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UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE  
COMMITTEE ON JERUSALEM  
STATUTE OF THE TANGIER ZONE

The following text, being the text of the Convention on the Organization of the Statute of the Tangier Zone, of 18 December 1923, as revised by the Agreement of 25 July 1928, is reproduced by the Secretariat for the information of the Committee.

The President of the French Republic, His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, His Majesty the King of Spain, desirous of assuring to the town and district of Tangier the regime laid down by the Treaties now in force, have appointed as their plenipotentiaries for this purpose:

The President of the French Republic: Maurice-Paul-Jean Delarue Caron de Beaumarchais;

His Majesty the King of the United Kingdom of Great Britain and Ireland and one of the British Dominions beyond Seas, Emperor of India: Malcolm Arnold Robertson, Gerald Hyde Villiers;

His Majesty the King of Spain: Mauricio Lopez Roberts y Terry, Manuel Aguirre de Carcer;

Who having communicated to each other their respective full powers, found in good and due form, have agreed upon and signed the following Articles:

**ARTICLE 1.** In conformity with the provisions of Article 1 of the Protectorate Treaty of March 30, 1912, and of Article 7 of the Franco-Spanish Convention regarding Morocco of November 27, 1912, the contracting Governments agree that in the region defined in Article 2 hereunder and styled the Tangier Zone the maintenance of public order and the general administration of the Zone shall, under powers delegated by His Shereefian Majesty, be entrusted to the authorities and bodies hereafter denominated.

**ARTICLE 2.** The Tangier Zone shall lie within the boundaries fixed by paragraph 2 of Article 7 of the Franco-Spanish Convention of the 27th November, 1912.

**ARTICLE 3.** The Tangier Zone shall be placed under a regime of permanent neutrality. Consequently, no act of hostility on land, on sea or in the air shall be committed by or against the Zone or within its boundaries.

No military establishment, whether land naval or aeronautical, no base of operations, no installation which can be utilised for warlike purposes, shall be either created or maintained in the Zone.

All stocks of munitions and of war material are prohibited.

Such stocks as may be constituted by the Administration of the Zone to meet the requirements of local defence against incursions of hostile tribes are, however, permitted. The Administration may also, for the same purpose, take all measures other than a concentration of air forces, and may even erect minor defensive works and fortifications on the land frontier.

The military stores and fortifications so permitted will be subject to inspection by the officers mentioned in the last paragraph of the present article.

Civil aerodromes established within the Tangier Zone will be similarly subject to inspection by the above-mentioned officers.

No aeronautical stores shall exceed the quantities necessary for civil and commercial aviation.

All civil or commercial aviation to, from or within the Zone of Tangier shall be subject to the rules and provisions of the Convention for the Regulation of Aerial Navigation.

Supply columns and troops proceeding to or coming from the French or Spanish Zones may, however, after previous notification to the administrator of the Tangier Zone, use the port of Tangier and the means of communication connecting it with their, respective Zones, in passing to and from those Zones.

The French and Spanish Governments undertake not to make use of this power except in case of real necessity and then only for the period strictly necessary for the embarkation or disembarkation of such troops and their passage through the Zone. In no case shall this period exceed forty-eight hours for an armed force.

No special tax or transit due shall be levied in respect of such passage.

The authorisation of the Administration of Tangier is not necessary for the visits of warships, but previous notification of such visits shall nevertheless be given to the Administration if circumstances permit.

The British, Spanish, French and Italian Governments have the right to attach to their consulates at Tangier an officer charged with the duty of keeping them informed as to the observance of the foregoing obligations of military order.

**ARTICLE 4.** The surveillance of contraband traffic in arms and munitions of war in the territorial waters of the Tangier Zone shall in normal times be exercised jointly by the naval forces of Spain and France, in view of the special interest of these two Powers due to the proximity of their respective zones of influence in the Shereefian Empire.

Should, in virtue of exceptional circumstance the co-operation of the British or Italian naval forces in the surveillance referred to in paragraph 1 of the present article appear desirable, the British, Spanish, French and Italian Governments shall previously agree on the arrangements for such participation.

Offenders shall be brought before the Mixed Court of Tangier.

**ARTICLE 5.** The Tangier Zone shall possess, under authority delegated by His Shereefian Majesty and subject to the exceptions provided for, the most extensive legislative and administrative powers. This delegation of authority shall be permanent and general, except in diplomatic matters, where there shall be no derogation from the provisions of Article 5 of the Protectorate Treaty of March 30th, 1912.

The duly constituted authorities of the Zone may, however, negotiate with the consuls on questions of interest to the Zone within the limits of its autonomy.

**ARTICLE 6.** The protection in foreign countries of Moroccan subjects of the Tangier Zone and of their intercepts shall be entrusted to the diplomatic and consular agents of the French Republic, in conformity with the provisions of Article 5 of the Protectorate Treaty of March 30th, 1912.

**ARTICLE 7.** The Tangier Zone shall respect all treaties in force.

Economic equality among nations, resulting from such treaties, shall continue to be observed. Tangier, even if the said treaties are subsequently abrogated or modified.

