

ROYAUME-UNI
ET IRAK ET TURQUIE

Traité relatif à l'établissement de la frontière entre la Turquie et l'Irak, signé à Angora, le 5 juin 1926, avec échange de notes de la même date relatif à l'article 14 de ce traité, et échange de notes, en date du 28 avril 1927, portant modification à l'annexe à l'article premier de ce traité.

UNITED KINGDOM
AND IRAQ AND TURKEY

Treaty regarding the Settlement of the Frontier between Turkey and Iraq, signed at Angora, June 5, 1926, with Exchange of Notes of the same Date relating to Article 14 of this Treaty, and Exchange of Notes dated April 28, 1927, rectifying the Annex to Article 1 of this Treaty.

¹ TRADUCTION. — TRANSLATION.

No. 1511. — TREATY ² BETWEEN THE UNITED KINGDOM AND IRAQ AND TURKEY REGARDING THE SETTLEMENT OF THE FRONTIER BETWEEN TURKEY AND IRAQ. SIGNED AT ANGORA, JUNE 5, 1926.

French official text communicated by His Britannic Majesty's Foreign Office. The registration of this Treaty took place July 27, 1927

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, and HIS MAJESTY THE KING OF IRAQ, of the one part, and HIS EXCELLENCY THE PRESIDENT OF THE TURKISH REPUBLIC, of the other part, having regard to the provisions of the Treaty ³ signed at Lausanne on July 24, 1923, regarding the settlement of the frontier between Turkey and Iraq ;

Recognising Iraq as an independent State and the special relations resulting from the Treaties concluded between Iraq and Great Britain on October 10, 1922, ⁴ and January 13, 1926 ⁵ ;

Anxious to avoid all incidents on the frontier which might disturb the peace and harmony of their relations ;

Have decided to conclude a Treaty for this purpose, and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA :

The Right Honourable Sir Ronald Charles LINDSAY, K.C.M.G., C.B., C.V.O., Ambassador Extraordinary and Plenipotentiary of His Britannic Majesty to the Turkish Republic ;

HIS MAJESTY THE KING OF IRAQ :

Colonel NOURY SAID, C.M.G., D.S.O., Acting Minister of National Defence of Iraq ;

HIS EXCELLENCY THE PRESIDENT OF THE TURKISH REPUBLIC :

His Excellency Doctor Tewfik ROUCHDI Bey, Minister for Foreign Affairs of the Turkish Republic, Deputy for Smyrna ;

Who, having produced their full powers, found in good and due form, have agreed as follows :

¹ Communiquée par le Ministère des Affaires étrangères de Sa Majesté britannique.

¹ Communicated by His Britannic Majesty's Foreign Office.

² The exchange of ratifications took place at Angora, June 18, 1926.

³ Vol. XXVIII, page 11, of this Series.

⁴ Vol. XXXV, page 13, of this Series.

⁵ Vol. XLVII, page 419, of this Series.

CHAPTER I.

FRONTIER BETWEEN TURKEY AND IRAQ.

Article 1.

The frontier line between Turkey and Iraq is definitively laid down following the line adopted by the Council of the League of Nations at its session on October 29, 1924, and set forth hereunder :

(For description of the Brussels line, see annex.)

Nevertheless, the above-mentioned line is modified to the South of Alamun and Ashuta so as to include in Turkish territory that part of the road which connects these two places and which crosses Iraq territory.

Article 2.

Subject to the last paragraph of article 1, the frontier line described in the above-mentioned article constitutes the frontier between Turkey and Iraq, and is traced on the map Scale $\frac{1}{250\ 000}$ annexed to the present Treaty. In case of divergence between the text and the map the text will prevail.

Article 3.

A boundary commission shall be appointed to trace on the ground the frontier defined in article 1. This commission shall be composed of two representatives appointed by the Turkish Government, two representatives appointed by His Majesty's Government and the Government of Iraq, and a president, who shall be a Swiss national, to be nominated by the President of the Swiss Confederation, if he is willing to do so.

