

**No. 580**

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**IRAQ  
and  
TURKEY**

**Treaty of friendship and neighbourly relations, and six annexed protocols as follows:**

**No. 1—relative to the regulation of the waters of the Tigris and Euphrates and of their tributaries;**

**No. 2—relative to mutual assistance in security questions;**

**No. 3—relative to co-operation in educational, instructional and cultural matters;**

**No. 4—relative to postal, telegraphic and telephonic communications;**

**No. 5—relative to economic questions;**

**No. 6—relative to the frontier.**

**Signed at Ankara, on 29 March 1946**

*Arabic, Turkish and French official texts communicated by the Minister of Foreign Affairs of Iraq and the Permanent Representative of Turkey to the United Nations. The registration took place on 15 September 1949.*

## TRANSLATION — TRADUCTION

No. 580. TREATY<sup>1</sup> OF FRIENDSHIP AND NEIGHBOURLY  
RELATIONS BETWEEN IRAQ AND TURKEY. SIGNED  
AT ANKARA, ON 29 MARCH 1946

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His Majesty FEISAL II, King of Iraq,

and

His Excellency ISMET INÖNÜ, President of the Turkish Republic,

inspired by the desire to strengthen further the friendly and neighbourly relations happily established between Iraq and Turkey and to reinforce the sympathy and bonds of brotherhood which have existed for centuries between the two peoples,

considering that their foreign policy is firmly based on the conviction that the ideal of peace and security held by these two peoples is inseparable from the peace and security of the peoples of the world, and especially of the Middle East,

happy to find in the clauses of the United Nations Charter recently signed at San Francisco and aiming at the development of international solidarity, provisions confirming their own aspirations, and encouraging them to fresh efforts in this connexion,

considering that the establishment of closer ties between them can be effectively assisted by understanding and mutual aid in the economic field,

with the legitimate ambition of being the first to put into effect the above-mentioned principles of the United Nations Charter, and being desirous of remaining faithful to the obligations incurred under the Charter,

have become convinced of the need to conclude an Agreement for the purpose of giving effect to the considerations indicated above and have to this end appointed as their Plenipotentiaries:

His Majesty FEISAL II, King of Iraq:

His Excellency Al Farik Nuri ESSAD, President of the Senate, Order of Rafidain First Class;

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<sup>1</sup> Came into force on 10 May 1948, by the exchange of the instruments of ratification at Baghdad, in accordance with article 7.

His Excellency Abdul Ilah HAFIDH, Member of the Chamber of Deputies;

His Excellency ISMET INÖNÜ, President of the Turkish Republic:

His Excellency Hasan SAKA, Deputy of Trabzon, Minister of Foreign Affairs;

His Excellency Feridun Cemal ERKIN Secretary-General of the Ministry of Foreign Affairs, Ambassador of Turkey;

Who, having exchanged their full powers, found in good and due form, have agreed upon the following provisions:

#### *Article 1*

Each of the High Contracting Parties undertakes to respect their territorial integrity and their common frontiers as defined and delimited in the Treaty concluded in 1926.<sup>1</sup>

#### *Article 2*

Each of the High Contracting Parties undertakes to observe a policy of absolute non-intervention in the domestic affairs of the other.

#### *Article 3*

With regard to international affairs in general, and more especially those having a regional character affecting themselves, the High Contracting Parties undertake to consult each other, and in the policies pursued by them, to afford each other full support and co-operation within the framework of the United Nations.

#### *Article 4*

The High Contracting Parties undertake to refer to the competent organ of the United Nations without delay any threat of aggression or any violation of the territorial integrity or frontiers of either Party.

#### *Article 5*

The High Contracting Parties undertake, in conformity with the provisions of Article 33 of the United Nations Charter, to settle by peaceful means all disputes which may arise between them and to refer to the Security Council, in conformity with the provisions of Article 37 of the Charter, any disputes which they may fail to settle by these means.

<sup>1</sup> League of Nations, *Treaty Series*, Volume LXIV, page 379.

Similarly, the High Contracting Parties undertake to make every effort to bring about the settlement, in accordance with the same provisions, of any disputes which may arise between one of them and a third neighbour State, or between two neighbour States.

#### *Article 6*

The High Contracting Parties being anxious, in keeping with the spirit of the present Treaty, to achieve co-operation in all aspects of their relations, have concluded the Protocols indicated below, which shall form an integral part of the present Treaty.

#### PROTOCOLS:

Protocol No. 1—relative to the regulation of the waters of the Tigris and Euphrates and of their tributaries,

Protocol No. 2—relative to mutual assistance in security questions,

Protocol No. 3—relative to co-operation in educational, instructional and cultural matters,

Protocol No. 4—relative to postal, telegraphic and telephonic communications,

Protocol No. 5—relative to economic questions,

Protocol No. 6—relative to the frontier.

