

No. 14906

**IRAN
and
IRAQ**

**Agreement concerning transhumance (with annexed table).
Signed at Baghdad on 26 December 1975**

Authentic text: French.

Registered by Iran on 22 July 1976.

**IRAN
et
IRAK**

**Accord concernant la transhumance (avec tableau annexé).
Signé à Bagdad le 26 décembre 1975**

Texte authentique : français.

Enregistré par l'Iran le 22 juillet 1976.

[TRANSLATION—TRADUCTION]

AGREEMENT¹ BETWEEN IRAN AND IRAQ CONCERNING TRANSHUMANCE

Article 1. Iranian and Iraqi herdsmen may, for a period of five years (from 21 March 1976 to 20 March 1981), use the grazing land in the frontier zones of both countries, in accordance with pre-established custom and agreements and with the provisions of the table annexed to this Agreement.

Article 2. The herdsmen referred to in article 1 above shall be authorized, without prejudice to the provisions of this Agreement, to migrate to the grazing areas of both Contracting Parties, provided that they return to their countries of origin at the closure of the transhumance season.

Article 3. Transhumance applications from the herdsmen referred to in article 1 of this Agreement shall be communicated, at least two months prior to the opening of the grazing season, to the frontier or political authorities of the other Party. All such applications shall include details of the number of persons (men, women, and persons under 18 years of age), the number of families, the names of heads of families or tribal chiefs (where appropriate), the number of livestock of each species, the place of grazing, the route to be followed, the date of entry, duration of stay in the territory of the other Party and the date of exit.

The number of goats included in the herds shall not exceed five per cent of the total strength of such herds.

Article 4. The frontier or political authorities of the Party to whom the application is made shall communicate the reply of their Government, not later than one month from the date of receipt of the transhumance application, to the frontier or political authorities of the applicant Party. Should one of the Parties reject any application submitted to it, it shall send a reply, through the channels indicated above, to the authorities of the other Party stating the reasons. Should the grounds for the rejection of the application be that the details given by the herdsmen fail to comply with the rules referred to in article 1 of this Agreement, the frontier commissioners of the two Parties shall discuss the matter. In case of a dispute, the matter shall be settled through the diplomatic channel.

Article 5. Following notification of an affirmative response to the authorities of the applicant Party and the issuing of the transhumance permit, each of the Parties shall send one or more representatives to the frontier in order to monitor and set up the facilities necessary for the migration of the people and the transhumance of their herds. In a spirit of co-operation, the representatives of the two parties shall prepare a report on the subject. The same formalities shall be undertaken when the people and herds return to their country of origin.

Article 6. The persons referred to in article 1 of this Agreement shall not have the right to bear firearms or to transport inflammable or explosive materials into the territory of the host country. Should such persons be carrying arms or materials of that nature, they shall, in exchange for a receipt, hand them over to the frontier commissioners, who shall return the firearms to them when they return but shall confiscate inflammable or explosive materials on the spot.

¹ Came into force on 22 June 1976 by the exchange of the instruments of ratification, which took place at Tehran. The Government of Iran has informed the Secretariat that the Agreement was applied officially from the date of the exchange of the instruments of ratification, notwithstanding the provisions of article 17.

The authorities of the host country shall ensure the safety of the people and their herds throughout their stay in the grazing areas and their complete safety until the time that they re-cross the frontier.

Article 7. The persons covered by this Agreement shall not be subject to payment of customs duties or charges on their herds, tents, normal household articles, food-stuffs or consumer goods which they may be carrying without prejudice to the right of either Party to impose customs duties on animals or products to be sold in the territory of the other Party.

Article 8. With regard to grazing rights, the procedure shall be in accordance with the rules and customs observed prior to the signature of this Agreement.

Article 9. The persons covered by this Agreement shall not be subject to the laws or regulations governing residence or passports in force in the territory of either Contracting Party.

However, the frontier authorities of the Party of which they are nationals shall issue them with a *laissez-passer* allowing them to cross and re-cross the frontier.

Article 10. The health authorities of the applicant Party shall undertake a health inspection of both people and herds and shall issue certificates certifying that they are free from contagious diseases. Both people and herds shall be handed over to the authorities of the other Party under the scrutiny of the authorities of the applicant Party.