The Commission shall meet as soon as possible, and in any case within six months from the coming into force of the present Treaty.

The decisions of the commission shall be taken by a majority and shall be binding on all the High Contracting Parties.

The boundary commission shall endeavour in all cases to follow as nearly as may be possible the definitions given in the present Treaty.

The expenses of the commission shall be divided equally between Turkey and Iraq.

The States concerned undertake to give assistance to the boundary commission, either directly or through local authorities, in everything that concerns the accommodation, labour, materials (sign posts, boundary marks) necessary for the accomplishment of its task.

They undertake further to safeguard the trigonometrical points, signs, posts or frontier marks erected by the commission.

The boundary marks shall be placed so as to be visible from each other. They shall be numbered, and their position and their number shall be noted on a cartographic document.

The definitive record of the boundary laid down, and the maps and documents attached thereto shall be made out in triplicate, of which two copies shall be forwarded to the Governments of the two interested States, and the third to the Government of the French Republic, in order that authentic copies may be delivered to the Powers signatory of the Treaty of Lausanne.

Article 4.

The nationality of the inhabitants of the territories ceded to Iraq in virtue of the provisions of article 1 is regulated by Articles 30-36 of the Treaty of Lausanne. The High Contracting

Parties agree that the right of option provided for in Articles 31, 32 and 34 of the said Treaty may be exercised during a period of twelve months from the coming into force of the present Treaty.

Turkey reserves nevertheless her liberty of action in so far as concerns the recognition of the option of such of the above-mentioned inhabitants as may opt for Turkish nationality.

Article 5.

Each of the High Contracting Parties accepts as definitive and inviolable the frontier line fixed by article 1 and undertakes to make no attempt to alter it.

CHAPTER II.

NEIGHBOURLY RELATIONS.

Article 6.

The High Contracting Parties undertake reciprocally to oppose by all means in their power any preparations made by one or more armed individuals with the object of committing acts of pillage or brigandage in the neighbouring frontier zone and to prevent them from crossing the frontier.

Article 7.

Whenever the competent authorities designated in article 11 learn that preparations are being made by one or more armed individuals with the object of committing acts of pillage or brigandage in the neighbouring frontier zone they shall reciprocally inform each other without delay.

Article 8.

The competent authorities designated in article 11 shall reciprocally inform each other as quickly as possible of any act of pillage or brigandage which may have been perpetrated on their territory. The authorities of the party receiving the notice shall make every effort in their power to prevent the authors of such acts from crossing the frontier.

Article 9.

In the event of one or more armed individuals, guilty of a crime or misdemeanour in the neighbouring frontier zone, succeeding in taking refuge in the other frontier zone, the authorities of the latter zone are bound to arrest such individuals in order to deliver them, in conformity with the law, to the authorities of the other party whose nationals they are, together with their booty and their arms.

Article 10.

The frontier zone to which this chapter of the present Treaty shall apply is the whole of the frontier which separates Turkey from Irak and a zone 75 kilometres in width on each side of that frontier.

Article 11.

The competent authorities to whom the execution of this chapter of the Treaty is entrusted are the following :

For the organisation of general co-operation and responsibility for the measures to be taken :

On the Turkish side : the military commandant of the frontier ;

On the Iraq side : the mutessarifs of Mosul and of Arbil.

For the exchange of local information and urgent communications :

On the Turkish side : the authorities appointed with the consent of the Valis ;

On the Iraq side : the kaimakams of Zakho, Amadia, Zibar and Rowanduz.

The Turkish and Iraq Governments may, for administrative reasons, modify the list of their competent authorities, giving notice of such modification either through the permanent frontier commission provided for in article 13 or through the diplomatic channel.

Article 12.

