

FRANCE ET TURQUIE

Déclaration commune relative à la valorisation de la section du " Chemin de fer de Bagdad " comprise entre Alexandrette et les au-delà de Nissibin ; Protocole relatif à l'établissement d'un nouveau régime et à la liquidation de l'exploitation actuelle, signés à Ankara, le 27 octobre 1932, et Echange de notes y relatif, de la même date.

FRANCE AND TURKEY

Joint Declaration with regard to the better Utilisation of the Section of the " Bagdad Railway " between Alexandretta and the District beyond Nisibin ; Protocol concerning the Establishment of a new Régime and the Winding up of the present Operating System, signed at Ankara, October 27, 1932, and Exchange of Notes relating thereto of the same date.

¹ TRADUCTION. — TRANSLATION.

No. 3121. — JOINT DECLARATION BY THE FRENCH AND TURKISH GOVERNMENTS WITH REGARD TO THE BETTER UTILISATION OF THE SECTION OF THE " BAGHDAD RAILWAY " BETWEEN ALEXANDRETTA AND THE DISTRICT BEYOND NISIBIN. SIGNED AT ANKARA, OCTOBER 27, 1932.

French official text communicated by the President of the Council, Minister for Foreign Affairs of the French Republic. The registration of this Declaration took place January 3, 1933.

THE FRENCH GOVERNMENT and THE TURKISH GOVERNMENT, desirous of strengthening the ties of friendly collaboration on the Turco-Syrian frontier, and recognising that it is in their common interest to define, in the spirit of Article 10 of the Ankara Agreement² of October 20, 1921, the conditions of normal operation of the section of the " Baghdad Railway " between Alexandretta and the district beyond Nisibin, and to arrange for the eastward extension of that railway, declare their intention to do all in their power to provide for the better utilisation of the line, and for that purpose to promote, by collaboration between the two Parties, the conclusion of an agreement within the Concessionary Company of the Baghdad Railways, in order to establish a practical régime which will take account of the interests of traffic between Turkey and Syria.

In order to carry out these intentions, the High Contracting Parties agree :

(a) To wind up the present system of operation in not more than one year ;

(b) To cooperate, pending the establishment of a permanent régime, in providing for the normal working of the line and continuous traffic over the whole of the said line;

(c) For that purpose, during the above-mentioned period of one year, to endeavour to arrive at an agreement concerning provisional operation, either through companies formed in accordance with the provisions of the Protocol annexed hereto, or, should the application of that Protocol meet with insurmountable difficulties, by any other means of direct or indirect management which meets the object in view.

Up to the expiry of the maximum period of one year required for the winding-up of the present system of operation and the establishment of a new provisional régime, the present state of affairs shall not be changed. Nevertheless, the section of line Adana-Fewzi Pasha shall be handed over to the Turkish Government six months after the signature of the present Agreement.

ANKARA, October 27, 1932.

(s) CHARLES DE CHAMBRUN.

(s) TEWFIK RUCHTU Bey.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² Vol. LIV, page 177, of this Series.

PROTOCOL

CONCERNING THE ESTABLISHMENT OF A NEW RÉGIME AND THE WINDING-UP OF THE PRESENT OPERATING SYSTEM.

Article 1.

The Turkish Government shall provide for the operation of the section Bozani-Adana-Fewzi Pasha.

The operation of the section Payas Toprak Kalé-Fewzi Pasha - Meidan Ekbès and Tchoban Bey-Nisibin, which are situated in Turkish territory, shall be handed over to a company with French capital, incorporated under Turkish law, in which a share may be reserved for Turkish capital. The said company shall agree with the Turkish Government for the purpose of fixing the conditions of such operation.

The operation of the sections Alexandretta-Payas Meidan Ekbès-Tchoban Bey and of the extension into Syrian territory beyond Nisibin, which are situated in Syrian territory, shall be handed over to a company incorporated under French law.

Article 2.

An agreement shall be concluded between the Turkish State Railway, the Turkish company, and the French company, for the purpose of settling conditions of traffic.

