

**UNITED KINGDOM OF GREAT BRITAIN AND  
NORTHERN IRELAND**  
**(acting on behalf of His Highness the Sheikh of Koweit)**  
**and**  
**SAUDI ARABIA**

**Agreement for friendship and neighbourly relations (with  
Schedule and Exchange of Notes containing list of tribes).  
Signed at Jedda, on 20 April 1942**

*English and Arabic official texts communicated by the Permanent United Kingdom Representative to the United Nations. The filing and recording took place on 31 October 1947.*

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**ROYAUME-UNI DE GRANDE-BRETAGNE ET  
D'IRLANDE DU NORD**  
**(agissant au nom de Son Altesse le Cheik du Koweit)**  
**et**  
**ARABIE SAOUDITE**

**Accord d'amitié et de relations de bon voisinage (avec une  
annexe et un échange de notes contenant les listes des tribus).  
Signé à Djeddah, le 20 avril 1942**

*Textes officiels anglais et arabe communiqués par le représentant permanent du Royaume-Uni auprès de l'Organisation des Nations Unies. Le classement et l'inscription au répertoire ont eu lieu le 31 octobre 1947.*

No. 57. AGREEMENT<sup>1</sup> FOR FRIENDSHIP AND NEIGHBOURLY RELATIONS BETWEEN THE SHEIKHDOM OF KOWEIT AND THE KINGDOM OF SAUDI ARABIA. SIGNED AT JEDDA, ON 20 APRIL 1942

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The Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter called the Government of the United Kingdom), acting on behalf of His Highness the Sheikh of Koweit, of the one part, and the Government of Saudi Arabia, of the other part, being desirous of confirming the friendship and neighbourly relations which happily have subsisted from of old between His Majesty the King of Saudi Arabia and His Highness the Sheikh of Koweit, and between their respective families and countries, have appointed as their representatives for this purpose:

The Government of the United Kingdom:

Francis Hugh William Stonehewer-Bird, C.M.G., O.B.E., His Majesty's Envoy Extraordinary and Minister Plenipotentiary in the Kingdom of Saudi Arabia,

The Government of Saudi Arabia:

His Excellency Sheikh Yusuf Yasin, Head of the Political Section and Private Secretary to His Majesty the King of Saudi Arabia,

who, having examined their credentials and found them to be in good and due form, have agreed as follows:—

*Article 1*

Permanent peace and firm and inviolable friendship shall prevail between the Kingdom of Saudi Arabia and the Sheikhdom of Koweit as it has prevailed from of old.

*Article 2*

The Government of Saudi Arabia and the Government of Koweit shall make every effort to preserve good relations between them and endeavour by every means in their power to prevent the use of either of their respective territories as a base for any unlawful act (including raiding), or preparation therefor, against the peace and tranquillity of the other; and also to endeavour to settle in a spirit of peace and friendship any difference which may arise between them.

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<sup>1</sup> Came into force on 1 May 1943, upon the exchange of the instruments of ratification at Jedda, in accordance with Article 12.

*Article 3*

1. The Government of Saudi Arabia and the Government of Koweit shall appoint frontier officers in the zones adjacent to the frontiers for the organisation of co-operation and for carrying out the measures necessary to ensure the application of the provisions of this Agreement in everything relating to peace and tranquillity in the territory of the other party and in whatever is necessary to ensure commercial co-operation between the two countries and to facilitate good relations between them; and the two Governments shall notify each other of the names of the persons appointed for this purpose.

2. These frontier officers, or any persons acting on their behalf, shall have the right to communicate with each other for the purpose of frontier co-operation as provided in Articles 4, 5, 6, 7, 8 and 9 of this Agreement and the schedule annexed thereto, and with a view to the settlement of questions arising from time to time on the frontier or between the tribes.

*Article 4*

The frontier officers specified in Article 3 shall exchange information immediately regarding any incident occurring on either side of the frontier which may affect the maintenance of security on the other side.

*Article 5*

1. Whenever one of the frontier officers specified in Article 3 learns of preparations being made in his territory by an armed person or by armed persons with the object of committing acts of robbery or plunder or raiding or any other unlawful act of such nature as to disturb the peace of the frontier between the two countries, he shall inform the other thereof.

