

N° 1423.

**GRANDE-BRETAGNE
ET NEDJED**

Accord relatif à certaines questions concernant les frontières entre le Nedjed et la Transjordanie, signé à Bahra-Camp, le 2 novembre 1925, et échange de notes y relatif, Bahra-Camp, les 1^{er} et 2 novembre 1925.

GREAT BRITAIN AND NEJD

Agreement regarding certain Questions relating to the Frontier between Nejd and Trans-Jordan, signed at Bahra-Camp, November 2, 1925, and Exchange of Notes relating thereto, Bahra - Camp, November 1 and 2, 1925.

No. 1423. — AGREEMENT WITH THE SULTAN OF NEJD REGARDING CERTAIN QUESTIONS RELATING TO THE NEJD- TRANS-JORDAN FRONTIER. SIGNED AT BAHRA-CAMP, NOVEMBER 2, 1925.

English and Arabic official texts communicated by His Britannic Majesty's Foreign Office. The registration of this Agreement took place March 22, 1927.

THE HADDA AGREEMENT.

THE HIGH BRITISH GOVERNMENT on its own part and HIS HIGHNESS, 'ABDU'L-'AZIZ IBN 'ABDU'R-RAHMAN AL-FAISAL ĀL SA'UD, SULTAN OF NEJD AND ITS DEPENDENCIES on behalf of the Government of Nejd, on his part, in view of the friendly relations which exist between them, being desirous of fixing the frontier between Nedj and Trans-Jordan and of settling certain questions connected therewith, THE HIGH BRITISH GOVERNMENT have named and appointed Sir Gilbert CLAYTON, K.B.E., C.B., C.M.G., as their Commissioner and Plenipotentiary, to conclude an Agreement for this purpose with SULTAN 'ABDU'L-'AZIZ IBN 'ABDU'R-RAHMAN AL-FAISAL ĀL SA'UD on behalf of Nejd.

In virtue of which the said SULTAN 'ABDU'L-'AZIZ IBN 'ABDU'R RAHMAN AL-FAISAL ĀL SA'UD and the said Sir GILBERT CLAYTON, have agreed upon and concluded the following Articles :

Article 1.

The frontier between Nejd and Trans-Jordan starts in the north-east from the point of intersection of meridian 39°E and parallel 32°N, which marks the termination of the frontier between Nedj and 'Iraq, and proceeds in a straight line to the point of intersection of meridian 37°E and parallel 31°30'N, and thence along meridian 37°E to the point of its intersection with parallel 31°25'N. From this point, it proceeds in a straight line to the point of intersection of meridian 38°E and parallel 30°N, leaving all projecting edges of the Wadi Sirhan in Nejd territory ; and thence proceeds along meridian 38°E to the point of its intersection with parallel 29°35'N.

The Map referred to in this Agreement is that known as the " International " Asia Map, 1 : 1,000,000.

Article 2.

The Government of Nejd undertake not to establish any fortified post at Kaf or utilise Kaf or the district in its neighbourhood as a military centre ; and should they at any time consider it necessary to take exceptional measures in the neighbourhood of the frontier with a view to the maintenance of order or for any other purpose, involving the concentration of armed forces, they engage to notify His Majesty's Government without delay.

The Government of Nedj undertake to prevent, by all the means at their disposal, any incursions by their forces into the territory of Trans-Jordan.

Article 3.

In order to avoid misunderstanding over incidents which may arise in the neighbourhood of the frontier, and to promote mutual confidence and full co-operation between His Majesty's Govern-

ment and the Government of Nejd, the two Parties agree to maintain constant communication between the Chief British Representative in Trans-Jordan or his delegate and the Governor of the Wadi Sirhan.

Article 4.

The Government of Nejd undertake to maintain all established rights that may be enjoyed in the Wadi Sirhan by tribes not under their jurisdiction, whether such rights appertain to grazing or to habitation, or to ownership, or the like ; it being understood that those tribes, so long as they reside within Nejd territory, will be subject to such internal laws as do not infringe those rights.

