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A chronological and subject analysis of South Africa's multilateral and bilateral treaties, 1806-1979.

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In 1965,[6] the first real attempt was made to expel South Africa but the move necessitated a procedural change to allow for the expulsion of members independently of expulsion from the United Nations. This move was thwarted but a resolution was passed calling upon South Africa to abandon its apartheid policy.

The issue[7] was again raised in 1970 when the East Africans attempted to expel South Africa.[8] The nature of South Africa's participation was discussed and a draft resolution proposed that information and documents be withheld from South Africa (except what was required by the Convention on Civil Aviation, under Articles 46B, 53B and 57B). Similarly invitations to all ICAO meetings were suspended. The resolution[9] was passed, but South Africa remains a member.

3.9.3.2 Hijacking

South Africa is signatory to three multilateral conventions concerned with the suppression of hijacking. These are the Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft (Treaty no. RSA 74); the Hague Convention for the Unlawful Seizure of Aircraft (Treaty no. RSA 240) and the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Treaty no. RSA 255).

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6. Bissell, R.E. op. cit., p. 121-122.

7. See: Statements by Delegates to the Assembly of the Civil Aviation Organization. International Civil Aviation Organization, ICAO Bulletin, vol. 20, no. 8/9, 1965, p. 26.

8. Bissell, R.E. op. cit., p. 153 for details of steps taken at the 18th Council Meeting.

9. International Civil Aviation Organization. Assembly. Resolution A18-4. In: United Nations. General Assembly. Official Records. 26th Session, 1971. Supplement no. 22, p. 52.

These three conventions were given municipal effect by the Civil Aviation Offences Act /10 of 1972/. Dugard[10] indicates that the Hague and Montreal Conventions differ in intent. The Hague Convention concerns the person who unlawfully seizes control of the aircraft during flight while the Montreal Convention covers unlawful acts directed against an aircraft while it is in service and those acts which could imperil the aircraft in flight. The two conventions impose the obligation on the signatory state to itself prosecute the offender, or to extradite him to a signatory country having authority over the offence.

The Tokyo Convention is given effect by Section 6 of the Act. The aircraft commander is thereby authorized to order the arrest of an offender, or suspected offender while the aircraft is in flight.

3.9.3.3 Other

South Africa has entered into numerous bilateral agreements concerning air transport, double taxation on air transport and the issuing of certificates of airworthiness for imported aircraft. Examples of these include treaties with Austria (Treaty no. RSA 219); Belgium (Treaty no. RSA 195); France (Treaty no. RSA 220); Germany (Treaty no. RSA 66); Israel (Treaty no. RSA 243); Italy (Treaty no. RSA 187); Lesotho (Treaty no. RSA 170); Luxembourg (Treaty no. RSA 23); Portugal (Treaty no. RSA 128); Scandinavia (Treaty no. RSA 172) and the United States (Treaty no. RSA 206). The treaty with Australia was terminated in respect of Australia in October 1978.

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10. See Dugard, C.J.R. Civil Aviation Offences Act 10 of 1972. Annual Survey of South African Law, 1972, p. 43-45.

3.9.4 Copyright

3.9.4.1 Copyright Conventions

South Africa has long been party to Copyright Conventions, especially the Berne Convention for the Protection of Literary and Artistic Works (Treaty no. SA 6, 51, 226, 616; RSA 184 & 253). Further, in 1949, Portugal and South Africa had an exchange of notes regarding copyright in maps (Treaty no. SA 640) and acceded also to the multilateral agreement for the preservation or restoration of industrial property rights affected by the Second World War (Treaty no. SA 566).

Patents were the subject of post-World War II treaties, now terminated, considering the question of German owned patents (Treaty no. SA 276, SA 546 and SA 587). South Africa too, participated in 1953, in the European Convention Relating to the Formalities Required for Patent Applications (Treaty no. SA 777). Treaties on copyright, patents, design and trademarks have also been entered into with Transkei, Venda and Bophuthatswana. See Treaty no. T 17, B 19, and V 12.

3.9.4.2 World Intellectual Property Organization (WIPO)

This Organization was founded in 1967, for the protection of intellectual property world-wide in order to encourage creative ability. Its second major aim was to modernize and render more efficient the Unions established in the protection of industrial property, and literary and artistic works, while fully respecting the endeavour of each of the Unions.

Article 2 defines intellectual property as the following: literary, artistic and scientific works; performances of performing artists, phonograms and broadcasts; inventions in all fields; scientific discoveries; industrial designs; trade marks, service marks and commercial names and

designations; protection against unfair competition and all other rights resulting from intellectual activity in the scientific, industrial, literary or artistic fields (Treaty no. RSA 183).

Attempts have been made to expel[11] South Africa from WIPO, especially at a meeting of its Governing Bodies held in September to October 1979. A proposal to expel South Africa was defeated by a narrow margin, and she remains a contributing member.

3.9.5 Customs

3.9.5.1 The Southern African Customs Union (SACU)

The history of customs unions[12] in the Southern African region dates back to 1889 when the land-locked Orange Free State and the Cape Colony entered into a customs union (Treaty no. C 131). They subsequently admitted British Bechuanaland in 1890 (Treaty no. C 138); Basutoland in 1891 (Treaty no. C 149) and the Bechuanaland Protectorate in 1891/2 (Treaty no. C 150). The 1889 Convention was replaced in 1898 with the inclusion of Natal (Treaty no. C 172) which in turn was superseded by the 1903 Customs Union Convention between the Cape Colony, Natal, Orange River Colony, Transvaal and Southern Rhodesia (Treaty no. C 179). This was again replaced in 1906 (Treaty no. C 187).[13]

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11. Wasserman, Ursula. WIPO: The Exclusion of South Africa? Journal of World Trade Law, vol. 14, no. 1, January/February 1980, p. 78-80.

12. See Kruger, H.J.P.L. Customs Union in South Africa. Unpublished M.A. Dissertation, University of South Africa, 1956.

13. For discussion on the South African Republic's reluctance to join the Customs Union see p. 22. It is noteworthy that when the Transvaal received self-government in 1906 (Item no. Z111-3) it wanted to leave the customs union, that it had finally been prevailed upon to join in 1903. It was only with the unification of 1910, which put an end to the threat of its withdrawal.

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The present arrangement stems from the agreement of 1910 (Treaty no. SA 11). Unification of the colonies dispensed with the need for a customs union, but provision had to be made for the inclusion of the other territories in the region. A re-appraisal of this Union became necessary when the High Commission territories of Basutoland, Bechuanaland and Swaziland became independent in the late 1960's. This resulted in a new Customs Union Agreement, which was signed on 11 December 1969 and entered into force on 1 March 1970 (Treaty no. RSA 231).

The division of revenue between the member states of the SACU is specified by a formula which takes into account the relative importance of imports into Botswana, Lesotho and Swaziland (BLS) as well the amount of dutiable goods produced and consumed. The share of revenue is further increased by forty two percent to compensate BLS for the fact that the common external tariff is largely decided upon by the Republic and is geared to protect South African industries.[14] The BLS are able to protect their own industries by the utilization of special tariffs as described in Articles 6 and 7.

Theoretically the erstwhile homeland states, now deemed to be independent, are members of the SACU, but they are not recognized as such by the international community or the BLS countries and accordingly the BLS States

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14. Matthews, J. Economic Integration in Southern Africa: Progress or Decline? South African Journal of Economics, vol. 52, no. 3, September 1984, p. 257. For a further analysis of the SACU's basic provisions, and those which reflect South Africa's preeminent position, and concessions made to the BLS countries, see: Brooks, P.E.J. The EEC and a Southern African Common Market in Legal Perspective. Unpublished PhD thesis presented to the University of Exeter, 1983, p. 401-408.

negotiate only with South Africa. See p. 199-200. The BLS states derive considerable annual revenue from the SACU. Although they are at political variance with the Republic they would be unlikely to equal their present net income should they establish their own customs tariff.

3.9.6 Defence

3.9.6.1 The Simonstown Agreements

South Africa's only major defence agreement was signed with Great Britain on 30 January 1955 (Treaty no. SA 815). It endured for just over twenty years, terminating on 16 June 1975 after becoming one of the most controversial issues, both political and legal, between the two countries.

Mention should be made of the predecessor to the 1955 Agreements. By the terms[15] of the 1921 'Smuts-Churchill Agreement' (Treaty no. SA 106), the Union Government assumed control of all the Imperial War Office lands and buildings situated in South Africa for the sum of £150,262. Certain exceptions were made to buildings to which the Admiralty was given 'the right of perpetual use for naval purposes'. South Africa further undertook to maintain the Simonstown naval base in readiness as a link i. the British Empire communications network. Britain was not granted a perpetual servitude over this base but it should rather be viewed as a 'personal treaty of alliance'.[16]

The 1921 Agreement was reaffirmed by the 1955 Agreements, which once gain deprived South Africa of the right to neutrality in a war involving Great Britain alone. The Agreements are three in number, and all were

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15. Dugard, C.J.R. The Simonstown Agreement: South Africa, Britain and the United Nations. South African Law Journal, vol. 85, pt 2, May 1968, p. 142-145.

16. Ibid. p. 145.

signed simultaneously. They are prefaced by an exchange of letters entitled: A Memorandum on the Need for International Discussions with Regard to Regional Defence. The treaties themselves are entitled: (1) The Agreement on the Defence of the Sea Routes Round Southern Africa; (2) The Agreement Relating to the Transfer of the Simonstown Naval Base; and (3) e Ancillary Administrative and Financial Arrangements. It was around (1) that much of the later co evolved.

The Agreements were stimulated by t ecisions of the 1951 Nairobi Conference on African Defence Facilities at which Belgium, France, Great Britain, Italy, Portugal, South Africa and Southern Rhodesia expressed concern over military communications and logistics. Although subsequently overtaken by events, the Memorandum... in the Simonstown Agreements included a provision designed to promote a conference for further developing defence arrangements. The British Government registered a reservation to the effect that these statements of intent created no legal obligations.[17]

Part (1) of the Simonstown Agreements declared in paragraph 1, the intention of both the British and South African Governments to ensure the safety, by the joint operations of their respective maritime forces, of the sea routes around Southern Africa. Paragraphs 2 and 3 contain references to the supply of arms by Britain to South Africa, for purpose of coastal defence:

> 2. The Union Government have approved a programme for the expansion of the South African Navy. The programme will be spread over a period of eight years from 1955 to 1963, and will involve the purchase of the following vessels, which will be added to the existing fleet:
>
> 6 Anti-submarine Frigates
> 10 Coastal Minesweepers
> 4 Seaward Defence Boats

17. Registration of the Correspondence with the United Nations Secretariat on 24 August 1956.

3. The Union Government will place firm orders in the United Kingdom for the purchase of these vessels, costing some £18M. The British Admiralty agree to act as agents for the Union Government in this matter.

There was no provision for the supply of aircraft. As clearly stated above, the expansion programme was to span the years 1955 to 1963. It therefore seems evident that Britain's obligations in this respect had ended before the British Government decided in November 1964, to comply with United Nations Security Council resolutions[18] placing an arms embargo on the Republic.

The Agreement contained further provisions relating to the position of the Royal Naval Commander-in-Chief South Atlantic (paragraphs 5 and 7); his headquarters to be provided by the South African Government (paragraph 12); the granting of operational command to him in a war involving both countries (paragraph 11); and the setting up of a joint war planning committee (paragraph 10). It was agreed that both Parts 2 and 3 would 'remain in force until such time as the two Governments decide otherwise by mutual consent' (paragraphs 17 and 9 respectively). Lawrie indicates that the purpose of this was probably to rule out unilateral denunciations ...'but if this can be done at all it is certainly not by adding mere words to the treaty itself, without providing for guarantees, arbitration or some other enforcement device. When in 1964 Dr. Verwoerd threatened to denounce the 'Simonstown Agreement' it was never questioned that he could do so if he wished.'[19]

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18. S/5386(181(1963)) of 7 August 1963; S/5471(182(1963)) of 4 December 1963; S/5773(191(1964)).

19. Lawrie, G.G. The Simonstown Agreement: South Africa, Britain and the Commonwealth. South African Law Journal, vol. 85, pt 2, 1968, p. 163.

The Annex to this Agreement comprises detail of command structure including the authority of the Commander-in-Chief in times of both peace and war. War is defined as one in which South Africa and Britain are co-belligerents, 'clearly intended to exclude South African forces from Royal Naval Command in a war in which British is involved but South Africa is not'.[20] This annex was modified in 1967.[21]

Part (2) of the Agreement signified Britain's willingness to hand over to the Union Government the administration and control of the Naval Base at Simonstown (paragraph 1). In addition to paying the British Government the sum of £2,250,000, the South African Government agreed:

(i) that the facilities of the base will be available for use by the Royal Navy in peace and by the Royal Navy and ships serving with the Royal Navy and by navies of allies of the United Kingdom in any war in which the United Kingdom is involved (Paragraph 2);

(ii) that in a war in which South Africa is a co-belligerent, the allocation of facilities in the base between the two navies will be settled by mutual consultation between the Royal Navy Commander-in-Chief and the South African Naval Chief of Staff (paragraph 3);

(iii) that the facilities of the Simonstown base will be maintained by South Africa 'in a state of efficiency not inferior to that existing at the time of transfer' (paragraph 5), and also expanded 'to the extent necessary to ensure the fulfilment of this Agreement' (paragraph 6);

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20. Ibid. p. 164.

21. Announced in the South African Parliament on 2 February 1967. South Africa (Republic). Parliament. House of Assembly. Debates, no. 2, 1967, col. 510-511.

(iv) that in the event of a war involving Britain but not South Africa, the South African Navy will leave Simonstown for 'facilities elsewhere', to ensure that the facilities of the base will in fact be available, to the extent required, for use by the Royal Navy and its allies' (paragraph 4);

(v) and that in the event of a war in which the United K. dom is involved, South Africa will place the command and control of the wireless telegraphy installations known as Slangkop, Klaver and Cape East in the hands of the Royal Navy Commander-in-Chief (paragraph 7).

These provisions were extremely favourable to Great Britain, and placed a heavier burden on South Africa than the 1921 Agreement. Serious difficulties would have been imposed on South Africa in attempting to fulfill these obligations should the need have arisen.[22]

The decision of the British Labour Party under Prime Minister Harold Wilson to impose an arms embargo on the Republic, was not considered by the British as conflicting with the Simonstown Agreement. This was based on the argument that the Agreement provided only for specified items. Furthermore, the British undertook to honour an existing order for sixteen Buccaneer Aircraft. When, in 1967, the South African Government expressed interest in purchasing British naval equipment, the Labour Government endorsed their arms embargo decision.

In February 1971, a White Paper[23] entitled: Legal Obligations of Her Majesty's Government Arising Out of the Simonstown Agreements, was presented by the Attorney-General to the British Parliament. This written opinion of the Law Officers of the Crown is considered noteworthy for several reasons.[24]

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22. Lawrie, G.G. op. cit., p. 165-166.

23. Great Britain. Parliament. Command Papers, Cmd. 4589.

24. Woodliffe, J.C. White Paper on the Legal Obligations of the British Government Arising Out of the Simonstown Agreements. International and Comparative Law Quarterly, vol. 20, 1971, p. 753.

Firstly, that the contemporaneous disclosure of Law Officers' Opinions is only made in exceptional circumstances, and secondly, the British Government does not usually rely (at least publicly) so heavily on 'legal' arguments to justify its foreign policy decision making. The White Paper covered three main questions viz (1) The existence of any outstanding obligation to supply the initial equipment of the three frigates; (2) The existence of an obligation to supply replacement or additional equipment for all the vessels supplied under the Sea Routes Agreement and (3) The existence of a general and continuing obligation to supply further arms that might in future be requested by the South African Government for the purpose of the Sea Routes Agreement.[25]

In summary, the Law Officers considered that, under the Agreement[26]:

(i) 'HM Government undertook no obligation itself to supply any arms or equipment', but that the express undertaking of South Africa to place 'firm orders' for certain vessels, including anti-submarine frigates, implied an obligation for the United Kingdom 'to permit the export of any material purchased under the Agreement', and thus necessary to the achievement of its purposes, for example, 'a sufficient number of helicopters to equip the three anti-submarine frigates';

(ii) HM Government was obliged 'if so requested by the South African Government, to permit the supply of replacements of the initial equipment and stores and base reserves for the vessels supplied from the United Kingdom, and of any other equipment, which is

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25. For a full analysis of this White Paper see: Woodliffe, J.C. op. cit., and Lawrie, G.G. Britain's Obligations Under the Simonstown Agreements: A Critique of the Opinion of the Law Officers of the Crown. International Affairs, vol. 47, October 1971, p. 708-728.

26. Fawcett, J.E.S. The Simonstown Agreements. World Today, vol. 31, no. 1, January 1975, p. 4-6.

necessary to keep these vessels efficient for the purpose of carrying out the objects of the Agreements';

(iii) however, the Sea Routes Defence Agreement did not impose 'a general and continuing obligation upon HM Government to permit the supply of any further arms that might in the future be requested by the South African Government for the purpose' of the Agreement.

This interpretation was questioned by international lawyers,[27] and was not persuasive enough to affect the British Government. In his parliamentary statement on the defence review on 3 December 1974, Mr. Roy Mason, United Kingdom Secretary for Defence, stated the British Government intended entering into negotiations with South Africa with a view to terminating the Simonstown Agreement. It was finally terminated on 16 July 1975[28] by an exchange of letters signed by Roy Mason on behalf of the British Government, and by P.W. Botha, South African Minister of Defence. The latter made it clear that thereafter there would be no special relationship between the South African navy and the Royal Navy. The termination of this Agreement finally severed the links which had bound the two countries' defence policies for so long.

3.9.7 Development

3.9.7.1 International Bank for Reconstruction and Development (IBRD)

Founded in 1945 (Treaty no. SA 529), the International Bank for Reconstruction and Development facilitates the investment of capital for

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27. See Lawrie, G.G. Britain's Obligations Under the Simonstown Agreements, op. cit., p. 719-721.

28. South Africa (Republic). Parliament. House of Assembly. Debates, 16-19 June 1975, cols. 8629-8630.

productive purposes; promotes foreign investment by means of guarantees or participation in loans, and when private capital is not available, it supplements private investment by providing finance out of its own capital or by funds raised by it; promotes the balanced growth of international trade; arranges loans made or guaranteed by it in relation to other international loans; and conducts its business with regard to the effect of international investment on business conditions in the territories of its members (Article 1).

The IBRD has provided loans[29] to South Africa for the promotion of various projects. These include guarantee agreements (in 1966 totalling 20 million dollars) to the Electricity Supply Commission (ESCOM) (Treaty no. SA 684, SA 763 RSA 14, RSA 158). It has also provided loans for transport projects. See Treaty no. SA 685, SA 764, SA 885 SA 914, SA 923, and RSA 15.

The IBRD has refused to deny to South Africa, the benefits of its membership on the ground that it is a nonpolitical, functional organization without authority to impose sanctions on its members for conduct unrelated to its purposes. This has led to conflict[30] between the Bank and the United Nations, as the Bank refused to accept the recommendations of the General Assembly concerning the cessation of loans.

3.9.7.2 International Finance Corporation (IFC)

The International Finance Corporation is a member of the World Bank Group, and was established in 1954 (Treaty no. SA 822) in order to supplement

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29. In 1966 these loans totalled 47.3 million dollars.

30. For details of the dispute see: Bleicher, S.A. UN v IBRD: A Dilemma of Functionalism. International Organization, vol. 24, 1970, p. 31-47; Bissell, R.E. op. cit., p. 117-120.

the activities of the IBRD. It is dedicated to furthering economic development in developing member countries by promoting and supporting private enterprise.

As in the case of the IBRD, South Africa remains a contributing member of the IFC and is represented on the Board of Governors. In 1983[31] South Africa paid a subscription to the capital stock totalling 4,108,000 dollars, .76% of the total. Its voting power numbers 4,358 votes, .76% of the total. In 1973,[32] South Africa paid in 1.03% of the capital stock and correspondingly had a voting power of 1.03%. South Africa does not appear in the annual reports' investment portfolio.

3.9.7.3 International Development Agency (IDA)

South Africa became a member of this Agency, as part of the World Bank Group (Treaty no. SA 941) It aims to advance capital to the poorer developing member countries on more flexible terms than those offered by the IBRD. It is authorized to accept supplementary contributions from the more developed of its members, including South Africa.

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31. International Finance Corporation, Annual Report 1983, p. 65.

32. International Finance Corporation, Annual Report 1973, p. 48.

3.9.8 Double Taxation

Treaties on double taxation can be divided into various categories, viz. those concerning death duty; estate duty; farmers; gifts; income; and sea and air transport. South Africa has participated widely in this sphere as illustrated by the following table:

TABLE 1: SOUTH AFRICA'S PARTICIPATION IN DOUBLE TAXATION TREATIES

Country	Death	Estate	Farmers	Gifts	Income	Sea & Air Transport
Basutoland	SA 501				SA 925	
Bechuanaland Protectorate	SA 501				SA 925	
Belgium						SA 874
Botswana					RSA 325	
Brazil						RSA 266
Canada	SA 858				SA 857	SA 710
Denmark						SA 679
Federation of Rhodesia & Nyasaland					RSA 131	
Finland						SA 717
France						SA 805
Germany (Federal Republic)					RSA 277	SA 859
Great Britain		RSA 338			RSA 214	
Ireland						SA 902
Israel					RSA 332	SA 737
Italy						SA 755
Greece						RSA 114
Japan						RSA 210
Kenya					SA 938	
Malawi					RSA 249	
Netherlands					RSA 247	SA 790

Country	Death	Estate	Farmers	Gifts	Income	Sea & Air Transport
Norway						SA 696
Portugal						SA 881
Southern Rhodesia	SA 307				RSA 131	
Spain						RSA 287
Swaziland	SA 501		SA 305		RSA 275	
Sweden	SA 977				SA 829	SA 693
Switzerland					RSA 182	SA 838
Tanganyika					SA 938	
Uganda					SA 938	
United States		SA 730			SA 731	
Zanzibar					SA 938	

3.9.9 Educational, Cultural and Scientific Matters

3.9.9.1 United Nations Educational, Scientific and Cultural Organization (UNESCO)

The purpose, functions, membership, budget relations with the United Nations, and the legal status of Unesco are contained in its Constitution of 1945 (Treaty no. SA 525). South Africa was a founder member of Unesco but withdrew after complaining for ten years of:

> interference in South African racial problems by means of UNESCO publications which are being advertised and distributed in the Union by the South African Institute of Race Relations. [33]

The publications,[34] to which South Africa took exception, were the result of a resolution emanating from the 1949 General Conference of Unesco at the request of the United Nations Economic and Social Council[35]. The Conference authorized the Director-General to collect scientific information on race, and to utilize the results for a campaign of education.

In its letter of withdrawal, the Union Government referred to the general criticism of Unesco's activities made to the 1954 General Conference in

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33. United Nations Educational, Scientific and Cultural Organization. Relations with Member States and National Commissions: Notice of Withdrawal of a Member State. IN: Its Annual Report on the Activities of the Organization, 1955. Paris: Unesco, 1955, p. 19.

34. The Race Question and Modern Science, Paris: Unesco, 1956.

35. General Conference Resolution 4.2, 1949; United Nations. Economic and Social Council. Resolution 116 (VI), Sixth Session, 1948, p. 16-19.

in Montevideo by the South African delegate. He queried the 'scientific approach' of the studies and objected to the call for a 'campaign' of education to remove racial prejudice. Unesco has subsequently continued to pass resolutions and to issue publications in its efforts to promote the elimination of all discrimination.[36]

3.9.10 Extradition

Upon South Africa's withdrawal from the Commonwealth in 1961 (Item no. all extradition treaties with the Commonwealth countries terminated. These have not been re-negotiated. In the case of Great Britain, this absence has been highlighted by several recent cases. An example being in 1984, the 'Coventry Four' wanted in connection with illegal arms trading. Obstacles to an agreement between Britain and South Africa on the exchange of fugitives include the difference between the laws of the two countries and the fact that capital punishment is still the law in South Africa but not in Britain. Custodial conditions mitigate against an agreement, and furthermore, Britain is not in the position to discuss possible extradition treaties as legislation on the subject is undergoing comprehensive review.

South Africa has extradition treaties with the United States (Treaty no. SA 604) and Israel (Treaty no. RSA 316). Within the Southern African region,

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36. For further reading see: UNESCO and Apartheid. New York: United Nations, 1971 (United Nations. Unit on Apartheid. Notes and Documents, 11/71); UNESCO and the Struggle Against Apartheid. New York: United Nations, 1975 (United Nations. Unit on Apartheid. Notes and Documents, 10/75); United Nations Educational, Scientific and Cultural Organization. Round Table on Apartheid. Paris: Unesco, 1979; Its: Apartheid: Its Effects on Education, Science, Culture and Information. Paris: Unesco, 1972.

it has entered into agreements with Botswana (Treaty no. RSA 218); Malawi (Treaty no. RSA 218); Swaziland[37] (Treaty no. RSA 222) and Zimbabwe (Treaty no. 81). The ex-homelands, too, have extradition treaties with the Republic (Treaty no. T 56, B 63, and V 1) as does the Ciskei.
See p. 197.