The Turkish and Iraq authorities shall refrain from all correspondence of an official or political nature with the chiefs, sheikhs, or other members of tribes which are nationals of the other State and which are actually in the territory of that State.

They shall not permit in the frontier zone any organisation for propaganda or meeting directed against either State.

Article 13.

In order to facilitate the execution of the provisions of the present chapter of the Treaty, and, in general, the maintenance of good neighbourly relations on the frontier, there shall be set up a permanent Frontier Commission composed of an equal number of officials appointed from time to time for this purpose by the Turkish and Iraq Governments, respectively. This Commission shall meet at least once every six months or more often if circumstances require it.

It shall be the duty of this commission, which shall meet alternately in Turkey and in Iraq, to endeavour to settle amicably all questions concerning the execution of the provisions of this chapter of the Treaty, and any other frontier question on which an agreement shall not have been reached between the local frontier officials concerned.

The commission shall meet for the first time at Zakho within two months from the coming into force of the present Treaty.

CHAPTER III.

GENERAL PROVISIONS.

Article 14.

With the object of enlarging the field of common interests between the two countries, the Iraq Government shall pay to the Turkish Government for a period of twenty-five years from the coming into force of the present Treaty, 10 per cent. on all royalties which it shall receive :

(a) From the Turkish Petroleum Company under Article 10 of its concession of the March 14, 1925 ;

(b) From such companies or persons as may exploit oil under the provisions of Article 6 of the above-mentioned concession ;

(c) From such subsidiary companies as may be constituted under the provisions of Article 33 of the above-mentioned concession.

Article 15.

The Turkish and Iraq Governments agree to enter into negotiations as soon as possible for the purpose of concluding an extradition treaty in accordance with the usages prevailing among friendly States.

Article 16.

The Iraq Government undertakes not to disturb or molest any persons established on its territory on account of their political opinions or conduct in favour of Turkey up to the time of the signature of the present Treaty, and to grant them full and complete amnesty.

All sentences pronounced under the above heading shall be annulled, and all proceedings already instituted shall be stayed.

Article 17.

The present Treaty shall come into force on the date of exchange of ratifications.

Chapter II of the present Treaty shall remain in force for a period of ten years from the date of the coming into force of the present Treaty.

After the termination of a period of two years from the coming into force of the present Treaty each of the Contracting Parties shall have the right to denounce this chapter in so far as its provisions concern that party, the denunciation taking effect one year after the date on which notice thereof shall have been given.

Article 18.

The present Treaty shall be ratified by each of the High Contracting Parties, and the ratifications shall be exchanged at Angora as soon as possible. Certified copies of the Treaty shall be communicated to each of the States signatory of the Treaties of Lausanne.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty and affixed thereto their seals.

Done at Angora, the 5th day of June, 1926, in triplicate.

(L. S.) R. C. LINDSAY.

(L. S.) Dr. T. ROUCHDI.

(L. S.) NOURY SAID.

ANNEX.

DESCRIPTION OF THE BRUSSELS LINE.

From the junction of the River Tigris and the River Khabur, along the River Khabur in midstream, up to its junction with the river Hazil : in mid-stream, along the river Hazil to a point three kilometres upstream from the junction of that river with the side-stream which passes by Sirnez. From this point in a direct line eastwards to the northern crest of the valley of the side-stream which passes by Sirnez. The northern crest bordering this valley up to Mount Bilakish, and in a straight line from this point to the source of the tributary of the Bajjo at Robozak. Along this tributary to its junction south of Robozak with a river coming down from point 6834 east-south-east of Robozak, then following a straight line to the col north-north-east of point 6834. Along the small river in mid-stream which comes down in an easterly direction from this col to its junction with the river Khabur. The river Khabur downstream for about a kilometre and a half to its junction with the river coming from the Arush and Geramus district. Along this river