The Government of Trans-Jordan undertake to extend identical treatment to Nejd subjects who may enjoy similar established rights in Trans-Jordan territory.

Article 5.

The Governments of Nejd and Trans-Jordan severally recognise that raiding by tribes settled in their territories into the territory of the other State is an aggression which necessitates the severe punishment of the perpetrators by the Government to which they are subject, and that the chief of the tribe committing such aggression is to be held responsible.

Article 6.

(a) A special tribunal shall be set up, by agreement between the two Governments of Nejd and Trans-Jordan, which shall meet from time to time to enquire into the particulars of any aggression committed across the frontier between the two States, to assess the damages and losses and to fix the responsibility. This tribunal shall be composed of an equal number of representatives of the Governments of Nejd and Trans-Jordan, and its presidency shall be entrusted to an additional person, other than the aforesaid representatives, to be selected by the two Governments in agreement. The decision of this tribunal shall be final and executory.

(b) When the tribunal has fixed the responsibility, assessed the damages and losses resulting from the raid, and issued its decision in that respect, the Government to whom those found guilty are subject shall execute the aforesaid decision in accordance with tribal customs, and shall punish the guilty party in accordance with Article 5 of the present Agreement.

Article 7.

Tribes subject to one of the two Governments may not cross the frontier into the territory of the other Government except after obtaining a permit from their own Government and after the concurrence of the other Government ; it being stipulated, however, in accordance with the principle of the freedom of grazing, that neither Government shall have the right to withhold such permit or concurrence if the migration of the tribe is due to grazing necessities.

Article 8.

The two Governments of Nejd and Trans-Jordan undertake to stand in the way, by all the means at their disposal other than expulsion and the use of force, of the emigration of any tribe or section of a tribe from one of the two countries into the other unless its emigration takes place with the knowledge and consent of its Government. The two Governments undertake to abstain from offering any present of whatsoever kind to refugees from the territories of the other Government, and to look with disfavour on any of their subjects who may seek to entice tribes belonging to the other Government or to encourage them to emigrate from their country into the other country.

Article 9.

The Governments of Nejd and Trans-Jordan may not correspond with the Chiefs and Sheikhs of tribes subject to the other State on official or political matters.

Article 10.

The forces of Nejd and Trans-Jordan may not cross the common frontier in the pursuit of offenders, except with the consent of both Governments.

Article 11.

Sheikhs of tribes who hold an official position or who have flags showing that they are the leaders of armed forces may not display their flags in the territory of the other State.

Article 12.

Free passage will be granted by the Governments of Nejd and Trans-Jordan to travellers and pilgrims, provided they conform to those regulations affecting travel and pilgrimage which may be in force in Nejd and Trans-Jordan. Each Government will inform the other of any regulation issued by it in this matter.

Article 13.

His Britannic Majesty's Government undertake to secure freedom of transit at all times to merchants who are subjects of Nejd for the prosecution of their trade between Nejd and Syria in both directions : and to secure exemption from Customs and other duty for all merchandise in transit which may cross the Mandated Territory on its way from Nejd to Syria or from Syria to Nejd, on condition that such merchants and their caravans shall submit to whatever Customs inspection may be necessary, and that they shall be in possession of a document from their Government certifying that they are *bona fide* merchants ; and provided that trading caravans carrying merchandise will follow established routes, to be agreed upon hereafter, for their entry into and their exit from the Mandated Territory ; it being understood that the above restrictions will not apply to trading caravans whose trade is confined to camels and other animals, or to tribes migrating in accordance with the preceding Articles of the present Agreement.

His Britannic Majesty's Government further undertake to secure such other facilities as may be possible to merchants who are subjects of Nejd and who may cross the area under British Mandate.

Article 14.

This Agreement will remain in force for so long as His Britannic Majesty's Government are entrusted with the Mandate for Trans-Jordan.

Article 15.

The present Agreement has been drawn up in the two languages, English and Arabic, and each of the High Contracting Parties shall sign two English copies and two Arabic copies. Both texts

shall have the same validity, but in case of divergence between the two in the interpretation of one or other of the Articles of the present Agreement, the English text shall prevail.