This agreement shall deal particularly :

(a) With the right of passage, on payment of tolls, of the Turkish company's and the French company's trains on the section Toprak Kalé - Fewzi Pasha, which is operated by the Turkish State Railways ;

(b) With the conditions for fixing transport tariffs for this section which is of interest to all three operating organisations.

In principle no differential tariff may be established in this section. Nevertheless, the two Governments reserve their right, if necessary, to consider by common agreement any exception to this rule which may become necessary.

Under the conditions laid down in the Protocol, Annex V to the Ankara Agreement¹ of May 30, 1926, Turkey shall have the right to carry military traffic by rail from Meidan Ekbès to Tchoban Bey through Syrian territory, and Syria shall have the right to carry military traffic by rail from Tchoban Bey to Nisibin through Turkish territory.

Article 3.

The allocation of rolling-stock and plant shall be carried out by joint agreement between the parties concerned.

Should there be any disagreement as to this allocation, the case shall be laid before an arbitrator appointed by the Communications and Transit Organisation of the League of Nations.

Article 4.

The Turkish Government hereby relinquishes in its own name any claims on the profits on operation from the taking-over of the section referred to in paragraph 1 of Article 1 by the French company which is at present operating it up to the date of handing-over to the Turkish Government, and hereby gives a final discharge in respect of all accounts connected with such operation so far as concerns the part due to Turkey.

¹ Vol. LIV, page 195, of this Series.

Article 5.

For a period of fifteen years from the date of the signature of the present Protocol, unless during that period an agreement is concluded to fix the definitive régime of this railway, Turkey and Syria shall not avail themselves of their right of repurchase without first coming to an agreement.

Nevertheless, the Turkish Government reserves the option of availing itself of its right of repurchase for the sections Payas-Toprak Kalé and Fewzi Pasha - Meidan Ekbès as from the fourth year from the taking-over of the operation of those sections by the Turkish company, provided that three months' previous notice shall be given to the said company.

Similarly, the Turkish company which operates the section Tchoban Bey-Nisibin shall have the right, at any time from the fourth year from its taking-over the operation of this section, to relinquish such operation on giving three months' previous notice.

Article 6.

The rights granted by the present Protocol to the company operating the sections which are in Turkish territory shall in no case be transferable to another company except by previous agreement with the Turkish Government.

Done in duplicate at Ankara, October 27, 1932.

(s) Charles DE CHAMBRUN.

(s) TEWFIK RUCHTU Bey.

EXCHANGE OF NOTES.

I.

ANKARA, *October 27, 1932.*

YOUR EXCELLENCY,

With reference to the Protocol that we have signed on this date, I have the honour to inform Your Excellency that should any of the personnel at present employed on the section which will be returned to the Turkish Government within six months from the date of the present Protocol be paid off, the rule which was observed on paying off the personnel of the Mersine-Adana line will be followed.

I have the honour to be, etc.

(s) TEWFIK RUCHTU Bey.

His Excellency
Monsieur le Comte de Chambrun,
Ambassador of France.

II.

ANKARA, *October 27, 1932.*

YOUR EXCELLENCY,

With reference to the Protocol that we have signed on this date, it seems to me desirable to inform Your Excellency that the organisation of the directorate of the Turkish Company, the establishment of which is provided for in Article I, paragraph 2, of the said Protocol, will be similar to that of the Smyrna-Kassaba Railway Company; the said company will be quite free to enter into an agreement with the French company operating in Syria with a view to providing for the unity of management and working necessary for operation.

I have the honour to be, etc.

(s) TEWFIK RUCHTU Bey.

His Excellency

Monsieur le Comte de Chambrun,
Ambassador of France.

III.

ANKARA, *October 27, 1932.*

YOUR EXCELLENCY,

I have the honour to acknowledge receipt of the two letters which Your Excellency has forwarded to me to be annexed to the Protocol we have signed to-day.

I take note of these documents, and have the honour to be, etc.

(s) Charles DE CHAMBRUN.

His Excellency

Dr. Tewfik Ruchtu Bey,
Minister for Foreign Affairs.