**ARTICLE 8.** International agreements concluded in the future by His Shereefian Majesty shall only extend to the Tangier Zone with the consent of the International Legislative Assembly of the Zone.

By exception, international agreements to which all the Powers signatories of the Act of Algeciras are contracting parties or shall have acceded apply automatically to the Zone.

Dahirs issued by His Shereefian Majesty in order to modify the organic texts of the Zone in conformity with agreements concluded or to be concluded for the revision of the Tangier Statute between the Powers signatories of the present Convention shall apply automatically to the Zone.

The provisions of Article 141 *et seq.* of the Treaty of Versailles continue to apply to the Tangier Zone. The Shereefian dahirs issued in consequence of those provisions can only be modified in agreement with the central Shereefian Authority.

**ARTICLE 9.** In virtue of the provisions of Article 141 *et seq.* of the Treaty of Versailles, of Article 96 *et seq.* of the Treaty of Saint Germain-en-Laye, and of Article 80 *et seq.* of the Treaty of Trianon, the provisions of the present statute can in no case be invoked by German, Austrian or Hungarian nationals.

**ARTICLE 10.** Any agitation, propaganda or conspiracy against the established order in any of the Zones of Morocco or in any foreign country is prohibited. Offenders, whosoever they may be, shall be brought before the Mixed Court of Tangier.

A mixed intelligence bureau composed of a senior Spanish officer, who shall be head of the bureau, and of a French subaltern officer, who shall be assistant to the head of the bureau, and of a Spanish subaltern officer, shall be established at Tangier and entrusted with the task of watching all matters affecting the security of Tangier in relation to that of the neighbouring Zones and of foreign countries.

In view of the special importance which the proceedings of this bureau will have for the other Zones of Morocco, its cost will be entirely defrayed by the Spanish and French Governments.

The head of the bureau will fulfil the functions and will bear the title of Inspector-General of Security in the Tangier Zone and as such his appointment must receive the concurrence of the Committee of Control.

Without intervening in the work of the services of the Tangier Administration, the Inspector-General of Security will be the counsellor of the authorities of the Zone, mentioned below in the present article, for the application of article 3, Paragraph 1, of the present Convention in so far concerns the security of Tangier in relation to that of the neighbouring Zones and foreign countries, for the application of article 10 dealing with subversive propaganda, contraband, and in a general manner for the application of the existing provisions concerning undesirables and conspiracy directed against the established order both in Morocco and in foreign countries. He will communicate his information to the Administrator in order to enable the latter to take the appropriate measures of surveillance or to order the necessary investigation.

However, if the facts of which he has knowledge appear to him to have a definitely criminal character, he may lay information direct with the public prosecutor of the Mixed Tribunal.

The Inspector-General of Security is authorised to present to the Committee of Control all observations, suggestions and advice which he may think it his duty to offer concerning the organisation of the services of the Administration entrusted with the application of article 3, paragraph 1, and of article 10 of the present convention.

The various authorities of the Tangier Zone mentioned above, with whom in virtue of the present article the Inspector-General of Security is placed in contact, shall facilitate his mission and shall in particular indicate to him the action, if any, which has been taken as the result of his representations. The Committee of Control will serve in this respect as the intermediary between the authorities of the Zone and the Inspector-General.

**ARTICLE 11.** Subject to the observance of public order, freedom of worship shall be assured in the Tangier Zone.

**ARTICLE 12.** The Powers signatories of the Act of Algeciras have the right to maintain in the Tangier Zone the schools and all the establishments which belong to them, or to their nationals, at the date of the entry into force of the present Convention.

Any establishments which may subsequently be created must conform to the regulations which will be promulgated. These regulations shall be based, as regards their general principles, on those in force in the French and Spanish Zones of the Shereefian Empire.

**ARTICLE 13.** As a result of the establishment at Tangier of the Mixed Court, as provided in Article 48, the capitulations shall be abrogated in the Zone. This abrogation shall entail the suppression of the system of protection.

Moroccan subjects, whose rights to protection shall have been previously recognised, shall be personally, and during their lifetime, justifiable before the Mixed Court of Tangier.

The existing lists of protected persons shall be revised, within a period not exceeding six months from the date of the entry into force of the present Convention, by agreement between a representative of the Shereefian Government and the consulate concerned.

The provisions of the Convention of Madrid of the 3rd July, 1880, shall remain in force in so far as concerns naturalisation. The list of Moroccan subjects naturalised at Tangier shall be revised in the same manner and within the same period.

**ARTICLE 14.** In default of the institution by the Tangier Zone of a local interurban postal, telegraph and telephone service, which shall only be effected with the unanimous approval of the Committee of Control, the Powers signatories of the Act of Algeciras shall be permitted to maintain at Tangier the post offices and cable stations which they possess there at the date of the entry into force of the present Convention.

In the event of the creation of a local interurban postal, telegraph and telephone service, the Shereefian post and telegraph service shall transfer to it the exclusive rights which it holds in the matter of interurban telegraphs and telephones in virtue of the agreements between the Shereefian Government and the company holding the concession for interurban telegraphs and telephones.

There shall be no prejudice to the rights of States or companies actually in possession of telegraph cables landing at Tangier.

The establishment of new cables shall be arranged in agreement with the administration of the Zone.

