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EXCHANGE OF NOTES

between the Government of the Union of South Africa
and the Portuguese Government

relative to the

MOZAMBIQUE CONVENTION OF SEPTEMBER 11, 1928
AS AMENDED ON NOVEMBER 17, 1934, AND
EXTENDED ON APRIL 21, 1939

Lisbon, May 2, 1940

*Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty*

LONDON

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EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE
UNION OF SOUTH AFRICA AND THE PORTUGUESE
GOVERNMENT RELATIVE TO THE MOZAMBIQUE
CONVENTION OF SEPTEMBER 11, 1928, AS AMENDED ON
NOVEMBER 17, 1934, AND EXTENDED ON APRIL 21, 1939.

Lisbon, May 2, 1940.

No. 1.

Legation of the Union of South Africa,

M. le Président,

Lisbon, May 2, 1940.

WITH reference to the suggested addendum to the Mozambique Convention⁽¹⁾ to effect an increase in the quota of native recruits for the Witwatersrand gold mines in Mozambique territory to 100,000, I have the honour to inform your Excellency that the Union Government have agreed to the following terms:—

(1) The Portuguese Government will permit the engagement of Mozambique natives south of the twenty-second parallel for the Witwatersrand mines up to the number of 100,000, it being understood that the minimum of 65,000 will be maintained as stipulated in Article III of the Convention entered into between the Government of the Union of South Africa and the Government of the Portuguese Republic on the 11th September, 1928⁽¹⁾ (hereinafter referred to as the Principal Convention), as amended by the Agreement signed at Lourenço Marques on the 17th November, 1934,⁽²⁾ and extended by the Notes exchanged between the two Governments on the 21st April, 1939,⁽³⁾ and also that if the number of natives is reduced below 100,000 by reason of the mines not needing that number, such reduction will be made at a rate not exceeding 12,000 per annum.

(2) The Union Government guarantee that Union-grown export citrus equivalent to the citrus crops for export emanating from the area between Waterval Onder and Komatipoort and the branch railway lines serving the area between those points will be shipped from Lourenço Marques with a minimum of 340,000 standard cases per annum provided that—

- (a) The authorities at Lourenço Marques are able to cope adequately with the traffic in so far as cold storage is concerned;
- (b) The Union Government are not prevented from carrying out this undertaking by circumstances over which they have no control.

⁽¹⁾ "Treaty Series No. 9 (1930)," Cmd. 3495.

⁽²⁾ "Treaty Series No. 4 (1936)," Cmd. 5085.

⁽³⁾ "Treaty Series No. 59 (1939)," Cmd. 6148.

(3) The Union Government agree forthwith to make the necessary representations to the Conference Lines with a view to reducing the freight differences between Durban and Lourenço Marques to a figure not exceeding two shillings and sixpence per ton and to abolishing the rebate system as far as Lourenço Marques is concerned. The Union Government agree further to use their influence in order to secure these concessions.

(4) The Union Government undertake to use all their efforts in co-operation with the Portuguese Government to repress clandestine emigration of Mozambique natives into the Union, and to provide the Portuguese Curator with information in regard to any natives who have emigrated from Mozambique and are employed in the Union to enable him to take steps to provide them with passports.

(5) In regard to the conversion of deferred pay of natives returning to Mozambique from employment in the Witwatersrand mines, and of their money, at the Union-Mozambique border, the Union Government undertake to apply the public rate of exchange which is applicable to normal commercial transactions of Union nationals. It is understood that if at any time after three months from the date on which this agreement comes into effect the Portuguese Government should consider that, for reasons of a practical nature or for convenience, it would be preferable to receive the deferred pay or any portion thereof in gold, then the Union Government will ensure that gold for that purpose shall be made available at a price based on the public rate of exchange.

(6) It is understood that this agreement, made on the basis of the spirit of friendship existing between the two countries, and although independent of the Principal Convention, the clauses of which it does not revoke, will have the period of duration stipulated for the Principal Convention aforesaid in the Exchange of Notes of the 21st April, 1939.

(7) During the period of the permission to increase to 100,000 the number of Mozambique natives for the Witwatersrand mines, the compensation guaranteed to the Mozambique Province by this agreement will be maintained irrespective of the number of natives actually recruited.

This Note and your Excellency's reply in similar terms shall be regarded as constituting an agreement between our two Governments with effect from the date of your Excellency's reply hereto.

I avail, &c.

F. F. PIENAAR.

His Excellency,

Dr. Antonio de Oliveira Salazar,

Prime Minister and Minister for Foreign Affairs,

Lisbon.

No. 2.

