

No. 4706

---

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

**Agreement (with exchange of notes and annexed maps)  
regarding the Nyasaland-Mozambique frontier. Signed  
at Lisbon, on 18 November 1954**

*Official texts: English and Portuguese.*

*Registered by the United Kingdom of Great Britain and Northern Ireland on  
13 March 1959.*

---

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

**Accord (avec échange de notes et cartes jointes) relatif à  
la frontière entre le Nyassaland et le Mozambique.  
Signé à Lisbonne, le 18 novembre 1954**

*Textes officiels anglais et portugais.*

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le  
13 mars 1959.*

No. 4706. AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND (ACTING ON THEIR BEHALF AND ON BEHALF OF THE GOVERNMENT OF THE FEDERATION OF RHODESIA AND NYASALAND) AND THE GOVERNMENT OF PORTUGAL REGARDING THE NYASALAND-MOZAMBIQUE FRONTIER. SIGNED AT LISBON, ON 18 NOVEMBER 1954

---

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

Recognising that certain provisions of the Anglo-Portuguese Treaty, signed at Lisbon on the 11th June, 1891,<sup>2</sup> no longer correspond to the situation which they are intended to regulate ;

Considering the desire expressed by the two Governments to alter certain provisions of that Treaty and of the subsequent instruments relative to the same questions;

Considering that as a result of the exchange between the two Governments subsequent to the conclusion of the same Treaty of various instruments and Notes designed to interpret or execute it there exists to-day a certain lack of precision with regard to points of mutual interest ;

Considering that new conditions which have arisen in the area in question require adjustments to be agreed between the two Governments ;

Considering the suggestions recently put forward by representatives of the two Governments with regard to certain sections of the frontier between Mozambique and Nyasaland ;

Desiring to conclude an Agreement for the purpose of regulating definitively the outstanding problems relative to this subject,

Have agreed as follows :

---

<sup>1</sup> Came into force on 26 October 1955, upon the exchange of the instruments of ratification at London, in accordance with article 6.

<sup>2</sup> De Martens, *Nouveau Recueil général de Traité*s, deuxième série, tome XVIII, p. 185.

*Article 1*

1. In execution of the preliminary agreement concluded between the Government of the United Kingdom and the Portuguese Government by an Exchange of Notes dated the 21st January, 1953,<sup>1</sup> the frontier on Lake Nyasa shall run due west from the point where the frontier of Mozambique and Tanganyika meets the shore of the Lake to the median line of the waters of the same Lake and shall then follow the median line to its point of intersection with the geographical parallel of Beacon 17 as described in the Exchange of Notes of the 6th of May, 1920,<sup>2</sup> which shall constitute the southern frontier.

2. The Government of the United Kingdom shall retain sovereignty over the islands of Chisamulo and Likoma, together with the exercise of all rights flowing from such sovereignty, including full, unrestricted and unconditional rights of access. The Government of the United Kingdom shall also retain sovereignty over a belt of water two sea miles in width surrounding each of these islands, except that where the distance between Likoma and the mainland is less than 4 miles the waters shall be equally divided between the two Governments. These belts of water shall be drawn as shown in the map<sup>3</sup> annexed to the present Agreement.

3. The inhabitants of Nyasaland and the inhabitants of Mozambique shall have the right to use all the waters of Lake Nyasa for fishing and other legitimate purposes, provided that the methods of fishing which may be employed shall be only those which are agreed upon by the Government of Nyasaland and the Government of Mozambique. This provision shall not, however, prevent the said Governments from agreeing that different methods of fishing may be employed in the waters of one Party from those which may be employed in the waters of the other Party. There shall be no discrimination as between the inhabitants of Nyasaland and the inhabitants of Mozambique under the regulations made by the said Governments for this purpose.

In the event of a fishing concession being granted by either Party the area of the concession shall be confined to the waters of that Party.

4. There shall be guaranteed to all craft, the right, on a basis of reciprocity, to take refuge in case of emergency on either shore of the Lake or on the shores of the islands.