**ARTICLE 15.** The revision of the holdings of *habous* and Makhzen properties, as provided in Article 63 of the Act of Algeciras, shall be carried out in the Tangier Zone by agreement between a representative of the Shereefian Government and the consulate concerned within a period not exceeding six months from the date of the entry into force of the present Convention.

In default of such agreement, the representative of the Makhzen and the consul concerned shall refer the matter to arbitration by a member of the Mixed Court appointed by the parties or selected by lot.

**ARTICLE 16.** The Shereefian State shall transfer its public and private property, including its rights, over the "gulch" lands, to the Tangier Zone, which shall administer it, collect the revenues therefrom for its own benefit and ensure its preservation without power to alienate any portion thereof.

This transfer will terminate on the expiry of the present Convention, and the property transferred to the Zone will then revert to the Shereefian State.

**ARTICLE 17.** The public State property comprises:

(a) Maritime Property.

The sea and the shore with a foreshore of six metres, certain rights over which have already been ceded under the concession granted to the port concessionary company. These rights shall be respected by the Tangier Zone. The fishery revenues, including the royalties payable to the State under the fishery concessions already granted by the Shereefian Government, as well as the obligations arising from those concessions, shall accrue to the Tangier Zone.

(b) Land Property.

The road from Tangier to Tetuan.

The road from Tangier to Larache and to Rabat.

The road to Cape Spartel.

The road from the station to the harbour and skirting the harbour.

The urban highways.

The sewers and water ducts and their appurtenances, subject to the rights of any holders of water concessions.

The Zone shall:

1. Maintain the roads from Tangier to Tetuan and those from Tangier to Larache and to Rabat within the Tangier Zone, as a first charge on the proceeds of the "Taxe spéciale".

2. Place at the gratuitous disposal of the Franco-Spanish Tangier-Fez Railway Company such State property as may be necessary for its requirements.

(c) Fluvial Property.

The watercourses.

All existing rights and all rights of user in favour of third parties are reserved.

(d) Mining Property.

The mining dues in the Tangier Zone and the export duties collected on minerals raised in the Zone shall accrue to the Administration of the Zone.

(e) Forestry property.

**ARTICLE 18.** The private State property comprises all real estate, both land and buildings, inscribed be in the registers of Makhzen property and not mentioned an Article 17, as also the slaughter-houses.

Subject to the provisions of Article 15 above, the leases and holdings of Makhzen property by private individuals, as also the *gza* or other rights established on the said properties, shall be respected. The same shall apply in the cast of any uses to which such lands may have been put in the public interest.

The Shereefian State, however, reserves to itself the following properties for the public services which it maintains at Tangier.

The former German Legation and its dependencies;

The Sultan's Palace;

The Kasha and its dependencies;

The guard-house of the Mokhaznis on the ramparts;

The land and the guard-house on the hill leading up to the Marshan now occupied by the *compagnie chérifienne*.

No new lease beyond those already in existence, shall exceed the duration of the present Convention.

**ARTICLE 19.** In order that each Zone may receive the mining dues which properly belong to it, the respective dues shall be credited to the Zone in which the minerals concerned are extracted, even though the dues be collected by a custom office of another Zone.

**ARTICLE 20.** The Tangier Customs shall levy duties and taxes only on goods destined exclusively for consumption in the Zone.

Goods landed at Tangier and destined for use or consumption in the French or Spanish Zones shall enjoy the benefit of the ordinary rules of transit, warehousing or temporary admission, the proper custom duties being collected at the custom houses of the Zone of consumption.

The transit regulations will be based on the conclusions of the Barcelona Conference of 1921.

Similarly, imported goods arriving through the French or Spanish Zones shall pay custom duty on entering the Tangier Zone.

Export duties will be leviable only on goods originating in the Zone.

**ARTICLE 21.** The Tangier Zone shall bear its share of the service of the 1904 and 1910 loans.

This share shall be calculated on the ratio borne by the custom receipts collected by the Zone to the aggregate of the receipts collected in the ports of the three Zones of Morocco during the preceding year.

The amount shall be fixed annually on the basis of the figures of the custom receipts after agreement with the authorities of the two other Zones.

For the first year, the share of the Tangier Zone will not be finally fixed until the end of the year of account, and a provisional charge of 500,000 francs will be made against the Custom receipts, subject to ultimate adjustment by surcharge or refund.

**ARTICLE 22.** Inasmuch as the autonomy of the Tangier Zone cannot prejudice the rights and privileges granted in conformity with the Act of Algeciras, to the State Bank of Morocco in respect of the whole territory of the Empire, the State Bank shall continue to enjoy in the Zone all the rights which it derives from its charter and from the regulation of the 9th November, 1906, respecting its relations with the Shereefian Government.

The State Bank for its part shall fulfil towards the Administration of the Zone all the obligations incumbent upon it in virtue of the above-mentioned instruments.

It shall appoint a representative to be responsible for its relations with the Administration of the Zone.

In the event of the juridical status of the State Bank being modified in the French and Spanish Zones, the Mixed Court of Tangier shall have, in respect of the State Bank, the same competence as the French and Spanish jurisdictions in those Zones.

