

N° 4284.

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**GRANDE-BRETAGNE  
ET IRLANDE DU NORD  
ET PORTUGAL**

Echange de notes comportant un accord relatif à la souveraineté sur les îles du fleuve Rovouma et à la frontière entre le territoire du Tanganyika et le Mozambique. Lisbonne, les 11 mai 1936 et 28 décembre 1937.

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**GREAT BRITAIN  
AND NORTHERN IRELAND  
AND PORTUGAL**

Exchange of Notes constituting an Agreement regarding Sovereignty over Islands in the River Rovouma and the Boundary between Tanganyika Territory and Mozambique. Lisbon, May 11th, 1936, and December 28th, 1937.

No. 4284. — EXCHANGE OF NOTES <sup>1</sup> BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE PORTUGUESE GOVERNMENT CONSTITUTING AN AGREEMENT REGARDING SOVEREIGNTY OVER ISLANDS IN THE RIVER ROVUMA AND THE BOUNDARY BETWEEN TANGANYIKA TERRITORY AND MOZAMBIQUE. LISBON, MAY 11TH, 1936, AND DECEMBER 28th, 1937.

Nº 4284. — TROCA DE NOTAS <sup>1</sup> ENTRE O GOVERNO DE SUA MAJESTADE NO REINO UNIDO E O GOVERNO PORTUGUES CONSTITUINDO UN ACORDO RELATIVO À SOBERANIA SOBRE AS ILHAS DO RIO ROVUMA E À FRONTEIRA ENTRE O TERRITORIO DO TANGANIKA E MOÇAMBIQUE. LISBOA, 11 DE MAIO DE 1936 E 28 DE DECEMBRO DE 1937.

*English and Portuguese official texts communicated by His Majesty's Secretary of State for Foreign Affairs in Great Britain. The registration of this Exchange of Notes took place February 8th, 1938.*

*Textes officiels anglais et portugais communiqués par le secrétaire d'Etat aux Affaires étrangères de Sa Majesté en Grande-Bretagne. L'enregistrement de cet échange de notes a eu lieu le 8 février 1938.*

## I.

BRITISH EMBASSY.

No. 108 (64/14).

MONSIEUR LE MINISTRE,

LISBON, May 11th, 1936.

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.

<sup>1</sup> Came into force February 1st, 1938.

<sup>1</sup> Entré en vigueur le 1<sup>er</sup> février 1938.

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 four 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 myself of this opportunity to renew to Your Excellency the assurance of my highest consideration.

Charles WINGFIELD.

His Excellency  
Dr. Armino Monteiro,  
Minister for Foreign Affairs.

## II.

TEXTE PORTUGAIS. — PORTUGUESE TEXT.

MINISTÉRIO  
DOS NEGÓCIOS ESTRANGEIROS.

DIRECÇÃO GERAL  
DOS NEGÓCIOS POLÍTICOS  
E ECONÓMICOS.

Pr. 18/2.  
Nº 33.

LISBOA, 11 de Maio de 1936.

SENHOR EMBAIXADOR,

Tenho a honra de acusar recepção da Nota de V. Exa. desta data acerca das ilhas do rio Rovuma e de confirmar que o Governo da República Portuguesa e o Governo de Sua Majestade no Reino Unido da Grã Bretanha e Norte da Irlanda animados do desejo de definirem a fronteira entre a Colónia de Moçambique e o território de Tanganika, tal como se acha delimitado no parágrafo 2º do preâmbulo do Mandato da Africa Oriental, sob reserva da aprovação do Conselho da Sociedade das Nações, convencionaram o seguinte :

(1) Tôdas as ilhas do Rio Rovuma que se encontram a Juzante da confluência do Rio Domoni com o Rio Rovuma até à foz dêste último pertencem a Portugal. Tôdas as ilhas que ficam a montante da referida confluência pertencerão ao território de Tanganika. Para os efeitos desta convenção considerar-se-ão ilhas apenas aquelas que emergem na época de maior caudal e que tenham vegetação terrestre e solo rochoso ou consistente e que não sejam restingas de areia movediça.

(2) No curso do Rio Rovuma onde nao haja ilhas, a fronteira seguirá o thalweg, ainda quando êste soffra mudança provocada pela alteração natural do leito do rio. Entender-se-á por thalweg a linha de nível mínimo ao longo de leito do rio. Nos pontos do rio onde o canal entre as

## II.

<sup>1</sup> TRADUCTION. — TRANSLATION.

MINISTRY OF FOREIGN AFFAIRS.

GENERAL DIRECTION OF  
POLITICAL  
AND ECONOMIC QUESTIONS.

Pr. 18/2.  
No. 33.

LISBON, May 11th, 1936.