2. If it should appear that this information will not arrive in time to admit of warning being given to those liable to be injured by the aggression, the information must be given in addition to the nearest official and, in case of its being impossible to reach him, to the persons or tribes threatened.

*Article 6*

1. If one of the frontier officers should learn of the commission in his territory of any act of robbery or plunder or smuggling or raiding or any other unlawful act of such a nature as to disturb the peace of the frontier between the two countries, he may notify the other thereof, and in circumstances of urgent necessity he shall inform the nearest official of the other Government. The person so notified shall thereupon take the necessary steps with a view to

the immediate apprehension of the offenders in the event of their entering the territory in which he is employed and for the immediate restoration in their entirety of all the stolen, plundered or smuggled objects which may be found in the possession of the offenders.

2. If the offenders are nationals of the country which they have entered, the necessary measures shall be taken to put them on trial in their own country. If they are nationals of the other country or of a third Arab State, they shall, subject to the provisions of the Extradition Agreement signed on 20th April, 1942, be surrendered to the Government of the territory where the offence occurred.

#### *Article 7*

The frontier officers specified in Article 3 shall arrange from time to time, in case of need, to meet at some place for the settlement of difficulties arising between the tribes on the frontier, in accordance with the spirit of this Agreement.

#### *Article 8*

1. All decisions taken in mutual agreement by the frontier officers specified in Article 3 in regard to questions arising on the frontier between the tribes shall be recorded in writing and signed by both officers at the time of agreement and shall forthwith become operative and executory.

2. Those matters, however, upon which the frontier officers are unable to reach an agreement shall be referred to the two Governments for settlement by agreement.

#### *Article 9*

1. Nationals of either Saudi Arabia or Koweit who habitually frequent both sides of the frontier for the purpose of grazing shall have freedom of "musabala" and shall be free to move from place to place in the two territories, unless one of the two Governments finds it necessary to restrict the freedom of its own nationals to move into the territory of the other, or to restrict the freedom of the nationals of the other Government to move across into its territory, in the interests of public order or for reasons of economic necessity.

2. The frontier officer of the Government which considers it to be in its interest to impose such a restriction shall inform the frontier officer of the other Government of that decision before it is put into effect, in order that the latter may have an opportunity to adopt means to overcome any difficulties which may result from the execution of the decision, on the understanding that it is incumbent upon the frontier officers, in such cases that both should use their best endeavours to remove any difficulty which may be pointed out by either of

them as likely to result from the application of this prohibition, if it can be removed; and if it cannot, then the prohibition shall come into force.

3. If the interests of either of the two Governments require that it should enter into contact with its subjects residing in the other territory, in order to collect "Zakat" or for some other purpose, it may make application to the other to that end, and the other shall either permit the entry of the competent officials for the desired purpose or shall compel the tribes or persons in question to return to their own country.

#### *Article 10*

No official of either Government, nor any national of either of them, shall be allowed to cross the frontier between the two territories without previous permission from the other Government, except in the following cases:—

- (1) Nationals may move between the two territories for the purpose of grazing, as provided in Article 9.
- (2) Officials may enter for the purpose of proceeding to the towns of Koweit or Riyadh for any purpose, provided that they are authorised to do so by their respective Governments.
- (3) The frontier officers mentioned in Article 3 and their representatives and messengers may cross for the purpose of co-operation specified in Articles 4, 5, 6, 7, 8 and 9 of this Agreement.
- (4) The nationals of either Government may enter the territory of the other to follow up losses as provided in paragraph 7 of the Schedule attached to this Agreement.
- (5) Any national of either of the two Governments may enter the territory of the other for "musabala," or for any other purpose not specified in this Article, without obtaining permission from the other beforehand. But a Saudi Arabian national shall carry a document issued by the competent authority in his own country establishing his identity and authorising him to make the proposed journey, and the Koweit authorities shall inform the Saudi Arabian Agent in Koweit of the names and tribes of persons arriving and of the articles they carry away from Koweit. This, however, does not apply to pilgrims, for whom there is a special arrangement in accordance with the regulations of the Kingdom of Saudi Arabia.