The High Contracting Parties have also concluded the following conventions:

#### CONVENTIONS:

Extradition Convention,<sup>1</sup>

Convention in respect of legal assistance in civil, penal and commercial matters.<sup>2</sup>

#### *Article 7*

The present Treaty shall remain in force for an unlimited period, and may, at the request of one of the High Contracting Parties, be revised every five years.

<sup>1</sup> See page 369 of this volume.

<sup>2</sup> See page 333 of this volume.

It shall be ratified by each of the High Contracting Parties, and the instruments of ratification shall be exchanged at Baghdad as soon as possible.

DONE at Ankara, on 29 March 1946, in three copies, in Arabic, Turkish and French, the latter being authentic in case of dispute.

Noury SAID

Hasan SAKA

A. HAFIDH

Feridun Cemal ERKIN

*PROTOCOL No. 1*

RELATIVE TO THE REGULATION OF THE WATERS OF THE  
TIGRIS AND EUPHRATES AND OF THEIR TRIBUTARIES

IRAQ and TURKEY,

recognizing the importance for Iraq of the construction of conservation works on the Tigris and Euphrates and their tributaries, in order to ensure the maintenance of a regular water supply and the regulation of the water-flow of the two rivers with a view to avoiding the danger of floods during the annual periods of high-water,

considering that it will probably be found after investigation that the most suitable sites for the construction of dams and other similar works, the entire cost of which shall be defrayed by Iraq, lie in Turkish territory,

being also in agreement upon the need for installing permanent observation stations in Turkish territory to record the water-flow of the above-mentioned rivers and to communicate regularly to Iraq the result of these observations,

accepting the principle that the construction of conservation works upon these rivers should as far as possible, and in the interests of both countries be adapted to purposes of irrigation and the production of hydro-electric power,

have agreed as follows:

*Article 1*

Iraq may, as soon as possible, send to Turkey groups of technical experts in its service to make investigations and surveys, collect hydraulic, geological and other information needed for the selection of sites for the construction of

dams, observation stations and other works to be constructed on the Tigris, the Euphrates and their tributaries, and prepare the necessary plans to this end.

The maps produced in accordance with the results of these surveys shall be prepared by the competent Turkish services.

All the expenditure incurred in the work mentioned in the present article shall be defrayed by Iraq.

### *Article 2*

The above-mentioned technical experts shall collaborate in their work with Turkish technical experts, and Turkey shall authorize them to proceed to the places to be visited and shall provide them with the information, assistance and facilities necessary for the accomplishment of their task.

### *Article 3*

Turkey shall install permanent observation stations and shall ensure their operation and maintenance. The cost of operation of these stations shall be defrayed in equal parts by Iraq and Turkey, as from the date of entry into force of the present Protocol.

The permanent observation stations shall be inspected at stated intervals by Iraqi and Turkish technical experts.

During periods of high-water the levels of water observed every day at 8 a.m. by the stations equipped for telegraphic communication, such as Diyarbakir, Cizre, etc., on the Tigris and Keban, etc., on the Euphrates, shall be communicated by telegram to the competent authorities designated by Iraq for this purpose.

The levels of water observed outside periods of high-water shall be communicated to the same authorities by means of bi-monthly bulletins.

The cost of the above-mentioned communications shall be defrayed by Iraq.

### *Article 4*

The Turkish Government accepts in principle the construction, in conformity with the agreement mentioned in the next paragraph, of any works which may be found necessary as a result of the studies provided for in article 1.

Each work, other than the permanent observation stations, shall be the subject of a separate agreement in respect of its site, cost, operation and maintenance, as well as its use by Turkey for purposes of irrigation and power production.

*Article 5*

Turkey shall keep Iraq informed of her plans for the construction of conservation works on either of the two rivers or their tributaries, in order that these works may as far as possible, be adapted, by common agreement, to the interests of both Iraq and Turkey.

*Article 6*

Each of the High Contracting Parties shall appoint a representative as soon as possible after the signature of the present Protocol.

The two representatives shall confer together on all questions relating to the putting into force of the present Protocol, and shall act as intermediaries between the two Parties in their communications on this subject.

Noury SAID

Hasan SAKA

A. HAFIDH

Feridun Cemal ERKIN

*PROTOCOL No. 2*

## RELATIVE TO MUTUAL ASSISTANCE IN SECURITY QUESTIONS

*Article 1*

Each of the High Contracting Parties undertakes to receive, in the event of their expulsion, nationals of a third Power, who having passed through its own territory, have entered the other Party's territory without being supplied with a passport or valid travel document.

*Article 2*

Should one of the High Contracting Parties desire to expel the national of a third Power and return him to his country of origin, the other Party shall grant the transit visa requested for this purpose, and should the expelled person not be admitted by his country of origin, the Party which made the request for expulsion shall be obliged to receive the expelled person into its own territory.

*Article 3*

Each of the High Contracting Parties reserves the right to prohibit, either in virtue of a legal sentence, or under the laws and regulations upon morality, health or mendicancy, or for reasons connected with the internal or external

security of the State, or under the provisions of the local legislation, the establishment or sojourn of nationals of the other Party in its territory and to expel them for these reasons.

