

Geneva, June 21st, 1937.

LEAGUE OF NATIONS

COLLECTION OF TEXTS

CONCERNING THE

SANJAK OF ALEXANDRETTA

TABLE OF CONTENTS.

	Page
1. Report adopted by the Council of the League of Nations on January 27th, 1937 . . .	2
2. Report adopted by the Council of the League of Nations on May 29th, 1937	4
3. Report of the Committee of Experts to study the Statute and Fundamental Law of the Sanjak	6
4. Statute of the Sanjak	13
5. Fundamental Law of the Sanjak	20
6. Declarations made at the Meeting of the Council of the League of Nations of May 29th, 1937, on behalf of <i>France</i> and <i>Turkey</i>	23

1.

REPORT ADOPTED BY THE COUNCIL OF THE LEAGUE OF NATIONS
ON JANUARY 27TH, 1937.¹

"At its ninety-fifth (extraordinary) session, held at Geneva in December 1936, the Council had to deal with what is known as the Alexandretta question, on which a communication dated December 10th, 1936,³ had been received from the Turkish Government. On December 16th, 1936, the Council, Turkey abstaining, adopted, on the proposal of its Rapporteur, a resolution whereby, 'noting that the Governments of France and Turkey have agreed to postpone to the Council's ordinary session in January the examination of the substance of the question which has arisen regarding the district of Alexandretta and Antioch', it 'recommends the two Governments to continue their conversations meanwhile in close contact with the Rapporteur'.

"In accordance with paragraphs 3 to 7 of that resolution, three observers were appointed by the President of the Council. They proceeded to the Sanjak of Alexandretta, where they have been since December 31st, 1936.

"Furthermore, in accordance with paragraph 1 of the aforesaid Council resolution, the French and Turkish Governments have continued their conversations in Paris, in the presence of a representative of the Rapporteur, with a view to arriving at a settlement. In the course of those conversations, the Turkish delegation proposed a settlement involving the erection of the Sanjak of Alexandretta into an independent State and the formation of a Confederation consisting of Syria, Lebanon and the Sanjak, with jurisdiction primarily over the following affairs they have in common: (1) foreign affairs; (2) Customs union; (3) monetary union.

"The French Government considered that, as mandatory Power, it was unable to accept these proposals as a basis of discussion, and it suggested that the respective legal positions should be provisionally left on one side and that the various factors of the settlement to be adopted should be studied point by point from the practical aspect.

"The Turkish delegation, not having accepted this method, the Paris negotiations met with no success and the two Governments pursued them through diplomatic channels pending the meeting of the Council.

"Meanwhile, at the beginning of January, the Rapporteur intimated to the French and Turkish Governments that he would be at their disposal in Geneva from January 15th onwards to resume the examination of the question.

"At the request of the parties, and with the concurrence of the Rapporteur, the opening of the Council session, which had been originally fixed for January 18th, was postponed to January 21st.

"Conversations were resumed at Geneva on January 20th.

"The discussion was chiefly concerned with a French document which, while expressly disputing the correctness of the legal contentions put forward by the Turkish delegation, sought a basis for conciliation by making a distinction between the final status of the Sanjak and the transitional regime to be instituted pending the emancipation of Syria. According to this scheme, in order to ensure the execution of the 1921 agreement, the final status was to involve for the Sanjak a kind of survival of the mandate with, for example, a League High Commissioner of French nationality. As for the transitional regime, it was to prepare the way for the final regime and make the Sanjak appear forthwith as a separate entity, while giving satisfaction to the Turkish demands concerning administrative and cultural questions, the demilitarisation of the territory and the use of the port of Alexandretta. In this connection, the French Government formally declared that it acquiesced in advance in whatever decision the Council should think fit to take.

"Without interruption of the conversations with a view to a compromise, the legal cases advanced by the two Governments at the outset of the question underwent a preliminary examination. The legal aspect was, however, reserved in view of the prospects of a positive solution.