YOUR EXCELLENCY,

I have the honour to acknowledge receipt of Your Excellency's note of to-day's date concerning 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, being desirous of defining the boundary between the Colony of Mozambique and Tanganyika Territory as laid down in paragraph 2 of the Preamble to the Mandate for East Africa, subject to the approval of the Council of the League of Nations, have agreed on 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

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

ilhas e a margem pertencente ao outro território não contenha o thalweg do rio, a fronteira seguirá o thalweg desse canal até encontrar o thalweg do Rio Rovuma.

(3) Se o leito do rio sofrer alguma alteração nos termos da cláusula (2) deste acôrdo, o Governo do território lesado terá o direito, que prescreverá ao fim de 4 anos, de fazer voltar o rio ao seu antigo leito, ou, se isso fôr impraticável, a uma compensação a convencionar com o Governo beneficiado. Mesmo na hipótese do desvio ser viável, qualquer das Partes Contratantes poderá, se assim preferir, convencionar uma compensação com o Governo do outro território. Em caso de divergência os Governos contratantes submetem ao ponto de divergência a arbitragem do Tribunal Permanente de Justiça Internacional.

(4) A liberdade de navegação no Rio Rovuma, sem distinção de nacionalidades, será mantida em conformidade com os tratados e convenções em vigor.

(5) Para suprir as suas necessidades os habitantes das duas margens do rio gozarão em tôda a largura deste do direito de tomar água, de pescar e de recolher areias salinas para delas extrair sal.

(6) As autoridades locais celebrarão os acôrdos necessários para que aos habitantes das duas margens sejam concedidas as possíveis facilidades relativamente ao exercício da caça, pesca e colheita de sal nas proximidades do rio, sem prejuízo dos direitos de soberania de uma e outra parte e na medida em que as circunstâncias permitam fazê-lo sem inconveniente para as duas Administrações interessadas.

(7) A presente Convenção não entrará em vigor sem que tenha sido submetida ao Conselho da Sociedade das Nações e sem que a aprovação do Conselho tenha sido notificada aos Governos contratantes. Depois de aprovada, conforme fica estipulado, a Convenção entrará em vigor na data a fixar pelos dois Governos.

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 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 four 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 sovereign rights of both Parties 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. Como V. Exa. propõe na sua Nota desta data a presente Nota e a de V. Exa. a que respondo ficarão constituindo o acôrdo formal dos dois Governos sobre esta matéria.

Aproveito o ensejo para reiterar a V. Exa os protestos da minha mais alta consideração.

Armindo MONTEIRO.

Sua Excelência  
Sir Charles Wingfield,  
etc., etc., etc.

2. As Your Excellency proposes in your note of to-day's date, the present note and that of Your Excellency to which I am replying shall be regarded as constituting a formal Agreement in this matter between the two Governments.

I have the honour to be, etc.

Armindo MONTEIRO.

His Excellency  
Sir Charles Wingfield,  
etc., etc., etc.

### III.

BRITISH EMBASSY.

No. 400 (95/5).

LISBON, *December 28th, 1937.*

MONSIEUR LE MINISTRE,

The Council of the League of Nations has now approved the Agreement of May 11th, 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. Armindo 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 February 1st, 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 myself of this opportunity to express to Your Excellency the assurance of my highest consideration.

W. SELBY.

His Excellency  
Dr. Antonio de Oliveira Salazar,  
Minister for Foreign Affairs.

### IV.

TEXTE PORTUGAIS. — PORTUGUESE TEXT.

Proc. 34,221.

Nº 55.

LISBOA, 28 de Dezembro de 1937.

SENHOR EMBAIXADOR,

Em resposta à Nota de V. Exa. em data de hoje cabe-me a honra de comunicar a V. Exa que tendo tomado conhecimento da aprovação

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

### IV.

<sup>1</sup> TRADUCTION. — TRANSLATION.

Proc. 34,221.

No. 55.

LISBON, *December 28th, 1937.*

YOUR EXCELLENCY,

In reply to Your Excellency's note of to-day's date, I have the honour to inform Your Excellency that, having taken cognisance of the

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

pelo Conselho da Sociedade das Nações do Acôrdo de 11 de Maio de 1936 entre Portugal e a Gran Bretanha relativo às Ilhas situadas no Rio Rovuma e à delimitação da fronteira entre Moçambique e o território de Tanganica, como consta da acta da 2ª sessão da 98ª reunião do Conselho realizada em 14 de Setembro de 1937, e de harmonia com o disposto na alinea 7ª do N.º 1 daquelas Notas trocadas entre S. Exas. Dr. Armindo Monteiro como Ministro dos Negócios Estrangeiros de Portugal e Sir Charles Wingfield como Embaixador de Sua Majestade Britânica, o Governo Português concorda com a data de 1 de Fevereiro de 1938 proposta por V. Exa. para a entrada em vigor do referido Acôrdo. Nesta conformidade a presente Nota e a de V. Exa. a que respondo, constituem o compromisso formal dos dois Governos para o efeito da entrada em vigor do citado Acôrdo.