The extradition treaties entered into with states surrounding South Africa are particularly significant. Not only do they mean the forging of closer ties with independent African states, but they are essential to the combating of crime in the Southern African region.

The terms of the now defunct treaty of 1962 between the Republic and the Federation of Rhodesia and Nyasaland (Treaty no. RSA 47), were extended in 1963 to Southern Rhodesia (Treaty no. RSA 81). This treaty is still considered to be in force between Zimbabwe and the Republic.

Offences in respect of which extradition may be granted are enumerated in the case of Israel, the United States and Malawi. This is not the case with Swaziland, Zimbabwe and Botswana, in which the treaties concerned state only that there is an obligation on both parties to extradite in respect of offences punishable under the laws of the requesting party and of the requested party, by imprisonment for a maximum period of six months in instance of the two former states, and twelve months in the latter. Offences of a political nature, or connected with such are specially excluded as a case for

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37. Dugard, C.J.R. The Extradition Agreement between South Africa and Swaziland. South African Law Journal, vol. 86, 1969, p. 88,

extradition. This is a vague term, the definition of which, Dugard[38] indicates, should best be left to the requested party in the light of its own standards and policies.

South Africa inherited a number of extradition agreements entered into on her behalf by the United Kingdom in terms of the 1870 Extradition Act. See, for example, the treaties with Uruguay, etc. (Treaty no. C 98)

3.9.11 Health

3.9.11.1 World Health Organization (WHO)

South Africa has been a member of the World Health Organization since its establishment in 1948 (Treaty no. SA 544), and as such was a respected supplier of dues and technical knowledge. Political considerations intervened however, and in 1962, the apartheid issue necessitated a change of venue from Dakar to Geneva as South African representatives were considered persona non grata in Senegal. This was indicative of an increasing trend and the Assembly adopted a resolution[39] which stated that conditions imposed upon the blacks in South Africa seriously prejudiced their physical, mental and social health and were contrary to the principles of the Organization. Further, South Africa was invited to ensure that the entire population would benefit from the public health services of the country.

At the Seventeeth Session of the World Health Assembly, South Africa's voting rights were suspended[40] in terms of Article 7 of the Constitution. The South African delegation withdrew, protesting that this resolution

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38. Ibid

39. World Health Organization. Assembly. Resolution 16.43.

40. World Health Organization. Assembly. Resolution 17.50. See also: The World Health Organization (WHO) United Nations Yearbook, 1964, p. 509-510.

violated the WHO Constitution, the obligations of which had always meticulously been observed by South Africa.

3.9.11.2 Other

South Africa has participated in various agreements relating to health. Examples include the International Convention for Mutual Protection against Dengue Fever (Treaty no. SA 353); the International Convention for the Sanitary Control of Aerial Navigation (Treaty no. SA 329 ,SA 509 and SA 537); the International Health Conference (Treaty no. SA 543); the International Sanitary Convention (Treaty no. SA 36, SA 207, SA 510 and SA 538); and also in a treaty concerning occupational diseases.

In 1965, South Africa signed a treaty with Belgium (RSA 129) for reciprocity with regard to medical practice, and in 1969, with the Netherlands (Treaty no. RSA 224) regarding the establishment and registration of dentists.

3.9.12 Judicial Matters

3.9.12.1 The International Court of Justice (ICJ)

The International Court of Justice is the principal judicial organ of the United Nations, and operates in accordance with a Statute which is an integral part of the United Nations Charter (Treaty no. SA 519).

The jurisdiction of the Court is set out in Article 36 of the Court's Statute. In terms of Article 36(1) the ICJ has jurisdiction over all matters concerning which a treaty or convention in force provides for reference to the Court. Such provision is made in a number of multilateral or bilateral treaties, to which South Africa is a party. Among the more noteworthy are the following: The 1951 Treaty of Peace with Japan (Treaty no. SA 704), the 1961 Single Convention on Narcotic Drugs (Treaty no. SA 968)

and the 1970 Hague Convention on the Suppression of the Unlawful Seizure of Aircraft (Treaty no. RSA 240). The mandate for South West Africa contains such a jurisdictional clause and it was in terms of this clause that Ethiopia and Liberia arraigned South Africa before the ICJ in 1960.

The International Court of Justice is authorized to give advisory opinions on legal questions at the request of the General Assembly, the Security Council and other approved international bodies. The ICJ has handed down four advisory opinions on Namibia: the 1950 Status Opinion;[41] the 1955 Voting Procedure Opinion;[42] the 1956 Oral Petitioners Opinion,[43] and the 1971 Namibia Opinion.[44] Judgement[45] was handed down in 1962[46] and 1966.[47]

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41. International Court of Justice, Reports, 1950, p. 128.

42. International Court of Justice, Reports, 1955, p. 67.

43. International Court of Justice, Reports, 1956, p. 23.

44. International Court of Justice, Reports, 1971, p. 16.

45. For a bibliography containing international comment on both the judgements advisory opinions see: Schoeman, Elna. South West Africa/Namibia: An International Issue, 1920-1977: A Select Bibliography. Johannesburg: South African Institute of International Affairs, 1978, especially p. 61-83.

46. International Court of Justice, Reports, 1962, p. 328.

47. International Court of Justice, Reports, 1966, p. 6.

3.9.13 Labour

3.9.13.1 International Labour Organisation (ILO)

South Africa was one of the founder members of the International Labour Organisation. It was founded in 1919, a product of the peace settlement that followed World War I, with the aim of improving labour conditions, the raising of standards of living and the promotion of economic and social stability and standards. Through the adoption of Recommendations and Conventions, covering a wide spectrum of labour-related issues, it has established a respected code of practice.[48] South Africa ratified many of these Conventions, including those on workmen's compensation (Treaty no. SA 908); employment of wome[illegible]nderground work in mines of all kinds (Treaty no. SA 367); statisti[illegible] wages and hours of work in the principal mining and manufacturing indus[illegible] including building construction and agriculture (Treaty no. SA 4[illegible]ght work of women employed in industry (Treaty no. SA 617).

In terms of the Constitution, which was amended in 1946 and 1962 (Treaty no. SA 558 and RSA 35), South Africa, as a member state, was obliged to bring its legislation into line with the provisions of the Convention concerned, and to report annually on measures implemented. South Africa's entrenched racial policies, however, were viewed with increasing hostility by [illegible]r states, and the ILO became one of the first specialized agencies to involve itself

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48. Hirschmann, D. South Africa and the International Labour Organisation. South African Institute of International Affairs. Newsletter, no. 3, 1972, p. 7-16, 38-39.

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48. Hirschmann, D. South Africa and the International Labour Organisation. South African Institute of International Affairs. Newsletter, no. 3, 1972, p 7-16, 38-39.

with the apartheid issue. In its Convention on Discrimination in Employment and Occupation (no. 111) of 1958, opposition to the practice of separate development was clearly manifested. It was not until 1961, stimulated partly by the Sharpeville shootings of 1960, that the first calls for South Africa's withdrawal were heard. In June of that year, a resolution[49] was passed at the forty fifth session of the International Labour Conference condemning South Africa's racial policies and declaring that its continued membership was not consistent with the aims and purposes of the Organisation. It requested the Governing Body 'to advise the Republic of South Africa to withdraw from membership' until apartheid was abandoned. No response from South Africa was recorded, and a similar resolution was adopted the following year at the forty sixth session.

Despite these resolutions, South Africa participated in the 47th Session held in Geneva from 5 to 26 June 1963, and on 18 June the delegations of thirty one African and five Arab states withdrew in protest. Action was

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49. Resolution 1 of 29 June 1961, International Labour Office. Bulletin, vol. 44, no. 1, 1961, p. 16-17. The vote on the Resolution was 163-0 with 89 abstentions. The Resolution was thereafter communicated to the South African Government. International Labour Organisation. Governing Body. Action to be taken on the Resolution Adopted at the 45th Session of the International Labour Conference... Its: Minutes, 150th Session, 1961. Geneva: International Labour Office, 1961, p. 15-16.

taken later in the month to exclude South Africa from ILO meetings,[50] which in practice meant all ILO meetings, except those of the International Labour Conference, which member states have the right to attend. Furthermore a Committee of Twelve was appointed by the ILO Governing Body to examine the consequences of the Republic's policy of apartheid for the Organisation. Its brief was to make recommendations for the forty-eighth session of the International Labour Conference on action which could be taken by the ILO towards the elimination of apartheid. Furthermore, in conjunction with the United Nations, it was to suggest appropriate action necessary to secure the observance of ILO principles and the protection of human dignity.

The South African Government elected to withdraw from the Organisation and thus forestall possible expulsion. In March 1964, the Minister of Labour, explained to Parliament the reasons for South Africa's withdrawal and made the following statement:

> Having regard to certain resolutions and a declaration adopted in the United Nations, the Government of the Republic can have little doubt, in the light of developments in the I.L.O. but that any such amendment to the constitution will inevitably lead to South Africa being excluded from the Organization. In view, also, of the vendetta of the Afro-Asian states, backed by the communist states at UN, such a resolution, although based on false premises, is obviously intended to make South Africa's membership of the I.L.O. untenable...[51]

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50. The International Labour Organisation (ILO) United Nations Yearbook, 1963, p. 568-604. See also p. 13-20 for United Nations action.

51. South Africa (Republic) Parliament. House of Assembly. Debates, vol. 10, 9 March - 1 July 1964, cols. 2803-2806.

The ILO's Director-General received, in March, a communication from the South African Government informing him of the Republic's intention to withdraw. In return, he called to the South African Government's attention, the fact that, under the ILO constitution, a member country could not withdraw without giving two years' notice.

Amendments to the ILO Constitution to provide for the suspension or withdrawal of a member state, in particular one which was guilty of racial discrimination, were accepted in principle at the Forty Eighth Session of the International Labour Conference. It also adopted the programme for the elimination of apartheid in South African labour matters, and the Declaration concerning apartheid. This Declaration stated that despite an undertaking in 1947 'faithfully to perform and carry out' all the stipulations of the ILO Constitution, South Africa had adopted policies totally incompatible with them. It[52] called upon South Africa to:

> Renounce forthwith its policy of apartheid and repeal all legislative, administrative and other measures in violation of the principle of human equality and dignity;
>
> Establish a policy of equal opportunity and treatment for all, in employment and occupation, irrespective of race;

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52. International Labour Organisation. Declaration Concerning the Policy of 'Apartheid' in the Republic of South Africa and the I.L.O. Programme for Elimination of 'Apartheid' in Labour Matters in the Republic of South Africa. Geneva: The International Labour Office, 1964. Declaration also published in: International Labour Conference, 48th, Geneva, 1964. Record of Proceedings. Geneva: International Labour Office, 1965, p. 825-827. See also: United Nations Yearbook, 1964, p. 492-493.

Repeal the statutory provisions providing for compulsory job reservation or discrimination on the basis of race as regards access to vocational training and employment;

Repeal all legislation providing for penal sanctions for breach of contracts of employment, for the hiring of prison labour for work in agriculture or industry, and for any other form of direct or indirect compulsion to labour, including discrimination on grounds of race in respect of travel and residence;

Repeal the statutory discrimination on grounds of race in respect of the right to organize and bargain collectively, and the statutory prohibitions and restrictions upon mixed trade unions including persons of more than one race.

South Africa has subsequently been the subject of several ILO reports and resolutions,[53] and as suggested in the Declaration, the Director-General submits an annual report[54] on the Declaration's application regarding labour matters.

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53. See for example:

INTERNATIONAL LABOUR CONFERENCE. 56th, Geneva, 1971.
Resolution Concerning 'Apartheid' and the Contribution of the International Labour Organisation to the International Year for Action to Combat Racism and Racial Discrimination. In: Its: Record of Proceedings. Geneva: International Labour Office, 1971. p. 808-809.
Also published in: I.L.O. action against Apartheid. New York: United Nations, 1971. Unit on Apartheid. Notes and documents, no. 32/71. p. 1-3.

INTERNATIONAL LABOUR ORGANISATION
Apartheid in Labour Matters: I.L.O. Policy Statements and Reports concerning Apartheid in Labour Matters in the Republic of South Africa. Geneva: International Labour Office, 1966.
34p.

INTERNATIONAL LABOUR ORGANISATION
Apartheid: What it Means to South Africa's Workers; Action of the International Labour Organisation. Geneva: International Labour Office, 1978.
5p.

INTERNATIONAL LABOUR ORGANISATION
The ILO and Apartheid. Geneva: International Labour Office, 1971.
56p.

54. INTERNATIONAL LABOUR CONFERENCE
Special Report... on the Application of the Declaration concerning the Policy of 'Apartheid' of the Republic of South Africa
1st - , 1965 - Annual
Geneva: International Labour Office.

This includes aspects such as wages, and also reports on international action against apartheid.

3.9.13.2 The Mozambique Conventions

In order to place the Mozambique Conventions in historical perspective an examination of pre-Union agreements is necessary. A well-established pattern of Mozambican migration to work in Natal and the Cape (Treaty no. C 65 and no. N 36) was extended to the Transvaal as the gold mines came in production. Various factors in Mozambique contributed to the need for migration. These included the forced labour laws, restrictions on land use, and the imposition of a hut tax. As early as 1889, a survey revealed that in forty-four mines, fifty-eight percent of the mineworkers came from Mozambique.[55]

The first formal regulations governing the supply of mine labour were issued in 1887. They made official the already existing flow and gave to the Portuguese colonial government control of the registration of all migrant workers. Their numbers swelled as a result of the Portuguese colonial system of forced labour and also due to the recruiting efforts, both legal and illegal of the Witwatersrand Native Labour Association (WENELA).

The Portuguese settler community suffered from the loss of labour and were enraged when the colonial government secured 'recompense' for the loss of its nationals by entering into an agreement with the Transvaal in 1901 (Treaty no. Z 92). Under the terms of this Modus Vivendi,[56] the colonial government

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55. Katzenellenbogen, S.E. South Africa and Southern Mozambique. Manchester: Manchester University Press, 1982, p. 38.

56. Ibid, p. 50-51. See also: Duffy, J. A Question of Slavery. Oxford: Clarendon, 1967, p. 142-146.

received thirteen shillings per worker plus sixpence more for each month's service beyond the initial one-year contract period. In addition, half of each worker's salary was paid directly to the colonial government in gold at a fixed rate of exchange that was well below the market price of gold. Resale on the world market thus guaranteed a substantial profit. Throughout the colonial period the recruitment tax, together with the sale of gold, was a major source of income. Mozambique's continued economic dependence on South Africa was ensured.[57]

In addition, by the terms of his 1901 Agreement, a specified percentage of imports to, and exports from the Transvaal were diverted through the port of Lourenço Marques. By 1917, this proved to be the single largest source of colonial income.[58]

On 1 April 1909 (Treaty no. Z 118) a Convention was signed between the Government of the Province of Mozambique and the Transvaal.[59] Its provisions[60] included the restriction of labour recruitment to areas south of the 22nd parallel, i.e. to the territory under the direct control of the Portuguese Government; recruitment methods were to conform to terms of the Convention; it confirmed a maximum contract period for one year but made it subject to

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57. Isaacman, A. and Isaacman, B. Mozambique: From Colonialism to Revolution, 1900-1982. Boulder: Westview, 1983, p. 35.

58. Ibid, p. 36.

59. See also discussion on p. to p. , and Duffy, J. op. cit., p. 154-155.

60. First, R. Black Gold: The Mozambican Miner, Proletarian and Peasant. Brighton: Harvester, 1983, p. 214-222.

renewal and forced renewals were not permitted. 'Native' tax was to be collected at the mines; a monopoly of labour recruitment was granted to the Witwatersrand Native Labour Association; deferment of wage payment was permitted but on a voluntary basis only; for each employee, the Portuguese Government received a tax of fifteen centimes.

Compulsory deferment of wages and an increase in the contract period from a twelve to eighteen month duration, were the main provisions of an agreement negotiated between the Portuguese Government and the Chamber of Mines in 1912. It was however, not ratified by the South African Government and it never came into force.[61] The 1909 Agreement was revised in 1923 no. SA 147).

1 September 1928 a Convention (Treaty no. SA 232) was signed between a and the Portuguese Colonial Government. It was subject to revisions in 1934 (Treaty no. SA 354), 1936 (Treaty no. SA 388), 1940 (Treaty no. SA 470), 1964 (Treaty no. RSA 106 and RSA 107), and 1970 (Treaty no. RSA 233, 237). In order to illustrate changes, the following table should be consulted: TABLE 2: CHANGES IN THE MOZAMBIQUE CONVENTION

Four sections to the 1928 Convention:-

Part 1 : Labour - completely replaced by SA Treaty Series 11/64			
Part 2 : Ports and Railways -	Article 31 : unchanged		
	Article 32 : amended by	5/34 10/64 3/70 (currently valid. NB: superseded sentence 'except... regarding 40-47% of current traffic)	

61. Ibid, p. 215.

Articles 3-38 : deleted by 5/34
Articles 39-40 : unchanged
Article 41: replaced by 10/64
Article 42: deleted by 10/64
Article 43: deleted by 5/34
Article 44: amended by 5/34

Part 3: Customs and Commerce -

Article 45: unchanged
Article 46: deleted by 5/34
Article 47: deleted by 5/34
Articles 48-51: unchanged
Article 52: amended by 5/34

Part 4: Miscellaneous -

Article 53: unchanged
Article 54: unchanged except for exchange of notes 5/39 lengthens period of Convention by 5 years, and then subject to 12 months notice.
Article 55: unchanged
Article 56: amended by 5/34. The last sentence of Article is amended by 10/64. (47½% replaced by 40%)
Article 57 : unchanged
Schedules A & B: deleted by 5/34

In respect of labour, the 1928 Convention permitted recruitment in territory south of Parallel 22. Recruitment was to be reduced from 100,000 in 1929 by 5,000 per annum to 80,000 in 1933. Other provisions included the regulation of medical inspection and of workers' rights regarding injuries sustained on duty, or as a result of contracting tuberculosis; migration control by a system of identity cards or passports; contract period was limited to one year with a six months extension, thereafter re-employment was prohibited until the completion of a six-month stay in Mozambique; a system of deferred payment was introduced; series of taxes w. paid to the Portuguese Government in

Articles 33-38 : deleted by 5/34
Articles 39-40 : unchanged
Article 41: replaced by 10/64
Article 42: deleted by 10/64
Article 43: deleted by 5/34
Article 44: amended by 5/34

Part 3: Customs and Commerce -

Article 45: unchanged
Article 46: deleted by 5/34
Article 47: deleted by 5/34
Articles 48-51: unchanged
Article 52: amended by 5/34

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respect of each contract; all payments were made in gold. The fourteen articles of the 1909 Convention pertaining to railways and harbours were kept in force. The South African Government guaranteed to Lourenço Marques fifty to fifty five percent of imports by sea and rail to the 'competitive area' on the Rand. By 1964, this had been lowered to forty percent, and by 1969 this provision was lifted altogether.

Changes effected in 1934 (Treaty no. SA354) included the right of the Portuguese Government to limit recruitment in areas where 'for reasons of public or private undertakings, it should be found necessary to provide for pressing local demands for native labour' (Article II). Recruitment numbers were fixed at 80,000 with a minimum of 65,000 (Article III). The fee payable to the Portuguese Government for each lab-rer was fixed at one shilling and sixpence on engagement, and the same amount on re-engagement. In addition a monthly (or part thereof) fee of two shillings and ninepence per person (Article X). If the Government did not receive an annual amount of forty four shillings and sixpence per worker, the deficiency was to be paid by the mines (Article XI). Article XXVI stipulated that all payments to Portugal would be made in the Union's legal currency. By the terms of the 1934 Agreement, forty seven and a half percent of the goods imported to the Rand were secured to Lourenço Marques.

In 1940 (Treaty no. SA470) the Portuguese Government was given the option of receiving deferred payments in gold. The maximum number of workers was raised to 100,000 with 65,000 remaining as the minumum. Taxation paid by the mines was raised to five shillings for each contract. 340,000 boxes of citrus fruit were to be routed through Lourenço Marques, and South Africa gave an undertaking to reduce tariff rates which favoured Durban as against those of Lourenço Marques.[62]

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62. Ibid, p. 218.

Several innovations pertaining to labour provisions were introduced in the Convention signed on 13 October 1964 (Treaty no. RSA 107). The Portuguese Consul-General (and his officers) were given 'full facilities' by the South African Government for the performance of his functions as far as the Portuguese workers are concerned (Article VI). In addition, the workers were also to receive the protection and assistance of the delegates of the Institute of Labour and his personnel (Article VI). Contracts were fixed for a twelve-month period (313 shifts) but these were subject to renewal up to a period of six months (Article XI). It was expressly stated that Portuguese workers shall not be treated less favourably than South African workers employed on the same kind of work (Article XIII). Workers could only be employed with the knowledge and approval of a representative of the Institute of Labour, and had to be in the possession of a valid travel document (Articles VIII and IX).

Deferred payment could be effected in three ways. Periodical payments (not exceeding three months) to a relative; deposits in a savings accounts, with interest being payable at a rate not less than the current Mozambican rate; or the total amount owing to the worker could be paid to him on his return to Mozambique. Should no option be specified, the third method would automatically be applied and no interest would be paid. Arrangements for payment were facilitated by the provisions of Article XIX. First[63] indicates that there is a secret gold clause whereby the Portuguese Government could receive deferred pay in gold, the amount being a fixed price in Rands despite world market fluctuations. According to First, the gold would be sold by South Africa on the world market and the profit handed over to Portugal.

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63. First, R. op. cit., p. 221-222.

As late as 1976 this was still calculated at the official price of $42 an ounce. In 1975, this meant a profit of R150 million for the Frelimo Government.[64]

TABLE 3 : COMPARING SOME LABOUR PROVISIONS OF 1928 AND 1964 CONVENTIONS[65]

	1928	1964
TRANSPORT	Recruitment and repatriation responsibility of the recruiting agency.	Recruitment and transport responsibility of agency. Repatriation costs deducted from workers' wages in the first six months of contract.
HEALTH	Costs of those deemed not fit for work borne by recruiting agency.	Those under eighteen years of age are returned by the agency. Provisions of the Pneumoconiosis Compensation Act 1962 (Act 64 of 1962) extended to Mozambican miners.
CONTRACTS	Had to stay in Mozambique for six months between contracts.	This clause does not appear.
ILLEGAL IMMIGRANTS	Immediate repatriation (in principle).	After 1970, provision made for legalization of illegal immigrants at border post.
ADVANCE PAYMENT	Allowed, and deducted from wages in the first six months.	Not allowed until the contract was operative. Thereafter up to a maximum of one month's wages to be deducted from the next six month's wages.

In 1970 (Treaty no. RSA 233) several amendments were introduced to Article XXXII of the Mozambique Convention, and it was in fact, replaced by a new text. The provisions concentrate on the port of Lourenço Marques and the railway facilities between the two countries. It was recognized that it was in the interests of both parties to continue to make the facilities available to South

64. Financial Mail, vol. 62, 5 November 1976, p. 505.

65. First, R. op. cit., p. 221-222.

African importers and exporters, and to attract to Lourenço Marques the highest practicable percentage of the total tonnage of commercial sea-borne goods imported into the 'competitive area' on the Rand. The division of receipts between the two railway administrations was to be effected in such a way that 'the C.F.M. Administration shall receive in respect of all traffic conveyed between the stations of the C.F.M. and stations in the Republic of South Africa, a proportion of the revenue obtained from such traffic.' In addition, in order to compensate the C.F.M. Administration for the relatively high proportion of low-rated South African traffic conveyed by the C.F.M., payment of an annual sum of R1,600,000 was pledged. This payment was guaranteed for a five year period, commencing on 1 January 1970.

The provisions of the 1964 Agreement regarding labour matters were also altered. Labour recruitment was allowed for mines other than gold or coal mines; compensation payments were modified; three years notice of any revision of a contract was required. Movement of nationals across the border and the establishment of border posts comprised the subject in terms of a treaty signed in May 1965 (text not located)[66] and Mozambican labour could now be recuited by enterprises not related to WENELA.

The 1964 provisions were extended to cover those recruited in terms of the new Agreement. Wages were to be paid for the first two, and last two months of employment. The remainder was deferred. Contracts were to be of a maximum of eighteen months duration, with the possibility of repatriation being suspended for those who had spent many years in the country.

At present, the status quo remains, and no new treaty has been signed post-Mozambican independence, i.e. provisions from 1928 remain in force except where amended and deleted as indicated above.

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66. Ibid, p. 220.

3.9.14 The League of Nations

Mention has previously been made of South Africa's role, through the offices of General Smuts,[67] in drafting the Covenant of the League of Nations (Treaty no. SA 67). His proposals were contained in the now well-known paper entitled: The League of Nations: A Practical Suggestion.[68] Among his suggestions were those for the establishment of a 'general conference of all the constituent states, which will partake of the character of a Parliament, in which public debates of general international interest will take place.' He itemized its functions which included the adoption of general resolutions, codes of an international nature, discussion of the reports of various committees or commissions. In addition, he proposed a small body called the Council of the League to comprise the five Great Powers, and four additional members, with rotating membership. He made detailed provisions for the operation of this Council. He concentrated heavily on the system of mandates.

