to the other, any difference or dispute about the interpretation or application of the present Agreement shall be referred to two arbitrators, one to be appointed by each Contracting Government within one month after the date of receipt of any such request.

(b) The two arbitrators shall give their decision within four months of the date on which they are appointed. If they cannot agree on a decision regarding the settlement of the difference or dispute within that time-limit, they shall refer the difference or dispute to a third arbitrator appointed by them, who shall himself decide it within four months from the date on which he is appointed. If the two arbitrators are unable to agree on the appointment of the third arbitrator, he shall be appointed by a third Power designated by the Contracting Governments.

(c) The decision of the two arbitrators or the third arbitrator if appointed, shall be final and binding on the Contracting Governments.

#### *Article 4*

At any time after the 1st of January, 1964, upon the request in writing by one Contracting Government to the other, discussions shall take place between the Contracting Governments for the purpose of modifying or revising the present Agreement.

#### *Article 5*

The present Agreement shall enter into force immediately-

IN WITNESS WHEREOF the representatives of the Government of the United Kingdom and of the Portuguese Government being duly authorised thereto, have signed this Agreement; and the representative of the United Kingdom, having been so requested by the Government of the Federation of

Rhodesia and Nyasaland, has also signed in signification of that Government's concurrence in this Agreement.

DONE in triplicate at Lisbon on the eighteenth day of the month of November, 1954, in the English and Portuguese languages, both texts being equally authoritative.

For the Government of the United Kingdom:  
N. RONALD

For the Government of the Federation of Rhodesia and Nyasaland:  
N. RONALD

For the Portuguese Government  
Paulo CUNHA

## EXCHANGE OF NOTES

### I

*Her Majesty's Ambassador at Lisbon to the Portuguese  
Minister for Foreign Affairs*

### BRITISH EMBASSY

Lisbon, November 18, 1954

Your Excellency,

I have the honour to refer to the Agreement signed to-day providing for temporary residence of certain tribes of the Barotse Kingdom in Angola and of certain natives of Angola in Northern Rhodesia.

2. It is the understanding of the Government of the United Kingdom of Great Britain and Northern Ireland that the expression "forestry taxes and others of a similar nature" which is used in Articles I(3) and II(3) of the above Agreement refers only to payments and fees due for specific benefits such as the cutting of wood and not to taxes of a general nature.

3. I would be grateful if your Excellency would confirm that this is the understanding of the Portuguese Government.

I avail, &c.

N. Ronald

### II

*The Portuguese Minister for Foreign Affairs to Her Majesty's  
Ambassador at Lisbon*

[TRANSLATION]

Your Excellency,

In reply to your Excellency's Note of to-day's date about the meaning of the expression "forestry taxes and others of a similar nature" contained in Articles I (3) and II (3) of the Agreement with regard to certain natives of the Barotse Kingdom and of Angolans resident in the region of the river Kwando, I have the honour to inform your Excellency that the Portuguese Government is in agreement with the interpretation of the Government the United Kingdom of Great Britain and Northern Ireland that this phrase refers only to payments due for the enjoyment of specific benefits, such as the cutting of wood, and not to taxes of a general nature.

I avail, &c.

Paulo Cunha

### III

*The Portuguese Minister for Foreign Affairs to her Majesty's  
Ambassador at Lisbon*

Your Excellency,

With reference to the Agreement signed to-day with regard to certain natives of the Barotse Kingdom and Angola resident in the region of the river Kwando, I have the honour to inform your Excellency, in accordance with, and for the purposes of, Article 11 (1) of the above Agreement, the Portuguese authority ~~compoXXXX~~ to draw up and transmit to the Barotse authorities the lists of villages which inhabitants wish to camp on the territory of Northern Rhodesia during the rainy season is the Administrator of the Circunscricao do Cuand the district of Bie-Cuando-Cubango

I avail, &c.

Paulo Cunha