

**REPORTS OF INTERNATIONAL
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES
ARBITRALES**

**Award as to the boundary between the United Kingdom and the South African
Republic (Transvaal)**

5 August 1885

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PART XVI

**Award as to the boundary between the
United Kingdom and the South African
Republic (Transvaal)**

Decision of 5 August 1885

**Sentence arbitrale relative à la frontière
entre le Royaume-Uni et la République
Sud-Africaine (Transvaal)**

Décision du 5 août 1885

AWARD AS TO THE BOUNDARY BETWEEN THE UNITED
KINGDOM AND THE SOUTH AFRICAN REPUBLIC (TRANSVAAL),
DECISION OF 5 AUGUST 1885*

SENTENCE ARBITRALE RELATIVE À LA FRONTIÈRE ENTRE LE
ROYAUME-UNI ET LA RÉPUBLIQUE SUD-AFRICAINE
(TRANSVAAL), DÉCISION DU 5 AOÛT 1885**

Territorial determination – question of control and sovereignty over ground to the west of the roads from Lotlakana to Kunana and from Kunana to Taungs in the context of its intended inclusion within the South African Republic – interpretation of a treaty.

Délimitation territoriale – question du contrôle et de la souveraineté sur le territoire situé à l'Ouest des routes entre Lotlakana et Kunana et entre Kunana et Taungs, dans le contexte de son incorporation au sein de la République d'Afrique du Sud – interprétation conventionnelle.

* * * * *

Whereas it is stipulated by Article II of a convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the South African Republic, signed in London on the 27th day of February 1884 by the representatives of the respective parties to the said convention, that “Her Majesty’s government and the South African Republic will each appoint a person to proceed together to beacon off the amended southwest boundary as described in Article I. of this convention, and the President of the Orange Free State shall be requested to appoint a referee, to whom the said persons shall refer any questions on which they may disagree respecting the interpretation of the said article,” and that “the decision of such referee shall be final;”

And whereas Her Majesty’s government did appoint Captain Claude Reignier Conder, R. E., and the government of the South African Republic did appoint Tielman Nieuwoudt de Villiers, esq., as such persons to proceed together to beacon off the said amended southwest boundary;

* Reprinted from John Basset Moore, *History and Digest of the International Arbitrations to Which the United States has been a Party*, vol.V, Washington, 1898, Government Printing Office, p. 5015.

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And whereas thereafter the President of the Orange Free State, being thereunto requested, did, on the 5th day of June 1885, appoint Meluis de Villiers, one of the judges of the high court of justice of the Orange Free State, to be such referee as aforesaid;

And whereas the before-mentioned Captain Claude Reignier Conder, R. E., and Tielman Nieuwoudt de Villiers, esq., did refer to the said referee the following question on which they disagree respecting the interpretation of Article I. of the said convention, namely, What extent of ground to the west of the roads from Lotlakana to Kunana and from Kunana to Taungs, as such roads have been accepted and agreed upon by the commissioners of the governments of Her Majesty and of the South African Republic respectively, was intended to be included in the South African Republic by the words "skirting Kunana so as to include it and all its garden ground but no more in the Transvaal:"

Now therefore I, the said referee, do hereby decide and declare that the said words denote the ground included between the said roads and the following boundaries, namely: A straight line from a point on the road from Lotlakana to Kunana, as accepted and agreed upon by the respective commissioners before mentioned, 1 mile southwest of the point where the road crosses the "spruit" known as "Tlakayeng," to a point on the "kopje" immediately behind Batubatu's kraal, where the line next to be mentioned reaches the summit of the "kopje;" thence a straight line to a point 200 yards northwest of an isolated hut whereof compass observations were taken by the British commissioners in the presence of the referee and of the commissioner of the South African Republic, this straight line passing immediately behind the huts of Batubatu's kraal so as to exclude them from the South African Republic; next a straight line from the said point 200 yards from the said hut to the northwestern corner of Ramatlane's garden, of which similar observations were taken; thence a straight line skirting the western side of the garden to its southwestern corner, that point being very nearly magnetic north of the "kopje," being the northernmost of three "kopjes" forming the termination of a range of hills which is crossed by the road from Kunana to Marebogo, about 6 miles from the former place; next a straight line from the said southwestern corner of Ramatlane's garden to the summit of the said "kopje;" thence a line along the ridge of the said range of hills to the point where the hill is crossed by the road last mentioned.

Dated at Kunana this 5th day of August 1885.

MELUIS DE VILLIERS.