The Covenant of the League constitutes Part I of the main treaties drawn up by the representatives of the Allied and Associated Powers at the Peace Conference at Paris at the conclusion of World War I. It is therefore Part I of the following Treaties of Peace between the Allied and Associated Powers and the following: Germany (Treaty no. SA 67); Austria (Treaty no. SA 73); Bulgaria (Treaty no. SA 81); Hungary (Treaty no. 88) and the unratified, and therefore inoperative treaty with Turkey. The Covenant took effect from

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67. See for example, Smith, I.C. J.C. Smuts' Role in the Establishment of the League of Nations and the Mandate for South West Africa. South African Historical Journal, vol. 5, November 1973, p. 94-104.

68. Published in London: Hodder, 1918. For a critique of the Smuts Plan see: Miller, D.H. The Drafting of the Covenant. New York: Putnam's Sons, 1928, vol. 1, p. 34-39.

the date of the deposit of the instrument of ratification of the Treaty of Versailles by the representatives of Germany on 10 January, 1920.

The twenty-six articles were divided as follows: (1) Membership; (2) Executive machinery; (3) Assembly; (4) Council; (5) Voting and procedure; (6) Secretarial; (7) Seat qualifications for officials. Immunities; (8) Reduction of armaments; (9) Permanent military commission; (10) Guarantees against aggression; (11) Action in case of war or danger of war; (12) Disputes to be submitted to arbitration or inquiry; (13) Arbitration of disputes; (14) Permanent Court of International Justice (this was brought into being by the signing of a separate Statute (Treaty no. SA)); (15) Disputes not submitted to arbitration; (16) 'Sanctions' of the League; (17) Disputes with non-members; (18) Registration and publication of all future treaties (this stipulated that any treaty or international agreement entered into by any member of the League was not binding until it was registered with its Secretariat); (19) Review of treaties, i.e. those which became inapplicable; (20) Abrogation of inconsistent obligations; (21) Engagements that remain valid (i.e. the Covenant did not affect the validity of international engagements for securing the maintenance of peace, for example the Monroe Doctrine); (22) Mandatories. Control of colonies or territories; (23) Social activities; (24) International bureaux; (25) Promotion of the Red Cross; (26) Amendments.

As is well documented, the League of Nations failed to preserve international peace,[69] and was replaced by the United Nations.

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69. For an examination of South Africa's membership of the League, taking into account its relationship between domestic and foreign issues, See: Pienaar, S. South Africa and the League of Nations, 1929-1939. Unpublished PhD Thesis. Johannesburg: University of the Witwatersrand, 1982.

3.9.15 Meteorological Relations

3.9.15.1 World Meteorological Organization (WMO)

The World Meteorological Organization came into existence on 11 October 1947 (Treaty no. SA 595 and SA 597), and the Union ratified the Convention on 17 January 1950. South Africa participated actively in the Organization, with Pretoria acting as a regional meteorological centre, responsible for data collection from most of Africa south of the Sahara, including Madagascar.

At the seventh Congress of the World Meteorological Congress, the highest body of WMO, several decisions were taken relating to membership in the organisation and participation in its activities. At this Congress, which was held in Geneva from 28 April to 23 May 1975, South Africa was suspended[70] from enjoying its rights and privileges as a member. Provision was made for participation in certain WMO meetings by the representatives of the United Nations Council for Namibia of specified national liberation movements.

3.9.15.2 Other

In addition, South Africa has meteorological relations with France (Treaty no. RSA 202) regarding the launching of eole balloons. A treaty with Norway, which has since terminated, concerned the establishment and operation by the South African Government, of a weather station on Bouvet Island (Treaty no. RSA 177 and RSA 221).

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70. The World Meteorological Organization (WMO). United Nations Yearbook, 1975, p. 1073.

3.9.16 Monetary Affairs

3.9.16.1 International Monetary Fund (IMF)

The articles of agreement establishing the Fund were signed in 1945, and came into force with immediate effect (Treaty no. SA 529). At present there are 140 member nations, of which South Africa remains a contributor, although in increasing discomfort. The Republic lost its representation on the Executive Board in 1972 and is now represented by a principal resident representative, and no longer by an executive director. The IMF has been continuously berated for its links with South Africa, especially after the loans of 1976[71] and 1982 when credit of $1,1 bn was granted in defiance of a General Assembly resolution.[72]

In 1983[73] the United States introduced further political considerations into the procedures for granting IMF loans. In order to approve a South

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71. For further reading see: Morrell, J. International Institutions and Economic Sanctions on South Africa. Geneva: International University Exchange Fund, 1980 (Economic Sanctions against South Africa,8); Morrell, J. and Gisselquist, D. How the IMF Slipped $464 Million to South Africa: Special Report. Washington, D.C.: Center for International Policy, 1978; U.S. Helped Vorster Get IMF Money. Southern Africa (New York`, vol. 11, no. 2, March 1978, p. 19.

72. United Nations. General Assembly. Resolution 37/69. Its: Official Records, 37th Session, 1982/3. Supplement no. 51, p. 29.

73. HR 3959 which became Public Law 98-181 on 30 November 1983, concerning supplement appropriation to the IMF. Its provisions were an ameliorated version of the original bill.

African loan request, the United States, which controls about 14% of the IMF votes, would have to be satisfied that the majority of the people would benefit economically; that there is a balance of payments problem that cannot be solved by access to private capital markets; and there is a reduction of severe constraints on labour mobility. The United States on its own, however, could not veto a loan decision.

Ongoing statistical data on South Africa's financial obligations to the Fund may be found in the monthly publication entitled: International Financial Statistics.[74]

3.9.17 Postal Matters

3.9.17.1 Universal Postal Union

South Africa's involvement in postal unions precedes 1910 (Treaty no. C 147, N 72, O 60, and Z 60). The General Postal Union was founded in 1874 and became operative in 1975. Its name was changed to the Universal Postal Union in 1878, and in 1948 it became a specialized agency of the United Nations. The main principles of the Union are the following:-[75] formation of one single postal territory; unification of postal charges and weight steps; non-sharing of postage paid for ordinary letters between sender country and the country of destination; guarantee of freedom of transit; settlement of disputes by arbitration; establishment of a central office entitled the International Bureau funded by all members; periodical meeting of Congress; and

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74. International Financial Statistics, vol. 1 - , 1948 -

75. Itemized in Europa Year Book, 1984, p. 85.

promotion of the development of international postal services and postal technical assistance to Union members. The compulsory Acts of the Union are found in the Universal Postal Convention and its Detailed Regulations, together with the Constitution and the General Regulations.

South Africa has been party to previous Unions (Treaty no. SA 90, SA 174, SA247 etc)and is currently a member of the Union (Treaty no. RSA 351). It was excluded from the Union in 1979 at the Congress held in Rio de Janeiro, but it has subsequently been re-admitted.

3.9.17.2 .rican Postal Telecommunications Union

South Af ica became a member of this Union when it was founded in 1935 to improve postal services between member administrations (Treaty no. SA 376). This was amended in 1948 (Treaty no. SA631). It was dormant for many years. Its head office is currently in Pretoria, and the Union comprises the administrations of nine member countries: Botswana, Burundi, Lesotho, Malawi, Namibia, South Africa, Swaziland, Zaire and Zimbabwe.

3.9.18 Sea

South Africa has acceded to the four parts of the 1958 United Nations Conference on the Law of the Sea. It comprises four treaties, namely the Convention on Fishing and Conservation of the Living Resources of the High Seas (Treaty no. SA 89[illegible]); Convention on the Continental Shelf (Treaty no. SA 899); Convention on the High Seas and Final Act (Treaty no. SA 900); and the Convention on the Territorial Sea and Contiguous Zone (Treaty no. SA 901).

At the time of writing, South Africa has signed the 1982 Treaty on the Law of the Sea, but still has to ratify the Convention. Sixty countries

will have to ratify the treaty before it can come into force. As at December 1984, only fourteen countries have done so. The United States, Great Britain, and the Federal Republic of Germany are among the thirty three countries which have refused to sign, mainly because of the provisions on deep-sea mining. It is understood that South Africa is in favour of an extension of the present twelve mile limit to 200 miles.

3.9.19 Telecommunications

3.9.19.1 International Telecommunication Union (ITU)

This was originally founded in 1865, and became a specialized agency of the United Nations in 1947. Its aim is to encourage international co-operation in the use of telecommunications, to promote technical development and to harmonize national policies in the field.

South Africa ratified the 1932 International Telecommunication Convention in 1935 (Treaty no. SA 377). Since 1932, this Convention has been superceded by new versions at successive plenipotentiary conferences. The Convention deals with the structure of the Union, the application of its regulations; its relations with the United Nations and special rules for radio.

Attempts have been made since the early 1960's[76] to expel South Africa from this Union, and it was finally suspended in 1973.

3.9.19.2 Other

Mention has already been made of the African Postal and Telecommunication Union (Treaty no. SA 376 , and SA 631). Mention should also be made of the Bermuda Telecommunications Conference of 1945 (Treaty no. SA 528) and the Commonwealth United States Telecommunications Meeting held in 1950 (Treaty no. SA 654, and the radio regulations of 1959 as amended (SA 939, RSA 78, RSA 252).

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76. United Nations Yearbook, 1964, p. 556-561; United Nations Yearbook, 1965, p. 774-780.

3.9.20 Trade

3.9.20.1 Contracting Parties to the General Agreement on Tariffs and Trade (GATT)

South Africa is currently one of the eighty nine member states of the General Agreement on Tariffs and Trade, and has been since its inception in 1947 (Treaty no. SA 598). GATT is based on several fundamental principles, the best-known being the 'most favoured nation clause' which ensures, with a few exceptions, that members undertake to grant to each other treatment as favourable as they give to any country in the application and management of both export and import duties and charges. Other principles include protection to domestic industry through the customs tariff; the binding of the negotiated tariff levels among the Parties; consultation in order to obviate damage to the trading interests of the Contracting Parties; waiver procedures; trade problems of developing countries. GATT also provides a framework for the negotiation of reductions in tariffs and other obstacles to trade and is able to implement such decisions in the form of a legal instrument.

Major multilateral trade negotiations have taken place under the aegis of Gatt, and South Africa has participated in the following: In Geneva in 1947; 1949 in Annecy; 1951 in Torquay; 1956 in Geneva; 1964-67 in Geneva; The 'Kennedy Round' and 1973-1979, the 'Tokyo Round'. In the period under review, South Africa has participated fully in Protocols of rectifications, modifications or replacements to the schedules.

The following table illustrates, in the case of South Africa, effective dates of GATT instruments deposited with the Secretary-General for Contracting Parties, which effected separate procedures:-

TABLE 4: SOUTH AFRICA AND GATT INSTRUMENTS EFFECTING SEPARATE PROCEDURES

GATT INSTRUMENTS	PROCEDURES	DATE
1	13	June 1948
2	24	Mar 1948
3	-	-
4	16	Feb 1949
5	7	Oct 1951
6	19	Sept 1950
7	14	Sept 1948
8	11	Jan 1949
9	11	Jan 1949
10	16	Feb 1949
11	21	Oct 1951
12	24	Sept 1952
13	18	May 1950
14	21	Oct 1951
15	24	Sept 1952
16	4	May 1950
17	24	Sept 1952
18	30	June 1953
19(a)	21	June 1951
19(b)	21	June 1951
19(c)	21	June 1951
19(d)	21	June 1951
19(e)	21	June 1951
19(f)	21	June 1951
20	18	Nov 1951
21	21	Apr 1951
22	21	Oct 1953
23	25	May 1952
24	2	Feb 1959
25	-	-
26	2	Feb 1959
27	1	Jan 1954

SOURCE: Adapted from Multilateral Treaties Deposited with the United Nations: Status, as at 31 December 1982. New York: United Nations 1983, p. 277-283.

3.9.21 The United Nations (UN)

As with the other international organizations discussed in this chapter, the United Nations was founded in 1945, in San Francisco, by means of a treaty - the United Nations Charter (Treaty no. SA 519). General Smuts was again a crucial figure in its establishment. He was chairman of one of the main Commissions, (namely Commission II which dealt with questions related to the General Assembly) and he personally prepared the first draft of the Preamble of the Charter.

South Africa, as one of the fifty-two founder members of the UN, seemed destined to play an important role in its development. Instead there has been steady deterioration of South Africa's relations[77] with the UN, due to the issue of South West Africa, the treatment of persons of Indian origin in South Africa, and the whole question of apartheid. South Africa has maintained that the latter two issues are excluded from the United Nations' jurisdiction, in view of a Charter Provision, Article 2, paragraph 7 which states:

> Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

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77. A select and annotated bibliography entitled: South Africa and the United Nations, has been compiled by Elna Schoeman (Johannesburg: South African Institute of International Affairs, 1981). For additional reading see: Barratt, C.J.A. The United Nations and Southern Africa. Thesarus Acroasium, vol. 2, 1976, p. 177-254; Bissell, R.E. op. cit.; Coger, D.M. The Internal Politics of Apartheid: South Africa and the United Nations, 1945-1962, published: Ann Arbor: University Microfilms International. PhD Thesis, University of South Carolina, 1970.

In 1960, the year of Sharpeville, South Africa's internal policies were considered as a possible threat to world peace by the Security Council. Subsequently South Africa has stood condemned by numerous resolutions adopted by both the Security Council, and the General Assembly. Furthermore, the Republic has been suspended from taking its seat in the General Assembly. As has been shown, it has been suspended, partly suspended, or has withdrawn from many of the specialized agencies. Many committees, or sub-bodies such as the Special Committee against Apartheid, and the Center against Apartheid have been formed to investigate the ramifications of apartheid, and continue to call for sanctions and the enforcement of the arms embargo on the Republic. They continue to apply increasing pressure for the total elimination of apartheid and the establishment of racial equality.

3.9.22 Water Resources

3.9.22.1 Cunene River Scheme

South Africa signed a treaty with the Republic of Portugal in 1964 (Treaty no. RSA 104) which concerned rivers of mutual interest, and in particular the Cunene River Scheme. The terms of this treaty were partly revoked by a further treaty in 1969 (Treaty no. RSA 217) which concerned the first phase in the development of the water resources. It was based on comprehensive studies carried out in pursuance of the first treaty, as well as various discussions and negotiations at technical and diplomatic levels on the best joint utilization of these water resources. This includes the regulation of the flow of the Cunene River; the improvement of generation of hydro-electric power at Matala; initial irrigation and the supply of water for human and animal requirements in the middle-Cunene; the supply of water for human and animal requirements in Namibia and for initial irrigation in Ovamboland; and

the generation of hydro-electric power at Ruacana.

In the first phase it was agreed that dams be built at Gore and Calueque to regulate the river. The latter would be in conjunction with the power station to be built at Ruacana, pumping water required in Namibia and for initial irrigation in Ovamboland.

3.9.22.2 Cabora-Bassa Project

The treaty signed in 1969 between South Africa and Portugal (Treaty no. RSA 225) had as its immediate short-time objective the supply of electricity to South Africa. It was this agreement with the Electricity Supply Commission (ESCOM) to purchase large blocks of power that made the project economically viable. In the long-term, this agreement will play a fundamental role in the development of the Southern African region.[78]

It provided for the construction of a dam in the sixty-mile Kebrabasa Gorge on the Zambezi River about eighty miles upstream from Tete in west-central Mozambique (15° 35' and 32° 42' East). The intention of constructing this dam was to provide a head for the hydro-electric plant, but in addition it controls the water flow and permits a larger production of firm power through-out the year.

The project was planned in three phases viz the construction of the dam itself and a south bank 1.2 million kw. power station plus two 850-mile high-voltage lines to Pretoria thus enabling connection with the South African

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78. Olivier, H. The Significance of Cabora Bassa for Southern Africa. South African Institute of International Affairs, Newsletter, vol. 6, no. 1, 1974, p. 9-17.

grid; secondly, an increase in capacity to two million kw.; and thirdly, the installation of a north bank station, the construction of a further two or three dams with generating facilities, and new transmission lines, the total capacity to be four million kw.[79]

Full service began in June 1979, and thereafter has been subject to frequent sabotage, culminating in complete cessation by approximately 1983. One of the major gains to be derived from the signing of the Nkomati Accord in 1984, was the resumption of power from Cahora Bassa within ninety days, but at the time of writing, no electricity has reached South Africa.

The status of the treaty therefore, remains valid despite the change of government in Mozambique in 1974. It is only when all creditors have been fully paid (expected time: twenty to thirty years hence) that ownership will revert to the Mozambique Government. Should the Mozambican Government in the interim, nationalize the dam, they will inherit all outstanding debts.

3.9.22.3 Massingir Dam

The treaty concerning the Cunene Dam provided for the negotiation of further agreements, if in the light of technical discussions this proved mutually advantageous. The construction and maintenance of the Massingir Dam by the Portuguese was provided for in terms of an agreement signed between South Africa and the Republic of Portugal in 1971 (Treaty no. RSA 261). The dam was to be located on the Olifants River, approximately thirty kilometres

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79. Additional references include: Hance, W.A. Cahora Bassa Hydro Project: Portugal and South Africa Seek Political and Economic Gains from Joint Investment. Africa Report, vol. 15, no. 5, May 1970, p. 20-21; Middlemas, K. Cabora Bassa: Engineering and Politics in Southern Africa. London: Weidenfeld and Nicolson, 1975.

downstream the boundary between South Africa and Mozambique, in the full knowledge that it would inundate an area of ground within the Kruger National Park. One of the provisions (no. 7) was that South Africa was not to be compensated for the inundated area.

3.9.23 Multilateral Agreements to which South Africa is not a Full Party

South Africa has signed but not ratified the following important multilateral agreements: The 1961 Vienna Convention on Diplomatic Relations (Treaty no.SA973) and the 1963 Vienna Convention on Consular Relations (Treaty no. RSA 57). It may be argued that these conventions reflect principles of customary international law and that South Africa is therefore bound by some of the provisions of these treaties under customary law. South Africa is not a party to any human rights convention. However, it has signed[80] but not ratified the 1966 International Convention on the Elimination of All Forms of Racial Discrimination (Treaty no. RSA 142). The Republic has not signed the 1969 Vienna Convention on the Law of Treaties.

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80. This signature is cited in British and Foreign State Papers, vol. 168, p. 558, but does not appear in the records of the Department of Foreign Affairs.

CHAPTER 4 : South Africa and the 'Independent' Homelands

4.1 Transkei

The commencement of Transkei's constitutional history can be traced to the period 1879 to 1894 during which time the British annexed various territories to the Cape Colony. 1879 witnessed the annexation of the Fingoland and Idutywa Reserve under the designation Transkei by Act 38 of 1877, Proclamation no. 110 of 15 September 1879[1] (Treaty no. C78). This was extended by the Districts of Butterworth, Nqamakwe, Tsomo and Idutywa by Proclamation no. 56 of 1891 as amended.[2] Nomansland was also annexed in 1879 under the name Griqualand East by Act 38 of 1879, Proclamation no. 112 of 17 September 1879[3] (Treaty no. C79). Port St Johns followed in 1884 by Act 35 of 1884, Proclamation no. 215 of 15 September 1884[4] (Treaty no.C102). Gcalekaland was annexed by Act 3 of 1885, Proclamation no. 140 of 26 August 1885[5] (Treaty no. C105); Tembuland Proper, Emigrant Tembuland and Bomvanaland by Act 3 of 1885, Proclamation no. 140 of 26 August 1885[6] (Treaty no. C110). In 1886 the Xesibe country was annexed and

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1. Cape of Good Hope (Colony). Government Gazette, no. 5950, 16 September 1879, p.7-8.
2. Cape of Good Hope (Colony). Government Gazette, no. 7269, 20 February 1891, p.349-350.
3. Cape of Good Hope (Colony). Government Gazette, no. 5951, 19 September 1879, p.1-2.
4. Cape of Good Hope (Colony). Government Gazette, no. 6531, 19 September 1884, p.701.
5. Cape of Good Hope (Colony). Government Gazette, no. 6642, 1 September 1885, p.509-512.
6. Ibid.

and added to Griqualand East, Act 37 of 1886, Proclamation no. 174 of 25 October 1886[7] as the Mount Ayliff District (Treaty no. C116/C118). Rode was annexed and added to Griqualand East by Act 45 of 1887, Proclamation no. 201 of 27 October 1887[8] (Treaty no.C125). Finally, East Pondoland and West Pondoland were annexed to the Cape Colony under the name Pondoland by Act 5 of 1894, Proclamation no. 339 of 25 September 1894[9] (Treaty no.C156).

The retention of these units by the British formed the basis of local government infastructure. The territories were grouped together into three magistracies,Transkei Proper, Tembuland and Griqualand East. These were further subdivided into districts under the authority of magistrates, and each magistracy into locations under the authority of the traditional leaders.

An important development in local government occurred in 1894 with the introduction of the Glen Grey Act (Act 25 of 1894). This had two main provisions, namely the establishment of a form of land tenure and a system of local district councils applied initially to Butterworth, Tsomo, Nqamakwe and Idutywa, the combination of which was known as the Transkei General Council and provided for a measure of direct election and representation of the people. It was then extended,until by 1926 the system applied to the whole of the

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7. Cape of Good Hope (Colony). Government Gazette, no. 6791, 26 October 1886, p.768.

8. Cape of Good Hope (Colony). Government Gazette, no. 6914, 1 November 1887. p.764.

9. Cape of Good Hope (Colony). Government Gazette, no. 7645, 28 September 1894, p.1856.

Transkei, with the exception of the White farming district of Mount Currie. For several years Eastern and Western Pondoland had a separate Pondoland General Council, but in 1931 all district councils were amalgamated to form the United Transkeian Territories General Council or Bunga. The original function of the Bunga was discussion of matters pertaining to local issues but in 1932 its scope was widened to include discussion of any proposed legislation affecting Africans. After being reviewed by the magistrates, its resolutions were submitted to the Governor-General for his information. The Bunga had limited control over certain locally raised funds, which were allocated mainly for road-building and other public works, agricultural improvements and scholarships.[10]

In 1955, the Bunga voted that the Bantu Authorities System, provided for by Act 68 of 1951, be introduced to the Transkei. This was effected by Proclamation no. 180 of 1956[11] in terms of which tribal, district, regional authorities made up the administrative framework. The Bunga was replaced by the Transkei Territorial Authority consisting entirely of chiefs. The 26 District authorities were later abolished by the Transkei Authorities Act of 1965. The next phase of the Transkei's constitutional development rested upon the enactment by South Africa of the Promotion of Bantu Self-Government Act 46 of 1959 by which the creation of self-governing Bantu units was envisaged.

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10. Carter, G.H. et al, South Africa's Transkei: The Politics of Domestic Colonialism. Evanston: Northwestern University Pres , 1967, p.88.

11. See: South Africa. Government Gazette Extraordinary, vol. 185, no. 5736, 31 August 1956, p.1-39, for the Transkeian Bantu Authorities Proclamation.

In the Transkei there was opposition to the Bantu Authorities Act which reached its peak by November 1960, by which time 281 people had lost their lives. A state of emergency was created by Proclamation no. R.400 of 1960[12] as amended by Proclamation no. R.413 of 1960.[13] Kaizer Matanzima was appointed Chairman of the Transkei Territorial Authority in 1961. He, together with Victor Poto (ater to become his rival) took the initiative in proposing self-government for the Transkei. A Recess Committee was constituted to consider the proposal and make a report. This culminated in a Draft Constitution which was adopted by the Transkei Territorial Authority on 4 May 1962. It was later slightly modified.

In 1963 the Transkei became a self-governing territory within the Republic of South Africa by virtue of the Transkei Constitution Act 1963 (Act 48 of 24 May 1963). The Act created a unicameral legislature, known as the Transkeian Legislative Assembly, which took control of internal matters excepting in the White controlled areas still subject to South African law. Excluded from its power were the presence and control of the South African police who were charged with the maintenance of public peace and order and the preservation of internal security; military operations and factories that manufactured arms and explosives; communications, railways and national roads; the

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12. Published in: South Africa. Government Gazette Extraordinary, vol. 202, no. 6582, 30 November 1960, p. 1-8.

13. See: South Africa. Goverment Gazette Extraordinary, vol. 202, no. 6594, 14 December 1960, p. 1-2.

entry into Transkei of persons other than Transkeian citizens; currency, public loans and banking; customs and excise; foreign affairs and amendment of the Transkeian constitution.[14] As Schaffer indicates, no mention was made in this Act to succession of treaties and other international agreements but it would have been premature to do so.[15] Indeed, the control of foreign affairs was still firmly in South African hands as indicated above.

Discussion regarding independence was first raised in 1966 but a motion on this question was overwhelmingly defeated. In 1968 the first motion was passed advocating an approach to the Republic requesting it to prepare the Transkei for independence. Proposals for a constitution were then considered by a Committee of 27 with Chief Matanzima as its chairman; a Committee of Experts mainly composed of South African civil servants thus representing South Africa's position and a joint cabinet committee of the two governments including Matanzima and Vorster.