**ARTICLE 23.** The Moroccan franc shall be lawful currency and shall be legal tender in the Tangier.

The budget of the Zone, and all scales of charges and accounting operations pertaining thereto, shall be drawn up in Moroccan francs.

In conformity with Article 37 of the Act of Algeciras, Spanish currency shall be permitted to circulate as heretofore and shall be legal tender.

The rate of exchange between the two currencies, notably as regards payments collected on behalf of the Administration, shall be fixed daily by the State Bank of Morocco, after verification and endorsement by the Director of Finance whose duty it will be to supervise the accuracy of the rate fixed. This rate shall be the mean between the current buying and selling prices prevailing on the spot from day to day.

Declarations of taxable values may be expressed in either currency. The scale of charges must be exhibited in both currencies in the collectors' offices.

**ARTICLE 24.** Inasmuch as the administrative and autonomy of the Zone cannot prejudice the rights prerogatives and privileges granted in conformity with the Act of Algeciras to the *Société internationale de Régie co-intéressée des Tabacs au Maroc*, the said Company shall continue to enjoy in the zone all the rights derived from the instruments by which it is governed. The autonomy of the Tangier Zone cannot interfere with its operation and the authorities shall facilitate the free and full exercise of its rights.

Tobacco imported at Tangier and admitted free, of custom duties under Article 20 above shall be exempt in Tangier from gate duty and local indirect taxation.

The duty of 2 1/2 per cent. leviable on tobacco imported through Tangier accrues wholly to the Zone.

The scale of prices of tobacco in the Tangier Zone shall be the same as in the French Zone. It can only be modified by agreement between the legislative Assembly and the *régie*.

The division of the fixed annual royalties and the profits (Article 20 to 23 of the "*Cahier des charges*") shall be effected by the application of a percentage to be calculated on the ratio borne by the actual consumption of the Zone during the preceding year to the total consumption of the Empire.

The same percentage will apply in calculating the share payable by the Tangier Zone in the event of the expropriation of the company before the expiry of its concession.

**ARTICLE 25.** Inasmuch as the autonomy of the Zone cannot prejudice the sovereign rights of His Majesty the Sultan, nor his prestige and prerogatives as head of the Mussulman community of the Empire and as head of the Shereefian family residing in Tangier, the administration of the native population and of Mussulman interests in the Zone as well as the administration of justice shall continue to be exercised, with respect for traditional forms, by a Moroccan staff directly appointed by the Sultan and under the control of his agents.

**ARTICLE 26.** Subject to the maintenance of public order, the free practice of the religion of the natives and of its traditional customs, and the observance of the traditional Mussulman and Jewish festivals and their ceremonial, shall be respected and guaranteed in the Zone.

**ARTICLE 27.** The contracting powers undertake to draw up with as little delay as possible rules regulating the administrative and juridical status of the Moroccan Jewish community of Tangier.

**ARTICLE 28.** Moroccan subjects, whether Mussulmans or Jews, shall enjoy complete equality with the nationals of the Powers in the matter of duties and taxes of all kinds.

They shall pay exactly the same duties and taxes.

They shall have the benefit, under the same conditions as foreign nationals, of any relief hospital or educational institutions which may be created or subsidised by the Zone.

**ARTICLE 29.** His Shereefian Majesty will nominate a Mendoub to represent him at Tangier. The Mendoub will promulgate the legislation passed by the international Assembly and countersigned by the President of the Committee of Control. He will directly administer the native population. He will fulfil the functions of Pasha and exercise those administrative and judicial powers which fall normally under this head within the Empire. He will have the right of expulsion as regards Moroccan subjects, and, will exercise the same right in the case of persons justiciable by the Mixed Court on a decision to that effect by a full meeting of the titular members of the court.

In the case of an individual on nationality not represented on the Court, his consul will have the right to take part in the discussions.

Expulsion must be ordered if it is a demanded by the consul of the individual concerned.

The Mendoub shall quote the decision of the Court in the recitals of the expulsion order.

It will be his duty to ensure the observance and execution by the persons whom head ministers of the general clauses of the statute of the Zone, and especially to ensure by the administrative and judicial means at his disposal the exact payment of the duties and taxes due from the native population.

The Mendoub shall preside over the international legislative Assembly and may take part in its deliberations but will not vote.

**ARTICLE 30.** The Committee of Control will consist of the consuls *de carrière* of the Powers signatories of the Act of Algeciras or of their substitutes *de carrière*. The functions of President of the Committee of Control will be performed by the consuls of the powers in rotation for one year each. These functions will insist in convening the meetings of the Committee, in bringing before it all communications addressed to it, and in executing all business within its competence.

The first consul to fulfil the functions of President will be selected by lot. Thereafter the consuls will assume the presidency in the alphabetical order of the Powers represented on the Committee. Should a consul whose turn it is to preside be unable for any reason to assume office or carry out its functions, the latter will be exercised by the consul of the Power next in alphabetical order. The same procedure will apply to the appointment of a substitute in the event of the President's absence on account of illness or other cause.

Each member of the Committee of Control will have only one vote.

It will be the duty of the Committee of Control to ensure the observance of the *régime* of economic quality and the provisions of the statute of Tangier.