Article 16.

The present Agreement will be known as the Hadda Agreement.

Signed at Bahra Camp on the 2nd November, 1925 (corresponding to the 15th Rabi' Thani 1344).

(Signed) Gilbert CLAYTON,
'ABDU'L-'AZIZ.

CORRESPONDENCE RELATING TO THE HADDA AGREEMENT.

HIS HIGHNESS 'ABDU'L-'AZIZ IBN 'ABDU'R-RAHMAN AL-FAISAL ĀL SA'UD, SULTAN OF NEJD AND ITS DEPENDENCIES, TO SIR GILBERT CLAYTON, K.B.E., ETC., HIS BRITANNIC MAJESTY'S COMMISSIONER AND PLENIPOTENTIARY.

¹ TRADUCTIONS. — TRANSLATIONS.

BAHRA, 14th Rabi' Thani 1344 (November 1, 1925).

YOUR EXCELLENCY,

In the Agreement relating to Trans-Jordan and Nejd provision is made for an undertaking on our part not to fortify Kaf or to make it a military centre. In one of our conversations, I asked Your Excellency to elucidate the meaning of "fortifications", and you explained that the construction of a wall round the villages concerned, according to the custom prevailing in the desert for the prevention of thefts and raids, as well as the construction of a military barracks for the housing of Public Security troops and the placing of a gun or a few machine-guns according to the requirements of public security, would not be considered as being fortifications of the kind which we undertook to abstain from erecting; but that such works would be considered as necessary for the preservation of order. The object of the present letter is to obtain clear confirmation of that from Your Excellency so that we should be perfectly explicit about our undertakings and leave no room for such misconstructions as might arise from the intrigues of mischief-makers. Respects.

'ABDU'L-'AZIZ IBN 'ABDU'R-RAHMAN IBN SA'UD.

SIR GILBERT CLAYTON K.B.E. ETC., HIS BRITANNIC MAJESTY'S COMMISSIONER AND PLENIPOTENTIARY TO HIS HIGHNESS 'ABDU'L-'AZIZ IBN 'ABDU'R-RAHMAN AL-FAISAL ĀL SA'UD, SULTAN OF NEJD AND ITS DEPENDENCIES.

BAHRA CAMP, November 2, 1925.

YOUR HIGHNESS,

I have the honour to acknowledge receipt of your letter of the 14th Rabi' Thani 1344 (November 1, 1925) relating to the interpretation of Article 2 of the Hadda Agreement.

In reply to Your Highness' enquiry, I would confirm the verbal statement I made in a recent conversation with Your Highness, namely, that it is difficult for anyone to define, fully and in detail,

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

¹ Communicated by this Britannic Majesty's Foreign Office.

what is to be understood by the word " fortification " in such a manner as to cover all possible eventualities ; and that the best interpretation of that Article would be that which conforms to the spirit as to the letter of the Agreement, and rests on a sincere execution of its terms. For instance, if you desire to erect a wall, as is usual, or barracks for Public Security men other than military forces, or a small gun or a few machine-guns intended to repel brigands and aggressors, it will undoubtedly be open to you to do so, provided such preparations do not exceed the bounds of what is required for the maintenance of order, and do not constitute, in the judgment of the British military authorities, a menace to Trans-Jordan.

I have, etc.

Gilbert CLAYTON.

HIS HIGHNESS SULTAN 'ABDU'L-'AZIZ IBN 'ABDU'R-RAHMAN AL-FAISAL AL SA'UD, SULTAN OF NEJD AND ITS DEPENDENCIES, TO SIR GILBERT CLAYTON, K.B.E., etc., HIS BRITANNIC MAJESTY'S COMMISSIONER AND PLENIPOTENTIARY.

BAHRA CAMP, 15th *Rabi' Thani* 1344 (*November 2, 1925*).