In partial preparation for independence therefore, South Africa amended the Transkei Constitution Act of 1963 with Act 3 of 1976 (Transkei Constitution Amendment Act) as assented to on 4 March 1976 and promulgated in the South African Government Gazette, no. 5011 of 17 March 1976. The powers of the Legislative Assembly were increased. Among the matters that were reserved from legislation by the Legislative Assembly, in terms of the 1963 Act were the appointment, accrediting and recognition of diplomatic and consular officers and the negotiation, conclusion, or ratification of international conventions, treaties and

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14. Transkei. Laws, Statutes, etc. Transkei Constitution Act, no. 15 of 1976. See pt V, Section 39.

15. Schaffer, R. A Critical Analysis of the Treaty-Making Powers of the Union of South Africa and the Republic of South Africa. Johannesburg: University of the Witwatersrand, 1978, p. 282.

agreements. The Amendment Act added 'with countries other than the Republic' (ss 4 and 6). In consequence, the Transkei would be able to negotiate treaties with the Republic.[16]

Doubt, however, has been cast upon the validity of the fifty-three agreements entered into between South Africa and Transkei prior to independence, especially by Booysen, Wiechers, van Wyk and Breytenbach[17] who state 'constitutionally it is doubtful whether the government of the Transkei and the government of South Africa had the power to conclude binding agreements prior to independence'. Floyd points out that this is a remark based on an interpretation of the Transkei Constitution Act (Act 48 of 1963)[18] and on the view of Booysen et al[19] 'that there cannot be a binding contractual relationship between the Transkeian government and the government of South Africa because they are merely two organs of the same unitary state'. Floyd counteracts this theory, although this could be subject to disagreement. He states that there are three possible statutory sources for the power of the homelands to conclude pre-independence agreements with the South African government, with especial emphasis on a general authorisation under the Transkei Constitution Act and the Black States Constitution Act (Act 21 of 1971) which state

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16. Survey of Race Relations, 1976, p. 228.

17. Booysen, H. et al, Comments on the Independence and Constitution of Transkei. South African Yearbook of International Law, vol. 2, 1976, p. 22.

18. Floyd, T.B. Pre-Independence Agreements between South Africa and the Black Homelands. South African Yearbook of International Law, vol. 6, 1980, p. 78.

19. Booysen, H. et al, op. cit. p. 22.

in two identical items 'The conclusion or ratification of conventions, treaties and agreements with the Government of the Republic' (Items 40 of part B of the first schedule and item 31Q of schedule 1).[20]

Dugard[21] indicates that the exact status of these agreements prior to independence is largely one of academic interest as they were converted into international agreements after independence by provisions in the Status of the Transkei Act, (Act 100 of 1976)[22] and the Republic of Transkei Constitution Act, (Act 15 of 1976).[23] His view is endorsed by Vorster that valid international treaties and agreements now exist between South Africa and Transkei, and that South African law recognises this view.[24]

The Status of the Transkei Act came into effect on 26 October 1976 granting independence to the territory. According to this Act the Transkei would thus cease to be a part of the Republic and the Republic would cease to exercise any authority over the said territory.

Section 4 of this Statute concerns the succession of treaties and reads as follows:

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20. Floyd, T.B., op. cit. p. 79.

21. Dugard, J. Transkei Becomes Independent. Annual Survey of South African Law, 1976, p. 26.

22. South Africa (Republic). Government Gazette, vol. 136, no. 5314, 15 October 1976, p. 1. The date of the coming into operation of this Act was determined by Proclamation no. 213, 1976.

23. Transkei. Official Gazette, vol. 13, no. 46, 26 October 1976.

24. Vorster, M. The International Legal Personality of Nasciturus States. South African Yearbook of International Law, vol. 4, 1978, p. 5.

> All treaties, conventions and agreements binding on the Republic immediately prior to the commencement of this Act and capable of being applied to the Transkei shall be binding on the Transkei, but the Government of the Transkei may denounce any such treaty, convention or agreement.

Section 5(1) makes provision for the succession of treaties, concluded between the governments of the Republic of South Africa and Transkei before the coming into force of the Status Act, namely

> All treaties, conventions and agreements entered into between the Government of the Republic and the Government of the Transkei prior to the commencement of this Act and still in force at such commencement, shall remain in force as international treaties, conventions or agreements in so far as the parties thereto are concerned.

In turn, the Republic of Transkei Constitution Act, (Act 15 of 1976) states in Chapter 9, section 68, p. 71 that

> All rights and obligations under conventions, treaties or other similar agreements which were binding on the Government of Transkei immediately prior to the commencement of this Act shall be rights and obligations of the Republic of Transkei.

Schaffer points out that by enacting this provision, Transkei has taken as its model, section 148 of the South Africa Act of 1909 as well as section 112 of the Republic of South Africa Constitution Act (Act 32 of 1961).[25] Dugard indicates a significant difference in that the South Africa Act was enacted by the British Parliament; and the South Africa Constitution Act by the Union Parliament, its predecessor state. In the case of the Transkei however, its Constitution was enacted by its own legislative body after independence.[26]

Transkei therefore, has deviated from the practice now followed by most newly independent states in Africa. By utilizing legislative

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25. Schaffer, R., op cit. p. 285.

26. Dugard, J., op cit. p. 29.

enactment to provide for the succession to treaties, instead of signing a devolution agreement or by issuing a unilateral declaration, the necessity for contact with the United Nations was avoided. In both the case of a devolution agreement, in which the colonial power and the new state agree that the rights and obligations stemming from treaties entered into by the colonial power will pass to the newly independent state, or in the case of a unilateral declaration in which the attitude of the ex-colonies to the succession of treaties is enunciated, the United Nations is involved. The former is registered with the United Nations, and the latter is forwarded to the United Nations with the request that it be circulated to all members of the United Nations.[27]

In the case of Transkei, the United Nations had passed resolutions[28] rejecting the declaration of independence and urged all governments to deny any form of recognition. Recognition of Transkei will play an essential role in treaty succession, and up to the present it has only been recognized by South Africa, and the other 'independent' South African national states of Bophuthatswana, Venda and Ciskei which themselves, are not accorded recognition by the international community. Authors such as Witkin argue that although Transkei has a defined territory and effective control of the government, 'it does not have a nationality law of its own, neither does it have control over the whole appellate structure. It is economically dependent on South Africa who can be expected to exercise its economic leverage to control the government. Thus it could

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27. Ibid. p. 28-29.

28. United Nations. General Assembly, Resolution no. 3411D, Thirtieth Session, 17 December 1975 (Its: Official Records, Thirtieth Session, 1975, supplement no. 34, p. 37) and Resolution no. 31/6A, Thirty-first session. 22 December 1976. (Its: Official records, Thirty-first session, 1976, supplement no. 39. p. 10-11)

reasonably be concluded that Transkei does not possess the independence necessary for the existence of statehood and should be denied recognition'.[29] Should a state sign a bilateral treaty with Transkei this could be construed as tacit recognition, and it is probable that states will not declare their attitude towards succession to treaties with South Africa capable of extension to Transkei, until that state has been accorded recognition.[30]

The fifty-three agreements between South Africa and Transkei (Treaty T1-no. T53) cover a wide spectrum of subjects including agriculture, aviation, banks, borders, bridges, broadcasting facilities, companies, contracts, copyright, defence, designs, development, economic relations, education, election, electricity, employment, financial institutions, forestry, harbour administration, health services, industry, insurance, land consolidation, legal matters, libraries, mail transport, medical aid, meteorology, mines and mining, ocean pollution, railways, roads, settlement projects, patents, pensions, personnel, postal service, public works, social welfare, standardization, survey services, telecommunications, transit, unemployment and veterinary training and practice. These were later supplemented by treaties on double taxation, extradition, water resources, trade and labour representatives.

A number of these treaties were entered into with governmental bodies other than state departments, namely the Electricity Supply Commission (Treaty no. T18); the National Film Board (Treaty no. T38); the South African Bureau of Standards (Treaty no. T20) and the South African

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29. Witkin, M.F. Transkei: An Analysis of the Practice of Recognition - Political or Legal? Harvard International Law Journal, vol. 18, no. 3, Summer 1977, p. 615.

30. Dugard, J., op. cit., p. 31.

Broa'casting Corporation (Treaty no. T37). Floyd indicates that they are empowered to conclude agreements of a certain nature with foreign states, and further, although this is subject to disagreement, that Section 9 of the Transkei Constitution and Section 29(1) of the Black States Constitution Act are the authorization by which the black homelands may conclude such treaties, although this is debatabie.[31] Section 9 of the Transkei Constitution Act and Section 29(1) of the Black States Constitution Act also provides the authorization to enter into extradition agreements.

Dugard points out the especial importance of the Non-Agression Pact (Treaty no. T15) concluded between South Africa and Transkei to the political relationship between the two countries.[32] The parties renounce the use of force in their relations with each other (article 1); neither shall its territory, territorial sea or air space be used as a base, or thoroughfare (article 2); military aircraft are allowed the right of peaceful overflight and naval vehicles the right of innocent passage in its territorial sea (article 3). Transkei, however, unilaterally revoked its Non-Agression Pact with South Africa on 10 May 1978 after the two countries formally ended their diplomatic relations on 30 April 1978. This was due to South Africa's refusal to hand over East Griqualand to Transkei. Chief Matanzima said this move had been prompted by the decision of the South African Defence Force to cancel a course arranged for Transkeian soldiers, which he regarded as an insult. Consequently, all South African military aircraft and naval vessels would be banned from Transkeian airspace and territorial waters.

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31. Floyd, T.B., op. cit. p. 81.

32. Dugard, J., op. cit. p. 27.

In December 1978, Chief Matanzima announced that the Transkei had given notice to South Africa of its intention to end the agreements which provided for the continued existence of segregated schools and hospitals. These agreements remained operative for 3 years, but as regards schools (Treaty no. T28) a six-month notice of intention was required to end the agreement. This provision was absent from the agreement concerning hospitals (Treaty no. T24) which allowed the South African Government to operate separate wards as 'private hospitals'.[33]

Despite the severance of ties between the two countries, their foreign ministers met on 26 April 1978 to examine the position of Transkeians living in South Africa. This resulted in an agreement (Treaty no. T59) that each would appoint an official, who together with the necessary staff, would look after the citizens of their country. The personnel concerned would be accredited with diplomatic immunity as provided for in the Diplomatic Privileges Act, (Act 61 of 1978). This came into operation on 30 June 1978 and amended the Diplomatic Privileges Act, (Act 71 of 1951) by extending immunity to non-governmental international organizations (and their members) of which South Africa is not a member, and to consular officials.[34]

Diplomatic relations were officially resumed between the two countries in March 1980. At the time of writing, Transkei has not been accorded recognition by the international community.

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33. Survey of Race Relations, 1978, p. 285.

34. Annual Survey of South African Law, 1978, p. 64-65.

4.2 Bophuthatswana

An examination of the constitutional development of Bophuthatswana, originally known as Tswanaland, reveals that it followed an accelerated version of the Transkei pattern. This fragmented territory had, by the mid-1950s, accepted the Bantu Authorities system whereby legal status was conferred upon the traditional tribal chiefs as the tribal authorities; community authorities for those areas which did not constitute part of a traditional chiefdom and regional authorities which incorporated more than one tribal and/or community authority.

In terms of Government Notice no. 585 of 21 April 1961,[1] the Tswana Territorial Authority came into being under Chief Tidimane Pilane, with Lucas Mangope as his deputy. This Territorial Authority was representative of eight (later ten) regional authorities but had very little executive power. These powers were increased however, as on 14 October 1968 a new Territorial Authority was established in terms of Proclamations no. R.140 and no. R.141.[2] The system of tribal and regional authorities was retained, with the chairmen of the regional authorities and others appointed, comprising the Territorial Authority. This Authority had the right to appoint an executive council, composed of five members and a chairman. The chairman was designated Chief Executive Councillor, and had to be a chief to qualify for the post, the first incumbent being Chief Lucas Mangope. His was the right to allocate responsibility among the various departments which now fell under the

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1. South Africa. Government Gazette, vol. 204, no. 6660, 21 April 1961, p. 15-33.

2. Both published in: South Africa (Republic). Government Gazette Extraordinary, vol. 36, no. 2091, 12 June 1968, p. 1-2; 2-53.

control of the Territorial Authority, viz Authority Affairs and Finance, Community Affairs, Works, Education and Culture, Agriculture, and Justice. The executive council also became responsible for expenditure estimates, taxation proposals and draft enactments on matters within the jurisdiction of the Territorial Authority. The assets and liabilities of regional authorities were transferred to the Territorial Authority, together with the powers previously held by these subsidiary bodies in the spheres of education, roads, water supplies, hospitals, clinics, agricultural matters, stock diseases, and afforestation. Additionally, the promotion of diversified economies, welfare services and pensions, the control of labour bureaux, the notification of births and deaths, and the collection of revenue became the responsibility of the Territorial Authority.[3]

During 1970, by virtue of the Bantu Homelands Citizens Act (Act 26 of 1970), the concepts of citizenship and self-government were extended. The Tswana who resided outside the Tswana homeland were constitutionally linked with the Tswana homeland.

The Territorial Authority was reorganized into a Legislative Assembly with extensive powers by Proclamation no. R.87 of 30 April 1971.[4] The Executive Council was included in the Recess Committee of Seventeen, which, in consultation with the South African authorities, was empowered to formulate a draft constitution. The last phase in Bophuthatswana's constitutional development, prior to achieving full independence from South Africa occurred on 1 June 1972, when it became a self-governing territory within the Republic of South Africa by virtue of Proclamation no. R.130 of

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3. Survey of Race Relations in South Africa, 1968, p. 147.

4. South Africa (Republic). Government Gazette, vol. 70, no. 3083, 30 April 1971, p. 3.

26 May 1972.[5] The name Bophuthatswana (which means place where the Tswana reside) was formally adopted. Proclamation no. R.131[6] conferred upon the territory the right to its own flag, national anthem, official gazette and Tswana as an additional official language. Executive and legislative power were vested in a Cabinet and a reconstituted unicameral Legislative Assembly respectively. The Cabinet consisted of a Chief Minister, who had to be a chief in order to satisfy the requirements of the post, and five other ministers of whom a maximum of three could be chiefs. The Chief Minister was elected by the Assembly, and he in turn appointed the Cabinet Ministers and was empowered to confer control over the various departments. In 1975 this number was enlarged to six in order to provide for a Ministry of Health, as health matters were transferred to the Bophuthatswana Government.[7]

The Legislative Assembly now comprised forty-eight members designated by the regional and tribal authorities, and appointed by the State President. An additional twenty-four members were elected by popular vote, two each from the twelve magisterial districts which constituted the electoral divisions. Legislative powers were extended and the Assembly was empowered to pass legislation at variance with the enactments of the South African Parliament with regard to certain issues.

Section 4 of Proclamation no. R.131 of 1972, referred to above, stipulated the policy towards treaty-making. The Legislative Assembly did

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5. South Africa (Republic). Government Gazette, vol. 83, no. 3523, 26 May 1972, p. 1.

6. Ibid. p. 1-12.

7. In terms of Proclamation, no. R.78, 1975, published in South Africa (Republic). Government Gazette, vol. 117, no. 4638, 27 March 1975, p. 1 and Government Notice, no. 586, published in South Africa (Republic). Government Gazette, vol. 117, no. 4637, 27 March 1975, p. 9.

not have the right over the appointment, accrediting and recognition of diplomatic and consular officials, and the conclusion of international conventions, treaties and agreements.

A mandate to discuss the issue of independence was first mooted in 1975 during a special meeting of chiefs, headmen and their representatives, and a favourable vote of 155 to five was passed. The number of abstentions was not recorde' The matter was referred to the Bophuthatswana Democratic Party Congress n 9 November 1975, gave Chief Mangope an overwhelming mandate to request independence. This was confirmed by a majority vote in the Legislative Assembly and, on 19 November 1975, it was agreed that negotiations with the South African Government for independence should commence.[8] This culminated in the appointment of a Cabinet Committee and a working committee, comprising representatives from both governments, to plan for independence. The issues of citizenship and land consolidation proved to be contentious, and it was to a territory fragmented into six large and thirteen small units of land scattered over the Western Transvaal, Northern Cape Province and the southern part of the Orange Free State, that independence was granted.

Act 89 of 1977, known as the Status of Bophuthatswana Act, declared the territory to be a sovereign independent state on 6 December 1977. This act is almost identical to the Status of Transkei Act of 1976, except on the issue of citizenship. According to Section 6(3), citizens of Bophuthatswana were granted the right to renounce their Bophuthatswana citizenship after independence, on conditions agreed upon between South Africa and Bophuthatswana. Those who renounced the Bophuthatswana citizenship were entitled to retain their South African citizenship provided that they became citizens at the same time of a 'homeland territory'

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8. Survey of Race Relations, 1975, p. 135.

in South Africa to which independence had not yet been granted.[9]

The Bophuthatswana Constitution,[10] as enacted by the Legislative Assembly, which came into effect on independence day has several features which should be mentioned. The constitution is a combination of a parliamentary democracy and a presidential regime.[11] The head of state is designated as President. Parliament comprises forty-eight nominated members, forty-eight elected members and three members chosen on merit, for their special knowledge or qualifications, by the President, regardless of whether or not they are Bophuthatswana citizens, or even registered voters.[12] They are not entitled to vote in the National Assembly. Another feature is its Declaration of Human Rights, which is based on the European Convention of Human Rights. This ensures to every person freedom from discrimination on the grounds of sex, race or religious belief; freedom from arbitrary arrest or detention with the right of any detained person to test the legality of his detention promptly before a court of law; and freedom from torture and inhuman or degrading treatment.

Section 96 contains a reference to Bophuthatswana's treaties:

> All rights and obligations under conventions, treaties or other similar agreements which were binding on the Government of Bophuthatswana immediately prior to the commencement of this Constitution shall be rights and obligations of Bophuthatswana.

This provision does indicate, although the phraseology is vague, an intention on the part of Bophuthatswana to succeed to treaties between South Africa and third states which are capable of being extended to Bophuthatswana.

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9. Annual Survey of South African Law, 1977, p. 28.

10. Known as the Republic of Bophuthatswana Constitution Act 18 of 1977. Published in the Bophuthatswana Government Gazette, vol. 7, no. 14, 10 March 1978.

11. For a full analysis see Wiechers, M. and van Wyk, D.H., The Republic of Bophuthatswana Constitution, 1977. South African Yearbook of International Law, vol. 3, 1977, p. 85-118.

12. Annual Survey of South African Law, 1977, p. 29.

The pre-independence agreements were converted into international agreements by the Republic of Bophuthatswana Constitution Act referred to previously, and provisions in the Status of Bophuthatswana Act. This provides, again in the same terminology as used in the case of Transkei, in Section 4:

> All treaties binding on the Republic immediately prior to the commencement of this Act and capable of being applied to Bophuthatswana shall be binding on Bophuthatswana, but the Government of Bophuthatswana may denounce any such treaty, convention or agreement.

and in Section 5(1):

> All treaties, conventions and agreements entered into between the Government of the Republic and the Government of Bophuthatswana prior to the commencement of this Act and still in force at such commencement, shall remain in force as international treaties, conventions or agreements in so far as the parties thereto are concerned.

Section 4 of the Status of Bophuthatswana Act and Section 96 of the Bophuthatswana Constitution Act viewed in conjunction demonstrate 'an intention that South Africa be absolved from treaty commitment capable of being extended to Bophuthatswana, and that such treaty rights and obligations be assigned to Bophuthatswana'.[13] Wiechers and van Wyk however extend further, 'it is also arguable that the unilateral termination of a treaty by Bophuthatswana to which South Africa has become a party cannot relieve South Africa of its duties and obligations under such a treaty as far as they relate to Bophuthatswana... Of course, South Africa could aver that since 6 December 1977, it has no competence to comply with treaty obligations as far as Bophuthatswana is concerned, but such an attitude may in itself constitute a breach of treaty obligations on the part of the Republic'.[14]

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13. Annual Survey of South African Law, 1977, p. 51.

14. Wiechers, M. and van Wyk, D.H., op. cit. p. 86

The treaties to which previous reference has been made were signed on 15 November 1977 between the Government of South Africa and the then self-governing homeland of Bophuthatswana. In other words, the same procedure which applied to Transkei, was applied in the case of Bophuthatswana, and the same arguments pertaining to the legitimacy of a homeland entering into such treaties prior to independence prevail (see previous discussion on Transkei). As Wiechers and van Wyk point out '... the semantics of international law are being used to create fictions on levels of constitutional development so as to solve vexing political problems'.[15]

The agreements (Treaty no. B1 - no. B65) cover a wide range of subjects, among others, agriculture, bridges, broadcasting facilities, civil aviation, defence, double taxation, education, electricity, extradition, forestry, health and health services, industrial legislation, insurance, secondment of judges, libraries, mining, nature conservation, patents, personnel, postal and telecommunication services, research, veterinary training and practice, water and irrigation. These were later supplemented by agreements regarding financial and technical aid for the development of Mmabatho, a loan agreement concerning an internal radio broadcasting service and another loan agreement to a regional development project in the Heystekrand/Pilanesberg area.

The subject content of these treaties is fairly similar to that of the Transkei treaties and again, the Non-Agression Pact (Treaty no. B17) is of particular importance. The use of force in the relations between Bophuthatswana and South Africa is renounced in Article 1, while in Article 2, they agree that their territory or territorial airspace may not be used 'by

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15. Ibid.

any state, government or organization or pers for military, subversive or other hostile actions or activities against the other party'.

The treaties concerning mining are of interest, especially as Bophuthatswana is rich in platinum deposits. Treaty no. B20 refers to explosives whereas Treaty no. B32 is concerned with safety and health in mining in Bophuthatswana. The treaty on double taxation (Treaty no. B65) deals inter alia with the taxation of mining income. With regard to South Africa, for those Bophuthatswana citizens recruited by the coal or gold mines as represented by the Employment Bureau of Africa Limited, the Natal Coal Owners' Labour Organization or the Anglo Collieries Recruiting Organization, it is unnecessary to obtain a certificate from the Government of South Africa stating that the employer is permitted in engaging the number of citizens as specified by the certificate. (Treaty no. B13).

In terms of the agreement relating to the regulation of the movement of citizens of the two countries across common borders (Treaty no. B47), it is specified that such movement may take place at one of the fifty-three points of entry as listed in the Annexure. This Annexure is footnoted by a statement to the effect that passport control posts will initially not be established at all points of entry or passport officers stationed at these posts. It is necessary however to be in the possession of valid travel or identity documents. The treaty states that Bophuthatswana citizens 'sojourning in the Republic of South Africa shall be required to obtain a Bophuthatswana travel document within two years of independence or such period as may be agreed upon'. It was further agreed that the South African Government would undertake to issue duplicate reference books to these Bophuthatswana citizens to whom travel documents had not yet been issued. These would only be valid for the afore-mentioned two-

year period. A special endorsement is required by citizens of either state wishing to remain in the other country for more than fourteen days. Those Bophuthatswana citizens wishing to take up employment in South Africa may only enter the Republic for this reason if they comply with specifications laid down in Treaty no. B13 , and are in possession of a written contract or 'call in cards' offering employment and authorized by the Labour Authorities in South Africa.

The then Minister of the Interior, Mr. A.L. Schlebusch, commented upon this entry and sojourn of Bophuthatswana citizens in South Africa:

> One of the agreements negotiated between South Africa and Bophuthatswana when the latter became independent deals with the movement of citizens of the two countries across the common borders and the sojourn of these citizens in the respective countries where they are regarded as aliens. The South African laws regulating the entry of aliens into South Africa and their sojourn here contain certain provisions authorizing the Minister of the Interior to exempt certain persons or categories of persons from the provisions of the said laws. These powers of exemption conferred upon the Minister by the said laws are used to implement the said agreement. During negotiations about independence for Bophuthatswana, representatives of the two countries agreed that the agreement with regard to the entry into and sojourn in South Africa of Bophuthatswana citizens should be supported by legislation. The South African Government undertook to introduce such legislation in Parliament during the present session.
> In the Bill which is before the House, the South African Government is giving effect to this undertaking.[16]

This was assented to on 4 April 1978, with the date of commencement being 12 April 1978, and is known as the Designated Neighbouring Countries Act (Act 41 of 1978). It was amended by Act 42 of 1978.

In Bophuthatswana this legislation was enacted as Act 22 of 1979, known as the Bophuthatswana Aliens and Travellers Control Act. It acquired legal force and effect in Bophuthatswana in terms of S(93)5 of the

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16. South Africa (Republic). House of Assembly. Debates. 1 March 1978, vols. 2139-2140.

Constitution Act, 18 of 1977(B). It replaced existing South African legislation and inter alia restricts, regulates and controls the entry into, departure from and transit through the territory.