Should any persons or animals be found to be suffering from a contagious disease, the authorities of the host country shall take the appropriate health precautions.

Article 11. The duration of the transhumance for a given season shall be that currently obtaining. It shall not in any circumstances exceed four months. Beyond that period, any persons who remain behind shall be handed over, with their herds, to the authorities of the Party of which they are nationals.

Article 12. The persons covered by the provisions of this Agreement shall, in the territory of the host country, have the right to enjoy basic health services. Moreover, under the supervision of the frontier authorities, they shall be permitted to purchase food-stuffs and consumer goods to meet their needs.

Article 13. The persons covered by the provisions of this Agreement shall not traverse regions other than those set aside for grazing, except in cases of *force majeure* or with the authorization of the competent authorities.

Article 14. All persons covered by the provisions of this Agreement shall be subject to the laws and regulations of the host country relating to order and security.

Article 15. Any encroachment or intrusion with respect to State-owned areas, crops, grazing land or forests shall be prohibited. Offenders shall be subject to prosecution as laid down by the legislation of the host country.

Article 16. During their stay in the territory of the host country, the persons covered by this Agreement shall refrain from causing any damage to fields, grazing land and livestock belonging to nationals of the said country. In case of failure to observe this rule, the frontier commissioner of the host country shall, following an investigation, award equitable compensation for damage caused. Should the accused parties contest the decision taken against them, the frontier commissioners of the two Parties shall consider the matter together and reach agreement on compensation for the damage.

The joint decision of the frontier commissioners of the two Parties shall be final and binding.

Should the frontier commissioners of the two Parties not succeed in reaching agreement, the case shall be referred to the legal authorities of the host country, which shall consider it immediately and hand down an appropriate judgement.

Article 17. This Agreement shall remain in force for a period of five years from the date of signature; on the expiry of this period it shall not be renewable. The Contracting Parties undertake to observe strictly the rules set forth in the table annexed to this Agreement.

DONE at Baghdad on 26 December 1975.

For the Imperial Government
of Iran:

[Signed]

ABBAS-ALI KHALATBARY

For the Government
of the Iraqi Republic:

[Signed]

SAADOUN HAMADI

TABLE ANNEXED TO THE AGREEMENT BETWEEN IRAQ AND IRAN
CONCERNING TRANSHUMANCE

I. The Agreement on transhumance shall be applicable solely for a period of five years (from 21 March 1976 to 20 March 1981), as follows:

<i>Year</i>	<i>Head of livestock</i>
1355 (21 March 1976–20 March 1977).....	160,000
1356 (21 March 1977–20 March 1978).....	160,000
1357 (21 March 1978–20 March 1979).....	106,700
1358 (21 March 1979–20 March 1980).....	71,200
1359 (21 March 1980–20 March 1981).....	47,500

The above-mentioned herds shall be divided among the grazing lands of the frontier zones as set forth below:

<i>Year</i>	<i>Western Azerbaijan Province</i>	<i>Head of livestock</i>
1355.....		100,000
1356.....		100,000
1357.....		66,700
1358.....		44,450
1359.....		29,630
	<i>Kurdistan Province</i>	
1355.....		30,000
1356.....		30,000
1357.....		20,000
1358.....		13,350
1359.....		8,930
	<i>Ilam Province</i>	
1355.....		11,000
1356.....		11,000
1357.....		7,350
1358.....		4,950
1359.....		3,300

Khuzistan Province

1355	19,000
1356	19,000
1357	12,650
1358	8,450
1359	5,640

II. The Agreement on the transhumance of the livestock of the Iranian Sanjabi tribe shall be applicable in the traditional grazing areas on the frontiers of Iraq as follows:

<i>Year</i>	<i>Head of livestock</i>
1355	50,000
1356	50,000
1357	33,500
1358	22,400
1359	15,000

The above calculation, on a graded scale, shall likewise be applicable from 21 March 1976 to 20 March 1981 to the total area of the grazing lands, to the effect that, as from 21 March 1978, one third of the area of the grazing lands shall be set aside each year as a reserve, taking account as far as possible of grazing needs.