Persons not in possession of a passport or valid travel document, even in cases where the provisions of the preceding paragraph do not apply, may be expelled from their country of origin if they cannot obtain and produce such document, within one month from the date of notice served upon them, and in any case their identity shall be communicated to the other Contracting Party. This clause is without prejudice to the treatment prescribed by local legislation.

Should such persons be returned to the State making the application because their nationalities have been found upon inquiry to be other than that of the State to which application has been made, these persons shall be re-admitted by the State making the application.

#### *Article 4*

The High Contracting Parties shall defray the cost incurred in their own territories as a result of the expulsion mentioned in the preceding articles.

#### *Article 5*

The High Contracting Parties undertake to grant each other mutual aid and assistance in the suppression of the illicit traffic in arms and narcotic drugs, the prevention of the forcible removal of persons or property across the frontiers, and the counterfeiting of currency.

#### *Article 6*

The High Contracting Parties undertake to communicate to each other where possible the photographs and identities of all persons suspected of having committed the acts mentioned in article 5, together with such detailed information as they may possess on the subject.

#### *Article 7*

Should one of the High Contracting Parties request information or the opening of an inquiry with regard to crimes, criminals and suspected persons who are disturbing security in its territory, such request shall be complied with.

Should one of the High Contracting Parties request information or the opening of an inquiry with regard to one of its nationals in the territory of the other Party, such request shall be complied with.



*Article 8*

The High Contracting Parties agree to allow their security services to communicate to each other additional information with regard to persons suspected of having committed a crime in the frontier zone of the other Party, irrespective of their nationality.

*Article 9*

The High Contracting Parties undertake to exchange information other than that referred to in article 22 of the Convention in respect of legal assistance<sup>1</sup> and where possible the fingerprints of convicted persons.

*Article 10*

The High Contracting Parties undertake to exchange any information in their possession with regard to harmful and subversive propaganda contrary to the laws of the two countries and likely to compromise the other Party's security and to arouse a spirit of rebellion.

*Article 11*

All the communications mentioned in the present Protocol shall be made in Arabic or Turkish.

*Article 12*

The officials of the two countries authorized to correspond with each other by virtue of the provisions of the present Protocol are:

For Iraq: the Director-General of Security Affairs,

For Turkey: the Director-General of Security.

*Article 13*

In urgent and exceptional cases, and until such time as the authorities mentioned in the preceding article have been informed, the Directors of Security of the Vilayets and the Sub-Prefectures (*Mutasarriflik*) may make the communications provided for in article 12, with a view to the taking of certain urgent measures.

*Article 14*

The High Contracting Parties undertake to communicate to each other by means of quarterly lists, or in urgent cases immediately, the names of persons expelled from their territory and of undesirables who may be of interest to the other Party.

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<sup>1</sup> See page 333 of this volume.

*Article 15*

With a view to assisting each other in developing the activities of the security services in both countries, to ensuring the eventual achievement of standardization and uniformity in the training and working methods of their staff, particularly in the intelligence and technical police services, and to allowing the members of the security services of the two countries to become acquainted with each other by visits to the scenes of their activities, the High Contracting Parties undertake to ensure reciprocal communication of police laws and regulations together with revisions and amendments thereof, each Party to send students or officials to the training institutions of the other Party and to arrange for members of their security services to visit each other.

*Article 16*

None of the provisions contained in the present Protocol shall be taken as affecting the obligations entered into under the Extradition Convention or the Convention relative to legal assistance.

Noury SAID

Hasan SAKA

A. HAFIDH

Feridun Cemal ERKIN

*PROTOCOL No. 3*

RELATING TO CO-OPERATION IN EDUCATIONAL, INSTRUCTIONAL AND CULTURAL MATTERS BETWEEN THE KINGDOM OF IRAQ AND THE TURKISH REPUBLIC

The High Contracting Parties, desirous of putting into effect the principles laid down in the Statute of the United Nations Educational, Scientific and Cultural Organization, signed in London on 16 November 1945 by the Members of the United Nations,

considering the need for co-operation in the fields of education, science and culture arising from their position as neighbours,

and subject to the provisions of the cultural agreements concluded by each of the High Contracting Parties with a third Power,

have agreed as follows:

*Article 1*

The High Contracting Parties, in conformity with the principles contained in the above-mentioned Statute of the United Nations Educational, Scientific

and Cultural Organization, agree to afford each other aid and assistance in all fields, with a view to establishing cultural ties between them, to ensuring the temporary or permanent exchange of students, teachers and specialists, to facilitating research and studies on all subjects connected with the culture and history of the two countries and to reciprocally granting each other, subject to the laws in force in the two countries, the benefit of the scientific and practical instruction available in the scholastic and scientific institutions existing in their territories.