The entry and sojourn of a South African citizen in Bophuthatswana was contested during October 1980 in the Bophuthatswana Supreme Court, in the case of Maluleke v Minister of Internal Affairs.[17] Maluleke, a South African citizen and attorney based in Pretoria, travelled regularly to the branch office in Ga-Rankuwa, Bophuthatswana, of which he was in charge. He made derogatory remarks about President Mangope which led to the applicant not being permitted to enter or sojourn in Bophuthatswana without an alien's temporary permit and he was also required to obtain a visa to enter the country. He came to the Court in order to have the decision set aside as he contended that the absolute power of the Government of Bophuthatswana to exclude aliens had been altered by the treaty regulating the movement of citizens of both Bophuthatswana and South Africa across common borders.

In handing down judgement, Hiemstra C J stated that the admission of aliens into a country is a matter of prerogative vested in the Sovereign power, with the Courts having no jurisdiction to overrule the exercise of such. It is possible for Courts to take treaties into account as an aid to the interpretation of statutes embodying such prerogatives. The relevant provisions of Act 22 of 1979(B) did not require an aid to interpretation. Section 49(1)(a) empowers the Minister to exempt any person or category of persons from the control provisions pertaining to aliens, while Para 1(c) of section 49 gives him the power to withdraw any such exemption.

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17. See: South African Law Reports, 1981, vol. 1, p. 707-713 for full details.

The Government of Bophuthatswana acted fully in accord with Article 4 of the Treaty which states '... each reserve the right to withdraw the aforementioned exemption in respect of any person whenever such action is considered by it to be in the public or national interest'. The Treaty and the Act are thus not in conflict. The applicant is an alien and as such, has no rights against the Executive Government.

The treaties pertaining to the Ministry of National Education in Bophuthatswana include the institution and maintenance of an archival service (Treaty no. B36). Such a separate treaty was not concluded with Transkei, although a similar treaty relating to libraries was signed (Treaty no. B34). The promotion of research and the extension of knowledge in the field of human sciences is furthered by Treaty no. B35 in which permission was granted by the South African Minister of National Education to the Human Sciences Research Council, to enter into a Mandate Agreement with the Government of Bophuthatswana. A further operational agreement was signed with the Council for Scientific and Industrial Research (Treaty no. B38) relating to research within Bophuthatswana.

An additional dissimilarity in treaties concluded between South Africa and Transkei is the Exchange of Notes Concerning Nature Conservation Ordinances (Treaty no. B39) in which both South Africa and Bophuthatswana agreed that uniform practices and legislation should be introduced and enforced as far as possible.

The granting of independence to Bophuthatswana was condemned by the international community. The United Nations vehemently denounced the action on 14 December 1977, in resolution 32/105N[18] by 140 votes to none,

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18. United Nations. General Assembly, Resolution no. 32/105N. Thirty Second Session, 1977. (Its: Official Records. Thirty Second Session, Supplement no. 45, p. 40).

and 'called upon all Governments to deny any form of recognition to it, to refrain from any dealings with it and to reject any travel documents issued by it'. At the time of writing it has only been accorded official recognition by South Africa and other independent homelands.

4.3 Venda

Independence was granted to Venda after seventeen years of constitutional development within the framework prescribed by South Africa's apartheid policy. The now familiar model traced in Transkei and Bophuthatswana is evident in Venda. The Bantu Authorities Act (Act 68 of 1951) whereby twenty-seven tribal authorities and one Territorial Authority were established, was implemented during 1951. The next major step occurred in terms of Proclamation no. R.1864 of 9 November 1962[1] establishing the Thohoyandou Territorial Authority. It was vested with increased powers from 1 July 1969 by Proclamation nos. R.168, R.169 and R.170 dated 20 June 1969[2] which specify the regulations for the tribal and community authorities, the regional authorities and the Territorial Authority including the rules of procedure for the latter. Provision was made for an Executive Council comprising a Chief Councillor and five co-councillors each responsible for an administrative department, namely Agriculture, Authority Affairs, Community Affairs, Works, Education and Culture, and Justice. White officials, appointed by the

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1. South Africa (Republic). Government Gazette Extraordinary, vol. 6, no. 370, 9 November 1962, p. 23-39.

2. South Africa (Republic). Government Gazette, vol. 48, no. 2440, 20 June 1969, p. 2-46. Government Notice, no. R.1037 governing their coming into operation, is to be found on p. 47.

South African Government fulfilled the functions of departmental secretaries until such time as Vendas were trained to take over the posts.

A Legislative Assembly was established in terms of Proclamation no. R.119,[3] with effect from 1 June 1971. This ensured that the composition of the Legislative Authority was more representative of the nation's structure, and comprised the areas of the Vhembe Regional Authority, the Ramabulana Regional Authority and the Groot Spelonke Regional Authority.

Self-governing status was achieved in the territory on 26 January 1973 by Proclamation no. 12 of 1973.[4] Venda was declared an additional official language, and Sibasa the seat of government. The Legislative Assembly now consisted of sixty members, twenty-five of whom were chiefs, two headmen of community authorities, fifteen designated by chiefs acting with their councillors, and eighteen elected members - seven from the Sibasa district, six from Vuwani and five from Dzanani. The Chief Minister was elected by the Assembly from among the chiefs, and he in turn appointed a cabinet of five, three of whom had to hold the rank of chief. The Assembly was responsible for electing the Speaker and deputy Speaker. The duration of the Assembly was for five year periods but it

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3. South Africa (Republic). Government Gazette, vol. 71, no. 3110, 21 May 1971, p. 15-16. This was amended to the areas of Sibasa, Dzanani and Vuwani by Proclamation no. R.11, 1973 published in South Africa (Republic). Government Gazette, vol. 91, no. 3769, 26 January 1973, p. 1.

4. Ibid. p. 1-12.

could be dissolved at the request of the Cabinet or by the Legislative Assembly itself. The South African State President had the power to remove the Chief Minister, and any other Minister at the request of the Chief Minister.

Vendan independence[5] was preceded by the Status of Venda Act, (Act 107 of 1979) enacted by the South African Parliament to come into operation on 13 September 1979, Independence Day. It established Thohoyandou as the seat of government and Luvenda, English and Afrikaans as the official languages. Once again the same formula was implemented, repeating the terminology used for Transkei and Bophuthatswana, by which Venda would become a sovereign independent state[6] which would no longer form part of the Republic of South Africa,[7] and that the Republic of South Africa would cease to exercise any authority over the territory.[8]

The Act enabled the Venda Legislative Assembly to make laws, including a constitution for Venda in accordance with the Black States Constitution Act. Existing laws continued, until amended or repealed by Venda. Once more thousands of people lost their South African citizenship as a result of this Act, but unlike Bophuthatswana, there was no provision for citizens to renounce their Venda citizenship.

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5. This was once again castigated by the international community and denounced by the United Nations. See: United Nations. General Assembly, Resolution no. 34/93, Thirty Fourth Session, 1979/80 (Its: Official Records, Thirty Fourth Session, Supplement no. 46, p. 33)

6. Preamble to the Act.

7. Section 1(1).

8. Section 1(2).

Sections 4 and 5 of this Act concern treaties. Existing treaties, conventions and agreements binding on the Republic of South Africa and capable of being applied to Venda were declared to be binding on Venda, although the Government of Venda may renounce any such treaty, convention or agreement. And, all treaties, conventions and agreements entered into between the Government of the Republic of South Africa and the Government of Venda prior to the commencement of the Act remain in force.

The constitution of Venda also came into operation on 13 September 1979, and was enacted as The Republic of Venda Constitution Act (Act 9 of 1979).[9] Carpenter[10] points out that 'except for the omission of the Bill of Rights and its entrenchment, the Venda constitution is markedly similar to that of Bophuthatswana.'[11] She indicates too, the structural simplicity of the Constitution. The Head of State is the President who is also the chief executive. He is appointed by the National Assembly by secret ballot after each election. The National Assembly consists of forty-two nominated members (twenty-five chiefs and seventeen headmen), forty-two elected members, and three members designated by the President for their special knowledge, experience or qualifications. An executive council, consisting of nine members appointed by the President, head the nine departments of state. They are the Department of Foreign Affairs, Internal Affairs, Justice, Economic Affairs, Urban Affairs and Land Tenure, Education, Health and Welfare, Agriculture and Forestry, and Transport, Works and Communication. Additionally, various public bodies perform executive functions as for example, the Bureau of National Security.

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9. Published in Venda Government Gazette, vol. 7, no. 49, 30 November 1979.

10. See Carpenter, G. The Independence of Venda. South African Yearbook of International Law, 1979, p. 40-62 for a full discussion of Venda's constitution.

11. Ibid. p. 41.

Section 71 of the Constitution Act[12] demonstrates Venda's intention to succeed to treaties as it accepts the rights and obligations under conventions, treaties and other agreements which were binding on the government of Venda immediately prior to independence. Carpenter points out that the treaties were signed with South Africa on 13 August 1979 when the territory was not a sovereign state. At that stage it had only the status of a self-governing territory. 'The section obviously intended to refer to agreements entered into between the two governments with a view to the independence of Venda should have been better worded. Since the status of Venda is likely to be recognised, at least in the immediate future, only by South Africa (and by the other two former South African territories) the question of enforcement of international treaties by and against Venda can arise heory only'.[13]

The agreements concluded between South Africa and Venda (Treaty no. V1 - no. V66) included inter alia double taxation; a Non-Agression Pact (not published); extradition; nine treaties within the Ministry of Agriculture, including the regulation of the movement of animals, animal products, meat and meat products, treaties concerning companies, patents, trade, metrology, economic relations, fuel conservation within the Ministry of Commerce and Consumer Affairs; and such divers. subjects as power lines, the Development Trust Projects, employment of citizens, economic development, legal services, and the training of personnel are covered by treaties falling within the Ministry of Co-operation and Development. The provision of aid in educational matters; scientific and industrial research, physical planning, monetary relations, secondment of judges;

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12. For a short resumé of the Act see Survey of Race Relations 1979, p. 332.

13. Carpenter, G., op cit. p. 60.

cooperation in the fields of civil aviation, telecommunications and forest technology; health services; electricity, standardisation, and industrial development; the movement of citizens across common borders, registration of voters; mining; libraries, archival services; detention of prisoners; institutional care of persons; compilation of statistics; road safety and utilisation of water are among the numerous subjects covered by these treaties.

4.4 Some Common Treaties

4.4.1 Extradition

The Extradition Treaty (Treaty no. V1) was entered into in terms of the South African Extradition Act (Act 67 of 1962), which remained valid in Venda after independence, as was the case with Transkei (Treaty no. T56) and Bophuthatswana (Treaty no. B63). These three treaties are identica. in format and contain the following provisions. The Extradition Agreement provides for the extradition of persons convicted or accused of certain offences. The extradition offence must be an offence under the laws (including the common law) of both states, and punishable by a maximum sentence of imprisonment of six months or more, or by a more severe penalty other than a fine alone. Extradition may be refused if the offence is political (Article 3). Extradition for offences under military law which are not offences under ordinary criminal law, is excluded from the application of this Agreement (Article 4). Article 5 deals with capital punishment and states that if laws of the requested party do not permit this punishment, extradition may be refused unless the requested party receives an assurance that if the death penalty is imposed, it will in

fact, not be executed.[14] Further reasons for refusing extradition would be if the requested party is conducting proceedings against the offender for the same offence, and if he has already been sentenced or in the process of being sentenced, his surrender may be deferred until the conclusion of the proceedings or until his full sentence has been served. If the requested party has decided not to institute or terminate proceedings in respect of the same offence, extradition may be refused. This would also be the case if the person claimed has become immune by reason of lapse of time, according to the law of either the requesting or requested party. Dugard[15] points out that this provision is borrowed from the 1957 European Convention on Extradition[16] and 'is an improvement on similar provisions in previous extradition agreements which allow extradition to be refused where the crime in question is not punishable by death in the requested state'.

4.4.2 Monetary Relations

Regulations governing monetary relations between South Africa and the ex-homelands are found in the case of Bophuthatswana (Treaty no. B27) and Venda (Treaty no. V31). With regard to Transkei, the treaty was

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14. Although the independence of Ciskei does not fall within the ambit of this dissertation, it is relevant to note that Ciskei's Extradition Treaty with South Africa (signed on 20 November, 1981 and operative from date of independence, 4 December 1981, and published in: South Africa (Republic). Government Gazette, vol. 203, no. 8204, 14 May 1982, p. 1) differs from the Extradition Treaties signed with the three earlier homelands in that there is no clause relating to the death penalty as a factor for refusing extradition.

15. Dugard, J. International and Foreign Relations: B. Legislation. Annual Survey of South African Law, 1977, p. 60.

16. United Nations Treaty Series, vol. 359, no. 5146, 1960, p. 273.

signed on 17 September 1976 in Pretoria and became operative on Independence Day, 26 October 1976. This treaty was not published due to technical reasons but it is not classified and may be freely consulted. The three treaties are virtually identical and state that the provisions (excluding Articles 5 and 6) of South Africa's existing Monetary Agreement with the Governments of the Kingdoms of Lesotho and Swaziland shall apply, and certain compensatory arrangements were facilitated by Article 2. Exchange control provisions of the Rand Monetary Area were deemed to continue in force and foreign exchange is dealt with by the South African Exchange Control Authorities. The South African Reserve Bank makes foreign exchange required for authorized transactions, available to authorized dealers in South Africa or in the ex-homeland concerned.

With regard to the position of banks and other financial institutions such as building societies, insurers, pension funds, friendly societies and unit trust schemes registered in South Africa and operative in the homeland concerned immediately prior to independence, provided they were then registered under the relevant law in Transkei/Bophuthatswana or Venda, were allowed to continue their activities. For the texts of these treaties designed to continue the smooth flow of banking and other financial facilities, for Transkei see Treaty no. T22 ; Bophuthatswana Treaty no. B26 ; and Venda Treaty no. V30.

Double taxation agreements were concluded with each of three ex-homelands, and provision was made for entry into force on the date on which both South Africa and the state concerned completed the procedures necessary to give the agreement the force of law. With regard to Transkei (Treaty no. T54) it had effect in respect of taxes on income for any year of assessment beginning on or after 1 March 1976. In Bophuthatswana (Treaty no. B65)

taxes on income took effect for the years of assessment commencing 1 March 1977, but in respect of non-resident shareholders tax, and non-residents tax on interest, with effect fro. 6 December 1977. Double taxation on income in Venda (Treaty no. V67) took effect on or after 1 March 1979, and in respect of non-residents shareholders' tax on dividends and non-residents' tax on interest, on dividends or interest payable on or after 13 September 1979.

The treaties regulating economic agreements (Treaty no. T19 in the case of Transkei; Treaty no. B23 for Bophuthatswana and Venda's treaty with South Africa is Tr... V17) are important as they pertain to the Southern African Cus...nion. As South Africa's partners in the Customs Union, Botswana, ...ho and Swaziland have refused to recognize the independence of the ex-homelands, South Africa concluded these treaties with the ex-homeland states in order to enable them to receive 'payments calculated on the same basis as the shares of Botswana, Lesotho and Swaziland ...from the common revenue pool'. This was effected by stating that '...whereas the provisions of the Customs Union Agreement... presently apply with reference to Transkei/Bophuthatswana/Venda as forming part of the Republic of South Africa and the... of the Customs Area... the provisions... shall continue to apply to Transkei/ Bophuthatswana/Venda'. Within each treaty, it was stated that it was their declared intention to apply for accession to the Customs Union upon the attainment of independence. Transkei's treaty requires a twelve-month termination period, whereas in the case of Bophuthatswana and Venda six months notice is required in respect of each party.

Questions were asked in the South African Parliament relating to discussions with other parties concerning the inclusion of Transkei (as the first homeland) into the Customs Union.

Mr. H.H. Schwartz asked the Minister of Foreign Affairs: 'What are the present monetary and customs arrangements with Lesotho and Swaziland in so far as the agreements with those countries are affected by monetary and customs agreements between the Republic and Transkei.'

The Minister of Transport (for the Minister of Foreign Affairs): 'Thus far the monetary and customs arrangements with Lesotho and Swaziland are not affected by monetary and customs agreements between the Republic and Transkei.'17

Mr. H.H. Schwartz asked the Minister of Foreign Affairs: 'Whether any discussions with Lesotho and Swaziland have taken place in regard to Transkei's (a) becoming party to customs and/or currency agreement or (b) participating in customs revenue and the use of rand currency; if not, why not; if so, what was the outcome of the discussions.'

The Minister of Transport (for the Minister of Foreign Affairs): '(a) and (b) Exploratory talks have taken place and are still continuing with the other Customs Union partners about Transkei becoming a party to the Customs Union. Transkei has not yet formally indicated a desire to join the Rand Monetary Union.'

Mr. H.H. Schwarz: 'Mr. Speaker, arising out of the...the Minister's reply, would he like to explain how the Transkei cannot participate in the monetary unit area when it is using the rand as currency?'

The Minister: 'Mr. Speaker, I would not like to.'18

4.4.3 Non-Agression Pacts

With regard to South Africa's Non-Agression Pact (unpublished) with Venda, the wording is again, almost identical to that of Bophuthatswana (Treaty no. B17) and Transkei (Treaty no. T15). Geldenhuys discusses military relations and says of these bilateral pacts 'it is significant to note that the pacts do not oblige the parties to come to one another's defence when the security of one is threatened. The parties merely state their wish 'to co-operate in military matters which concern the common security of their respective countries' (preamble). Should the security of an independent homeland be

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17. South Africa (Republic). Parliament. House of Assembly. Debates, 18 March 1977, col. 664.

18. South Africa (Republic). Parliament. House of Assembly. Debates, 29 March 1977, col. 743.

under serious threat, whether external or internal in nature, or both, it is however conceivable that South Africa would consider giving military assistance in terms of this expressed wish. For their part, both President Mangope of Bophuthatswana and President Mphephu have pledged - and in Bophuthatswana's case also actually provided - the support of their countries' armed forces for South Africa in its fight against insurgents of exile movements.'[19]

South Africa's attitude towards non-agression pacts was articulated by the Hon. P.W. Botha, Prime Minister, Minister of Defence and of the National Intelligence Service:

> The Republic of South Africa has no aggressive intentions towards any neighbouring State or any other country on earth. On the contrary, we are prepared - this was stated by my predecessor and I repeat it - to conclude non-aggression pacts with any neighbouring State, whether on our borders or further afield. In fact, we have non-aggression pacts with some independent States in Southern Africa who concluded those pacts with us when they became independent. We wish to extend these to any other neighbouring State, non-aggression pacts which will mean that we will not invade them and they will not commit any act of aggression on our territory or violate it from their territory either. Because there must be no doubt about the Government's standpoint, I want to make it quite clear that if our territory is threatened, if South African territory, or a territory which is under our protection, is violated, we shall strike back. This is not just a promise; we are already doing so. We have no quarrel with the forces of peaceful neighbouring States, but we do have a quarrel with terrorists who use the neighbouring States as springboards to launch attacks against South Africa, and if a neighbouring State allows itself to be drawn into the aggressive behavior of terrorists, it will have to pay that price, of course. We prefer to be left in peace to settle our own affairs as we think our neighbouring States could very fruitfully devote their attention to their own internal problems without picking a quarrel with us. 20

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19. Geldenhuys, D.J. South Africa's Black Homelands: Past Objectives, Present Realities and Future Developments. Johannesburg: South African Institute of International Affairs, 1981, p. 39-40. Geldenhuys also gives details of the legislation enacting territorial separation. See especially p. 3-6.

20. South Africa (Republic). Parliament. House of Assembly. Debates, 1 May 1980, cols. 5295-5296.

4...4 Postal and Telecommunication Services

An examination of the agreements regulating postal and telecommunication services (Transkei: Treaty no. T39 , Bophuthatswana: Treaty no. B40 and Venda: Treaty no. V46) reveals that for the ex-homelands, except where South Africa's bilateral agreements specify otherwise, the provisions of the current Universal Postal Union and its Detailed Regulations, the current International Telecommunication Convention, the International Radio, Telegraph and Telephone Regulations and the Recommendations of the International Telegraph and Telephone Consultative Committee, shall apply between the countries of the contracting parties.

With regard to delivery in a country other than South Africa, Article 5 states:

> Unless otherwise agreed to by the administrations the administration of the country of origin shall pay to the administration of the country of transit such air, land and sea-conveyance charges as may be required by the latter administration for the onward conveyance of mail matter originating in the former country for delivery in a third country.

Questions were asked in the South African Parliament in respect of post and telecommunication matters regarding Transkei:

> 'Mr. H.H. Schwartz asked the Minister of Posts and Telecommunications:
> Whether arrangements have been made with Transkei in respect of (a) delivery of letters emanating from Transkei and bearing Transkei stamps, to foreign destinations, (b) international telephone services, (c) international telegraph services and (d) international telex services; if so, what are the arrangements.
> The Minister of National Education (for the Minister of Posts and Telecommunications):
> Yes;
> (a) such letters are enclosed in direct dispatches from South Africa to foreign destinations in accordance with standard international practice. The mail volumes originating in Transkei do not at this stage justify direct dispatches to destinations abroad; (b), (c) and (d) the normal international arrangements as for other neighbouring countries apply.'[21]

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21. South Africa (Republic). Parliament. House of Assembly. Debates, 29 March 1977, col. 754.

Money and postal services are governed by Article 4 which states that this should be a regular arrangement between the contracting parties and that settlements shall be arranged in a monthly general account. It would be necessary to pay a commission in respect of through orders to a third country. The provisions of the African Postal Union Agreement (except where otherwise specified) are applicable.

4.4.5 Aid from South Africa

The TBV States as they have become known, are heavily reliant on South African financial assistance. Attention is drawn to the following Acts which provide for the payments of substantial amounts: The Financial Arrangements with Transkei Act 106 of 1976; The Financial Arrangements with Bophuthatswana Act 93 of 1977, and the Financial Arrangements with Venda, Act 105 of 1979. Various treaties guarantee loans or facilitate assistance. One could see in this regard the agreements governing economic development (Transkei: Treaty no. T7 , Bophuthatswana: Treaty no. B12 and Venda: Treaty no. V17).

South Africa guaranteed the repayment of $12,000,000 (twelve million United States dollars) borrowed from overseas banks by the Xhosa Development Corporation. This was transferred to the Transkei Development Corporation for the economic development of Transkei subject to the repayment of capital, interest and costs as specified in the loan agreement between the overseas banks and the Xhosa Development Corporation (Treaty no. T6)

Partly completed development Trust projects in each of the ex-homeland states

(Transkei: Treaty no. T14 , Bophutnatswana: Treaty no. B15 and Venda: Treaty no. V16) contain clauses concerning projects to be completed at the expense of the South African Government. In each case this includes a military or national force base, and a prison and prison farm in the case of Venda and Transkei respectively. Other projects concern presidential dwellings, complexes, roads over rail bridges, water schemes, and in the agreement with Transkei provision is made for a National Development Plan. With regard to Venda, physical planning constitutes a separate agreement in which the Republic of South Africa 'records that it will within the reasonable limits of its resources, facilities and of costs, provide assistance with and advice on matters of physical planning' (Article 2 of Treaty no. V25). The development of certain areas and the undertaking of settlement projects continued to be the responsibility of South Africa in each of the ex-homelands after independence (Transkei: Treaty no. T12 , Bophuthatswana: Treaty no. B11 and Venda: Treaty no. V18).

In respect of seconded officials, South Africa indicated its agreement to be responsible for their emoluments, subsistence allowances for official absences, and to pay the transportation for the officials, their dependents and household effects both to and from the ex-homeland concerned. They in return, are responsible for providing them with inter alia free housing and exemption from taxation on emoluments paid by South Africa and on any other income derived from a source outside the territory (Transkei: Treaty no. T9 , Bophuthatswana: Treaty no. B9 and Venda: Treaty no. V31). With regard to the provision of aid in educational matters (Transkei: Treaty no. T8 , Bophuthatswana: Treaty no. B7 and Venda: Treaty no.V24) all examination facilities on the same basis as South African schools are made available, and teaching staff and education advisers are seconded in

terms of the agreement regarding the basic conditions governing the provision of personnel by the South African Government. Seconded judges too, are paid by the South African Government (Transkei: Treaty no. T10 , Bophuthatswana: Treaty no. B10 and Venda: Treaty no. V33).

Other loan agreements to Bophuthatswana include financial and technical assistance for the development of Mmabatho as the capital (Treaty no. B66); a loan agreement with regard to an internal radio broadcasting project (Treaty no. B67) and a loan agreement with regard to regional development in the Heystekrand/Pilanesberg region, (Treaty no. B68).

The need for continued promotion of industrial development in the decentralised areas of South Africa and in the ex-homelands (Transkei: Treaty no. T16 , Bophuthatswana: Treaty no. B18 and Venda: Treaty no. V38) led to an agreement that all criteria and levels of assistance in those areas immediately prior to the attainment of independence, should continue to be the responsibility of South Africa or the ex-homeland concerned. South Africa undertook to accord to goods produced in Transkei/ Bophuthatswana/Venda which have been assisted under the decentralisation scheme, price preferences of up to 5% in respect of tenders received by the State Tender Board and other relevant Government Tender Boards (Article 2).