The President, either of his own initiative or on the demand of one of its members, will convene the Committee of Control and lay before it such matters as are within its competence.

**ARTICLE 31.** The Committee of Control shall receive through the administrator within the space of eight days the texts of the laws and regulations voted by the Assembly.

Within fifteen days from the date of such notification the Committee of Control will have the right to veto the promulgation of any enactment.

In such cases its decisions shall be taken up a majority vote. The non observance of the provisions and principles of the statute must be recited in the decision.

In the absence of any stipulation to the contrary, a majority vote will constitute a decision of the Committee of Control.

In the case of equality there must be a second discussion within a period of eight days.

If at the second discussion there be no majority; the President's vote will be decisive.

The decision of the Committee will be notified to the Mendoub by the President.

**ARTICLE 32.** The legislative powers are vested in an international legislative Assembly under the presidency of the Mendoub and composed of the representatives of the foreign and native communities.

The codes enumerated in Article 48 below may, however, be abrogated or modified only after agreement between the French and Spanish Zones of the Shereefian Empire and Committee of Control, whose vote in such cases must be unanimous.

The regulations and fiscal enactments enumerated in the following Article may not be abrogated or modified during the first period of two years. On the expiry of this period they may be abrogated or modified with the assent of the Committee of Control on a three-fourths majority vote.

The codes as well as the above-mentioned legislative and fiscal enactments shall be drawn up by commissions of British, Spanish and French experts, whose labours must be completed within a period of three months dating from the signature of the present Convention.

**ARTICLE 33.** The regulations and fiscal enactments referred to paragraph 3 of the preceding Article are as follows:

Dahir relating to associations.

Dahir regulating the opening and running of liquor shops.

Dahir regulating the practice of the professions of doctor, chemist, dentist, veterinary surgeon and midwife.

Dahir regulating the opening and working of unhygienic, obnoxious or dangerous establishments.

Dahir relating to the protection of historical monuments and sites.

Dahir relating to street alignment, house-planning, servitudes and road dues.

Dahir laying down rules for expropriation and temporary occupation for purposes of public utility.

Statement of the general conditions to be imposed upon contractors for public works.

Dahir laying down the conditions for the temporary occupation of portions of State property.

Dahir laying down the procedure for the delimitation of private State property.

Dahir relating to the working of quarries.

Dahir enforcing the Mining Regulations of 1944.

Regulations relating to public accountancy.

Dahir fixing the duty and laying down regulations regarding alcohol.

Dahir regulating consumption duties on sugars, principal colonial products and their derivatives (tea, coffee, cocoa, vanilla, etc.), candles and beers.

Dahir relating to registration (rights of transfer) and stamp.

Dahir laying down the conditions of transfers of landed property in accordance with the common law (Shra'a).

**ARTICLE 34.** In consideration of the number of nationals, the volume of commerce, the property interests and the importance of local trade at Tangier of the several Powers signatories of the Act of Algeciras, the International Legislative Assembly shall be composed of:

4 French members

4 Spanish members,

3 British members,

3 Italian members,

1 American member,

1 Belgian member,

1 Dutch member,

1 Portuguese member,

nominated by their respective consulates, and in addition,

6 Mussulman subjects of the Sultan nominated by the Mendoub, and

3 Jewish subjects of the Sultan nominated by the Mendoub and chosen from a list of nine names submitted by the Jewish community.

The Assembly shall appoint from among its members four vice-presidents, a French citizen, a British subject, a Spanish Subject, and an Italian citizen, responsible for assisting the Mendoub in presiding over the Assembly and of acting as deputy for him in his absence.

**ARTICLE 35.** The administrator will carry out the decisions of the Assembly and direct the international Administration of the Zone.

The administrator will have under his orders three assistant administrator and two engineers.

One of the assistant administrators, with the title of director, will be especially responsible for the services of health and relief; one assistant administrator, with the title of director, will be especially responsible for the financial services; one assistant administrator, with the title of director, will be especially responsible for the services relating to the administration of Justice.

For the first period of six years the administrator will be of French nationality; the assistant administrator responsible for the services of health and relief will be of Spanish nationality; the assistant administrator responsible for the financial services will be of British nationality; the assistant administrator responsible for the services relating to the administration of justice will be of Italian nationality. The administrator, the three assistant administrators and the two engineers will be appointed by His Shereefian Majesty at the instance of the Committee of Control, to whom they will be presented by their respective Consulates.

After this first period of six years, the Assembly will appoint the administrator and the assistant administrators from among the nationals of the Powers signatories of the Act of Algeciras. The four posts must, however, be conferred on persons of different nationality. I

n view of the special interest of France and Spain in public works and in contracts and concessions for public works in the Tangier Zone, the engineer of the State public works will be of French nationality; the engineer responsible for municipal works will be of Spanish nationality. The two engineers will be presented to the Committee of Control by their respective consulates.

The Committee of Control may, if necessary, on a three-fourths majority vote, present a demand accompanied by a statement of the grounds on which it is based for the removal of the administrator to His Shereefian Majesty, who will appoint a candidate of the same nationality.

