

UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE

COMMITTEE ON JERUSALEM

Com. Jer./W.8
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ORIGINAL: ENGLISH

Status of Tangier

The following text of the "Anglo-French Agreement for the re-establishment of the international administration of Tangier" is circulated by the Secretariat for the information of the Committee on Jerusalem

Note: According to the preamble and Article 1, the purpose of the Agreement is the provisional reestablishment of the international regime of the Tangier Zone established by the Convention of 18 December 1923 and the Agreement of 25 July 1928, the text of which was circulated by the Secretariat as Document Com. Jer./W.7.

ANGLO-FRENCH AGREEMENT FOR THE RE-ESTABLISHMENT
OF THE INTERNATIONAL ADMINISTRATION OF TANGIER.

The Government of the United Kingdom of Great Britain and Northern Ireland and the Provisional Government of the French Republic:

Being desirous of re-establishing as soon as possible in the Tangier Zone of Morocco an international régime in accordance with the conclusions of the Conference held at Paris in August 1945 between the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland, France and the Union of Soviet Socialist Republics: and

Considering that it is desirable to establish in the said Zone a provisional régime based on the Convention signed at Paris on the 18th December, 1923, to operate until a revised Tangier Statute has been agreed and can be put into force:

Have therefore decided to conclude an Agreement for this purpose and have appointed as their plenipotentiaries:

.....

Who, being furnished with full powers found in good and due form, have agreed as follows:

Article 1.

From the 11th October, 1945, until a convention drawn up at the Conference referred to in Article 2 below has come into force, the Tangier Zone of Morocco shall be provisionally administered in accordance with the Convention of the 18th December, 1923 (and the Agreement of the 25th July, 1928, amending the same), as modified by the provisions of the present Agreement.

Article 2.

(a) As soon as possible and not later than six months from the establishment of the provisional régime, the French Government will convoke a Conference at Paris of the following Powers parties to the Act of Algeciras: the United States of America, Belgium, the United Kingdom of Great Britain and Northern Ireland, Spain, France, the Netherlands, Portugal, Sweden, the Union of Soviet Socialist Republics and, subject to Article 11 below, Italy.

(b) The preparatory work for the said Conference shall be undertaken by the Committee of Control at Tangier in accordance with Resolution No.1 of the Conference at Paris referred to in the Preamble of this Agreement.

Article 3.

(a) the Governments of the United States of America and the Union of Soviet Socialist Republics, although not parties to the Convention of the 18th December, 1923, are invited to collaborate in the provisional régime of the Tangier Zone in accordance with the provisions of this Agreement.

(b) The French Government will inform the Governments of the Powers referred to in Article 2 (a) above of the acceptance of this invitation.

Article 4.

(a) Upon the 11th October, 1945, the Spanish Government will hand over to the Committee of Control the administration of the Zone and the archives of the administration, and to the International Cape Spartel Lighthouse Commission the administration of that lighthouse.

(b) The properties, offices and establishments belonging to the French and Sherifian Governments shall be handed over at the same time to the representatives of those Governments. Private property in the Zone which has been seized by the Spanish authorities shall be restored to the owners not later than the 11th October, 1945. The provisions of this paragraph do not prejudice the right of any Government concerned to claim compensation in respect of the seizure or detention of such property or of any other matter.

(c) The withdrawal from the Zone of all Spanish military, naval, air and police forces as well as all establishments and material of a military character shall be completed by the 11th October, 1945. All Spanish establishments and material of a military character which shall not have been withdrawn on this date shall become the property of the Administration of the Tangier Zone.

(d) The Spanish Government will be responsible for all financial liabilities of the Zone contracted between the 13th June, 1940, and the 11th October, 1945.

(e) The Committee of Control may meet before the 11th October, 1945, and make all necessary arrangements for the putting into force of the present Agreement.

Article 5.

Any advances of funds which may be necessary for the functioning of the public services of the Zone until adequate financial measures have been taken by the provisional administration shall be furnished by the State Bank of Morocco under conditions agreed by the Committee of Control.

Article 6.

(a) The Committee of Control, having obtained from the Administration the necessary report or reports, shall determine which of the decrees, laws and regulations enacted and concessions granted between the 13th June, 1940, and the 11th October, 1945, shall be repealed, amended or maintained and draw up the necessary legislation to give effect to these decisions. All laws, decrees and regulations which are contrary to particular provisions of the Statute of 1923 shall be included in the measures to be repealed.

(b) The Mendoub shall promulgate immediately the legislation referred to in paragraph (a) of this Article.

Article 7.

During the period of the provisional administration of the Zone, the Convention of the 18th December, 1923 (as amended in 1928) shall operate, subject to the following modifications:

(a) the Governments of the United States of America and the Union of Soviet Socialist Republics shall have the right to appoint their representatives in Tangier as members of the Committee of Control. The first member of the Committee of Control to fulfil the functions of President as from the 11th October, 1945, shall be the French representative and thereafter the presidency shall devolve by rotation in accordance with Article 30 of the Convention of 1923. In the absence of any stipulation to the contrary a decision of the Committee of Control will be taken by an affirmative vote of a majority of the members of the Committee. In case of an equal division the President shall have a casting vote.