4.4.6 Citizenship

The denationalization of many thousands of South Africans has been one of the crucial factors which has resulted in the condemnation of the TBV states by the international community and in the refusal to recognize these states. While details of the citizenship issue do not fall within the scope of this dissertation, it should be noted that an agreement was signed with two of the ex-homelands (Bophuthatswana: Treaty no. B45 and Venda: Treaty no. V54) whereby questions relating to citizenship arising

from the attainment of independence can be settled by Joint Citizenship Board.

In this chapter the implementation of the South African Government's policy of separate development encompassing the constitutional history and the subsequent achievement of a treaty-making status in Transkei, Bophuthatswana and Venda, has been traced. Whether this will provide the formula for ensuring racial peace in South Africa remains to be seen. It is the opinion of the international community that this will only come about with the establishment of a non-racial democracy. In conclusion, it is perhaps apposite to recall the concept fundamental to the Freedom Charter of 1955, 'South Africa belongs to all who live in it, black and white.'

SECTION II: TREATIES AND SELECT STATE PAPERS

1 : BRITISH COLONIES

1.1 CAPE

(Includes South West Africa).

	1806		
C1	18 Jan 19 Jan	Great Britain and The Netherlands	Articles of capitulation. London Gazette, 15 April 1806.
	1814		
	13 Aug	Great Britain and The Netherlands	Convention of 13 August 1814 by which the Cape of Good Hope was ceded by the Netherlands to Great Britain. Hertslet, Sir Edward. Map of Africa by Treaty, vol. 3, p. 976-977. Hertslet, Sir Edward. Map of Europe by Treaty, vol. 1, p. 8-9.
	1817		
C3	19 Apr	Ngquika	Governor Lord Charles Somerset and Gaika. Treaties between Cape Governors and Native Chieftains, no. 2, p. 5-8.
	1819		
C4	15 Oct	Ngquika	Governor Lord Charles Somerset and Gaika, Macomo etc. Treaties between Cape Governors and Native Chieftains, no. 3, p. 9-12.
	1834		
C5	11 Dec Cape Town	Ngquika	Articles of treaty and agreement between the Governor of the Colony of the Cape of Good Hope, on the one part, and Andries Waterboer, chief of the Griquas, on the other part. Treaties between Cape Governors and Native Chieftains, no. 4, p. 13-14. British and Foreign State Papers, vol. 33, p. 1002-1003.

	1835		
C6	6 Sept/17 Sept Graham's Town/ Beka	Gqunukhwebe	Treaty of agreement entered into between His Britannic Majesty's Governor of the Colony of the Cape of Good Hope, on the one part, and the Chiefs Pato, Kama, and Cobus, sons of Congo, on the other. Treaties between Cape Governors and Native Chieftains, no. 6, p. 17-21. Amended 23 January 1841, Grahamstown: British and Foreign State Papers, vol. 33, p. 1062-1063.
C7	17 Sept Fort Willshire	Ngquika	Articles of a treaty of peace granted to the Kafir family of Gaika, and its connexions and dependents, in the name of the King of England, by His Britannic Majesty's Governor of the Colony of the Cape of Good Hope, Treaties between Cape Governors and Native Chieftains, no. 7, p. 23-27. British and Foreig State Papers, vol. 33, p. 1008-1011.
C8	17 Sept Fort Willshire	T'Slambie	Articles of a treaty of peace granted to the Kafir chiefs of the Tribe of T'Slambie, Umhala, Tsyolo, and Gazelli, and their families, in the nam of the King of England, by His Britannic Majesty's Governor of the Colony of the Cape of Good Hope, Treaties between Cape Governors and Native Chieftains, no. 8, p. 29-33. British and Foreign State Papers, vol. 33, p. 1012-1015.
	1836		
C9	5 Dec P/R: 1 June 1837, Cape Town King William's Town	Gqunukhwebe	Treaty entered into between Andries Stockenstrom, Esq., Lieut-Governor of the Eastern Division of the Colony of the Cape of Good Hope, on the part of His Britannic Majesty, and the Kafir chiefs of the tribe of Congo... Treaties between Cape Governors and Native Chieftains, no. 11, p. 49-60.

1836 (Contd)

C10	5 Dec	Cape	Proclamation of the Governor of the Eastern Division of the British Colony of the Cape of Good Hope, annulling certain proclamations relative to the Eastern Boundary of that Colony, and certain treaties with Kafir Chiefs. British and Foreign State Papers, vol. 25, p. 825-826.
C11	5 Dec P/R: 1 June 1837, Cape Town King William's Town	Ngquika	Treaty entered into between Andries Stockenstrom, Esq., Lieut-Governor of the Eastern Division of the Colony of the Cape of Good Hope, on the part of His Britannic Majesty, and the Kafir chiefs of the tribe of Gaika... Treaties between Cape Governors and Native Chieftains, no. 12, p. 61-72. British and Foreign State Papers, vol. 25, p. 826-836. Amended 7 December 1840: British and Foreign State Papers, vol. 33, p. 1053-1054.
C12	5 Dec P/R: 1 June 1837, Cape Town King William's Town	T'Slambie	Treaty entered into between Andries Stockenstrom, Esq., Lieut-Governor of the Eastern Division of the Colony of the Cape of Good Hope, on the part of His Britannic Majesty, and the Kafir chiefs of the tribe of T'Slambie... Treaties between Cape Governors and Native Chieftains, no. 10, p. 37-48. British and Foreign State Papers, vol. 33, p. 1017-1026.
C13	10 Dec P/R: 1 June 1837 Fort Peddie	Mfengu	Treaty entered into between Andries Stockenstrom, Esq., Lieut-Governor of the Eastern Division of the Colony of the Cape of Good Hope, on the part of His Britannic Majesty, and the Fingo chiefs Umklambiso and Jokwani... Treaties between Cape Governors and Native Chieftains, no. 14, p. 75-83. British and Foreign State Papers, vol. 33, p. 1036-1043. Amended 23 January 1841: British and Foreign State Papers, vol. 33, p. 1058.

	1837		
C14	18 Jan P/R: 1 June 1837, Cape Town Shilo	Tambookie	Treaty entered into between Andries Stockenstrom, Esq., Lieut-Governor of the Eastern Division of the Colony of the Cape of Good Hope, on the part of His Britannic Majesty, and the Tambookie Chief Mapassa... Treaties between Cape Governors and Native Chieftains, no. 15, p. 85-92. British and Foreign State Papers, vol. 33, p. 1043-1050. Amended 1 February 1841, Grahamstown: British and Foreign State Papers, vol. 33, p. 1071-1072.
	1838		
C15	19 June Fort Peddie	Gqunukhwebe	Supplementary treaty, entered into between His Excellency Major-General George Thomas Napier, C.B., Governor and Command -in-Chief of the Colony of the Cape of Good Hope, etc., etc., on the part of Her Britannic Majesty, and the Kafir chiefs of the Amnakwane Tribe... Treaties between Cape Governors and Native Chieftains, no. 16, p. 93-96. British and Foreign State Papers, vol. 33, p. 1050-1053.
	1840		
C16	2 Dec Block Drift (Tyumie)	Ngquika	Governor Sir George Napier and Gaikas: Sandilli, Macomo, Tyali, Botman, Q'Eno, Tzhatshu, Jan Tzatzoe. Treaties between Cape Governors and Native Chieftains, no. 17, p. 97-102. British and Foreign State Papers, vol. 33, p. 1054-1057.
C17	29 Dec Fort Peddie	Gqunukhwebe	Governor Sir George Napier and Congos: Pato, Kama, and Cobus. Treaties between Cape Governors and Native Chieftains, no. 19, p. 109-114.
C18	29 Dec Fort Peddie	Mfengu	Governor Sir George Napier and Fingoes: Umklambiso and Jokwani. Treaties between Cape Governors and Native Chieftains, no. 18, p. 103-108.

	1840 (Contd)		
C19	31 Dec Fort Peddie	T'Slambie	Governor Sir George Napier and T'Slambies: Umkai, Umhala, Gazela, Syolo, Lasana, Nonibe. Treaties between Cape Governors and Native Chieftains, no. 20, p. 115-120.
	1841		
C20	28 Jan Graham's Town	Tambookie	Governor Sir George Napier and Tambookie Chief Mapassa. Treaties between Cape Governors and Native Chieftains, no. 21, p. 121-125.
	1842		
C21	9 Aug Washington	Great Britain and United States	Treaty between Great Britain and the United States... and for the giving up of criminals, fugitives from justice, in certain cases. British and Foreign State Papers, vol. 30, p. 360-367.
	1843		
C22	5 Oct/13 Dec Cape Town/ Thaba Bosigo	Basuto	Articles of treaty and agreement between the Governor of the Colony of the Cape of Good Hope, on the one part, and Moshesh, chief of the Basutos, on the other part. Treaties between Cape Governors and Native Chieftains, no. 23, p. 129-130. British and Foreign State Papers, vol. 33, p. 1078-1079.
C23	5 Oct/22 Nov Cape Town/ Philippolis	Philippolis Griqua	Articles of treaty and agreement between the Governor of the Colony of the Cape of Good Hope, on the one part, and Adam Kok, chief of the Philippolis Griquas, on the other part Treaties between Cape Governors and Native Chieftains, no. 22, p. 127-128. British and Foreign State Papers, vol. 33, p. 1077-1078.

	1844		
C24	7 Oct/4 Nov Fort Beaufort/ Butterworth	Amagcaleka	Treaty of amity entered into between His Excellency Lieutenant-General Sir Peregrine Maitland,... on behalf of Her Britannic Majesty, of the one part and Creli, Chief of the Amagcaleka tribe of Kafirs, of the other part. Treaties between Cape Governors and Native Chieftains, no. 24, p. 131-134. British and Foreign State Papers, vol. 33, p. 1080-1082.
C25	7 Oct/23 Nov Fort Beaufort/ Faku's Residence	Pondo	Treaty of amity entered into between His Excellency Lieutenant-Governor Sir Peregrine Maitland... on behalf of Her Britannic Majesty, of the one part, and Faku, paramount Chief of the Amapondo Nation, of the other part. Treaties between Cape Governors and Native Chieftains, no. 25, p. 135-139. British and Foreign State Papers, vol. 33, p. 1083-1036.
	1845		
C26	2 Jan/30 Jan Fort Peddie/ Cape Town	Gqunukhwebe	Treaty entered into between His Excellency Lieutenant-General Sir Peregrine Maitland... on the part of Her Britannic Majesty; - and Pato and Cobus, chiefs of the Kafir tribe of Congo, for themselves and the said tribe. Treaties between Cape Governors and Native Chieftains, no. 29, p. 165-172.
C27	2 Jan/30 Jan Fort Peddie/ Cape Town	Mfengu	Treaty entered into between His Excellency Lieutenant-General Sir Peregrine Maitland... on the part of Her Britannic Majesty; - and the chiefs of the Fingo tribe, viz. Jokweni, Mabanthla, Kwenkwezi, Matomela, Kaulela, Pahla, and Jama, for themselves and the said tribe. Treaties between Cape Governors and Native Chieftains, no 28, p. 157-164.

1845 (Contd)

C28	2 Jan/30 Jan Fort Peddie/ Cape Town	Ngquika	Treaty entered into between His Excellency Lieutenant-General Sir Peregrine Maitland... on the part of Her Britannic Majesty; - and Eno, a chief of the Gaika tribe, for himself a· his tribe. Treaties between Cape Governors and Native Chieftains, no. 27, p. 149-156.
C29	2 Jan/30 Jan Fort Peddie/ Cape Town	T'Slambie	Treaty entered into between His Excellency Lieutenant-Governor Sir Peregrine Maitland, on the part of Her Britannic Majesty; - and the Kafir chiefs of the tribe of T'Slambie, viz Umgai, Umhahla, Siwane, and Casela, for themselves and the said tribe. Treaties between Cape Governors and Native Chieftains, no. 26, p. 141-14[illegible] Hertslet's Treaties, vol. 9, p. 36.
C30	25 Mar/11 Apr Tmoani Mission Institution/ Cape Town	Tambookie	Treaty entered into between His Excellency Lieutenant-General Sir Peregrine Maitland... on the part of Her Britannic Majesty; - and the chiefs of the Tambookie tribe, viz Umterara, for himself and nation. Treaties between Cape Governors and Native Chieftains, no. 30, p. 173-179.
C31	22 Nov/21 Jan 1846 Cape Town/ Tyumie Residency	Ngquika	Treaty entered into between His Excellency Sir Peregrine Maitland... on the part of Her Britannic Majesty; - and the Kafir chiefs of the Gaika tribe viz: Sandilla, Maquomo, Xoxo, and Botman, for themselves and the said tribe. Treaties between Cape Governors and Native Chieftains, no. 31, p. 181-188.

1846

C32	5 Feb/19 Feb Cape Town/ Philippolis	Philippolis Griqua	Treaty entered into between His Excellency Lieutenant-General Sir Peregrine Maitland.. on the part of Her Britannic Majesty, and Captain Adam Kok, Chief of the Philippolis Griquas, for himself and the said Griquas. Treaties between Cape Governors and Native Chieftains, no. 32, p. 189-197.

	1848		
C33	24 Jan Bloemfontein	Philippolis Griqua	Treaty between Governor Sir Harry Smith and Adam Kok. Treaties between Cape Governors and Native Chieftains, no. 33, p. 199-200.
C34	27 Jan Winburg	Basuto	Treaty between Governor Sir Harry Smith and Moshesh. Treaties between Cape Governors and Native Chieftains, no. 34, p. 201.
	1856		
C35	4 June	Cape Act	Act /no. 8 of 1856/ of the Government of the Cape of Good Hope, for enabling persons alien born to hold fixed property in that Colony. British and Foreign State Papers, vol. 69, p. 319-320.
	1861		
C36	14 Aug	Cape Act	Act /no. 37 of 1861/ of the Government of the Cape of Good Hope, for facilitating the naturalization of aliens. British and Foreign State Papers, vol. 69, p. 320-323.
	1865		
C37	27 Mar	Great Britain	Act of the British Parliament incorporating the territories of British Kaffraria with the Colony of the Cape of Good Hope. British and Foreign State Papers, vol. 55, p. 1290-1293.
	1867		
C38	27 Feb	Great Britain	British Letters Patent, appointing the Governor of the Colony of the Cape of Good Hope to be Governor of the Island of Ichaboe and the Penguin Islands, and authorizing the annexation of the aforesaid Islands to that Colony. British and Foreign State Papers, vol. 67, p. 554-557.

	1868		
C39	12 Mar	Great Britain	Proclamation of the Governor of the Cape of Good Hope, declaring the tribe of the Basutos to be British subjects, and the territory of the said tribe to be British territory. British and Foreign State Papers, vol. 69, p. 1178.
	1870		
C40	31 Jan Springbok-fontein	Bondelswartz	Treaty with the Chief of the Bondelswartz. British and Foreign State Papers, vol. 70, p. 327.
C41	9 Aug	Great Britain	Act (British) for amending the law relating to the extradition of criminals. South African Treaties, Conventions, Agreements and State Papers, p. 256-265.
	1872		
C42	14 May R: 11 June C & N: 25 June London	Great Britain and Germany	Order in Council dated June 25, 1872, for the carrying into effect a treaty between Her Majesty and the Emperor of Germany for the mutual surrender of criminals signed in London, May 14, 1872. Cape (Colony). Government Gazette, no. 4477, 30 Aug. 1872. Government Notice, no. 393, 24 August 1872.
C43	13 Nov 28 Aug 1873 C & N: 20 Nov 1873 Rio de Janeiro	Great Britain and Brazil	Treaty between Her Majesty the Queen and the Emperor of Brazil for the mutual surrender of criminals together with a copy of the Order in Council dated 20 November 1873 carrying into effect that treaty. Cape (Colony). Government Gazette, no. 4628, 30 January 1874. Government Notice, no. 45, 26 January 1874.
C44	27 Nov	Great Britain	British Order in Council, confirming an Act /no. 26 of 1872/ for regulating the coasting trade of the Cape of Good Hope Colony. British and Foreign State Papers, vol. 68, p. 1266-1272.

1873

C45	5 Feb R: 18 Mar C & N: 24 Mar Rome	Great Britain and Italy	Order in Council, dated March 24 1873, for carrying into effect a treaty between Her Majesty and the King of Italy for the mutual surrender of fugitive criminals. Cape (Colony). Government Gazette, no. 4558, 30 May 1873. Government Notice no. 236 of 26 May 1873. Declaration rectifying an error in Article XVIII... Cape (Colony). Government Gazette no. 4572, 18 July 1873. Government Notice no. 326, 17 July 1873.
C46	31 Mar R: 26 Apr C & N: 26 June Copenhagen	Great Britain and Denmark	Treaty between Her Majesty and the King of Denmark for the mutual surrender of fugitive criminals, and a copy of the Order in Council of 26 June 1873, for the carrying into effect that treaty. Cape (Colony). Government Gazette, no. 4586, 5 September 1873. Government Notice, no. 426, 1 September 1873.
C47	26 June	Cape Act	Act of the Government of the Cape of Good Hope, to protect and regulate the rights of authors in respect of their works (copyright). British and Foreign State Papers, vol. 65, p. 504-506.
C48	26 June R: 28 Sept C & N: 30 Sept Stockholm	Great Britain and Sweden and Norway	Order in Council dated 30 September 1873 for carrying into effect the treaty between Her Majesty and the King of Sweden and Norway, and the text of the treaty. Cape (Colony). Government Gazette no. 4609, 25 November 1873. Government Notice, no. 604, 20 November 1873.
C49	5 Aug	Great Britain	Act (British) to amend the Extradition Act, 1870. South African Treaties, Conventions, Agreements and State Papers, p. 265-267.

1873 (Contd)

C50	3 Dec R: 10 Mar 1874 C & N: 17 Mar 1874 Vienna	Great Britain and Austria	Treaty between Her Majesty the Queen and the Emperor of Austria, for the mutual surrender of fugitive criminals, together with a copy of the Order in Council dated 17 March 1874 carrying into effect that treaty. Cape (Colony). Government Gazette, no. 4660, 22 May 1874. Government Notice, no. 236, 16 May 1874.

1874

C51	19 June R: 21 July C & N: 6 Aug The Hague	Great Britain and The Netherlands	Treaty between Her Majesty and the King of the Netherlands for the mutual surrender of fugitive criminals and the Order in Council dated 6 August 1874 for carrying into effect that treaty. Cape (Colony). Government Gazette no. 4701, 9 October 1874. Government Notice, no. 523, 2 October 1874.
C52	6 July	Cape Act	Act /no. 4 of 1874/ of the Cape of Good Hope, to repeal 'The Annexation of the Ichaboe and Penguin Islands Act, 1873', and to make other provisions in lieu thereof. British and Foreign State Papers, vol. 67, p. 557-558.
C53	6 July	Cape Act	Act /no. 5 of 1874/ of the Cape of Good Hope, to exempt temporarily the Island of Ichaboe and Penguin Islands from the operation of the customs laws of that territory. British and Foreign State Papers, vol. 67, p. 559.
C54	31 July	Cape Act	Act /no. 29 of 1874/ of the Cape of Good Hope, to further facilitate the apprehension of certain persons who have committed crimes in the Colony of Natal, in the Province of Griqualand West, in the Orange Free State, or in the South African Republic. British and Foreign State Papers, vol. 67, p. 559-560.

1874 (Contd)

C55	7 Dec R: 2 Sept 1875 C & N: 5 Feb 1876 Port au Prince	Great Britain and Hayti	Treaty between Her Majesty and the Republic of Hayti for the mutual surrender of fugitive criminals and the Order in Council dated 5 February 1876 for carrying that treaty into effect. Cape (Colony). Government Gazette, no. 5570, 25 April 1876. Government Notice, no. 208, 20 April 1876.

1875

C56	22 July C: 9 Dec 1881 London	Multilateral	British Circular, notifying the accession of the Cape of Good Hope to the International Telegraphic Convention of July 22, 1875. British and Foreign State Papers, vol. 72, p. 869-870.
C57	22 July Rev. 21 June 1890, Paris St Petersburg	Multilateral	Règlement de service international annexé à la Convention Télégraphique International de Saint Petersbourg du 22 juillet 1875. British and Foreign State Papers, vol. 82, p. 869-958.
C58	22 July Rev. 22 July 1896, Budapest St Petersburg	Multilateral	Règlement de service international annexé à la Convention Télégraphique International de Saint Petersbourg du 22 juillet 1875. British and Foreign State Papers, vol. 88 p. 1120-1217.
C59	22 July Suppl; 11 June 1908, Lisbon St Petersburg	Multilateral	Règlement de service international annexé à la Convention Télégraphique International de Saint Petersbourg du 22 juillet 1875. British and Foreign State Papers, vol. 102, p. 214-340.
C60	28 Oct	Tembu	Conditions on which the Tembus were taken over by the Colonial Government, and became British subjects. British and Foreign State Papers, vol. 70, p. 427-329.

	1875 (Contd)		
C61	10 Dec	Qwathi	letter of the Chief of the Amaquatis, placing his country and tribe under the protection of the British Government. British and Foreign State Papers, vol. 70, p. 329-330.
	1876		
C62	20 May R: 28 June C & N: 21 July Brussels	Great Britain and Belgium	Treaty between Her Majesty and the King of the Belgiums for the mutual surrender of fugitive criminals and the Order in Council dated 21 July 1876 for carrying that treaty into effect Cape (Colony). Government Gazette no. 5618, 3 October 1876. Government Notice, no. 546, 28 September 1876.
C63	20 May C & N: 13 Aug Decl: 23 July 1877	Great Britain and Belgium	Order in Council dated 13 August 1877 extending the provisions of the Extradition Treaty of 20 May 1876 between Great Britain and Belgium, to certain additional crimes Cape (Colony). Government Gazette no. 5733, 12 October 1877. Government Notice, no. 675, 11 October 1877.
C64	12 June	Great Britain	British Letters Patent, for the annexation of certain territories, known as Fingoland, the Idutywa Reserve, and as Nomansland to the Colony of the Cape of Good Hope. British and Foreign State Papers, vol. 67, p. 561-562.
C65	18 July Lisbon	Portugal (for Mozambique)	Portuguese Portaria, sanctioning the voluntary emigration of African labourers from Lourenco Marques to the Cape of Good Hope. British and Foreign State Papers, vol. 72, p. 1143.

	1876 (Contd)		
C66	14 Aug R: 8 Apr 1878 C & N: 16 May 1878 Paris	Great Britain and France	Treaty entered into with the French Republic for the mutual surrender of fugitive criminals and the Order in Council of 16 May 1878 for carrying that treaty into effect. Cape (Colony). Government Gazette, no. 5822, 19 July 1878. Government Notice, no. 597, 15 July 1878.
C67	1877	Cape Act	Act /no. 22 of 1877/ of the Government of the Cape of Good Hope, to establish a register of trade-marks in that Colony. British and Foreign State Papers, vol. 84, p. 1154-1157.
C68		Cape Act	Act /no. 38 of 1877/ of the Cape of Good Hope, to provide for the annexation to the Colony of the Cape of Good Hope of the country situated between the Bashee and the Kei, commonly known as Fingoland and the Idutywa Reserve, and the country situated between the Umtata and the Umzimkulu, commonly known as Nomansland, and for the government of the said territories. British and Foreign State Papers, vol. 69, p. 103
C69		Cape Act	Act /no. 39 of 1877/ of the Cape of Good Hope, to make provision for the annexation to this Colony of the Province of Griqualand West. British and Foreign State Papers, vol. 69, p. 106-116.
C70	8 Aug	Cape Act	Act (Cape of Good Hope) to provide for the more convenient administration of the Extradition Acts 1870 and 1873 of the Imperial Parliament. South African Treaties, Conventions, Agreements and State Papers, p. 279.

1877 (Contd)

C71	10 Aug	Great Britain	Act of the British Parliament, for the union under one government of such of the South African colonies and states as may agree thereto, and for the government of such a union, and for purposes connected therewith. British and Foreign State Papers, vol. 68, p. 732-744.

1878

C72	15 Jan Osborne	Great Britain	British Order in Council, giving effect to the Extradition Act of the Legislature of the Cape of Good Hope of 1877. British and Foreign State Papers, vol. 69, p. 635-636.
C73	22 Feb Windsor	Great Britain	British Order in Council, assenting to the Act passed by the Cape of Good Hope for the annexation of Griqualand West. British and Foreign State Papers, vol. 69, p. 105-106.
C74	18 Apr Osborne	Great Britain	British Order in Council, assenting to the Act passed by the Cape of Good Hope for the annexation of Fingoland, the Idutywa Reserve, and Nomansland. British and Foreign State Papers, vol. 69, p. 102.
C75	4 June R: 21 June C & N: 27 Nov London	Great Britain and Spain	Treaty entered into with the King of Spain for the mutual surrender of fugitive criminals and the Order in Council dated 27 November 1878 for carrying the treaty into effect. Cape (Colony). Government Gazette, no. 5877, 21 January 1879. Government Notice, no. 61, 16 January 1879.
C76	17 July	Pondo	Agreement between Nquiliso, Chief of Pondoland and the Cape Government. British and Foreign State Papers, vol. 70, p. 332-333.