### *Article 2*

The Commission, the composition of which is prescribed in articles 5 and 6, shall take the necessary decisions for the adoption of appropriate measures to give effect to the principles set forth in article 1.

The said Commission's decisions, however, shall in no case be enforceable until their approval by the Government concerned.

### *Article 3*

The principal purposes of the co-operation to be established in conformity with the provisions of the present Protocol in the fields of education, teaching and culture, are as follows:

1. Recognition of the equivalence of diplomas (including the doctorate), awarded by the schools of the two countries, for admission to the corresponding grades of the teaching profession.

2. Reciprocal admission of the teaching of Arabic and Turkish among the foreign languages in commercial schools, this subject remaining optional, however.

3. The exchange, for instructional purposes, of a given number of students to be admitted free of charge to State residential educational establishments.

4. Mutual assistance in the supervision and control of Iraqi and Turkish students in foreign countries.

5. Provision of prizes to encourage the young people of both countries to make a thorough study of the language of the neighbouring country

6. Encouragement of friendly relations, meetings and mutual aid in the fields of sport and the Boy Scout movement.

7. Establishment of acquaintanceship and co-operation between pupils of secondary and higher schools by the organization of travel and scientific and Boy Scout meetings,

8. Exchange of Turkish and Arabic teachers to give courses in the commercial schools.

9. Exchange of lecturers on various subjects in the universities and higher schools.

10. Organization of "cultural weeks" by universities and higher schools of both countries in the large towns of Iraq and Turkey, to allow co-operation and acquaintanceship to be established between the members of the higher teaching faculties of the two countries.

11. To take mutual advantage of instruction in schools, institutes and courses of lectures for the training of professional teachers.

12. To take mutual advantage, either temporarily or permanently, of the technical and professional schools and institutes of all grades, of the universities and higher schools, and of the resources possessed by these institutions for purposes of work, research and study.

13. Establishment of an Institute of Turkish Language and Literature at Baghdad along similar lines to the Institutes of Arabic Language and Literature already existing at the Universities of Ankara and Istanbul.

14. Joint study of the possibilities of unifying and co-ordinating as far as possible the organization and curricula of schools in the two countries.

15. Exchange of specialists and teachers to study scientific life and educational questions in the two countries.

16. Reciprocal application of reduced fares on Government transportation systems for groups of teachers, specialists, artists and students travelling from one country to the other for cultural, artistic, or sporting purposes and in connexion with the Boy Scout movement, or for holiday or study tours, arrangements being made for their free accommodation in Government establishments.

17. Introduction of Iraqi and Turkish hours in the broadcasting programmes of the two countries to allow the two countries to obtain a better knowledge of each other; publication, for the same purposes, of useful information on the two countries by newspapers, reviews, cinemas, and other similar means.

18. Mutual organization of visits by official or private groups of artists (musicians, actors, painters).

19. Joint or reciprocal organization of artistic, cultural and technical exhibitions.

20. Exchange of all kinds of cultural, scientific and sporting publications, library catalogues and bibliographies between the institutions concerned in the two countries.

21. Exchange between the official organizations concerned of publications of all kinds concerning the development of Government activities undertaken in the two countries, and their legislation.

22. Reciprocal use of specialists on museums, libraries and archives in the two countries.

23. Exchange of antiquities and museum pieces, where the two countries possess a surplus of such objects.

24. To keep the specialists of the neighbouring country informed of all research work and archeological excavations, repairs or restoration of historical monuments, or to invite them to take part in such work, thus ensuring mutual co-operation both in the execution of the work and the appraisal of the results achieved.

25. Mutual authorizations to make photostatic copies of manuscripts kept in libraries, temporary loans of such manuscripts, exchange of surplus copies.

26. Reciprocal use of documents and registers of all sorts in the State archives (including the archives of the "Cheri" courts and Land Survey), for historical studies.

27. Organization of meetings of scholars for the joint study, from a common standpoint, of Islamic culture and other common aspects of the history of the two countries. To produce joint publications ensuring intellectual co-operation between the scholars of the two countries.

28. Invitation of representatives from the other Party to attend national ceremonies and demonstrations and scientific and educational congresses held in the two countries.

#### *Article 4*

For the purpose of putting into effect the provisions of the present Protocol, a Turkish-Iraqi Educational Co-operation Commission shall be set up under the chairmanship of the Ministers of National Education of the two countries. This Commission shall be composed of six members, three of whom shall be Iraqi and three Turkish. One Iraqi member and one Turkish member shall act

as Secretaries-General of the Commission and shall represent it before their respective Governments during periods when it is not in session.

One of the three national members shall be appointed by the Ministry of Foreign Affairs of his country. The two other national members, including the member who is to act as Secretary-General, shall be appointed by the Minister of National Education of their country. The Ministers of Foreign Affairs of the two countries shall communicate to each other, through the diplomatic channel, the names and descriptions of the members appointed to the Commission.