*Article 2*

1. The frontier between Nyasaland and Mozambique in the section between Beacons 2 (Kapiriuta Hill) and 41 (Salambidwe Hill) shall be constituted as follows :

(a) Starting at Beacon 2 (Kapiriuta Hill), the boundary shall be a straight line to Beacon 3 (Mpati Hill) ;

<sup>1</sup> United Nations, *Treaty Series*, Vol. 175, p. 13.

<sup>2</sup> League of Nations, *Treaty Series*, Vol. IV, p. 93.

<sup>3</sup> See inserts between pp. 326 and 327 of this volume.

- (b) Thence, in a straight line to Beacon 4 (Kalumba Hill) ;
- (c) Thence, in a straight line in the direction of Ncheneka Hill to the first point of intersection of such a line with the road leading from Maonde to Dedza ;
- (d) Thence, by the said road, inclusive to Nyasaland, to its junction with the main Lilongwe-Ncheu road near Ncheneka Hill ;
- (e) Thence, by the said main Lilongwe-Ncheu road, inclusive to Nyasaland, to the main road junction at the southern end of Lizulu trading centre ;
- (f) Thence, by the eastern loop (Lake View Road) of the Lilongwe-Ncheu road, inclusive to Nyasaland, to the present main road junction about 1 kilometre west of Fort Mlangeni ;
- (g) Thence, by the main Lilongwe-Ncheu road, inclusive to Nyasaland, to the road junction immediately south of Biriwiri trading centre ;
- (h) Thence, by the road, inclusive to Nyasaland, leading along the general line of the Zambesi-Shire watershed to a point about 1½ kilometres north of Beacon 25, where the road leaves the watershed ;
- (i) Thence, along the watershed to the point where the road rejoins it about 3 kilometres south of Sangano Hill ;
- (j) Thence, by the road, inclusive to Nyasaland, to the road and track junction about 2 ½ kilometres south of Beacon 28 (Mpembere Hill) ;
- (k) Thence along the watershed to the point where it is intersected by the main Blantyre-Tete road about 1,700 metres north of Zobue Custom House ;
- (l) Thence, by the said road, inclusive to Mozambique, for a distance of about 300 metres to the point where it again intersects the watershed ;
- (m) Thence, along the watershed to the point where it joins the main Blantyre-Tete road about 2 kilometres west of Beacon 39 ;
- (n) Thence, by the main Blantyre-Tete road, inclusive to Mozambique, to the point near Nambulo Hill where the main road leaves the watershed ;
- (o) Thence, along the watershed to Beacon 41, the highest point of Salambidwe Hill.

The position of the beacons mentioned in this Article is that described by the boundary commissioners of 1899-1900, as provisionally confirmed by, or as rectified under, the Exchange of Notes of September 15, 1906.

2. All the roads described above shall be deemed to include a road reserve on either side, the boundary of such reserve running parallel to the axis of the road

and 7 metres from it, it being understood that such a boundary shall not affect any existing interests such as buildings, huts and the like.

3. Reciprocal facilities for the maintenance and repair of roads shall be conceded by both the Contracting Parties.

#### *Article 3*

From Beacon 41, the frontier shall follow the present Shire-Zambesi watershed to a Beacon 51 A to be erected at the junction of the Shire-Zambesi watershed and the Shire-Mcoletche watershed ;

Thence, by the Shire-Mcoletche watershed to the original Beacon 52 ;

Thence in a straight line until a point twenty-three metres north of the Vasco da Gama Pillar, near Marca Nyatandu ;

Thence in a straight line to the point of junction of the rivers Shire (Ny) and Nyamalikombe, where Beacon 53 was originally erected.

The position of the beacons mentioned in this Article is that described by the boundary commissioners of 1899-1900, as provisionally confirmed by, or as rectified under, the Exchange of Notes of September 15, 1906.

#### *Article 4*

1. The frontier on Lake Chiuta shall be a straight line drawn from Beacon 11 running due south to its point of intersection with the prolongation westwards of a line drawn along the geographical parallel of Beacon 10, as described in the Exchange of Notes of May 6, 1920.

2. The provisions contained in the first sentence of paragraph (3) and in paragraph (4) of Article 1 shall apply to Lake Chiuta.