	1878 (Contd)		
C77	14 Dec Westminster	Great Britain	British Letters Patent, for the annexation to the Colony of the Cape of Good Hope of the port or settlement of Walfisch Bay, on the West Coast of South Africa, and of certain territory surrounding the same. British and Foreign State Papers, vol. 70, p. 495-496.
	1879		
C78	15 Sept	Great Britain	British Proclamation annexing the territory of the Transkei to the Colony of the Cape of Good Hope. British and Foreign State Papers, vol. 70, p. 1253-1255.
C79	17 Sept	Great Britain	British Proclamation annexing Griqualand East to the Colony of the Cape of Good Hope. British and Foreign State Papers, vol. 70, p. 1255-1258.
C80	29 Nov R: 3 July 1882 C & N: 30 Nov 1882	Great Britain and Tonga	Order in Council dated 30 November 1882 giving effect to Article 4 of the Treaty between Great Britain and Tonga signed on 29 November 1879. Cape (Colony). Government Gazette, no. 6343, 20 February 1883. Government Notice, no. 187, 19 February 1883.
	1880		
C81	24 Mar/ 5 Apr Bucharest	Great Britain and Roumania	Exclusion of South African colonies from the Treaty of Commerce and Navigation between Great Britain and Roumania. British and Foreign State Papers, vol. 71, p. 79.
C82	26 July	Cape Act	Act /no. 8 of 1880/ of the Government of the Cape of Good Hope to secure in certain cases the right of property in telegraphic messages. British and Foreign State Papers, vol. 73, p. 141-142.

1880 (Contd)

C83	6 Aug Westminster	Great Britain	British Letters Patent for the annexation to the Colony of the Cape of Good Hope of certain British possessions or territories in the Transkei, known as Tembuland, Emigrant Tambookieland, Bomvanaland, and Galekaland. British and Foreign State Papers, vol. 71, p. 191-193.
C84	20 Sept R: 19 Feb 1886 C & N: 26 June 1886 Quito	Great Britain and Ecuador	Treaty for the mutual extradition of fugitive criminals signed between Great Britain and the Republic of Fquator and the Order in Council dated 26 June 1886 for carrying that treaty into effect. Cape (Colony). Government Gazette, no. 6778, 24 September 1886. Government Notice, no. 828, 21 September 1886.
C85	15 Oct	Great Britain	British Proclamation for the annexation of the province of Griqualand West to the Colony of the Cape of Good Hope. British and Foreign State Papers, vol. 71, p. 300.
C86	24 Nov R: 5 Jan 1881 C & N: 2 Mar 1881 Luxemburg	Great Britain and Luxemburg	Treaty for the mutual surrender of fugitive criminals between Great Britain and Luxemburg and the Order in Council dated 2 March 1881 for carrying that treaty into effect. Cape (Colony). Government Gazette, no. 6143, 10 May 1881. Government Notice, no. 502, 30 April 1881.
C87	26 Nov R: 15 Mar 1881 C & N: 18 May 1881 Berne	Great Britain and Switzerland	Treaty between Great Britain and Switzerland, for the mutual surrender of fugitive criminals. British and Foreign State Papers, vol. 71, p. 54-62.

1881

C88	24 Jan London	Great Britain	British notification of the incorporation of the province of Griqualand West with the Colony of the Cape of Good Hope. British and Foreign State Papers, vol. 72, p. 893-894.

	1881 (Contd)		
C89	23 June R: 8 Nov 1882 C & N: 16 Dec 1882 Paris	Great Britain and Salvador	Treaty between Great Britain and the Republic of Salvador for the mutual surrender of fugitive criminals and Order in Council dated 16 December 1882 for carrying that treaty into effect. Cape (Colony). Government Gazette, no. 6346, 27 February 1883. Government Notice, no. 212, 24 February 1883.
C90	27 Aug	Great Britain	Act (British) to amend the law with respect to fugitive offenders in Her Majesty's Dominions, and for other purposes connected with the trial of offenders. South African Treaties, Conventions, Agreements and State Papers, p. 267-278.
C91	10 Oct Westminster	Great Britain	British Letters Patent for annexing to the Colony of the Cape of Good Hope certain British territories on the St John's River, in South Africa. British and Foreign State Papers, vol. 74, p. 252-253.
	1882		
C92	22 June	Cape Act	Act /no. 22 of 1882/ of the Government of the Cape of Good Hope, to amend the law relating to the extradition of criminals. British and Foreign State Papers, vol. 73, p. 143-146. South African Treaties, Conventions, Agreements and State Papers, p. 280-284.
	1883		
C93	22 Aug	Cape Act	Act /no. 2 of 1883/ of the Government of the Cape of Good Ho[illegible], to consolidate and amend the law relating to aliens. British and Foreign State Papers, vol. 75, p. 465-469.

1883 (Contd)

C94	25 Oct/17 Nov/ 26 Nov Cape Town/ Pieterm. itzburg/ Bloemfontein	Multilateral	Telegraphic Convention between the Cape of Good Hope, Natal and the Orange Free State. British and Foreign State Papers, vol. 78, p. 769-771.
C95	1883/1884	Great Britain and Germany	Correspondence between Great Britain and Germany, respecting the establishment of a German Protectorate at Angra Pequena and along the neighbouring coast, with the exception of Walfish Bay. British and Foreign State Papers, vol. 75, p. 528-529.

1884

C96	2 Feb Osborne	Great Britain	British Order in Council, assenting to the Act of the Cape of Good Hope for the disannexation of Basutoland from that Colony, and providing for Her Majesty's direct authority over the territory of Basutoland. British and Foreign State Papers, vol. 75, p. 424-425.
C97	27 Feb R: 8 Aug London	Great Britain and South African Republic	Convention between Great Britain and the South African Republic, in substitution of the Convention of 3rd August, 1881, for the settlement of the Transvaal Territory. British and Foreign State Papers, vol. 75, p. 5-13.
C98	26 Mar R: 13 Dec C & N: 5 Mar 1885 Monte Video	Great Britain and Uruguay	Treaty between Great Britain and the Oriental Republic of Uruguay for the mutual surrender of fugitive criminals and the Order in Council dated 5 March 1885 for giving effect to the treaty. Cape (Colony). Government Gazette, no. 6600, 1 May 1885. Government Notice, no. 386, 24 April 1885.

1884 (Contd)

C99	9 Apr/9 June Cape Town/ Washington	United States	Convention between the United States and the Cape of Good Hope, for the exchange of money orders. British and Foreign State Papers, vol. 75, p. 371-375.
C100	3 May Taung	Batlaping	Treaty concluded between Great Britain and Mankoroa, Chief of the Batlapings by which power and jurisdiction were conferred on Her Majesty in the country of the Batlapings. Hertslet's Treaties, vol. 17, p. 21. British and Foreign State Papers, vol. 75, p. 404-405.
C101	22 May Mafikeng	Barolong	Treaty concluded between Great Britain and Montsioa, Chief of the Barolongs by which power and jurisdiction were conferred on Her Majesty in the country of the Barolongs. Hertslet's Treaties, vol. 17, p. 22. British and Foreign State Papers, vol. 75, p. 405-406.
C102	22 July	Cape Act	Act /no. 35 of 1884/ of the Government of the Cape of Good Hope, to provide for the annexation to that Colony of the port or settlement of Walfish Bay, on the West Coast of Africa, and of certain British territories on the St John's River, in South Africa. British and Foreign State Papers, vol. 75, p. 408-410.
C103	7 Aug	Cape	Proclamation by the Governor of the Cape of Good Hope and High Commissioner for South Africa, annexing Walfish Bay to the Colony of the Cape of Good Hope. British and Foreign State Papers, vol. 75, p. 407-408.

1884 (Contd)

C104	16 Aug	Germany	German Proclamation placing under the protection of the Germany Emperor the territory acquired by M. Luderitz on the South-West coast of Africa (and related correspondence). British and Foreign State Papers, vol. 75, p. 546.
C105	2 Oct Westminster	Great Britain	British Letters Patent, for the annexation to the Colony of the Cape of Good Hope of certain British possessions or territories in the Transkei known as Tembuland, Gcaleka-land, and Bomvanaland. British and Foreign State Papers, vol. 75, p. 401-403.
C106	16 Oct C & N: 19 July 1890 Assumption	Great Britain Paraguay	Agreement between Great Britain and Paraguay, respecting the accession of certain British colonies to the Treaty of Commerce and Navigation between the two countries of October 16, 1884, with the exception of Article VIII. British and Foreign State Papers, vol. 82, p. 1039-1040.

1885

C107	27 Jan	Great Britain	British Order in Council providing for the exercise of British jurisdiction over Bechuanaland and the Kalahari. Hertslet's Treaties, vol. 17, p. 27.
C108	21 Feb London	Great Britain	British notification of a meeting of an Anglo-German Commission at Cape Town to inquire into certain claims of British and German subjects to property and concessions acquired by them in certain portions of South Africa. British and Foreign State Papers, vol. 76, p. 1009.

1885 (Contd)

C109	4 July R: 6 Sept 1886 C & N: 26 Nov 1886 Guatemala	Great Britain and Guatemala	Treaty between Great Britain and Guatemala for the mutual extradition of fugitive criminals and the Order in Council dated 26 November 1886 for carrying that treaty into effect. Cape (Colony). Government Gazette, no. 6826, 28 January 1887. Government Notice, no. 69, 22 January 1887.
C110	13 July	Cape Act	Act /no. 3 of 1885/ of the Government of the Cape of Good Hope, to provide for the annexation to that Colony of the British territories known as Tembuland, Emigrant Tembuland, Gcaleka-land, and Bomvanaland, and for the Government of the said territories. British and Foreign State Papers, vol. 76, p. 979-981.
C111	7 Aug	Cape Act	Act /no. 34 of 1885/ of the Government of the Cape of Good Hope, to provide for the importation of goods free of duty through the port or settlement of Walfish Bay. British and Foreign State Papers, vol. 75, p. 407.
C112	29 Sept	Great Britain	Royal Commission appointing the Governor or officer administering the Government of the Cape of Good Hope to be Governor of British Bechuanaland, and providing the government thereof. Hertslet's Treaties, vol. 17, p. 36.
C113	30 Sept	Great Britain	Proclamation issued by the High Commissioner for South Africa defining the boundaries of British Bechuanaland, and the establishment of a British Protectorate over territory known as Bechuanaland and the Kalahari. Hertslet's Treaties, vol. 17, p. 37.

	1885 (Contd)		
C114	25 Dec Kanye	Bangwaketse Bamaliti	Treaty between Gassitsive, chief of the Bangwaketse, and Machosi, chief of the Bamaliti. British and Foreign State Papers, vol. 76, p. 313-314.
C115	26 Dec	Bangwaketse Bamaliti	Treaty between Machosi, chief of the Bamaliti, and Gassitsive, chief of the Bangwaketse. British and Foreign State Papers, vol. 76, p. 314-315.
C116	1886	Cape Act	Act /no. 37 of 1886/ of the Government of the Cape of Good Hope, to provide for the annexation to that country known as Xesibe Country. British and Foreign State Papers, vol. 77, p. 950-951.
C117	31 May	South African Republic	Law of the South African Republic, for the extradition of criminals to the Colony of the Cape of Good Hope. British and Foreign State Papers, vol. 77, p. 1081-1085.
C118	23 Aug Westminster	Great Britain	British Letters Patent, for the annexation of certain territory, known as the Xesibe Country, to the Colony of the Cape of Good Hope. British and Foreign State Papers, vol. 77, p. 951-952.
C119	28 Sept/ 12 Nov Bloemfontein/ Pretoria	Multilateral	Telegraph Convention between the Cape Colony, Natal, the Orange Free State and the South African Republic. South African Treaties, Conventions, Agreements and State Papers, p. 152-153.
C120	25 Oct	Great Britain	British Proclamation, annexing the Xesibe Country to that portion of the Colony of the Cape of Good Hope known as Griqualand East, and defining the limits of the country so annexed. British and Foreign State Papers, vol. 77, p. 953-954.

1886 (Contd)

C121	9 Dec Ntola's Kraal (Eastern Pondoland)	Pondoland	Agreement between the Colony of the Cape of Good Hope and the Pondo Chief Umquikela. British and Foreign State Papers, vol. 77, p. 948-950.
C122	30 Dec Lisbon	Germany and Portugal	Declaration between Portugal and Germany, respecting the delimitation of the possessions of the two countries, and their respective spheres of influence in South Africa. British and Foreign State Papers, vol. 77, p. 603-605.

1887

C123	29 July Westminster	Great Britain	British Letters Patent, for the annexation of certain territory in South Africa, commonly called the Rode Valley, to the Colony of the Cape of Good Hope. British and Foreign State Papers, vol. 78, p. 1043-1044.
C124		Cape Act	Act /no. 18 of 1877/ of the Cape of Good Hope, to repeal the Intercolonial Extradition Act, 1874. British and Foreign State Papers, vol. 68, p. 196.
C125		Cape Act	Act /no. 45 of 1887/ of the Government of the Cape of Good Hope, to provide for the annexation to the Colony of the country known as the Rode Valley. British and Foreign State Papers, vol. 78, p. 1044-1045.
C126	1 Sept	Multilateral	Additional articles to the South African Telegraph Convention entered into between the Government of the Colony of the Cape of Good Hope, the Colony of Natal, the Orange Free State and the South African Republic, dated the first day of September, 1887. South African Treaties, Conventions, Agreements and State Papers, p. 154-155.

	1888		
C127	11 Feb Gubuluwayo	Matabele	Agreement between Great Britain and Lo Bengula, ruler of the Amandebele, and of the Mashonas and Makakalaka. British and Foreign State Papers, vol. 79, p. 868-869.
C128	26 July	Cape Act	Act /no. 8 of 1888/ of the Government of the Cape of Good Hope, to provide for the recognition in that Colony of Letters of Administration granted in other states. British and Foreign State Papers, vol. 79, p. 790-792.
C129	26 July	Cape Act	Act /no. 9 of 1888/ of the Government of the Cape of Good Hope, to provide for the prohibition under certain circumstances of the exportation from that Colony of certain articles (arms and warlike stores). British and Foreign State Papers, vol. 79, p. 792.
C130	30 June Kokstad	Natal	Convention between His Excellency the Right Honourable Sir Hercules George Robert Robinson, on behalf of the Cape of Good Hope, and Sir Arthur Elibank Havelock on behalf of the Colony of Natal. South African Treaties, Conventions, Agreements and State Papers, p. 333-334.
	1889		
C131	28 Mar/5 Apr Bloemfontein/ Cape Town	Orange Free State	Convention between the Colony of the Cape of Good Hope and the Orange Free State, for the establishment of a Customs Union. British and Foreign State Papers, vol. 81, p. 281-288.
C132	24 Apr/ 30 Apr Bloemfontein/ Cape	Orange Free State	Protocol between the Cape of Good Hope and the Orange Free State, respecting the Customs Union Convention of 1889. British and Foreign State Papers, vol. 81, p. 288.

1889 (Contd)

C133	12 Aug	Cape Act	Act /no. 35 of 1889/ of the Government of the Cape of Good Hope, to amend 'The Aliens Naturalization Act, 1883.' British and Foreign State Papers, vol. 81, p. 793-794.
C134	25 Sept	South African Republic	Proclamation by the Acting Governor of the Cape of Good Hope, respecting the extradition of fugitive criminals from the South African Republic to the Cape of Good Hope. British and Foreign State Papers, vol. 81, p. 657.
C135	29 Oct Lourensford Somerset West	British South Africa Company	Memorandum of agreement between the Colonial Government... and the British South Africa Company... in the matter of the said Company's proposal to construct a line of railway through Colonial territory from the present terminus at Kimberley via Fourteen Streams to the Boundary of British Bechuanaland, and from thence through the territory of British Bechuanaland to a terminal point at or near Vrijburg. South African Treaties, Conventions, Agreements and State Papers, p. 228-230.

1890

C136	23 Jan Cape Town	British South Africa Company	Agreement between His Excellency, the High Commissioner and the Honourable Cecil John Rhodes, M.L.A., the representative of the British South Africa Company. South African Treaties, Conventions, Agreements and State Papers, p. 171-173.
C137	23 Jan Cape Town	British South Africa Company	Agreement between the Colonial Government and the Honourable C.J. Rhodes. South African Treaties, Conventions, Agreements and State Papers, p. 173.

1890 (Contd)

C138	4 June/ 19 June Cape Town/ Bloemfontein	Orange Free State	Protocol between the Cape of Good Hope and the Orange Free State, respecting the admission of Bechuanaland into the Customs Union Convention of 1889. British and Foreign State Papers, vol. 82, p. 642-644.
C139	3 July/ 12 July Cape Town/ Bloemfontein	Orange Free State	Protocol between the Cape of Good Hope and the Orange Free State, amending the Customs Union Convention of 1889 (Removal of goods in bond). British and Foreign State Papers, vol. 82, p. 637-639. South African Treaties, Conventions, Agreements and State Papers, p. 244-246.
C140	4 July	Cape Act	Act /no. 3 of 1890/ of the Government of the Cape of Good Hope, to confer upon the Supreme Court of that Colony jurisdiction as a Court of Appeal from any court acting under 'The Africa Order in Council, 1889' and from which court appeals to the Supreme Court are authorized in manner provided in that Order. British and Foreign State Papers, vol. 82, p. 644-645.
C141	5 July Brussels	Multilateral	International Convention for the Publication of Customs Tariffs. British and Foreign State Papers, vol. 82, p. 340-349.
C142	5 July C & N: 19 Dec 1896 London	Multilateral	Withdrawal of certain British colonies from the International Convention for the Publication of Customs Tariffs, signed at Brussels, 5 July 1890. British and Foreign State Papers, vol. 88, p. 214-215.

1890 (Contd)

C143	10 Aug Heligoland	Germany	German Decree, establishing a judicial organization in the South West African Protectorate. British and Foreign State Papers, vol. 82, p. 292-295.
C144	11 Sept/ 22 Sept Bloemfontein/ Cape Town	Multilateral	Supplement to Protocol (Customs Union Convention). South African Treaties, Conventions, Agreements and State Papers, p. 248.
C145	21 Nov/ 26 Nov Cape Town/ Bloemfontein	Multilateral	Protocol between the Cape of Good Hope, British Bechuanaland, and the Orange Free State, applying the terms of the Protocol of the 3rd and 12th July, 1890 (Removal of goods in bond). British and Foreign State Pa[illegible], vol. 82, p. 640-641.

1891

C146	10 Jan/ 28 Feb Cape Town/ Bloemfontein	Orange Free State	Protocol between the Cape of Good Hope and the Orange Free State, respecting the admission of Basutoland into the Customs Convention of 1889. British and Foreign State Papers, vol. 83, p. 357-360.
C147	4 July C: 1 Jan 1895	Multilateral	Swiss notification (21 December 1894) of the accession of the Colony of the Cape of Good Hope to the Universal Postal Union Convention of July 4, 1891. British and Foreign State Papers, vol. 86, p. 134.
C148	18 Aug	Cape Act	Act /no. 27 of 1891/ of the Government of the Cape of Good Hope, to amend 'The Trade Marks Registration Act, 1877.' British and Foreign State Papers, vol. 84, p. 1158-1161.

	1891 (Contd)		
C149	12 Dec Windsor	Great Britain	British Order in Council, applying 'The Fugitive Offenders Act, 1881' to certain territories in South Africa. British and Foreign State Papers, vol. 83, p. 74-75.
	1891/1892		
C150	30 Dec/1 Feb Cape Town/ Bloemfontein	Orange Free State	Protocol. Admission to the Union of that portion of the Bechuanaland Protectorate which is under the direct administrative control of the High Commissioner. South African Treaties, Conventions, Agreements and State Papers, p. 252-254. British and Foreign State Papers, vol. 90, p. 1069.
	1892		
C151	6 Feb Osborne	Great Britain	British Order in Council, applying 'The Mail Ships Act, 1891' to Newfoundland, Queensland, New Zealand, the Cape of Good Hope, and Natal, as regards the Postal Convention between Great Britain and France of August 30, 1892. British and Foreign State Papers, vol. 84, p. 277-279.
C152	27 Aug	Cape Act	Act /no. 17 of 1892/ of the Government of the Cape of Good Hope, to amend the law regarding the landing, shipment, and removal of fire-arms and ammunition. British and Foreign State Papers, vol. 85, p. 542-543.
	1893		
C153	30 Jan	Great Britain	British Order in Council, applying 'The Colonial Probates Act, 1892' to certain British possessions. British and Foreign State Papers, vol. 85, p. 1244-1245.
C154	5 June/ 8 June Cape Town/ Bloemfontein	Orange Free State	Supplement to the foregoing Protocol. (Customs Union). South African Treaties, Conventions, Agreements and State Papers, p. 254.

1894

C155	3 Apr London	Great Britain	British Commission appointing the Governor or the Officer administering the Government of the Cape of Good Hope to be Governor of certain British possessions in South Africa known as East and West Pondoland, and providing for the government of these territories. British and Foreign State Papers, vol. 86, p. 130.
C156	7 June Westminster	Great Britain	British Letters Patent, for the Annexation to the Colony of the Cape of Good Hope of the British possession of Pondoland, comprising the territories of East and West Pondoland. British and Foreign State Papers, vol. 86, p. 131-132.
C157	17 Aug	Cape Act	Act /no. 28 of 1894/ of the Government of the Cape of Good Hope, to provide for the registration of designs. British and Foreign State Papers, vol. 86 p. 389-395.
C158	7 Nov	South African Republic	Agreement between the Railway Administration of the Government of the Colony of the Cape of Good Hope represented by Charles Bletterman Elliott Esquire, General Manager of the Cape Government Railways, and the Railway Administration of the Government of the South African Republic represented by Gerrit Adriaan Arnold Middelberg Esquire, Director of the Netherlands South African Railway Company. South African Treaties, Conventions, Agreements and State Papers, p. 165-170.

1895

C159	22 June	Cape Act	Act /no. 6 of 1895/ of the Legislature of the Cape of Good Hope, to provide for the transit under warrant of extradited offenders. British and Foreign State Papers, vol. 87, p. 974-975.

	1895 (Contd)		
C160	5 July	Cape Act	Act /no. 12 of 1895/ of the Government of the Cape of Good Hope, to amend 'the Trade-Marks Registration Act, 1877.' British and Foreign State Papers, vol. 88, p. 1043-1044.
C161	9 July	Multilateral	Agreements between the Treasury, the Colonial Governments of the Cape of Good Hope and Natal, and the British South Africa Company respectively, with the Eastern and South African Telegraph Company. British and Foreign State Papers, vol. 87, p. 464.
C162	23 July	Cape Act	Act /no. 18 of 1895/ of the Government of the Cape of Good Hope, to amend the law relating to the protection of copyright against the importation of foreign reprints into this Colony, and to the registration of books. British and Foreign State Papers, vol. 88, p. 1044-1046.
C163	3 Oct Balmoral	Great Britain	British Order in Council, assenting to the annexation of British Bechuanaland to the Colony of the Cape of Good Hope. British and Foreign State Papers, vol. 87, p. 625.
C164	3 Oct Balmoral	Great Britain	British Order in Council to provide for the Government of British Bechuanaland. British and Foreign State Papers, vol. 87, p. 624-625.
	1896		
C165	29 June	Great Britain	British Order in Council providing for the exercise of Her Majesty's jurisdiction in certain Territories of South Africa which are under the protection of Her Majesty. British and Foreign State Papers, vol. 88, p. 186-189.

	1896 (Contd)		
C166	12 Oct/ 16 Oct Bloemfontein/ Cape Town	Orange Free State	Convention between the Cape Colony and the Orange Free State - October 1896. South African Treaties, Conventions, Agreements and State Papers, p. 155-165.
C167	26 Oct	Great Britain	British Order in Council, applying 'The Colonial Prisoners' Removal Act, 1894' to certain territories in South Africa. British and Foreign State Papers, vol. 88, p. 185-186.
	1897		
C168	28 May	Bechuanaland Railway Company	Agreement entered into with the Bechuanaland Railway Company for the working of the line of railway from Vryburg to Bulawayo by the Cape Government Railway Department. South African Treaties, Conventions, Agreements and State Papers, p. 191-192.
C169	24 June/ 19 Aug 1 Sept Cape Town/ Zanzibar	Zanzibar	Arrangement for an exchange of money orders between the Post Office of the Cape Colony and the Post Office at Zanzibar. South African Treaties, Conventions, Agreements and State Papers, p. 142-145.
C170	17 Nov/ 28 Dec Cape Town/ Berlin	German Colonial Company of South West Africa	Agreement between the German Colonial Company of South West Africa and the Government of the Cape of Good Hope leasing to the latter certain rocks and islets, including Shark Island, on the South-West Coast of Africa. British and Foreign State Papers, vol. 103, p. 983-984.
C171	10 Dec/31 Dec/ 27 Dec/3 Jan 1898 1 Jan 1898 Cape Town/ Pietermaritzburg/ Bloemfontein/ Pretoria	Multilateral	Postal Union Convention between the Colony of the Cape of Good Hope, the Colony of Natal, the Orange Free State, and the South African Republic. South African Treaties, Conventions, Agreements and State Papers, p. 101-141.

