

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND (ON THEIR OWN
BEHALF AND ON BEHALF OF THE FEDERATION
OF RHODESIA AND NYASALAND)**

**and
PORTUGAL**

Agreement (with annexes) with regard to the Northern Rhodesia-Angola Frontier. Signed at Lisbon, on 18 November 1954

Agreement (with exchange of notes) with regard to certain Angolan and Northern Rhodesian Natives living on the Kwando River. Signed at Lisbon, on 18 November 1954

Official texts: English and Portuguese.

Registered by the United Kingdom of Great Britain and Northern Ireland on 26 May 1955.

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD (EN SON NOM ET
AU NOM DE LA FÉDÉRATION DE LA RHODÉSIE
ET DU NYASSALAND)**

**et
PORTUGAL**

Accord (avec annexes) relatif à la frontière entre la Rhodésie du Nord et l'Angola. Signé à Lisbonne, le 18 novembre 1954

Accord (avec échange de notes) relatif à certains indigènes de l'Angola et de la Rhodésie du Nord riverains du Kwando. Signé à Lisbonne, le 18 novembre 1954

Textes officiels anglais et portugais.

Enregistrés par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 26 mai 1955.

No. 2841. AGREEMENT¹ 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 THE NORTHERN RHODESIA-ANGOLA FRONTIER. SIGNED AT LISBON, ON 18 NOVEMBER 1954

Whereas Article 4 of the Treaty signed at Lisbon on the 11th of June, 1891,² between Great Britain and Portugal, concluded for the purpose of settling definitely the boundaries of their respective spheres of influence in Africa, provided as follows :—

It is agreed that the western line of division separating the British from the Portuguese sphere of influence in Central Africa shall follow the centre of the channel of the Upper Zambesi, starting from the Katima Rapids up to the point where it reaches the territory of the Barotse Kingdom.

That territory shall remain within the British sphere; its limits to the westward, which will constitute the boundary between the British and Portuguese spheres of influence, being decided by a Joint Anglo-Portuguese Commission, which shall have power, in case of difference of opinion, to appoint an Umpire.

And whereas by a declaration signed at London on the 12th of August, 1903,³ the Government of the United Kingdom and the Portuguese Government submitted to the arbitration of His Majesty the King of Italy the question as to what were, within the meaning of the above quoted Article of the Treaty of 1891, the limits of the territory of the Barotse Kingdom and agreed that for the purpose of the arbitration the expression "territory of the Barotse Kingdom" should mean the territory over which the King of the Barotse was paramount ruler on the 11th of June, 1891;

And whereas by an Award given at Rome on the 30th of May, 1905,⁴ His Majesty the King of Italy decided that the western frontier of the territory of the Barotse Kingdom on the 11th of June, 1891, was as follows :—

La ligne droite joignant les Rapides de Katima, sur le Zambèze, au village Andara, sur l'Okovango, jusqu'au point où elle rencontre la rivière Kwando;

¹ Came into force on 18 November 1954, as from the date of signature, in accordance with article 3.

² De Martens, *Nouveau Recueil général de Traités*, deuxième série, tome XVIII, p. 185.

³ De Martens, *Nouveau Recueil général de Traités*, troisième série, tome I, p. 67.

⁴ United Kingdom : "Africa No. 5 (1905)," Cd. 2584.

Le bord oriental du lit des hautes eaux du Kwando, jusqu'au point d'intersection avec le 22^e méridien Est de Greenwich;

Le 22^e méridien Est de Greenwich jusqu'au point d'intersection avec le 13^e parallèle;

Le 13^e parallèle jusqu'au point d'intersection avec le 24^e méridien Est de Greenwich;

Le 24^e méridien Est de Greenwich jusqu'à la frontière de l'État Indépendant du Congo.

And whereas difficulties were still encountered in the delimitation of the boundary owing to a difference of opinion as regards the interpretation of the expression "le bord oriental du lit des hautes eaux du Kwando" in the above-mentioned Award, the Portuguese Government contending that this expression meant the line on the east bank of the River Kwando reached by the waters of the river in the times of normal flood, and adducing in support of their view its entire agreement with the definition of "hautes eaux" adopted by writers who are authorities on river hydraulics and the Government of the United Kingdom considering that the expression meant the upper waters of the River Kwando at their normal level and adducing in support of their view the necessity of certain tribes of the Barotse Kingdom to make use of the waters of the River Kwando in the dry season.