Ministerio dos Negocios Estrangeiros,

Senhor Ministro,

Lisboa, 2 de Maio de 1940.

Com referenciã a nota de V.Ex^a. datada de hoje relativa ao aumento do numero de indigenas portuguezes de Moçambique empregados nas minas do Rand, tenho a honra de informar V.Ex^a. de que o Governo Português esta de acordo com os seguintes pontos ali exarados:—

(1) O Governo português permitirá o engajamento de indigenas de Moçambique ao sul do paralelo 22° para as minas do Rand até o numero de 100,000 ficando entendido que o minimo de 65,000 será mantido em conformidade com o disposto no art. III da Convenção entre o Governo da Republica Portuguesa e o Governo da União Sul Africana de 11 de Setembro de 1928 (adiante designada por Convenção principal) revista pelo Acordo assinado em Lourenço Marques em 17 de Novembro de 1934, e prorogada pelas notas trocadas entre os dois Governos em 21 de Abril de 1939, e bem assim que se o numero de indigenas descer abaixo de 100,000, por não precisarem as minas daquele maximo, a redução se fará num ritmo anual não superior a 12,000.

(2) O Governo da União garante que a exportação de citrinas produzidas na União equivalente á colheita de citrinas para exportação provinda da area entre Waterval Onder e Komatipoort e os ramais das linhas ferro-viarias servindo a area compreendida entre aqueles pontos sera feita por embarque em Lourenço Marques no minimo anual de 340,000 caixas padrão desde que :

- (a) As autoridades de Lourenço Marques possam corresponder adequadamente ao trafico no que respeita ás condições de frigorifico;
- (b) O Governo da União não se encontre impossibilitado de se desempenhar deste compromisso por circunstancias de força maior.

(3) O Governo da União concorda em fazer imediatamente as representações necessarias junto da Conference Lines no sentido da redução das discriminações entre Durban e Lourenço Marques a proporções que não excedam dois Shillings e seis pence por tonelada e da abolição do sistema de rebate no que respeita a Lourenço Marques. O Governo da União concorda tambem em empregar a sua influencia para assegurar estas concessões.

(4) O Governo da União obriga-se a empregar todos os seus esforços em cooperação com o Governo português para reprimir a emigração clandestina de indigenas de Moçambique para a União, e a fornecerao Curador Português informações acerca de quaisquer indigenas emigrados de Moçambique empregados na União de modo a habilitalo a fazer o necessario para os munir de passaportes.

(5) Com respeito á conversão de pagamento diferido dos indigenas que regressam do seu emprego nas minas do Rand a

Moçambique, e á do seu dinheiro na fronteira da União com Moçambique, o Governo da União obriga-se a aplicar a taxa publica de cambio applicavel ás transacções commerciaes dos nacionaes da União. Fica entendido que se em qualquer momento depois de três meses a contar da data em que o presente accordo entrar em vigor o Governo portuguez julgar, por motivos de natureza pratica ou por conveniencia, ser preferivel receber o pagamento diferido ou parte dele em ouro, o Governo da União assegurará a obtenção do ouro para aquele fim a um preço baseado na taxa publica de cambio.

(6) Fica entendido que este accordo, feito na base do espirito de amizade existente entre os dois Paizes, e embora independente da Convenção principal, cujas clausas não são por ele revogadas, terá o prazo de duração que se acha estipulado para a dita Convenção principal na troca de notas de 21 de Abril de 1939.

(7) Emquanto se mantiver a faculdade de elevação até 100,000 do numero de indigenas de Moçambique para as minas do Rand, serão mantidas as compensações garantidas no presente accordo para a provincia de Moçambique qualquer que seja o numero de indigenas efectivamente recrutados.

Esta Nota e a de V.Ex.^a. datada de hoje constituirão um accordo entre os dois Governos com efeitos a partir desta data.

Áproveito, &c.

A. O. SALAZAR.

Senhor Filippus Fourie Pienaar,
Ministro da União Sul Africana,
etc., etc., etc.

[Translation.]

Ministry for Foreign Affairs,

M. le Ministre,

Lisbon, May 2, 1940.

WITH reference to your Excellency's Note dated to-day regarding the increase in the number of Portuguese natives from Mozambique employed on the mines of the Rand, I have the honour to inform your Excellency that the Portuguese Government is in agreement with the following points mentioned therein:—

[As in No. 1.]

This Note and your Excellency's Note of to-day shall be regarded as constituting an agreement between our two Governments with effect from the date hereof.

I avail, &c.

A. O. SALAZAR.

Mr. Filippus Fourie Pienaar,
Minister of the Union of South Africa,
etc., etc., etc.

