

N° 4423.

IRAK ET IRAN

Traité de frontière, et protocole.
Signés à Téhéran, le 4 juillet 1937.

IRAQ AND IRAN

Boundary Treaty, and Protocol.
Signed at Teheran, July 4th, 1937.

¹ TRADUCTION. — TRANSLATION.

No. 4423. — BOUNDARY TREATY BETWEEN THE KINGDOM OF IRAK AND THE EMPIRE OF IRAN. SIGNED AT TEHERAN, JULY 4TH, 1937.

HIS MAJESTY THE KING OF IRAQ, of the one part,
and

HIS IMPERIAL MAJESTY THE SHAHINSHAH OF IRAN, of the other part,

Sincerely desirous of strengthening the bonds of brotherly friendship and good understanding between the two States, and of settling definitively the question of the frontier between their two States, have decided to conclude the present Treaty and have to that end appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF IRAQ :

His Excellency Dr. NADJI-AL-ASIL, Minister for Foreign Affairs ;

HIS IMPERIAL MAJESTY THE SHAHINSHAH OF IRAN :

His Excellency Monsieur Enayatollah SAMIY, Minister for Foreign Affairs ;

Who, having communicated their full powers, found in good and due form, have agreed as follows :

Article 1.

The High Contracting Parties are agreed that, subject to the amendment for which Article 2 of the present Treaty provides, the following documents shall be deemed valid and binding, that is to say :

(a) The Turco-Persian Delimitation Protocol signed at Constantinople, November 4th, 1913 ;

(b) The Minutes of the meetings of the 1914 Frontier Delimitation Commission.

In virtue of the present Article, the frontier between the two States shall be as defined and traced by the Commission aforesaid, save in so far as otherwise provided in Article 2 hereinafter following.

Article 2.

At the extreme point of the island of Choteit (being approximately latitude 30°17'25" North, longitude 48°19'28" East), the frontier shall run perpendicularly from low water mark to the thalweg of the Shatt-el-Arab, and shall follow the same as far as a point opposite the present Jetty No. 1 at Abadan (being approximately latitude 30°20'8.4" North, longitude 48°16'13" East). From this point, it shall return to low water mark, and follow the frontier line indicated in the 1914 Minutes.

Article 3.

Upon the signature of the present Treaty, the High Contracting Parties shall appoint forthwith a commission to erect frontier marks at the points determined by the commission to which Article 1, paragraph (b), of the present Treaty relates, and to erect such further marks as it shall deem desirable.

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.

The composition of the commission and its programme of work shall be determined by special arrangement between the two High Contracting Parties.

Article 4.

The provisions hereinafter following shall apply to the Shatt-el-Arab from the point at which the land frontier of the two States enters the said river to the high seas :

(a) The Shatt-el-Arab shall remain open on equal terms to the trading vessels of all countries. All dues levied shall be in the nature of payments for services rendered and shall be devoted exclusively to meeting in equitable manner the cost of upkeep, maintenance of navigability or improvement of the navigable channel and the approach to the Shatt-el-Arab from the sea, or to expenditure incurred in the interests of navigation. The said dues shall be calculated on the basis of the official tonnage of vessels or their displacement or both.

(b) The Shatt-el-Arab shall remain open for the passage of vessels of war and other vessels of the two High Contracting Parties not engaged in trade.

(c) The circumstance that the frontier in the Shatt-el-Arab sometimes follows the low water mark and sometimes the thalweg or *medium filum aquæ* shall not in any way affect the two High Contracting Parties' right of user along the whole length of the river.

Article 5.

The two High Contracting Parties, having a common interest in the navigation of the Shatt-el-Arab as defined in Article 4 of the present Treaty, undertake to conclude a Convention for the maintenance and improvement of the navigable channel, and for dredging, pilotage, collection of dues, health measures, measures for preventing smuggling, and all other questions concerning navigation in the Shatt-el-Arab as defined in Article 4 of the present Treaty.

Article 6.

The present Treaty shall be ratified and the instruments of ratification shall be exchanged at Baghdad as soon as possible. It shall come into force as from the date of such exchange.

In faith whereof the Plenipotentiaries of the two High Contracting Parties have signed the present Treaty.

Done at Teheran, in the Arabic, Persian and French languages ; in case of disagreement, the French text shall prevail.

This fourth day of July, one thousand nine hundred and thirty-seven.

NAJI AL ASIL.

SAMIY.

PROTOCOL.

At the moment of signing the Frontier Treaty between Iraq and Iran, the two High Contracting Parties are agreed as follows :

I.

The geographical co-ordinates designated approximately in Article 2 of the Treaty aforesaid shall be definitively determined by a commission of experts consisting of an equal number of members appointed by each of the High Contracting Parties.

The geographical co-ordinates thus definitively determined within the limits fixed in the Article aforesaid shall be recorded in Minutes, the which, after signature by the members of the said commission, shall form an integral part of the Frontier Treaty.

II.

The High Contracting Parties undertake to conclude the Convention to which Article 5 of the Treaty relates within one year from the entry into force of the Treaty.

In the event of the said Convention not being concluded within the year despite their utmost efforts, the said time-limit may be extended by the High Contracting Parties by common accord.

The Imperial Government of Iran agrees that, during the period of one year to which the first paragraph of the present Article relates or the extension (if any) of such period, the Royal Government of Iraq shall be responsible as at present for all questions to be settled under the said Convention. The Royal Government of Iraq shall notify the Imperial Government of Iran every six months as to the works executed, dues collected, expenditure incurred or any other measures undertaken.

III.

Permission granted by either of the High Contracting Parties to a vessel of war or other public service vessel not engaged in trade, belonging to a third State, to enter its own harbours on the Shatt-el-Arab shall be deemed to have been granted by the other High Contracting Party in such sort that the vessels in question shall be entitled to use the waters of the latter for the purpose of navigating the Shatt-el-Arab.

The High Contracting Party granting such permission shall immediately notify the other High Contracting Party accordingly.

IV.

It is clearly understood, without prejudice to the rights of Iran in respect of the Shatt-el-Arab, that nothing in this Treaty shall affect the rights of Iraq and the contractual obligations of the same *vis-à-vis* the British Government in respect of the Shatt-el-Arab under Article 4 of the Treaty of June 30th, 1930, and paragraph 7 of the Annex thereto signed on the same date.

V.

The present Protocol shall be ratified at the same time as the Frontier Treaty, of which it shall form an Annex and integral part. It shall come into force at the same time as the Treaty.

The present Protocol is drawn up in Arabic, Persian and French ; in case of difference, the French text shall prevail.

Done at Teheran, in duplicate, the fourth day of July, one thousand nine hundred and thirty-seven.

NAJI AL ASIL.

SAMIY.