#### *Article 11*

Without prejudice to the provisions of Article 9, the Governments of Saudi Arabia and Koweit shall prevent foreigners who come to or reside in their

respective territories from crossing the frontier into the territory of the other Government for the purpose of travel, exploration, hunting or any other purpose, without previous permission from the competent authority of the Government concerned. The Government whose territory is entered by such foreigners shall not be responsible for their safety if the entry has been effected without previous permission.

#### Article 12

This Agreement has been drawn up in duplicate in English and Arabic and both texts have equal force. Instruments of ratification shall be exchanged by the two Contracting Parties as soon as possible. It shall come into force as from the date of the exchange of instruments of ratification and shall be valid for a period of five years from that date.

If neither of the two Contracting Parties gives notice to the other Party six months before the expiry of the period of five years that it wishes to terminate or to amend the Agreement, it shall remain in force and shall not be held to have terminated until six months have elapsed from the day on which one of the two Parties shall have given notice to the other Party of its desire to terminate it or to amend it.

IN FAITH WHEREOF the undersigned Plenipotentiaries have signed the present Agreement.

DONE at Jedda, the twentieth day of April, 1942, corresponding to the fourth day of the month of Rabi' al Thani in the year 1361 of the Hijra.

For the Government of the United Kingdom:  
F. H. W. STONEHEWER-BIRD

For the Government of Saudi Arabia:  
YUSUF YASIN

#### SCHEDULE

##### 1. *Certificates for the Return of Loot*

On each occasion on which loot is returned in conformity with the Agreement for Friendship and Neighbourly Relations between the Kingdom of Saudi Arabia and the Sheikhdom of Koweit, with a view to its being delivered to its owners, the frontier officer or officers appointed in accordance with Article 3 of the said Agreement shall give to the person taking delivery of the loot an official certificate in the following form signed by him:—

“I, the undersigned, certify as follows:—

“(1) That the property and the animals now returned constitute to the best of our knowledge, resulting from our investigations, all the loot which the aggressors captured in the incident which occurred at \_\_\_\_\_ on the \_\_\_\_\_ between members of the \_\_\_\_\_ and \_\_\_\_\_ tribes, with the exception of the following which it has not been possible to recover:  
.....

“(2) That the property and animals now returned comprise all that we have recovered from the offenders up to this date, in its entirety, and, by way of compensation for objects certified to be impossible of recovery in kind and to be missing, namely \_\_\_\_\_, and the following, which are forwarded \_\_\_\_\_, and I certify that these are of the same equivalent value as the missing objects which it has not been possible to recover, and, further, that all possible measures will be taken for the recovery of any other loot which has not been recovered from the offenders, and that, when recovered, it will be returned to you accompanied by another certificate.

Signature.....”

## 2. *Wisaqa*

(1) It shall not be permissible to detain live-stock or property on either side of the frontier in order to enforce the return of other, looted, live-stock or property believed to be unlawfully held on the other side of the frontier.

(2) This section shall not affect the right of the authorities on each side of the frontier to make use of this means to enforce the restoration of live-stock or property unlawfully held in their own territory only.

## 3. *Araif*

If any national of Koweit proves before the competent authorities in the Kingdom of Saudi Arabia or any national of the Kingdom of Saudi Arabia before the competent authorities in Koweit, his property rights in animals, found in the possession of another person, which he has recognised as his, the competent authorities shall hand over the animals to him who recognises them as his after the claim has been proved before them. The possessor, if he makes known the person who sold him the animals, shall have the right to demand the price from the seller, and the Government in whose territory the seller is shall look into the claim of the possessor from whom the animals have been taken, and shall recover the price from the seller and punish the seller if he is a thief or has obtained the animals illegally. If the possessor of the animals does not make known the seller, he shall himself be responsible for his illegal possession of the animals.

#### 4. *Blood Money*

Either Government shall collect from a homicide, being its national, blood money in respect of a person slain belonging to the other Government, provided that the homicide was not guilty of premeditated aggression, in which case the law of retaliation applies; and provided that the homicide was not engaged in lawful self-defence. The blood money shall be calculated according to the Sharia Law as at present recognised between the Sheikhdom of Koweit and the Kingdom of Saudi Arabia.