#### *Article 5*

Those provisions of Articles 1 and 5 of the aforesaid Treaty of the 11th of June, 1891, and any other provisions of that Treaty or of subsequent instruments which are contrary to the provisions of the preceding Articles are hereby abrogated.

#### *Article 6*

The present Agreement shall be ratified and the instruments of ratification shall be exchanged at London as soon as possible. The Agreement shall enter into force upon the exchange of ratifications.

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 :

[L.S.] N. RONALD

For the Government of the Federation of Rhodesia  
and Nyasaland :

[L.S.] N. RONALD

For the Portuguese Government :

[L.S.] 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,

In view of the Agreement which we have signed to-day<sup>1</sup> about the line to be followed by the frontier between Mozambique and Nyasaland, I have the honour to propose that the following directive should now be sent to the Anglo-Portuguese Commission appointed in accordance with the Exchange of Notes dated the 26th of June, 1950 :

"In view of the fact that agreement has been reached regarding the line to be followed by the frontier between Mozambique and Nyasaland, the Joint Commission is now instructed to redemarcate with such permanent marks as they consider desirable the following sections of the boundary :

"(a) between Beacon 2 as sited in 1899 and Beacon 41 as sited in 1900, the boundary shall be demarcated along the line described in Article 2 of the Agreement dated the 18th of November, 1954 ;

"(b) between Beacons 41 and 53 as sited in 1900, the boundary shall be demarcated along the line described in Article 3 of the Agreement dated the 18th of November, 1954.

"2. In accordance with the provisions of the above Agreement and taking into account the work already accomplished in the field the Joint Commission shall proceed to set up the permanent beacons which it deems necessary to mark the boundary line with accuracy. The data describing the position of the beacons—numbering, geographical co-ordinates, azimuths and distances—shall be listed in a document which shall be treated as an annex to the above Agreement."

I avail, &c.

N. RONALD

## II

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

[PORTUGUESE TEXT — TEXTE PORTUGAIS]

Lisboa, 18 de Novembro de 1954

Senhor Embaixador,

Tenho a honra de acusar a recepção da Nota de hoje, em que vossa Excelência, nos termos do Acordo relativo à fronteira de Moçambique com a Niassalândia, assi-

<sup>1</sup> See p. 308 of this volume.

nado nesta data, propõe que à Comissão Mixta, nomeada de harmonia com as notas trocadas em 26 de Junho de 1950, sejam transmitidas as seguintes instruções :

« Em virtude de se haver chegado a acordo pelo que respeita à linha de fronteira entre Moçambique e a Niassalândia, a Comissão Mixta é instruída para redemarcá-la, com os sinais permanentes que considerar necessários, as seguintes secções da fronteira :

- (a) entre o Marco 2, conforme foi colocado em 1899, e o Marco 41, conforme foi colocado em 1900, a fronteira será marcada ao longo da linha descrita no Artigo 2 do Acordo de 18 de Novembro de 1954 ;
- (b) entre os Marcos 41 e 53, conforme foram colocados em 1900, a fronteira será marcada ao longo da linha descrita no Artigo 3 do Acordo de 18 de Novembro de 1954.

2. De harmonia com as disposições do citado Acordo e tendo em atenção o trabalho já realizado no campo, a Comissão Mixta deverá erigir os marcos permanentes que entender necessários para assinalar a fronteira com precisão. Os dados relativos à posição dos Marcos — número, coordenadas geográficas, azimutes e distâncias — constarão de um documento que será considerado como anexo ao mencionado Acordo. »

2. Informo vossa Excelência de que o Governo Português dá sua concordância às referidas instruções.

Aproveito, &c.

Paulo CUNHA

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

Your Excellency,

I have the honour to acknowledge the receipt of the Note of to-day's date in which your Excellency proposed that, in accordance with the terms of the Agreement with regard to the frontier between Mozambique and Nyasaland which was signed to-day, the following instructions should be sent to the Mixed Commission appointed in accordance with the Exchange of Notes of the 26th of June, 1950 :

[See note I]

2. I inform your Excellency that the Portuguese Government is in agreement with the instructions proposed.

I avail, &c.

Paulo CUNHA

<sup>1</sup> Translation by the Government of the United Kingdom.

<sup>2</sup> Traduction du Gouvernement du Royaume-Uni.