If the collaboration of one of the assistant administrators or of one of the two engineers does not give satisfaction to the administrator, the latter will lodge a demand, accompanied by a statement of the grounds on which it is based, for his removal with the Committee of Control, who will present to His Shereefian Majesty a candidate of the same nationality.

**ARTICLE 36.** The salaries of the officials will be fixed by the Assembly.

For a first period of six years, however, the salaries of the administrator, the assistant administrators and the engineers will be fixed as follows:

Administrator, 50,000 Moroccan francs; Assistant Administrator, 40,000 Moroccan francs; Engineer, 38,000 Moroccan francs.

The Administration will also provide housing accommodation for these officials.

During the first period of six years, referred to above, these salaries may, as an exceptional measure, be modified at the request of the Assembly on a decision

accompanied by a statement on the grounds on which it is based of the Committee of Control on a three-fourths majority.

**ARTICLE 37.** The recruitment of the officials of the international administration, other than those specified in article 36 above, shall be effected by a committee presided over by the Administrator and composed of the four vice-presidents of the Assembly and of the head of the Service concerned.

The Committee must satisfy itself, by enquiring of the consul of the nationality concerned, that the candidate has a satisfactory record. The required information must be given within a month from the date on which it is sought. Otherwise the committee may proceed with the appointment of the candidate. The candidates selected will be appointed by the Administrator with the previous approval of the Assembly.

**ARTICLE 38.** The proceeds of the "Taxe spéciale" accruing to the Tangier Zone shall be paid into the State Bank on account of the Zone.

Shall be a first charge on these receipts:

the works and upkeep in the Tangier Zone of the roads from Tangier to Tetuan and from Tangier to Larache and Rabat;

the improvement and upkeep of the maritime lighting and buoyage other than the port lights and buoys.

Any available surplus shall be applied, in accordance with Article 66 of the Act of Algeciras, to the cost of the upkeep and of the carrying out of public works for the development of navigation and commerce in general.

**ARTICLE 39.** The administration of the *Contrôle de la Dette* shall retain the rights, privileges and obligations accruing to it under the Convention of the 21st March, 1910.

This administration shall request the Shereefian Government to nominate the head of the customs service of Tangier, who will be dependent on the Moroccan customs Administration.

The customs and excise service of Tangier shall levy and collect the custom duties on goods imported for the consumption of the Zone and on goods exported from the said Zone.

It shall likewise levy and collect the dues and profits of the tobacco monopoly and the 2 1/2 per cent. tax established by the Act of Algeciras under the name of "Taxe spéciale des Travaux Publics".

It shall also levy and collect the various consumption taxes.

It shall not levy the other taxes and revenues, viz.: the urban tax, the gate-tax, the state property revenues, the proceeds of the *mostafadat*.

The customs and excise service shall appropriate from its receipts, after providing for its own administrative expenses, the sums required to meet the various fixed charges on the Tangier Zone which it will remit at the due dates to the proper quarters, viz.:

(1) To the representatives of the bond-holders of the 1904 and 1910 loans; the share of Tangier in the service of those loans.

(2) To the Shereefian State; the custom duties paid by the Administration of the tobacco monopoly in respect of tobacco not consumed in the Tangier Zone.

(3) To the Tangier-Fez Railway; the share of Tangier in the guarantee of its loans.

To the Tangier Port Company; the annuities of the service of its loans.

(4) The custom and excise service shall remit the proceeds of the "Taxe spéciale" to the State Bank of Morocco.

If the receipts be less than the total of the above-mentioned charges, the deficit shall be a prior charge on the total revenues of Tangier, or, if needs be, on its reserve funds.

If they be in excess, the surplus shall be deposited with the State Bank to the account of the Administration of the Zone.

The budget of the custom service will be presented annually before the 15th November to the Administrator, who will submit it to the assembly for approval. In the event of disagreement the dispute between the Administration of the Zone and the custom service will be arbitrated by the Committee of Control, whose decisions will be taken on a majority vote. A majority of three-fourths is necessary for disputes relating to the creation or suppression of posts.

If the approval of the budget of the customs service has not been given by the 1st January, the provisions of the previous budget shall be applied to the new year of account.

The Committee of Control may, if needs be, and on a three-fourths majority, lodge with the Shereefian Government a demand, accompanied by a statement of the grounds on which it is based, for the removal of the head of the custom service.

**ARTICLE 40.** Subject to the conditions laid down the Shereefian Government shall:

(1) Transfer to the Tangier Zone the rights and obligations accruing to it from the deed of the port concession of the 21st June, 1921;

(2) Transfer to the Tangier Zone, for the benefit of that zone, its right of taking over the concession in the event of forfeiture or expropriation of the concession or its expiry.

The Zone will assume in their entirety the obligations devolving on the Shereefian Government under the conditions of the concession. The annuities of the capital guaranteed by the Shereefian Government shall be met by the Zone as a first charge on the custom receipts and the profits on the working of the port and on the port lands.

There shall be submitted to the approval of the Shereefian Government:

(a) any modification of the conditions of the Concession and of the statutes of the port concessionary company;

(b) any partial or total transfer of the concern;

(c) forfeiture;

(d) expropriation.