Now, therefore, 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 whereby arrangements are made to permit and to facilitate the temporary residence of certain tribes of the Barotse Kingdom in Angola and of certain natives of Angola in Northern Rhodesia;

And desiring to settle by agreement the difficulties of interpretation of the Award of the 30th of May, 1905;

Have agreed as follows :—

Article 1

1. The portion of the boundary described in the Award as "Le bord oriental du lit des hautes eaux du Kwando, jusqu'au point d'intersection avec le 22^e méridien Est de Greenwich" shall follow the normal limit of the waters of the River Kwando on its Eastern side when the river is in flood, a line which in general can be considered as following the edge of the woods or the so-called "tree-line."

2. For the purposes of this Article and since the true "tree-line" is too winding and raises problems of continuity it shall be replaced by an agreed

line which shall so far as possible follow the real edge of the woods eliminating only the more pronounced salients and re-entrants. None of the segments of this line should, however, cut the principal valley of the River Kwando at times of normal flood.

3. The point where a straight line between the Katima Rapids on the Zambesi and the village of Andara on the Okovango meets the Kwando River referred to in the first paragraph of the Award of the King of Italy is agreed to be the point marked by Provisional Beacon No. 9 erected by the Representatives of the Governments of the Union of South Africa, Northern Rhodesia and the Portuguese Republic appointed to demarcate the boundary between the Union of South Africa, Northern Rhodesia and Angola and more particularly described in paragraph 7 of the agreement signed by the said Representatives on the 16th of August, 1931, and Schedule B thereto the terms of which are given in the First Annex¹ to the present Agreement.

4. It is agreed that the "point d'intersection" referred to in paragraph 1 of this Article shall be Beacon No. 37, the position of which was agreed upon in accordance with the Exchange of Notes of the 3rd day of November, 1925,² between the British Ambassador in Lisbon and the Portuguese Minister for Foreign Affairs, the terms of which appear in the Second Annex² to the present Agreement.

Article 2

1. For the demarcation of the boundary as laid down in the preceding Article there shall be a Joint Commission consisting of one Commissioner and one Deputy Commissioner to be appointed by each of the Governments of the Federation of Rhodesia and Nyasaland and Portugal.

2. The Commissioners and Deputy Commissioners shall meet, not earlier than six months nor later than eighteen months after this Agreement is signed, at Beacon No. 9 and, after their respective Credentials have been examined and found in due form, shall there draw up and sign a *procès-verbal* to the effect that the Joint Commission for the demarcation of the boundary is thus constituted.

3. The Joint Commission shall proceed to establish the whole of the boundary described in Article 1 of the present Agreement by such methods as may appear to them most suitable.

4. A permanent beacon shall be erected upon the site of Provisional Beacon No. 9, and as many intermediate beacons or marks shall be erected between this beacon and Beacon No. 37 as shall be deemed by the Joint Commission to be necessary to determine the exact position of this section of the boundary line throughout its length.

¹ See p. 274 of this volume.

² See p. 278 of this volume.

5. The geographical co-ordinates of each beacon or mark shall be accurately determined and a circumstantial report shall be drawn up describing the nature of the construction of the beacon or mark and its position in relation to topographical features in the neighbourhood.

6. The Joint Commission shall draw up and sign in duplicate in English and Portuguese a general report which shall describe the whole of the section of the boundary demarcated and incorporate the reports referred to in the preceding paragraph. There shall also be annexed to the general report of the Joint Commission a map, which shall likewise be signed in duplicate by the Commissioners, showing the position of each beacon or mark.

7. Subject to the approval of the two contracting Governments (to be placed on record by an Exchange of Notes) the general report of the Joint Commission shall be regarded as definitely establishing the boundary as described in Article 1.

8. An account shall be kept by the Joint Commission of all expenditure incurred in the work of constructing the boundary beacons and marks, and the expenditure thus incurred shall be defrayed in equal portions by the contracting Governments. The salaries, emoluments and expenses of subsistence of the respective Commissioners, Deputy Commissioners and their staffs, shall, however, be borne by the Governments of the Federation of Rhodesia and Nyasaland and Portugal respectively. The maintenance of the boundary line and beacons and of any clearing considered necessary by the Commission shall be undertaken jointly by the contracting Governments who shall share equally the expenses of the same.

Article 3

The present Agreement shall enter into force immediately.

IN WITNESS WHEREOF the representatives of the Government of the United Kingdom and 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