1898

C172	6 May/11 May/ 12 May Cape Town/ Bloemfontein/ Pietermaritzburg	Multilateral	Customs Convention between the Governments of the Colony of the Cape of Good Hope, the Colony of Natal, and the Orange Free State /and Protocols admitting Basutoland and Bechuanaland Protectorate/. British and Foreign State Papers, vol. 90, p. 1054-1071.
C173	16 Dec	Cape Act	Act /no. 22 of 1898/ of the Government of the Cape of Good Hope, to provide for appeals of the Supreme Court of that Colony from certain courts constituted beyond that Colony under certain Orders in Council of Her Majesty the Queen. British and Foreign State Papers, vol. 90, p. 1160-1164.

1900

C174	12 Oct	Cape Act	Act /no. 6 of 1900/ of the Government of the Cape of Good Hope, to indemnify the Governor of that Colony, and the Officer Commanding Her Majesty's Forces in that Colony, and all persons acting under their authority and in good faith in regard to acts during the existence of martial law; to provide for the trial and punishment of these persons who have taken up arms against Her Majesty the Queen or otherwise assisted her enemies; and to make certain provisions in regard to compensation to persons who have sustained direct loss and damage through military operations or through the acts of the enemy or of rebels. British and Foreign State Papers, vol. 92, p. 1305-1323.
C175	19 Oct	Cape Act	Act /no. 15 of 1900/ of the Government of the Cape of Good Hope, to amend the law relating to the exportation of arms, ammunition, and military and naval stores. British and Foreign State Papers, vol. 92, p. 1323-1324.

1901

C176	27 July	Multilateral	Agreement between the British Government, the Governments of the Cape Colony and Natal, the British South Africa Company, and the Eastern, and the Eastern and South African Telegraph Companies, for the transmission of telegraph traffic to and from South Africa. British and Foreign State Papers, vol. 94, p. 504-515. Approved of in Treasury Minute relative to the South African Telegraphs Agreement of 27 July 1901 (London, 29 July 1901). British and Foreign State Papers, vol. 94, p. 515-517.
C177	8 Aug London	Great Britain	British Order in Council, applying 'The Fugitive Offenders Act, 1881' to territories in South Africa. British and Foreign State Papers, vol. 95, p. 1000-1003.

1902

C178	22 Dec	Cape Act	Act /no. 47 of 1902/ of the Government of the Cape of Good Hope, to place certain restrictions on immigration, and to provide for the removal from the Colony of prohibited immigrants. British and Foreign State Papers, vol. 95, p. 308-311.

1903

C179	6/12/25 May/ 3 June Johannesburg/ Pietermaritzburg/Douglas/ Salisbury	Multilateral	Customs Union Convention entered into between the Colony of the Cape of Good Hope, the Colony of Natal, the Orange River Colony, the Colony of the Transvaal, and the Territory of Southern Rhodesia. British and Foreign State Papers, vol. 96, p. 1197-1211.
C180	4 Aug Cape Town	Cape Proclamation	Proclamation of the Governor of the Colony of the Cape of Good Hope bringing 'The Customs Amendment and Tariff Act, 1903' into operation in the South African Customs Union. British and Foreign State Papers, vol. 96, p. 1225.

	1903 (Contd)		
C181	5 Aug	Cape Act	Act /no. 5 of 1903/ of the Government of the Cape of Good Hope, to amend the Customs Amendment and Tariff Act of 1898, and to give effect to certain other alterations in the customs laws. British and Foreign State Papers, vol. 96, p. 1213-1224.
C182	6 Aug Cape Town	Cape Proclamation	Proclamation by the Governor of the Colony of the Cape of Good Hope announcing the date on which the Customs Union Convention shall take effect. British and Foreign State Papers, vol. 96, p. 1213.
C183	1904	Cape Act	Act /no. 37 of 1904/ of the Government of the Cape of Good Hope to prevent the introduction of Chinese into the Cape Colony. British and Foreign State Papers, vol. 99, p. 698-704.
	1905		
C184	6 June	Cape Act	Act /no. 46 of 1905/ of the Government of the Cape of Good Hope to provide for copyright in certain works of art. British and Foreign State Papers, vol. 98, p. 578-582.
C185	25 July Cape Town	Cape	Notification by the Government of the Cape of Good Hope, as to the period of residence required to enable aliens to become naturalized. British and Foreign State Papers, vol. 98, p. 624.
	1906		
C186	30 Mai	Cape Act	Act /no. 30 of 1906/ of the Government of the Cape of Good Hope to amend the law placing restrictions on immigration and providing for the removal from that Colony of prohibited immigrants. British and Foreign State Papers, vol. 99, p. 705-708.

1906 (Contd)

C187	14 May/29 Apr/ 17 May/ 17 May/9 May Mafeking/ Pietermaritzburg/ Pretoria/Salisbury	Multilateral	Customs Union Convention of the Cape of Good Hope, Natal, Orange River Colony, Transvaal and Southern Rhodesia /includes admission of North Western Rhodesia and Protocol of 1908/. Kruger, p. 308-338. Terminated as from 30 June 1910.

1907

C188	7 Jan Wellington	New Zealand	Notification by the Government of New Zealand of the conclusion of a reciprocal Customs Treaty, with effect from January 1, 1907, between New Zealand and South Africa. British and Foreign State Papers, vol. 116, p. 326.

1909

C189	20 Sept	Great Britain	Act of the British Parliament to constitute the Union of South Africa. British and Foreign State Papers, vol. 102, p. 559. Eybers, p. 557-558.
190	2 Dec 31 May 1910 Sandringham	Great Britain	British Proclamation uniting the colonies of the Cape of Good Hope, Natal, the Transvaal, and the Orange River Colony under one Government under the name of the Union of South Africa. British and Foreign State Papers, vol. 102, p. 39.

1.2 NATAL

(Includes Zululand and Amatongaland)

	1824		
N1	8 Aug Chaka's Kraal	Zulu	Chaka-Farewell land cession. [illegible], vol. 1, p. 195-196.
	1835		
N2	6 May Congella	Zulu	Treaty between the British residents at Port Natal and Dingaan, King of the Zulus. British and Foreign State Papers, vol. 33, p. 1003-1004. Eybers, p. 143. Bird, vol. 1, p. 307.
	1837		
N3	21 June Nobamba	Zulu	Cession of Natal territory to the King of England: Dingarn King of the Zoolus to the King of England. Eybers, p. 149.
	1838		
N4	4 Feb Unkuginsloave	Zulu	Cession of Natal territory to emigrant farmers by Dingaan, King of the Zulus. Eybers, p. 148-149. KCM 3192a and QMS DIN1.09 (Killie Campbell Library). Bird, vol. 1, p. 366.
	1840		
N5	14 Feb Umfolosi Mnyama	Zulu	Andries Pretorius Proclamation. Bird, vol. 1, p. 595.
	1843		
N6	12 May Cape Town	Great Britain	District of Port Natal as a British Protectorate. Natal (Colony). Laws, Statutes, etc. Ordinances, Laws and Proclamations, vol. 2, 1870-1878, p. 1472-1474.

	1843 (Contd)		
N7	5 Oct Elapeen	Zulu	Articles of a treaty made and entered into between, and signed by the undersigned Panda, King of the Zoolah nation, on the one part, and the undersigned the Honourable Henry Cloete L.S., LL.D in his capacity as Her Majesty's Commissioner for the territory of Natal, on the other part. South African Archival Records. Natal, vol. 2, p. 128. Eybers, p. 180-182. British and Foreign State Papers, vol. 33, p. 1075-1077.
	1844		
N8	31 May Westminster	Great Britain	Letters Patent. Annexation. Natal District to Cape Colony. Natal (Colony). Laws, Statutes, etc. Ordinances, Laws and Proclamations, vol. 2, 1870-1878, p. 1475-1476.
	1845		
N9	30 April Westminster	Great Britain	Proclamation constituting Natal a separate and distinct government. Natal (Colony). Laws, Statutes, etc. Ordinances, Laws and Proclamations, vol. 2, 1870-1878, p. 1476-1478.
N10	21 Aug Cape Town	Great Britain	Proclamation announcing her Majesty's authority over her subjects beyond the limits of the District of Natal. Natal (Colony). Laws, Statutes, etc. Ordinances, Laws and Proclamations, vol. 2, 1870-1878, p. 1478.
	1846		
N11	26 Sept Windsor	Great Britain	British Order in Council, for regulating trade and commerce to and from Port Natal, in South Africa. British and Foreign State Papers, vol. 34, p. 448-472.

	1847		
N12	2 Mar Westminster	Great Britain	Letters Patent constituting a Legislative Council. Natal (Colony). Laws, Statutes, etc. Ordinances, Laws and Proclamations, vol. 2, 1870-1878, p. 1480-1481.
	1850		
N13	11 Apr	Pondo	Boundary treaty between Faku, Chief of the Amapondos, and Walter Harding on behalf of Her Britannic Majesty. Hertslet's Treaties, vol. 18, p. 665.
	1856		
N14	15 July	Great Britain	Charter of Natal. Natal (Colony). Laws, Statutes, etc. Ordinances, Laws and Proclamations, vol. 2, 1870-1878, p. 1499-1510.
	1857		
N15	16 May Osborne	Great Britain	British Order in Council, suspending in the Colony of Natal the prohibition against the importation of foreign reprints of British books entitled to copyright. British and Foreign State Papers, vol. 47, p. 568-569.
	1858		
N16	3 Feb London	Great Britain	British Order in Council, defining the boundaries of the Colony of Natal. British and Foreign State Papers, vol. 76, p. 215-217.
N17	5 June Westminster	Great Britain	Proclamation. Boundaries of District of Natal. Natal (Colony). Laws, Statutes, etc. Ordinances, Laws and Proclamations, vol. 2, 1870-1878, p. 1512-1516

1863

N18	29 June	Great Britain	Act of the British Parliament for the prevention and punishment of offences committed by Her Majesty's subjects in South Africa /Cape of Good Hope, Natal, etc./ British and Foreign State Papers, vol. 58, p. 547-549.
N19	9 Dec Westminster	Great Britain	British Letters Patent, annexing part of Nomansland to Natal. British and Foreign State Papers, vol. 76, p. 217-219. Natal (Colony). Laws, Statutes, etc. Ordinances, Laws and Proclamations, vol. 2, 1870-1878, p. 1514-15[illegible]

1865

N20	7 Sept	Great Britain	Proclamation. Boundaries of Natal including the date of the annexation of Nomansland. Natal (Colony). Laws, Statutes, etc. Ordinances, Laws and Proclamations, vol. 2, 1870-1878, p. 1518.
N21	16 Oct	Great Britain	Proclamation defining the boundaries of the county of Alexandra. Natal (Colony). Laws, Statutes, etc. Ordinances, Laws and Proclamations, vol. 2, 1870-1878, p. 1519.

1870

N22	19 July Osborne	Great Britain	British Order in Council, making provision for appeals from the Supreme Court of Natal to Her Majesty in Council. British and Foreign State Papers, vol. 60, p. 429-432.
N23	8 Sept	Natal Law	Law /no. 4 of 1870/ of the Government of Natal, to provide for the granting in that Colony, of patents for inventions. British and Foreign State Papers, vol. 88, p. 867-885.

1871

N24	6 Sept	Natal Law	Law /no. 4 of 1871/ of the Government of Natal, to facilitate the carrying out in that Colony of the provisions of the Imperial Statute styled 'The Foreign Deserters Act, 1852.' British and Foreign State Papers, vol. 76, p. 94-95.
N25	28 Nov	Natal Law	Law /no. 5 of 1871/ of the Government of Natal to amend and extend the provisions of article 16 of Law no. 4, 1870 intituled 'Law to Provide for the Granting in this Colony of Patents for Inventions.' British and Foreign State Papers, vol. 88, p. 886.
N26	28 Nov	Natal Law	Law /no. 6 of 1871/ for facilitating the apprehension of certain offenders escaping from this Colony /Natal/ from any place within the territories or dominions of the Orange Free State. Natal (Colony). Laws, Statutes, etc. Ordinances, Laws and Proclamations, vol. 2, 1870-1878, p. 821-822.
N27	28 Nov	Natal Law	Law /no. 7 of 1871/ for facilitating the apprehension of certain offenders escaping from this Colony /Natal/ from any place within the territories or dominions of the South African Republic. Natal (Colony). Laws, Statutes, etc. Ordinances, Laws and Proclamations, vol. 2, 1870-1878, p. 823-824.
N28	1872	Orange Free State Ordinance	Orange Free State Ordinance /no. 1 of 1872/ for the extradition of offenders between the Orange Free State and Natal. Orange Free State. Laws, Statutes, etc. Zie Ordonnantie-Boek van den O.V.S., 1854-1877, p. 234-235.
N29	22 May Westminster	Great Britain	Supplementary Charter. Natal (Colony). Laws, Statutes, etc. Ordinances, Laws and Proclamations, vol. 2, 1870-1878, p. 1520-1521.

1874

N30	12 Jan	Natal Law	Law /no. 8 of 1874/ of the Lieutenant-Governor of Natal, for further facilitating the naturalization of persons of European birth or descent. British and Foreign State Papers, vol. 65, p. 1234-1236.
N31	30 Sept	Natal Law	Law /no. 23 of 1874/ of the Government of Natal, to repeal and re-enact, with amendments, Law no. 8, 1874 'For further Facilitating the Naturalization of Persons of European Birth or Descent.' British and Foreign State Papers, vol. 76, p. 95-97.

1875

N32	22 July N: 2 Apr 1881 London	Multi-lateral	British circular, notifying the accession of Natal to the International Telegraphic Convention of July 22, 1875. British and Foreign State Papers, vol. 72, p. 870.
N33	22 July Rev. 21 June, 1890, Paris St Petersburg	Multi-lateral	Règlement de service international annexé à la convention télégraphique internationale de Saint Petersbourg du 22 juillet 1875. British and Foreign State Papers, vol. 82, p. 869-958.
N34	22 July Rev. 22 July, 1896, Budapest St Petersburg	Multi-lateral	Règlement de service international annexé à la convention télégraphique internationale de Saint Petersbourg du 22 juillet 1875. British and Foreign State Papers, vol. 88, p. 1120-1217.
N35	22 July Suppl. 11 June 1908, Lisbon St Petersburg	Multi-lateral	Règlement de service international annexé à la convention télégraphique internationale de Saint Petersbourg du 22 juillet 1875. British and Foreign State Papers, vol. 102, p. 214-340.

	1875 (Contd)		
N36	2 Aug Mozambique	Portugal (on behalf of Mozambique)	Portuguese Portaria, sanctioning the voluntary emigration of African labourers from Lourenco Marques to Natal. British and Foreign State Papers, vol. 67, p. 1291-1294.
N37	10 Dec	Amaquatis	Agreement. Amaquatis under British Protection. Hertslet's Treaties, vol. 15, p. 860.
N38	17 Dec	Natal Law	Law /no. 21 of 1875/ of the Government of Natal, to control recruiting in that Colony for the service of foreign states. British and Foreign State Papers, vol. 76, p. 97-98.
	1877		
N39	17 Aug	Natal Law	Law /no. 6 of 1877/ to provide for the more convenient administration of the Extradition Acts of 1870 and 1873 of the Imperial Government. Natal (Colony). Laws, Statutes, etc. rdinances, Laws and Proclamations, vol. 2, 1870-1878, p. 1220.
	1878		
N40	4 Feb Osborne	Great Britain	British Order in Council, giving effect to the extradition law of Natal of 1877. British and Foreign State Papers, vol. 69, p. 638-639.
	1879		
N41	1 Sept	Great Britain	Conditions of appointment of Zulu chiefs. British and Foreign State Papers, vol. 70, p. 333-335.
	1880		
N42	5 Apr Bucharest	Great Britain and Roumania	Exclusion of South African colonies from the Treaty of Commerce and Navigation between Great Britain and Roumania. British and Foreign State Papers, vol. 71, p. 79.

N43	1881	Orange Free State	Orange Free State Ordinance no. 24 of 1881 for the extradition of offenders between the Orange Free State and Natal. Archives of the Colonial Secretary's Office, Natal, vol. 809, 1881/2187(a). (Natal Archives Depot).
	1882		
N44	Aug	Great Britain	Restoration of Cetewayo. Hertslet's Treaties, vol. 15, p. 869. Great Britain. Parliament. Command Papers C.3616.
N45	4 Sept	Natal Law	Law /no. 13 of 1882/ to amend the law relating to the extradition of criminals. Natal (Colony). Laws, Statutes, etc. Ordinances, Laws and Proclamations, vol. 3, 1879-1889, p. 1424-1431.
	1883		
N46	25 Oct/ 17 Nov/ 20 Nov Cape Town/ Pietermaritzburg/ Bloemfontein	Multilateral	Telegraphic Convention between the Cape of Good Hope, Natal and the Orange Free State. British and Foreign State Papers, vol. 78, p. 769-771.
	1884		
N47	16 Oct N: 19 July 1890 Assumption	Great Britain Paraguay	Agreement between Great Britain and Paraguay, respecting the accession of certain British colonies to the Treaty of Commerce and Navigation between the two countries of October 16, 1884, with the exception of Article VIII. British and Foreign State Papers, vol. 82, p. 1039-1040.
N48	8 Nov	Natal Law	Law /no. 32 of 1884/ of the Government of Natal to amend the Patent Law, no. 4, 1870. British and Foreign State Papers, vol. 88, p. 886-887.

1884 (Contd)

N49	18 Dec R: 22 July 1885	Great Britain	British occupation of St. Lucia Bay. British and Foreign State Papers, vol. 75, p. 607. Hertslet's Treaties, vol. 17, p. 1127-1128. See also: Great Britain. Parliament. Command Papers. C.4587 and C.4645. Hertslet, Sir Edward. Map of Africa by Treaty, vol. 1, p. 202.

1885

N50	Apr-June	Great Britain and Germany	Agreement between Great Britain and Germany relative to their respective spheres of action in portions of Africa. British and Foreign State Papers, vol. 76, p. 772-811.

1886

N51	11 Aug/ 9 Sept/ 28 Sept/12 Nov 1 Oct Cape Town/ Pietermaritzburg/ Bloemfontein/ Pretoria	Multilateral	Telegraph Convention, between the Cape Colony, Natal, the Orange Free State and the South African Republic. South African Treaties, Conventions, Agreements and State Papers, p. 152-153.
N52	22 Oct Pieter-maritzburg	Great Britain and the New Republic	Agreement between Great Britain and the New Republic, respecting the boundary between the New Republic in Zululand and the Zulu nation. British and Foreign State Papers, vol. 77, p. 1280-1282. Great Britain. Parliament. Command Papers, C.4913 and C.4980.

1887

N53	14 May Pieter-maritzburg	Great Britain	British Proclamation, taking over Zululand as a British possession. British and Foreign State Papers, vol. 78, p. 758. Hertslet, Sir Edward. Map of Africa by Treaty, vol. 1, p. 202-203.

1887 (Contd)

N54	19 May Westminster	Great Britain	British notification to the powers of the taking possession of Zululand. British and Foreign State Papers, vol. 78, p. 759-760.
N55	19 May Windsor	Great Britain	British Royal Commission, appointing the Governor or the Officer administering the Government of the Colony of Natal to be Governor of the British possession of Zululand, and providing for the government thereof. British and Foreign State Papers, vol. 78, p. 759.
N56	6 July R: 29 Nov 1887	Tongaland	Boundaries. Non-cession of territory. Hertslet, Sir Edward. Map of Africa by Treaty, vol. 1, p. 204-205.
N57	8 July	Great Britain	Zululand a British possession. Boundaries. British and Foreign State Papers, vol. 78, p. 759.
N58	1 Sept 1 Nov 1894	Multilateral	Additional articles to the South African Telegraph Convention entered into between the Government of the Colony of the Cape of Good Hope, the Colony of Natal, the Orange Free State and the South African Republic, dated the first day of September, 1887. South African Treaties, Conventions, Agreements and State Papers, p. 154-155.
N59	14 Sept R: 2 July 1888 Pretoria	New Republic (in Zululand)	Treaty of union between the South African Republic and the New Republic in Zululand /and final protocol/. British and Foreign State Papers, vol. 78, p. 830-834.

	1888		
N60	11 Apr	Natal Law	Law /no. 33 of 1888/ of the Government of Natal, to prevent the exportation and the carriage coastwise of arms, ammunition, etc. British and Foreign State Papers, vol. 79, p. 132-133.
N61	11 June/ 20 June Pretoria/ Cape Town	Great Britain	Convention between Great Britain and the South African Republic, defining the new boundary of the South African Republic, and providing for the renunciation by the South African Republic on behalf of the New Republic of claim to exercise a protectorate over Zululand, etc. British and Foreign State Papers, vol. 79, p. 869-874. Hertslet, vol. 1, p. 238. Hertslet, Commercial Treaties, XVIII, p. 113.
N62	30 June Kokstad	Cape	Convention between His Excellency the Right Honourable Sir Hercules George Robert Robinson, on behalf of the Government of the Cape of Good Hope, and Sir Arthur Elibank Havelock on behalf of the Colony of Natal. South African Treaties, Conventions, Agreements and State Papers, p. 333-334.
N63	4 Dec Pietermaritzburg	Great Britain	Proclamation of the Governor of Natal and of Zululand, respecting the exportation from Zululand of arms, ammunition, etc. British and Foreign State Papers, vol. 79, p. 708-709.
N64	9 Dec Pietermaritzburg	Great Britain	Notification of the inclusion within the boundaries of Zululand of the territories of the Chiefs Deamana (Umcamana) and Sibonda. British and Foreign State Papers, vol. 79, p. 884-885.

	1889		
N65	22 May R: 15 Dec 1893, Buenos Aires N: 29 Jan 1894 Buenos Aires	Great Britain and Argentine	Order of Her Majesty the Queen in Council dated 29 Jan 1894 for giving effect to the Treaty between Her Majesty and the President of the Argentine Republic for the mutual extradition of fugitive criminals signed at Buenos Ayres on 22 May 1889, the ratifications of which were exchanged at Buenos Ayres on 15 December 1893. Natal (Colony). Government Gazette, 3 April 1894. Colonial Secretary's Office, Natal, vol. 391, 1894/1410 (Natal Archives Depot). London Gazette, 30 January 1894.
	1890		
N66	12 June/ 24 June Pieter-maritzburg/ Bloemfontein	Orange Free State	Convention between the Government of Natal and the Government of the Orange Free State, entered into on the 12th and 24th June, 1890, for the construction, equipment, working and maintenance of a line of railway within the Orange Free State, from Van Reenen's Pass to the town of Harrismith. South African Treaties, Conventions, Agreements and State Papers, p. 193-201.
N67	5 July Brussels	Multilateral	International Convention for the Publication of Customs Tariffs. British and Foreign State Papers, vol. 82, p. 340-349. British and Foreign State Papers, vol. 88, p. 214.
N68	5 July N: 19 Dec 1896 London	Multilateral	Withdrawal of certain British colonies from the International Convention for the Publication of Customs Tariffs, signed at Brussels, 5 July, 1890. British and Foreign State Papers, vol. 88, p. 214-215.
N69	24 July/ 2 Aug R: 7 Aug Cape Town/ Pretoria	Great Britain and South African Republic	Convention between Great Britain and the South African Republic for the settlement of the affairs of Swaziland. British and Foreign State Papers, vol. 82, p. 1062-1071.

1890 (Contd)

N70	30 Aug N: 6 Feb 1892 Osborne	Great Britain and France	British Order in Council applying the 'Mail Ships Act, 1891' to Newfoundland, Queensland, New Zealand, the Cape of Good Hope and Natal, as regards the Postal Convention between Great Britain and France of August 30 1890. British and Foreign State Papers, vol. 84, p. 277-279.

1891

N71	11 June Lisbon	Great Britain and Portugal	Treaty between Great Britain and Portugal defining the spheres of influence of the two countries in Africa. British and Foreign State Papers, vol. 83, p. 27-41.
N72	4 July N: 1 July 1892 Berne	Multil[illegible]al	Swiss notification of the accession of Natal to the Universal Postal Union of July 4, 1891. British and Foreign State Papers, vol. 84, p. 69-70.
N73	17 July	Natal Law	Law /no. 11 of 1891/ of the Government of Natal, to provide for the importation of gunpowder or ammunition by or on behalf of the governments of inland states or persons residing therein. British and Foreign State Papers, vol. 85, p. 321-323.

1892

N74	22 Feb R: 7 Mar 1898, Lima N: 20 Oct 1898 Lima	Great Britain and Bolivia	Order in Council dated 20 October 1898 for giving effect to the treaty between Her Majesty and the President of the Republic of Bolivia for the mutual extradition of criminals signed at Lima on 22 February 1892, the ratifications of which were exchanged at Lima on 7 March 1898. Natal (Colony). Government Gazette, 20 December 1898. Colonial Secretary's Office, Natal, vol. 1593, 1898/9057 (Natal Archives Depot).

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