As long as the guarantee of the Shereefian Government remains in force, there shall likewise be submitted to the approval of that Government:

(a) any change from registered shares to bearer shares;

(b) any agreement, disposition or arrangement allowed under the conditions of the concession and entailing an increase of the capital furnished by the company as laid down in Article 10 of the Port Convention.

The approval of the Shereefian Government may be given in its name by its representative on the Port Commission.

In default of the fulfilment by the administration of Tangier of the obligations referred to in the preceding paragraphs, the Shereefian Government will resume the sole financial control of the concession.

If called upon to do so by the Administration of Tangier, the Shereefian Government will exercise the right which it possesses under the last paragraph of Article 6 of the Convention relating to the Tangier Port Concession. It is understood that the said Administration will be under the express obligation of refunding to the Shereefian Government any expenses incurred through the exercise of this right.

If called upon to do so by the Administration of Tangier, the Shereefian Government will likewise exercise the right which it possesses under Article 6 of the Convention relating to the Tangier Port Concession to accelerate the redemption of the guaranteed bonds, in such measure as the said Administration shall provide from its own resources for the cost of such acceleration.

Both the shares and bonds issued by the concessionary company shall be exempt in the Tangier Zone from all duties, taxes and contributions.

**ARTICLE 41.** There shall be constituted a Port Commission whose functions will be those of the *Service du Contrôle* as defined in the deed of concession and subject to the provisions of Article 40 above.

So far as the execution of works of construction and upkeep are concerned, the Commission will take its decisions on the advice of the engineer responsible for the State works of the Zone and for the superintendence of the port works, to whom the technical responsibility belongs. In the event of the Commission being in disagreement with the engineer, the latter's opinion shall be annexed to the minutes of the proceedings.

Under the authority of the Committee of Control the Commission shall ensure the observations of the regime of economic equality in the working of the port.

The Commission shall be composed of:

a representative of the Shereefian Government;

a representative of the Legislative Assembly;

a representative of the Committee of Control.

The engineer will attend its meetings with a right to take part in the discussions and to vote. The Administrator of the Zone has the right to attend the meetings of the Commission in a consultative capacity.

A representative of the commercial interests of Tangier chosen by the Chambers of Commerce and the directors or heads of service of the international administration shall also have the right to be summoned in a consultative capacity for the discussion of any matters which concern them.

The local manager of the concessionary company may also be heard.

On application to that effect the consuls shall also be heard on questions which concern them.

In addition to the periodical meetings which it may decide to hold, the Commission may be convened on the initiative of one of its members, and in case of urgency on that of the Administrator of the Zone.

The rules of procedure of the Commission shall be approved by the Committee of Control.

The Commission will appoint its president. In default of such appointment the functions of president will be performed by each of the three members in rotation. Contracts for supplies of imported materials as well as plant (with the exception of any supplies or purchases of material subject to a contract awarded after public tender) shall be put up to competition under the control of the Port Commission.

In the case of supplies of a cost exceeding 20,000 francs, but not exceeding 100,000 francs, the Commission shall:

(1) prescribe the manner in which the contract is to be concluded and also the conditions under which either the call for tenders with a view to purchases by agreement, or the contract awarded after public tender shall be effected;

(2) approve contracts and decisions regarding tenders. In the case of supplies of a cost exceeding 100,000 francs the procedure shall be by public tender.

**ARTICLE 42.** The anchorage dues existing in virtue of the ancient treaties of commerce shall be replaced by the berthage dues provided for under the port concession.

**ARTICLE 43.** The Administration of Tangier will ensure that any disputes which may arise between the port concessionary company and the Tangier-Fez Railway company shall be settled by arbitration as provided respectively in the conditions attached to the two concessions.

**ARTICLE 44.** As regards the Tangier-Fez railway, the Administration of Tangier shall have, within the limits of the Zone, all the rights and obligations accruing to it under the France-Spanish Protocol of the 27th November, 1912, and the concession of the 18th, March, 1914; and its annexes.

Any supplementary conditions attached to the concession agreement between the French and Spanish Governments, before the entry into force of the present Statute, shall apply to the Tangier Zone.

**ARTICLE 45.** Subject to any stipulations to the contrary in the present Convention, the rights and obligations accruing from any concession granted in the Tangier Zone before the entry into force of the present Convention shall be transferred to the said Zone.

Any concession granted in the future by the Tangier Zone for a period exceeding the duration of the present Convention, and that of the periods for which it may be renewed, will only be binding on the Shereefian Government in the event of non-renewal of the statute, if the said Government has, previously, formally approved such concession at the instance of the applicant.

**ARTICLE 46.** There shall be created a budget for the Tangier Zone. This budget will be drawn up and executed, according to the rules laid down in the annexed organic "dahir".<sup>2</sup>

**ARTICLE 47.** Public security in the Zone shall be assured exclusively by a force of native gendarmerie placed at the disposal of the Administrator.

The strength of this force shall be fixed at a maximum of 400 men for a period of twelve months from the date of its formation.

On the expiry of this period of twelve months, the strength shall be fixed at 250 men and shall not be either increased or reduced without the unanimous consent of the Committee of Control.