* * *

"While the conversations continued, active efforts were made, by way of a comparative study, to reduce the discrepancies between the two solutions advocated. It proved possible to reach an agreement on the following fundamental principles, which are to govern the future status of the Alexandretta district:

"1. The Sanjak shall constitute a separate entity. It shall enjoy full independence in its internal affairs. The State of Syria shall be responsible for the conduct of its foreign affairs, subject to the provisions contained in No. 3 below.

"The Sanjak and Syria shall have the same Customs and monetary administration.

"2. In the Sanjak, Turkish shall be an official language, and the Council shall determine, in accordance with the procedure laid down in paragraph 10, the character and conditions of the use of another language.

¹ See *Official Journal*, February 1937, pages 118 to 120.

" 3. No international agreement concluded by the State of Syria, which is likely to affect in any way whatever the independence and sovereignty of that State, and no international decision having the same effects may be applied to the Sanjak without the express consent in advance of the Council of the League of Nations.

" 4. Special officials shall ensure the necessary liaison between the two executive authorities in matters for which responsibility will rest with Syria.

" As regards such matters, the legislative assemblies of Syria and the Sanjak shall be entitled to establish interparliamentary liaison and to determine the details of such liaison.

" 5. Supervision by the Council of the League of Nations to ensure respect for the Statute and Fundamental Law of the Sanjak, such supervision to be exercised in the following conditions:

" (a) Presence on the spot of a delegate of French nationality appointed by the Council of the League of Nations.

" (b) Power of the delegate to suspend for a maximum period of four months any legislative or governmental act contrary to the provisions of the Statute or of the Fundamental Law. In such case, the delegate shall be bound immediately to refer the matter to the Council of the League of Nations, with whom the final decision shall rest.

" (c) The French Government and the Turkish Government declare their willingness to give effect to the recommendations which the Council of the League of Nations may make to them to ensure respect for the decisions taken by the Council.

" If, in virtue of the Council's decision, the two Governments have to take joint action, they will previously consult one another regarding the details of such action.

" The Council's powers and rights as regards demilitarisation shall be determined subsequently.

" 6. The Sanjak shall have no army. No compulsory military service may be introduced and no military works may be constructed in the Sanjak. Only local police forces not exceeding . . . men may be organised in the Sanjak, and no armaments other than those required for the said police force may be introduced or maintained in the Sanjak. The technical details shall be determined in a subsequent agreement.

" 7. A Franco-Turkish Treaty shall be concluded. This treaty shall contain stipulations determining the manner in which Turkey and France shall guarantee the territorial integrity of the Sanjak. This guarantee shall operate after consultation between the two parties.

" An agreement shall be concluded between France, Turkey and Syria for the purpose of guaranteeing the inviolability of the Turco-Syrian frontier and of prohibiting in Turkish and Syrian territory any organisations or activities directed against the regime in force in the other country and that country's security.

" 8. The Statute of the Sanjak shall contain a clause specifying the rights and facilities to be enjoyed by Turkey in the port of Alexandretta, in order to enable her to make use to the fullest possible extent of that port for her transit trade.

" 9. The Statute and the Fundamental Law shall enter into force as soon as the Council has so decided.

" 10. The Council's decisions and recommendations shall be taken by a two-thirds majority without reckoning the votes of the parties concerned.

" This text was accepted by the representatives of France and Turkey. I share their conviction that it would provide the basis for an equitable settlement and one in conformity with the Covenant, and I have no doubt that the Council will approve it.

" It appears from the text agreed upon that certain points are already settled. Others require further elucidation or even additional provisions; and others again entail technical study.

" In this connection, the following list of points, which is not exhaustive, has been drawn up:

" A. *Statute.*

" (1) Definition of the Sanjak. No. 1 of the fundamental principles given above.

" (2) Confirmation of the present boundaries, and examination of the question of the three communes detached from the Sanjak by the Order of September 12th, 1921.

" (3) Insertion in the Statute of No. 3 of the fundamental principles.

" (4) Insertion in the Statute of No. 4 of the fundamental principles.

" (5) Supervision by the Council. Powers of the Council's delegate, etc. (see No. 5 of the fundamental principles).

" (6) Statute of demilitarisation: (a) Insertion in the Statute of No. 6 of the fundamental principles; (b) Study of the Council's powers and rights in this connection (see No. 5 *in fine* of the fundamental principles).