(b) The International Legislative Assembly referred to in Article 34 of the Convention of the 18th December, 1923, shall be composed of : 4 members of French nationality, 4 members of Spanish nationality, 3 members of British nationality, 3 members of United States nationality, 3 members nationals of the Union of Soviet Socialist Republics, 1 member of Italian nationality, 1 member of Belgian nationality, 1 member of Netherlands nationality, 1 member of Portuguese nationality, nominated by their respective Consulates, - and in addition : 6 Mussulman subjects of His Majesty the Sultan nominated by the Mendoub and 3 Jewish subjects of His Majesty the Sultan nominated by the Mendoub and chosen from a list of nine names submitted by the Jewish community of Tangier.

Until the Legislative Assembly has been constituted the powers which are conferred upon it shall be exercised, in cases of urgency, by the Committee of Control.

Further, the Committee of Control shall have the power at any time to adopt, by regulation passed by a majority of two-thirds of its members and stating the reasons for this course, measures relating to any matter which under the Statute falls within the competence of the Legislative Assembly. All regulations so made shall be promulgated, published and put into force in the same manner as measures passed in corresponding cases by the Assembly.

(c) The Administrator of the Zone shall be a person of Belgian, Netherlands, Portuguese or Swedish nationality selected by the Committee of Control.

He shall be aided by an Assistant Administrator of French nationality selected by the French Government, who shall be adviser for Moroccan Affairs, and by an Assistant Administrator for Finance of Belgian, Netherlands, Portuguese or Swedish nationality selected by the Committee of Control.

The Administrator and Assistant Administrators shall be appointed by His Sherifian Majesty on the request of the Committee of Control.

(d) The provisions of Article 10 (paragraphs 3 et seq.) and of Article 47 of the Tangier Statute, relating to the gendarmerie, the police, the Mixed Intelligence Bureau and the Inspector-General of Security shall be abrogated and replaced by the following provisions:

The policing of the Zone shall be maintained by a single police force to be organised as soon as possible and recruited so far as possible from inhabitants of the Zone. The Commandant, Deputy-Commandant, officers and technical advisers of this police force shall be appointed by Sherifian dahir upon the proposal of the Committee of Control and, except the Deputy Commandant who shall be a French national, selected from persons of Belgian, Netherlands, Portuguese, or Swedish nationality. The cost of this police force shall be borne by the Administration of the Zone.

The authorities of the French and Spanish Zones shall have the right to appoint to the police administration of Tangier liaison officers to deal with police questions affecting their respective Zones. Every facility for the fulfilment of their duties shall be accorded to these officers. Until the police force referred to above has been constituted, the policing of the Tangier Zone shall be undertaken by a police force supplied by the French or Sherifian Governments.

(e) Without prejudice to the provisions of Article 29 of the Statute of the Zone, the Committee of Control shall also have the power of deportation in the case of persons justiciable by the Mixed Court whose presence in the Zone constitutes a threat to public order. In any case where this power is exercised an affirmative vote of two-thirds of the members of the Committee shall be required after the case of the person whose deportation is proposed has been investigated by the police authorities of the Zone and heard by a member of the Committee selected for this purpose.

(f) Nothing in the Statute shall be deemed to prevent the Administration from taking, with the approval of the Committee of Control, in exceptional circumstances such measures as may be required in order to assure the arrival and distribution of supplies necessary for the maintenance of the life of the inhabitants.

Article 8.

The Committee of Control may at any time while the present Agreement remains in force adopt by unanimous vote any amendments thereto which it considers desirable. Such modifications shall be recorded in protocols signed by the members of the Committee of Control, specifying the date as from which they shall operate. These modifications shall be immediately submitted to His Sherifian Majesty for his approval and for the enactment of the necessary dahir.

Article 9.

(a) The present Agreement shall be ratified and the instruments of ratification shall be exchanged at Paris as soon as possible. It will, however, be put into force immediately without awaiting the exchange of ratifications.

(b) The present Agreement shall be at once submitted to His Sherifian Majesty for his approval and for the enactment of the necessary dahir to give effect thereto.

Article 10.

Certified copies of the present Agreement shall be immediately communicated by the French Government to the Governments of Belgium, Spain, the Netherlands, Portugal and Sweden. The Governments of the United Kingdom and France undertake to collaborate in inviting the accession of the above-mentioned Governments to the Agreement. In the case of those Governments whose constitutional law requires the fulfilment of a process equivalent to ratification prior to accession, accession may be notified in the first place subject to ratification.

Article 11.

(a) The provisions of the Agreement and dahirs of 1928, in so far as they altered the conditions in which the Italian Government is entitled to participate in the administration of the Zone, shall cease to operate.

(b) the Italian Government shall be invited to accede to the present Agreement at such time as the other Governments parties thereto shall agree and subject to any relevant provisions of the peace treaty with Italy.

In witness whereof the above-mentioned plenipotentiaries have signed the present Agreement and affixed thereto their seals.

Done at Paris in duplicate this 31st day of August, 1945, in English and French, both texts being equally authentic..

(signatures)