YOUR EXCELLENCY,

With reference to the discussions which have taken place concerning traders who are subjects of Trans-Jordan, I am not aware of an established and customary road used for passage through the Wadi Sirhan by traders from Trans-Jordan. Should it appear, however, that subjects of Trans-Jordan have an established and acknowledged right, recognised by those who are expert in such matters, to ply their trade from Syria and Trans-Jordan to the southern portions of Trans-Jordan by way of the Wadi Sirhan, then we hereby undertake to extend to them the same treatment as is extended to subjects of Nejd by the Government of Trans-Jordan in their transit to and from Syria.

(*Sealed*) 'ABDU'L-'AZIZ IBN 'ABDU'R-RAHMAN IBN SA'UD.

1 TRADUCTION. — TRANSLATION.

No. 1423. — ACCORD CONCLU AVEC LE SULTAN DU NEDJED RELATIF A CERTAINES QUESTIONS CONCERNANT LES FRONTIÈRES ENTRE LE NEDJED ET LA TRANSJORDANIE. SIGNÉ A BAHRA-CAMP, LE 2 NOVEMBRE 1925.

LE HAUT GOUVERNEMENT BRITANNIQUE, d'une part, et SA HAUTESSE 'ABDU'L-'AZIZ IBN 'ABDU'R-RAHMAN AL-FAISAL AL SA'UD, SULTAN DU NEDJED ET DE SES DÉPENDANCES, au nom du Gouvernement du Nedjed, d'autre part, considérant les relations amicales qui existent entre eux, et désireux de délimiter la frontière entre le Nedjed et la Transjordanie, ainsi que de régler certaines questions qui s'y rapportent, le HAUT GOUVERNEMENT BRITANNIQUE a désigné et nommé sir Gilbert CLAYTON, K.B.E., C.B., C.M.G., en qualité de commissaire et plénipotentiaire pour conclure un accord à cet effet avec le SULTAN 'ABDU'L-'AZIZ IBN 'ABDU'R-RAHMAN AL-FAISAL AL SA'UD, au nom du Gouvernement du Nedjed.

En conséquence, ledit SULTAN 'ABDU'L-'AZIZ IBN 'ABDU'R-RAHMAN AL-FAISAL AL SA'UD, et ledit sir Gilbert CLAYTON, sont convenus des articles suivants :

Article premier.

La frontière entre le Nedjed et la Transjordanie part, au Nord-Est, du point d'intersection du méridien passant par le 39° de longitude Est et du parallèle passant par le 32° de latitude Nord, qui marque l'extrémité de la frontière entre le Nedjed et l'Irak, et se dirige en droite ligne vers le point d'intersection du méridien qui passe par le 37° de longitude Est et du parallèle qui passe par 31°30' de latitude Nord; de là, elle suit le méridien qui passe par le 37° de longitude Est jusqu'à son point d'intersection avec le parallèle qui passe par 31°25' de latitude Nord. A partir de ce point, la frontière se dirige en droite ligne vers le point d'intersection du méridien qui passe par le 38° de longitude Est et du parallèle qui passe par le 30° de latitude Nord, laissant dans le territoire du Nedjed tous les saillants avancés de l'Ouadi Sirhan, puis se dirige, en suivant le méridien qui passe par le 38° de longitude Est, jusqu'à son point d'intersection avec le parallèle qui passe par 29°35' de latitude Nord.

La carte à laquelle on se réfère dans le présent Accord est la Carte « internationale » de l'Asie au 1/1.000.000.

Article 2.

Le Gouvernement du Nedjed s'engage à ne pas établir de poste fortifié à Kaf et à ne pas faire usage de Kaf ou de la région avoisinante comme centre militaire; si, à un moment quelconque, le Gouvernement du Nedjed jugeait nécessaire, en vue de maintenir l'ordre ou pour tout autre objet, de prendre, dans le voisinage de la frontière, des mesures exceptionnelles impliquant la concentration de forces armées, il s'engage à en aviser le Gouvernement de Sa Majesté sans délai.

Le Gouvernement du Nedjed s'engage à prévenir, par tous les moyens dont il dispose, toutes incursions de ses forces dans le territoire de la Transjordanie.

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.