(leaving to the north the river coming from Qashura) to the junction of its two large branches, the first coming from Geramus and the second from Arush. From this junction along the bottom of a valley eastwards to point 6571 on the watershed between the two tributaries mentioned above. Following this watershed to point 9063 east of point 6571, (then along the crest bordering the valley of the tributary, which passes by Geramus up to its junction with the crest on the south side of the valley of Lizan). From the latter crest along the crest on the north side of the valley of the tributary of the river Zab which comes down from Ora, then up to the height west-north-west of Duskia and about two-and-a-half kilometres from that place. A straight line from this height to the source of this tributary of the Zab, a little north-east of Duskia — the course of the tributary to the river Zab — downstream along the river Zab to a point one kilometre south of Baishuka — a straight line eastwards up to the southern crest of the river valley which runs south of Bayhi and north of Chal — along the southern crest of the valley of the tributary of the Zab which passes by Borijan, up to the point nearest to the source of the Ave Marek west-south west of Shiluk — a straight line to that source — the western arm of the Ave Marek from this source to the junction of the small river which comes down from the col between Quastik and Nervek — along this small river up to its source — the shortest distance between this source and the tributary of the eastern arm of the Ave Marek which flows into the Ave Marek north of Nervek — along this tributary to its junction — the shortest distance from this junction to the watershed between the Ave Marek and the Rudbar i Shin — along this watershed to the point nearest to the source of the tributary which joins the Rudbar i Shin close to and north of Shaikh Momar — in a straight line to the source of that tributary — down that tributary and down the Rudbar i Shin to the mouth of the river which flows just south of Dch¹ — along this river to its source — the shortest distance from the source of that river to the watershed between the Rudbar i Shin and the tributary of the Shemsdinan Su which flows just east of Herki — the shortest distance thence to the nearest feeder to this tributary — along this feeder and thence along the tributary to the Shemsdinan Su — the shortest distance from the junction of these two streams to the southern crest of the valley of the Shemsdinan Su — along this crest to the point where it meets the watershed between the River Haji Beg and its tributary which runs just east of Upah — along the line of this watershed direct to the River Haji Beg — up the River Haji Beg to the Persian frontier.

R. C. L.
T. R.
N. S.

EXCHANGE OF NOTES

I.

SIR R. LINDSAY AND NOURY SAID TO TEWFIK RUSHDI BEY.

ANGORA, *June 5, 1926.*

YOUR EXCELLENCY,

With reference to article 14 of the Treaty signed by us to-day, we have the honour to declare that if, within twelve months from the coming into force of this Treaty, the Turkish Government desires to capitalise its share or the royalties mentioned in the said article, it shall notify the Iraq Government of its desire, and the latter, within thirty days after the receipt of this notice, shall pay to the Turkish Government in full satisfaction on account of this article the sum of £500,000 sterling.

On the other hand, it is understood that the Turkish Government undertakes not to divest itself of its interest in the said royalties without previously giving the Iraq Government the oppor-

¹ Cette traduction tient compte de modification prévue à l'échange de notes du 28 avril 1927.

¹ In this translation the amendment provided for in the exchange of Notes of April 28, 1927, has been taken into account.

tunity of acquiring those interests at a price not higher than that which any third party may be ready to pay.

It is agreed that the present Exchange of Notes constitutes an integral part of the Treaty signed to-day.

We avail, etc.

R. C. LINDSAY.
NOURY SAID.

II.

TEWFIK RUSHDI BEY TO SIR R. LINDSAY AND COLONEL NOURY SAID.

ANGORA, *June 5, 1926.*

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of your Excellency's note of to-days date of which I take note, and by which your Excellency, referring to Article 14 of the Treaty signed between us to-day, has been so good as to declare that :

" If, within twelve months from the coming into force of this Treaty, the Turkish Government desires to capitalise its share of the royalties mentioned in the said article, it shall notify the Iraq Government of its desire and the latter, within thirty days after the receipt of this notice, shall pay to the Turkish Government in full satisfaction on account of this article the sum of £500,000 sterling.