#### *Article 5*

The Turkish-Iraqi Educational Co-operation Commission shall meet once annually, in Iraq or Turkey alternately, under the chairmanship of the Minister of National Education of the country in which the meeting is held. At the request of one of the Parties, which shall make known previously the purpose of the meeting, and with the consent of both Parties as regards place and date, the Commission may hold special sessions.

The records and resolutions adopted at each session shall be embodied in a report, copies of which shall be communicated to the Heads of the Governments of the two countries, to the Minister of National Education of the neighbouring country and to the Secretary-General of the United Nations Educational, Scientific and Cultural Organization.

Noury SAÏD

Hasan SAKA

A. HAFIDH

Feridun Cemal ERKIN

#### *PROTOCOL No. 4*

### RELATIVE TO POSTAL, TELEGRAPHIC AND TELEPHONIC COMMUNICATIONS

#### *Article 1*

The High Contracting Parties undertake reciprocally to apply their domestic postal rates now in force to letters despatched from Iraq to Turkey and from Turkey to Iraq.

#### *Article 2*

The High Contracting Parties agree to take the necessary steps to ensure the conveyance via the Aleppo-Nusaybin-Telköçek route of postal packages, and insured letters and boxes, exchanged between their respective services.

*Article 3*

Iraq and Turkey undertake to put into operation a line equipped with the most modern carrier current telegraph and telephone apparatus between Ankara, Diyarbakir and the Turkish-Iraqi frontier and between Baghdad and the same frontier.

Until the completion and putting into operation of the line indicated above, the Iraqi and Turkish Administrations shall take the necessary steps to ensure regular traffic upon the present line between Diyarbakir and Mosul.

Iraq undertakes to support the representations made by the Turkish Administration of Posts, Telegraphs and Telephones to the Syrian Telephone Administration, with a view to ensuring telephonic communication between Iraq and Turkey through Syria.

*Article 4*

The High Contracting Parties undertake to grant each other a reduction of 50 per cent in the charges on Government and press telegrams.

A two-thirds reduction in charges on press telegrams may be considered when the line mentioned in article 3 has been put into operation.

*Article 5*

The details and conditions of application of the present Protocol shall be established, and the measures found necessary in respect of the service shall be taken, by common agreement between the competent administrations of the High Contracting Parties.

Noury SAID

Hasan SAKA

A. HAFIDH

Feridun Cemal ERKIN

*PROTOCOL No. 5*

## RELATIVE TO ECONOMIC QUESTIONS

The High Contracting Parties, inspired by the desire to create the necessary conditions for ensuring in the future closer economic co-operation between their two countries, have agreed upon the following provisions:

## SECTION I.—JOINT ECONOMIC COMMISSION

*Article 1*

A Joint Economic Commission shall be set up to hold periodical meetings to prepare and submit for examination and approval by the two Governments plans for the joint study of the methods of application, amendment and improvement of the provisions of Sections Nos. 1, 2, 3, 4 and 5 of the present Protocol and of Annexed Protocols No. 1 and No. 4.

*Article 2*

This Commission shall comprise the following Committees:

1. Committee on commercial, customs and financial affairs.
2. Committee on tourist traffic.
3. Committee on communications and ports.
4. Committee for the regulation of the waters of the Tigris and Euphrates.

*Article 3*

The place of meeting of this Commission or any of its Committees shall be fixed by agreement between the two Governments, at the request of one of the Contracting Parties, made through the diplomatic channel.

## SECTION II.—CUSTOMS CLAUSE

*Single article*

Each of the High Contracting Parties undertakes to waive or to reduce considerably customs duties on goods originating in or coming from the territory of the other Party. This reduction shall be calculated upon the basis of the lowest customs rate now applicable or which may hereafter be applied to countries other than those detached from the Ottoman Empire under the Treaty of Lausanne.

Should one of the High Contracting Parties grant to one of the countries detached from the Ottoman Empire a reduction greater than that mentioned above, this reduction shall be automatically applicable in favour of the other Party.



## SECTION III.—BANKING AND FINANCIAL RELATIONS

*Single article*

Within the framework of the general provisions in force in each of the two countries, Iraq and Turkey shall facilitate closer relations between Iraqi and Turkish banking and commercial institutions, as well as the formation and establishment in their respective territories of banking and commercial institutions with joint Iraqi and Turkish capital.

## SECTION IV.—TOURIST TRAFFIC

*Single article*

With a view to encouraging the development of the tourist traffic in their respective countries, the High Contracting Parties agree:

1. To organize joint propaganda with a view to the development of tourist traffic between the two countries and to foreign countries.

2. To exchange customs regulations in force in the two countries, with a view to simplifying the supervision of visitors and the customs formalities in respect of personal and touristic belongings and to preparing draft unified rules for this purpose.

3. To exempt from customs duty advertising materials sent by either Party to the touring and automobile clubs, consulates and travel offices to be set up.

4. To give holders of tourist cards of the two countries the benefit of travel facilities and reduced fares on public means of transport.