Aproveito a occasiao para reiterar a V. Exa. os protestos da minha mais alta consideração.

Antonio SALAZAR.

Sua Excelência  
Sir Walford Selby  
& & &.

approval by the Council of the League of Nations of the Agreement of May 11th, 1936, between Portugal and the United Kingdom regarding the islands situated in the River Rovuma and the delimitation of the boundary between Mozambique and Tanganyika Territory as recorded in the minutes of the second meeting of the ninety-eighth session of the Council held on September 14th, 1937, and in accordance with sub-paragraph 7 of No. 1 of the notes exchanged between Their Excellencies Dr. Armindo Monteiro, Minister for Foreign Affairs of Portugal, and Sir Charles Wingfield, Ambassador of His Britannic Majesty, the Portuguese Government agrees to the date of February 1st, 1938, proposed by Your Excellency for the entry into force of the said Agreement. The present note and that of Your Excellency to which I am replying therefore constitute a formal agreement between the two Governments in respect of the entry into force of the above-mentioned Agreement.

I have the honour to be, etc.

Antonio SALAZAR.

His Excellency  
Sir Walford Selby,  
etc., etc., etc.

<sup>1</sup> TRADUCTION. — TRANSLATION.

N<sup>o</sup> 4284. — ÉCHANGE DE NOTES ENTRE LE GOUVERNEMENT DE SA MAJESTÉ DANS LE ROYAUME-UNI ET LE GOUVERNEMENT PORTUGAIS COMPORTANT UN ACCORD RELATIF A LA SOUVERAINETÉ SUR LES ILES DU FLEUVE ROVOUMA ET A LA FRONTIÈRE ENTRE LE TERRITOIRE DU TANGANYIKA ET LE MOZAMBIQUE. LISBONNE, LES 11 MAI 1936 ET 28 DÉCEMBRE 1937.

I.

AMBASSADE DE GRANDE-BRETAGNE.

N<sup>o</sup> 108 (64/14).

LISBONNE, le 11 mai 1936.

MONSIEUR LE MINISTRE,

D'ordre du principal secrétaire d'Etat de Sa Majesté aux Affaires étrangères, j'ai l'honneur de porter à la connaissance de Votre Excellence qu'en vue d'éclaircir la situation existante en ce qui concerne la souveraineté sur les îles situées dans le fleuve Rovouma et de définir plus nettement la frontière entre le territoire du Tanganyika et le Mozambique, telle qu'elle est décrite au paragraphe 2 du Préambule au Mandat pour l'Est africain, le Gouvernement de Sa Majesté dans le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord est disposé, sous réserve de l'approbation du Conseil de la Société des Nations, à conclure avec le Gouvernement de la République portugaise un accord dans les termes suivants :

1<sup>o</sup> Toutes les îles du fleuve Rovouma situées entre le confluent de la rivière Domoni et du fleuve Rovouma et l'embouchure de ce dernier appartiennent au Portugal ;

Toutes les îles situées en amont de ce confluent font partie du territoire du Tanganyika.

Aux fins du présent accord, ne seront considérées comme îles que celles qui émergent à l'époque des hautes eaux et qui contiennent de la végétation terrestre ainsi que du sol rocheux ou ferme et ne sont pas des bancs de sable mouvants.

2<sup>o</sup> Sur tout le cours du fleuve Rovouma, partout où il n'y a pas d'îles, la frontière suivra le thalweg, même si celui-ci subit des changements provoqués par une modification naturelle du lit du fleuve. Par thalweg, on entendra la ligne de niveau minimum le long du lit du fleuve.

Sur les points du fleuve où le chenal entre les îles et la rive appartenant à l'autre territoire ne contient pas le thalweg du fleuve, la frontière suivra le thalweg de ce chenal secondaire jusqu'à sa rencontre avec le thalweg du fleuve Rovouma.

3<sup>o</sup> Si le lit du fleuve subit des changements de l'ordre de ceux que prévoit la clause N<sup>o</sup> 2 du présent accord, le Gouvernement du territoire au préjudice duquel ce changement se sera produit aura le droit, dans un délai de quatre années, de ramener le fleuve dans son ancien lit ou, si cette opération est irréalisable, pourra obtenir un dédommagement aux conditions qui seront fixées d'accord avec le gouvernement du territoire qui aura été avantagé par ledit changement. Toutefois, même s'il est possible de détourner le

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