" On the other hand, it is understood that the Turkish Government undertakes not to divest itself of its interests in the said royalties without previously giving the Iraq Government the opportunity of acquiring those interests at a price not higher than that which any third party may be ready to pay.

" It is agreed that the present Exchange of Notes constitutes an integral part of the Treaty signed to-day. "

I avail, etc.

Dr T. RUSHDI.

¹ TRADUCTION. — TRANSLATION.

EXCHANGE OF NOTES

RECTIFYING THE ANNEX TO ARTICLE ONE OF THE TREATY OF JUNE 5, 1926.

I.

BRITISH EMBASSY.
(E 2103/84/65)
No. 69.
(1119/33/1927)

ANGORA, *April 28, 1927.*

YOUR EXCELLENCY,

I am instructed by my Government to send you confirmation of the acceptance by His Britannic Majesty's Government and by the Iraq Government of the following correction of an erroneous passage in the Annex to Article 1 of the Treaty concluded between the Governments of Great Britain, Iraq and Turkey and signed at Angora on June 5, 1926 :

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

The passage in the text of the Treaty as signed and ratified reads as follows :

“ Une droite jusqu'à cette source (l'affluent mentionné ci-dessus est le Rudbar i Shin qui passe en aval, jusqu'à l'embouchure de la rivière un peu au sud de Deh). ”¹

His Britannic Majesty's Government and the Government of Iraq agree that this text should be replaced by the following :

“ Une droite jusqu'à cette source. L'affluent mentionné ci-dessus et le Rudbar i Shin en aval jusqu'à l'embouchure de la rivière qui passe un peu au sud de Deh. ”²

The Governments of His Britannic Majesty and of Iraq will regard the correction of the text effected by the present exchange of Notes as forming part of the Treaty of Angora, and His Britannic Majesty's Government will communicate it to the Signatory States of the Treaty of Lausanne in accordance with the provisions of Article 18 of the Treaty of Angora.

I am, etc.

(Signed) George R. CLERK.

To His Excellency
Dr. Tewfik Rushdi Bey,
Minister for Foreign Affairs
of the Government of the Turkish Republic,
Angora.

II.

TURKISH REPUBLIC.
MINISTRY OF FOREIGN AFFAIRS.

ANGORA, *April 28, 1927.*

YOUR EXCELLENCY,

I have the honour to send you confirmation of the acceptance by the Turkish Government of the following correction of an erroneous passage in the Annex to Article 1 of the Treaty concluded between the Governments of Turkey, Great Britain and Iraq and signed at Angora on June 5, 1926 :

The passage in the text of the Treaty as signed and ratified reads as follows :

“ Une droite jusqu'à cette source (l'affluent mentionné ci-dessus est le Rudbar i Shin qui passe en aval, jusqu'à l'embouchure de la rivière un peu au sud de Dch.). ”¹

The Government of the Turkish Republic agrees that this text should be replaced by the following :

Une droite jusqu'à cette source. L'affluent mentionné ci-dessus et le Rudbar i Shin en aval jusqu'à l'embouchure de la rivière qui passe un peu au sud de Deh.²

The Turkish Government regards the correction of the text effected by the present exchange of Notes as forming part of the Treaty of Angora, and will communicate it to the Signatory States of the Treaty of Lausanne in accordance with the provisions of Article 18 of the Treaty of Angora.

I am, etc.,

(Signed) Dr. T. RUSHDI.

To His Excellency Sir George R. Clerk,
His Britannic Majesty's Ambassador
Extraordinary and Plenipotentiary,
Angora.

¹ “ In a straight line up to the source of that river (the above-mentioned tributary is the Rudbar i Shin, which descends to the mouth of the river just south of Deh). ”

² “ In a straight line to the source of that tributary. Down that tributary and down the Rudbar i Shin, to the mouth of the river which flows just south of Deh ”.