5. To recognize travel between Iraq and Turkey and vice versa as internal travel from the point of view of the payment of transport costs, and to grant reciprocal facilities for the transfer of costs of sojourn.

6. To strengthen the control of hotel, boarding-house and restaurant prices.

7. To establish joint advertising offices in foreign countries and private offices in their own countries for the distribution of advertising matter, the sale of travel tickets for transport services in existence in their own territories and the organization of trips for tourists and students either between the two countries or to foreign countries.

8. To invite the competent authorities of each High Contracting Party to grant reciprocal facilities and give assistance to nationals of the other Party, leaving, entering or staying in the territory of the other Party; to ensure that their nationals shall have freedom of movement in their respective territories subject to the laws in force.

9. To take the necessary steps to ensure that their countries accede to the international conventions on tourist traffic, where such accession will contribute to the development of tourist traffic as envisaged in the above provisions.

#### SECTION V.—PORT FACILITIES

##### *Single article*

The High Contracting Parties undertake as soon as possible to proceed to studies concerning facilities to be granted by them to each other in the ports of Basra and Iskenderun, in respect of loading and unloading, storage in transit and the creation of free zones, or in respect of all other similar facilities, and to sign, after completing these studies as soon as possible, a Protocol supplementary to the present Protocol containing the provisions relating to the above-mentioned facilities.

Noury SAID

A. HAFIDH

Hasan SAKA

Feridun Cemal ERKIN

#### *PROTOCOL No. 6*

#### RELATIVE TO THE FRONTIER

##### CHAPTER I

##### *Article 1*

The High Contracting Parties have agreed to arrange, under the terms of the present Protocol, for the settlement of any incident or dispute which may occur within a zone of 75 kilometres on either side of the frontier between the two countries, and which may be of a nature to disturb the harmony of frontier relations.

## CHAPTER II.—FRONTIER AUTHORITIES

*Article 2*

To this end, the High Contracting Parties agree to entrust, under their responsibility, the tasks defined in Chapter I:

—on the side of Iraq, in the first instance: to officials appointed by the Government;

—in the second instance: to the Mutasarrifs or officials appointed by the Government;

—on the side of the Turkish Republic, in the first instance: to the Kaymakams or other officials delegated by the authorities of the second instance;

—in the second instance: to the Valis or their deputies.

In addition to communication through the diplomatic channel, as provided in article 10, each of the frontier authorities shall, within the shortest possible period, inform the competent frontier authorities direct of the appointment of any new official or deputy to a frontier post.

*Article 3*

In order to ensure the settlement of incidents or disputes with which they have to deal in the circumstances prescribed by the present Protocol, the authorities mentioned in article 2 shall meet alternately in Iraqi and Turkish territory:

A.—In the first instance: in the first week of every quarter; each of them shall have the right to be assisted in an advisory capacity, by an officer belonging to one of the detachments responsible for security in the frontier area and a secretary-interpreter.

On the initiative of either of them, the authorities of the first instance may also hold special meetings.

Not less than forty-eight hours before each meeting, the frontier authorities shall give notice in writing of the date, time and place of the proposed meeting, as well as of the agenda.

Where necessary, the frontier authorities may hear at a meeting of the first instance, the plaintiffs, victims and witnesses, together with the experts summoned by the parties to the case.

B.—In the second instance: twice yearly.

The frontier authorities of the second instance may be assisted, in an advisory capacity, by an equal number of officers or agents of the public services, and by such secretaries and interpreters as may be necessary.

At least a fortnight before the proposed meeting, they shall agree upon the date, time and place of the meeting and shall communicate to each other the names and qualifications of their assistants, together with the agenda for the meeting.

The frontier authorities shall prepare a report of each of their meetings in four original copies, two in Arabic and two in Turkish.

#### *Article 4*

The frontier authorities of the first instance may decide by common agreement to proceed to the necessary inquiries on the spot.

Inquiries on the spot shall be limited to a zone embracing three kilometres on either side of the frontier.

For the purposes of the inquiry, the frontier authorities may be accompanied by the plaintiffs, the victims, the witnesses and the experts called by the parties.

The results of the inquiry shall be recorded in a report drawn up in two original copies in Arabic and Turkish.

In the event of inability to attend, the frontier authority may be represented at these meetings on the spot by an officer or official whose name and title shall be communicated in advance to the competent authority.

#### *Article 5*

Any frontier incident or dispute shall be examined and settled in the first place by the respective authorities of the first instance of each of the High Contracting Parties.

Any questions upon which these authorities have not reached agreement shall be submitted to examination and settlement by the respective authorities of the second instance.

#### *Article 6*

With a view to co-ordinating the action of the authorities designated in article 3, the High Contracting Parties shall establish a permanent Iraqi-Turkish Frontier Commission, consisting of an equal number of representatives of each of the two Parties.

This organ shall meet at least once yearly, and more frequently if circumstances so require in Iraq and in Turkey alternately.