" (7) Rights and protection of minorities; exercise of the right of petition.

- " (8) Economic clauses.
 - " Port of Alexandretta (see No. 8 of the fundamental principles).
 - " Postal agreements.
- " (9) Entry into force and transitional provisions.

" B. *Fundamental Law.*

- " (1) Governmental system: determination of legislative, executive and judicial organs and their competence within the framework of No. 1 of the fundamental principles.
- " (2) Electoral system.
- " (3) Question of languages (see No. 2 of the fundamental principles).
- " (4) Procedure for the amendment of the Fundamental Law.
- " (5) Entry into force and transitional provisions.

" I think I should now propose that the Council make provision for the performance of the task indicated above. In agreement with the mandatory Power, it might appoint a Committee of specialists to study for the benefit of the Council the various questions, especially the drafting of the Statute and Fundamental Law of the Sanjak. That Committee, on which the Rapporteur would be entitled to be represented, would consist of not more than six persons selected for their special qualifications by the President of the Council, in agreement with the Rapporteur. It would have power to consult the appropriate branches of the Secretariat and, if necessary, the Permanent Mandates Commission.

" According to the Council's resolution of December 16th, 1936, the mission of the observers appointed under that resolution is to expire on January 31st, 1937. In view of the contribution they might make, I think that the Council should give them fresh powers ending not later than March 15th, 1937. Their duty would be to furnish the Rapporteur with any information that might be of assistance in the performance of the tasks that still remain.

" Their geographical field of activity would be enlarged in future so far as might be necessary for the contemplated enquiries (see point A (2) of the list).

" I have no doubt that they will very soon be in a position to furnish material for the preparation of the Statute and Fundamental Law of the Sanjak, more especially in connection with the guarantees to be afforded to the populations. The Rapporteur should have power to convene the observers in Geneva, so that the Committee of Experts could have the advantage of their direct collaboration.

" Furthermore, according to the contemplated plan, the Council should request the French and Turkish Governments to put into writing the agreements that have been reached. Those agreements would then be communicated to the Council before it came to its final decision.

" It has been agreed that the Statute and Fundamental Law of the Sanjak shall be put into effect as speedily as possible, in conformity with such decisions as the Council may reach at its next ordinary session. Until the termination of the mandate, it will rest with France to bring the new regime into operation as far as is compatible with the exercise of her mandate.

" If it concurs in the foregoing suggestions, the Council might adopt the following resolution:

" 'The report of the representative of Sweden is adopted.' "

2.

REPORT ADOPTED BY THE COUNCIL OF THE LEAGUE OF NATIONS
ON MAY 29TH, 1937.¹

" I need not here revert to the development of what is known as the question of Alexandretta and Antioch, seeing that I gave a summary of it on May 25th, 1937, in a private meeting of the Council, and that that summary appears in the Minutes. At the same time, I should like to repeat in public the tribute I paid to the remarkable work performed with unquestionable ability and zeal by the Committee of Experts, which has now submitted to the Council, together with its report, a draft Statute and Fundamental Law for the Sanjak. I should also like to emphasise the value of the services rendered by the League's observers, both during their mission in the Sanjak and since their return, when they have afforded the Committee of Experts the advantage of their co-operation.

" 2. In my statement on May 25th, I mentioned a number of special problems that the Council would have to consider, especially those on which different opinions were expressed in the Committee of Experts.

" 3. I have since carried out the necessary consultations, and the time has now come, I think, to make specific proposals on all the points with which the Council is called upon to deal.

" 4. It seems to me natural that the Council should begin by approving the draft Statute and Fundamental Law that have been submitted to it by the Committee of Experts. The Council

¹ See *Official Journal*, May-June 1937.

should also adopt the recommendations and suggestions contained in the Committee's report, so far as it does not formally express a different opinion by adopting the present report.

" 5. The Council should then fix the date on which the Statute and Fundamental Law of the Sanjak are to come into force. I think that both instruments should come into force as soon as possible, and, accordingly, the date I would suggest is November 29th, 1937, provided that the treaties contemplated in No. 7 of the fundamental principles contained in the Council's resolution of January 27th, 1937, have come into force by that date.