#### 5. *Compensation for Losses*

Persons guilty of premeditated acts of aggression, such as raiding or robbery, shall be obliged to make good all losses suffered by the victims as a result of the aggression and shall pay the value of animals which have been killed in the fighting, or which have been looted and have died or been lost while in their possession. The frontier officer appointed in accordance with Article 3 of the Agreement for Friendship and Neighbourly Relations who is responsible for the collection and return of loot, shall likewise collect from the aggressors out of their property objects equivalent in value to those losses, and shall deliver them together with the loot as required by Section 1 of this Schedule. The frontier officer of the Government whose nationals were the victims may collect any evidence which he considers appropriate regarding the losses and forward it to the frontier officer of the other Government engaged in collecting the loot.

#### 6. *Khidma*

On the return of the looted property or animals nothing shall be deducted therefrom by the way of Khidma, recompense, wages of herdsmen, or expenses. If the Government collecting the loot has incurred such expenditure, it is free to recover it out of the property of the offenders. The recompense, however, of a person who has found stray camels and taken charge of them until application is made by their owner shall be calculated at the rate of one gold pound for every five camels, provided that the finder has given notice of his having found them at the time of its occurrence and has not attempted to conceal it. The frontier officer to whom notice is given shall give notice of the fact to the frontier officer of the other Government.

#### 7. *Losses*

The nationals of either country may enter the other country to search for any of their property which may have been lost or stolen. If the searcher finds anywhere what he lost or what was stolen from him he shall demand his losses from the person in whose possession they are. If the latter surrenders them, well and good; but if not, the searcher shall not have the right to recover them by force but shall apply to the nearest Government center in order to inform those concerned



of the result of his enquiries about his losses or what was stolen from him. The authority to whom this information is given shall take the necessary measures to give what is due to the rightful person and to punish the offenders.

DONE at Jedda the twentieth April, 1942, corresponding to the fourth day of the month of Rabi' al Thani 1361 of the Hijra.

For the Government of the United Kingdom:

F. H. V. STONEHEWER-BIRD

For the Government of Saudi Arabia:

YUSUF YASIN

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## EXCHANGE OF NOTES

No. 1

*Sheikh Yusuf Yasin to Sir F. H. W. Stonehewer-Bird*TRANSLATION<sup>1</sup> — TRADUCTION<sup>1</sup>

Jedda, 20th April, 1942 (4th Rabi' al Thani 1361)

Your Excellency,

As we have been successful in drawing up an agreement for "Friendship and Neighbourly Relations" between Saudi Arabia and Koweit, and as it is necessary to establish the identity of the tribes of Saudi Arabia and Koweit, I herewith submit a list of such tribes:—

*Tribes of Saudi Arabia*

'Ajman.  
Mutair.  
Rashayida.  
'Awazim.  
'Ataiba.  
Qahtan.  
Dawasir.  
Al Murra.  
Bani Khalid.  
Bani Hajir.  
Manasir.  
Subai.  
Sahul.  
Za'b.  
Shammar.  
Harb.

*Tribes of Koweit*

'Araibdar.

As regards the question whether any and, if so, which sections of the tribes owe allegiance to Koweit, this shall be settled either by an understanding between the Saudi Arabian and Koweit Governments, or, failing such agreement, by a Joint Committee which shall be appointed at a time to be agreed upon by the said Governments for that purpose.

I hope to receive your Excellency's reply that you agree to this.

Accept, &c.

YUSUF YASIN

<sup>1</sup> Translation by His Britannic Majesty's Foreign Office.

<sup>1</sup> Traduction du *Foreign Office* de Sa Majesté britannique.

No. 2

*Sir F. H. W. Stonehewer Bird to Sheikh Yusuf Yasin*

BRITISH LEGATION

Jedda, 20th April, 1942

Your Excellency,

I have received your Excellency's letter dated 20th April, 1942, containing the lists of tribes of Saudi Arabia and Koweit, the names of which are as follows:—

[*As in preceding note*]

In reply I have the honour to inform your Excellency that His Majesty's Government in the United Kingdom, acting on behalf of His Highness the Sheikh of Koweit, accept the lists and agree that the question whether any and, if so, which sections of these tribes owe allegiance to Koweit shall be settled either by an understanding between the Saudi Arabian and the Koweiti Governments or, failing such agreement, by a Joint Committee, which shall be appointed at a time to be agreed upon by the said Governments for that purpose.

I have, &amp;c.

F. H. W. STONEHEWER-BIRD