Meetings shall be convened by the senior authority of the country in whose territory the next meeting is to be held.

The High Contracting Parties shall arrange the place and date of the meeting through the diplomatic channel; they shall communicate to each other through the same channel and at least one month before the date fixed for the meeting, the names and descriptions of the delegates, together with the items which they wish to place upon the agenda.

The first meeting of the permanent Iraqi-Turkish Frontier Commission shall take place on Iraqi territory not later than six months after the entry into force of the present Protocol.

The permanent Commission shall endeavour to achieve friendly settlement of all frontier questions on which no agreement has been reached between the frontier authorities of the first or second instance; it shall also submit for the approval of each of the Governments represented the measures which it considers should be taken to ensure order and security on the frontier under the best conditions.

#### *Article 7*

The frontier authorities of the first or second instance, together with the personnel responsible for assisting and accompanying them, shall, after making themselves known to each other at the frontier, have free access to the neighbouring territory to proceed to the appointed place of meeting.

The officials attending meetings of the first or second instance shall have the right to proceed thereto and to take part therein wearing uniform and carrying arms.

#### *Article 8*

Each of the High Contracting Parties shall render the necessary assistance to personnel on a mission in its territory in compliance with the provisions of the present Protocol, particularly as regards their transport, accommodation, and liaison with the authorities of the country whose interests they are representing.

Officials on a mission may bring in tax free the vehicles used for their transportation together with the food which they take with them, and shall enjoy all personal immunities while in the territory of the neighbouring State.

*Article 9*

The plaintiffs, victims, and witnesses together with the experts appointed by the parties shall, in order to obtain access to the neighbouring territory for the purpose of being heard at a frontier meeting, be provided in each case with an individual laissez-passer issued by the frontier authorities who have summoned them, together with a visa affixed by the competent authority.

The holder of a laissez-passer enjoys no privileges or immunities; he may, however, carry with him, for his personal needs and free of customs duties or other taxes, foodstuffs and tobacco to a total weight not exceeding 5 kg.

*Article 10*

Within a period of two months from the date of entry into force of the present Protocol, the High Contracting Parties shall communicate to each other through the diplomatic channel the names and descriptions of the frontier authorities, their usual place of residence, their sector of activity, the names of the localities where frontier meetings are to be held, and a list of frontier posts, special mention being made of those where persons are to be surrendered, goods are to be restored, correspondence is to be exchanged between frontier authorities and where couriers are to meet.

In confirmation of the communications provided for in article 2 *in fine*, notice shall be given to the other Party through the diplomatic channel, within two months, of any change in the command of a frontier post.

**CHAPTER III.—PUBLIC ORDER AND SECURITY IN THE FRONTIER ZONE***Article 11*

The High Contracting Parties mutually undertake to prevent, by appropriate measures which shall be left to the discretion of each in respect of its own territory, the use of the frontier zone, either by individuals or groups, for acts directed against the security or territorial integrity of the other Party.

*Article 12*

When they learn that preparations are being made by one or more persons to perpetrate within the frontier zone acts directed against the régime or the security of the other Party, the competent frontier authorities shall immediately inform each other and shall communicate to each other all the information which they are able to obtain on the subject.

They shall inform each other of all acts of brigandage of whatever nature committed upon their own territory, the authors of which might seek refuge in the territory of the other Party.

The authorities of each country shall take all suitable measures both to prevent such acts and to prevent their authors from crossing the frontier; to this end, the measures to be taken may, if necessary, be decided upon by common agreement at a frontier meeting.

#### *Article 13*

If one of the two Parties should decide to undertake security operations in its frontier zone, it may, if it deems necessary, notify the other Party through the intermediary of the frontier authorities, and the other Party shall take such measures as it thinks fit to assist in the success of these operations.

The measures decided upon shall be recorded in a report of the frontier meeting which shall be held for this purpose.

#### *Article 14*

With the object of providing permanent protection for the frontier against attempts by armed individuals acting singly or in groups, the High Contracting Parties agree to take all necessary steps to prevent access to the frontier of any individual bearing arms or munitions of war, including pistols and revolvers of any kind.

All measures or legislative acts passed for this purpose shall be communicated to the other Party.

#### *Article 15*

In order to avoid all misunderstandings, the High Contracting Parties agree that firing practice carried out by military formations may not take place within a zone extending for 5 km. on either side of the frontier, except on special shooting ranges adapted for the purpose and under the command of an officer.

#### *Article 16*

Persons, having committed offences and acts of brigandage in the frontier zone or outside it, who have taken refuge in the said zone shall be immediately arrested by the respective authorities, who shall take all necessary steps to make good the damage done.

If the offenders are nationals of the State where the crime was committed, they shall be surrendered without further formality on the written requisition

of the authorities of the first instance of that State; this requisition must conform to the model contained in Annex No. 1 of the present Protocol; until the arrival of the requisition for his surrender, the offender shall be placed under supervision; this period of supervision shall not exceed three months.