From the date of the formation of the gendarmerie until the 31st December, 1928, the Spanish and French Governments shall contribute to the cost of this force by utilising the credits made available by the dissolution of the existing tabors. After this date and until the end of the period of twelve months referred to above, the two governments shall pay to the Zone a subvention representing the difference between the sum of 1,500,000 francs, which the Zone must provide in its budget for the maintenance of the gendarmerie, and the actual cost of the force. Each of the two Governments shall pay one half of the said subvention.

On the expiry of the said period the Spanish and French Governments shall bear in equal parts the supplementary cost occasioned by the maintenance of the gendarmerie at 250 men, namely, 350,000 francs each. The sum of 1,500,000 francs voted in the budget of the Zone will thus be raised to 2,200,000 francs, which represents the estimated cost of the force.

The gendarmerie shall be recruited from each of the existing tabors in equal numbers. Equality between the French and Spanish elements shall be maintained both when the strength of the force is reduced and when vacancies occur.

The gendarmerie shall be commanded by a Spanish officer of the rank of major, who will have a French second-in-command of the rank of captain. The European cadre shall contain an equal proportion of French and Spanish Officers and non-commissioned officers. In view of the international character of the force it may comprise, officers and non-commissioned officers belonging to other nationalities.

The gendarmerie may be garrisoned in the town of Tangier and maintain posts in the surrounding country.

The regulations respecting the gendarmerie are annexed to the present convention.<sup>3</sup>

**ARTICLE 48.** An international tribunal, called the Mixed Court of Tangier, shall be responsible for the administration of justice over nationals of foreign powers. It shall be composed of magistrates of Belgian, British, Spanish, French and Italian nationality.

The legal representation of the public interests will be entrusted to two magistrates, one French and the other Spanish.

The Mixed Court at Tangier is the subject of the annexed special *dahir*.<sup>4</sup> It will replace the existing consular jurisdictions.

The *dahir* instituting the Mixed Court at Tangier can only be modified with the consent of all the Powers signatories of the Act of Algeciras.

The relations of the judicial authorities of the French and Spanish Zones with the Mixed Court of Tangier will be governed by the agreement of the 29th December, 1916, concerning the relations between the judicial authorities of these two Zones.

The three Governments undertake that the preparation of the codes necessary for the functioning of the Court shall be completed within three months from the date of signature of the present Convention. The codes are as follows:

Code respecting the civil status of foreigners in the Zone.

Commercial Code,

Penal Code.

Code of Criminal Procedure.

Code of obligations and contracts.

Code of civil procedure with an annex fixing the Court expenses.

Registration, Code.

**ARTICLE 49.** From the date of the entry into force of the new administration, the diplomatic agencies at Tangier will be replaced by consulates.

**ARTICLE 50.** The existing commissions and committees at Tangier shall be abolished.

The duty of fixing the scale of custom values applicable in the three Zones, which at present devolves upon the commission of custom values, will be entrusted to a commission composed of representatives of the three Zones. This commission will meet in Tangier at least twice a year.

Should protests be made on the ground of economic inequality against the decisions of the commission, in so far as they concern the Tangier Zone, such protests shall be submitted to the Committee of Control.

**ARTICLE 51.** Arabic, Spanish and French shall be the only official languages of the Tangier Zone. The Legislative Assembly will regulate their use.

Laws and regulations must be published in the three languages.

**ARTICLE 52.** Games of chance shall be forbidden in the Tangier Zone.

This prohibition shall be absolute except on a decision by unanimous vote, of the Committee of Control.

**ARTICLE 53.** The contracting Governments recognise that the Shereefian Government retains its property rights in the Cape Spartel lighthouse, the Convention of March 31, 1865, remaining provisionally in force.

**ARTICLE 54.** Disputes which may arise in regard to the interpretation and the application of the provisions of the present Convention shall be referred to the Permanent Court of International Justice, or by agreement between the Parties, to the Permanent Court of Arbitration at The Hague.

**ARTICLE 55.** All clauses of previous Treaties, Conventions or Agreements which may be contrary to the provisions of the present Statute are abrogated.

**ARTICLE 56.** The present Convention shall be communicated to the Powers signatories of the Act of Algeciras and the contracting Governments undertake to lend each other mutual support in obtaining the accession of those Powers.

The Convention shall be ratified and the ratifications shall be exchanged at Paris as soon as possible.

It is concluded for a period of twelve years dating from such ratification.

It shall be renewed automatically for one or more equal periods of at least six months before its expiry none of the contracting revision. In such case it remain in force while the revision by common agreement is being effected.

In faith whereof, the undersigned plenipotentiaries have signed the present Treaty.

Done at Paris, the 18th December, 1923, in triplicate.

(Signed) (L.S.) ARNOLD ROBERTSON

(L.S.) G. H. VILLIERS

(L.S.) M de BEAUMARCHAIS

(L.S.) MAURICIO LOPEZ

ROBERTS, Marquis

de la Torrehermosa

(L.S.) M. AGUIRRE CARCER

**Endnotes**

<sup>1</sup>Both texts are printed in Hudson, International Legislation, vol. II, 1922-24, pp. 1191-1225.

<sup>2</sup>Omitted here.

<sup>3</sup>Omitted here.

<sup>4</sup>Omitted here.

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