" In accordance with the Council's resolution of January 27th, 1937, it will rest with France, until the termination of the mandate, to bring the new regime into operation as far as is compatible with the exercise of her mandate.

" It is understood that the appointment of the League of Nations delegate will take place on the expiry of the mandate.

" 6. With regard to the question of the three Nahiés, I would remind the Council that four of the experts stated that they saw ' no adequate justification for the abnormal and defective boundary-line that would result from the incorporation of the whole or part of the three Nahiés in the territory of the Sanjak '.

" Not seeing my way to go counter to this view, I have endeavoured to find some means of meeting the legitimate anxieties that appear to underlie the different opinion which was expressed in the Committee of Experts.

" In the area of the three Nahiés, there is a Turkish population whose right to the protection of its language and culture must not be endangered. At the present time, that population benefits by the guarantees established under the mandatory regime in Syria.

" In anticipation of the expiry of that regime, and in view of the fact that the question raised belongs to the sphere of the protection of minorities, I propose that the Council should place on record its opinion that particular attention must be devoted to the problem of the guarantees which the League will have to ask from Syria on the termination of the mandate, more especially in connection with the right of members of minorities to use their own language in the courts, and to receive public elementary education in that same language.

" The Council might decide to introduce into Article 4 of the Statute a clause confirming the present boundaries of the Sanjak, as defined in the Annex to the Committee's report.

" 7. By its resolution of January 27th, 1937, the Council decided that Turkish should be an official language.

" The Council has still to settle, under the terms of that resolution, and taking into account the mission entrusted to the Committee of Experts, ' the character and conditions of the use of another language '.

" Following the suggestions of the Committee of Experts, I propose that the Council should decide that Arabic shall also be an official language in the Sanjak; the conditions of use being laid down in the following terms:

" (1) In the public schools, elementary teaching shall be given in the official language preponderant in the village or quarter in which the particular school is situated; the teaching of the other official language shall be either optional or compulsory, provided that in this respect the two languages receive completely identical treatment.

" (2) Both languages may equally be employed in all the courts of justice of the Sanjak, including the Supreme Court, and members of minorities may express themselves in their mother-tongue.

" (3) Both official languages may be employed in the Assembly; the records of the Assembly shall be drawn up, and all laws shall be published, in both languages.

" (4) Administrative regulations and instructions shall be published in both languages.

" (5) The public may employ either language at their own choice in their relations with the administration, and shall receive replies in the same language.

" The Council might decide to introduce into Article 1 of the Statute a clause worded as follows:

" ' The language question shall be settled in accordance with the Council's decisions of January 27th, 1937, and May 29th, 1937, attached hereto. '

" 8. I now come to the question of the first elections to the Assembly of the Sanjak. In principle, the number of members is forty. It might be increased through the application of the electoral system provided for by the Fundamental Law.

" Under Article 15 of the Fundamental Law, it rests with the Council to decide the number and the method of appointment of the members of the body responsible for organising and supervising the whole of the proceedings involved in the first elections held in the Sanjak.

" I accordingly suggest that the Council ask its President to begin by appointing a Commission of five members, which will start by carrying out the necessary preparatory enquiries and other work. This Commission will submit to the President of the Council, for his decision, all proposals for the appointment of the necessary officials and staff to arrange for and supervise, under the conditions provided for in paragraph 47 of the report of the Committee of Experts, the whole of the proceedings contemplated in Articles 9 to 14 of the Fundamental Law.

" 9. As regards the date for the first elections in the Sanjak, I think it should be left to the President of the Council to decide, when he has examined the proposals which will be made to him

by the Commission to which I have just referred after enquiry into all the aspects of the question on the spot. The elections should, however, be held not later than April 15th, 1938.

" 10. The expenses entailed by the work of the Commission and, in general, of all agents and auxiliaries who may be employed should be advanced by the League of Nations.

" On the other hand, the League of Nations delegate in the Sanjak should be paid by the League, the Sanjak defraying only his office expenses.