If the offenders are nationals of the State in whose territory they have taken refuge, they shall be prosecuted therein in conformity with the laws of that country; in that case the authorities of the State in whose territory the offence was committed shall furnish through the frontier channel all information likely to assist the course of justice.

In both cases the frontier authorities shall keep each other informed of the result of these proceedings.

No acquisition of nationality, in whatever form, if it took place subsequently to the commission of the offence for which a person is wanted, may be adduced as a reason for refusing a request for his surrender in accordance with the procedure outlined above.

#### *Article 17*

With the exception of the papers and documents the delivery of which may be considered by the authorities of the second instance as harmful or contrary to national security, all personal belongings, papers, documents, arms, merchandise and cattle found in an offender's possession at the time of his arrest when he is surrendered in accordance with frontier procedure, shall be handed over to the frontier authorities of the other Party at the time of his surrender.

A receipt shall be issued by an official qualified for the purpose for all articles handed over in these conditions.

#### *Article 18*

All seizures of arms or munitions effected in the frontier zone shall be reported in writing to the frontier authority of the first instance of the other Party if the offender is a national of the other State or is habitually resident in that State's territory.

#### *Article 19*

Persons committing acts of brigandage and smugglers shall in all cases be removed from the frontier zone, and shall no longer be authorized to remain therein.

Effective steps shall be taken to place out of harm's way inhabitants of the frontier zone whose conduct and activities have been the subject of complaints or frequent proceedings by the frontier authorities, as well as persons



known to have committed repeated offences against the security of the other Party, or to be instigators or promoters of such offences.

#### *Article 20*

Any person who crosses the frontier without being authorized to do so by a valid document, shall be placed under arrest and prosecuted, if such person has infringed the local laws and, after the expiry of the sentence passed upon him, he shall be surrendered against a receipt to the frontier authorities of his country of origin or competent frontier agents.

Persons who have entered the frontier zone in error or who have lost their way shall be returned to the frontier authorities without formality.

#### *Article 21*

Persons, whether individually or in groups, coming from the neighbouring territory, who enter the frontier zone of either Party and express a desire to take refuge there, shall be immediately apprehended by the frontier authorities of their place of refuge, disarmed and, if they are not returned to their territory of origin under the conditions established in article 20, shall be taken outside the frontier zone.

Access to the frontier zone shall be prohibited to these refugees.

The frontier authorities of the country of refuge shall inform the frontier authorities of the country of origin of the refugees of the measures of disarmament and segregation taken in application of the present article.

#### *Article 22*

Each of the High Contracting Parties undertakes not to encourage in any way the immigration into its territory of individuals resident in the territory of the other Party.

#### *Article 23*

The authorities of both Parties shall abstain from any correspondence or any relations with nationals of the other State who are at the time in the latter's territory.

#### *Article 24*

If there is no question as to their identity or ownership, animals or objects illegally taken from their owners, whether States or private individuals, shall, if found in the frontier zone of the other Party, be returned against a receipt delivered to the competent authorities.

The frontier procedure prescribed in the present article applies to the restitution of stray animals or animals taken across the frontier by mistake and found in the neighbouring frontier zone; in the latter case, the customs administration has full discretion in the matter.

No tax or charge shall be levied in connexion with the restitution of animals or objects according to the procedure prescribed above; the owner shall, however, be responsible for costs of maintenance.

### *Article 25*

The present Protocol replaces Chapter II of the Agreement of 5 June 1926<sup>1</sup> relative to neighbourly relations between Iraq and Turkey.

### *Provisional article*

Frontier incidents and disputes which occurred before the entry into force of the present Protocol and the examination or settlement of which has not been completed by the frontier authorities and organs functioning in conformity with the Agreement of 5 June 1926, shall be examined and settled in accordance with the provisions of the present Protocol; questions upon which it has not been possible to reach agreement by this means shall be submitted for final decision to the permanent Iraqi-Turkish Frontier Commission at its first session.

Noury SAID

A. HAFIDH

Hasan SAKA

Feridun Cemal ERKIN

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<sup>1</sup>League of Nations, *Treaty Series*, Volume LXIV, page 379.

## ANNEX No. 1

.....Post

## REQUISITION FOR ARREST AND DELIVERY

(No. ....)

Surname and first name of accused:

Name of the father or mother of accused:

Place of birth:

Date of birth:

Nationality of accused:

Date of incident:

Place of incident:

Nature of incident:

Short description of incident:

Direction taken by accused:

Probable place of refuge of accused:

We request the arrest and delivery of the accused.

Signature:

*Remarks:*

1. These first particulars may be supplemented later.
  2. Traces of accused persons whose identity it has been impossible to ascertain shall be sought immediately upon receipt of this requisition; the result of the inquiries shall be reported as soon as possible to the authority making the requisition.
  3. If the place of refuge and the identity of the accused are unknown, an inquiry shall be instituted forthwith and the result communicated to the authority making the requisition.
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