" 11. There is one important point to which the Committee of Experts alludes in its report, connected with the organisation of the police and gendarmerie forces in the Sanjak.

" The Council should formulate recommendations on this subject on the expiry of the mandate.

" 12. Article 50 of the Statute contemplates the conclusion of a special agreement between Turkey and the Sanjak Government, according to the procedure prescribed for the latter's foreign affairs, to lay down detailed rules for the application of the special regime for the port of Alexandretta established by Articles 43 to 49 of the Statute.

" The Council will certainly wish to express the desire that such an agreement should be speedily concluded, and that the text should be communicated to the Council.

" 13. In paragraph 43 of its report, the Committee of Experts alluded to the question of *capitulations*, and found that the matter lay outside its terms of reference. The Council is, of course, aware that, under the terms of Article 5 of the mandate for Syria and Lebanon, the capitulations are to be re-established on the expiry of the mandatory regime, unless other arrangements have been made between the Powers affected.

" I imagine that the Council will prefer to postpone consideration of this question, so far as the Sanjak is concerned, until it is called upon to settle the matter when examining the conditions for the emancipation of the territories of the Levant which have been placed under French mandate.

" I therefore beg to move the following resolution:

" 'The Council approves the settlement of the question as described in the report of its Rapporteur, and, in particular, the draft Statute and Fundamental Law framed by the Committee of Experts, subject to the additions proposed in the aforesaid report.' "

3.

REPORT BY THE COMMITTEE OF EXPERTS TO STUDY THE STATUTE AND FUNDAMENTAL LAW OF THE SANJAK OF ALEXANDRETTA.

Introduction.

On January 27th, 1937, the Council of the League of Nations adopted a report embodying the fundamental principles which were to govern the future status of the Alexandretta district. The report enumerates, more particularly, the matters to be dealt with in the Statute and the Fundamental Law of the Sanjak. The Council appointed a committee of specialists to study for its benefit these various questions, especially the drafting of the Statute and Fundamental Law of the Sanjak. It was decided that the Rapporteur should be entitled to be represented on the Committee, which was to consist of not more than six persons selected for their special qualifications by the President of the Council, in agreement with the Rapporteur. The Council further decided that the Committee should have power to consult the appropriate branches of the Secretariat and, if necessary, the Permanent Mandates Commission. Finally, the observers who had been sent to the Sanjak in consequence of the Council's resolution of December 16th, 1936, received fresh powers, and it was decided that they might be convened at Geneva by the Rapporteur, so that the Committee could have the advantage of their direct collaboration.

2. The Committee of Experts was constituted as follows: M. Maurice BOURQUIN (Belgian); M. Robert DE CAIX (French); Sir James DUNNETT (British); Dr. KOLLEWYN (Netherlands); M. Numan MENEMENCIOLU (Turkish). M. Sandler, the Rapporteur to the Council, was represented by M. WESTMAN (Swedish).

The Committee sat in Geneva from February 25th to March 17th and from April 22nd to May 15th, 1937. It elected M. BOURQUIN Chairman.

3. Within the limits and in the light of the principles laid down in the Council's resolution of January 27th, 1937, the Committee proceeded to examine a number of documents laid before it by its members. These included a draft Statute and draft Fundamental Law, from M. MENEMENCIOLU; bases for the Statute and Fundamental Law, from M. DE CAIX; a memorandum on the question of the demilitarisation of the Sanjak and a draft Fundamental Law, from Sir James DUNNETT; and memoranda on the protection of minorities and on the questions of the Customs, currency, postal service, and port of Alexandretta, from Dr. KOLLEWYN. In accordance with the procedure laid down, the Committee also obtained information from the *mission of observers*. In addition, it made extensive use of the technical assistance of the Secretariat, to whose valuable aid it desires to pay a special tribute.

4. In consideration of these data, and of the other information available, the Committee has framed a draft Statute and a draft Fundamental Law for the Sanjak.

5. The Statute is the international Charter of the Sanjak. Its provisions are binding upon all authorities who will have to deal, in whatever capacity, with the affairs of the Sanjak. The Fundamental Law concerns the internal life of the Sanjak only. It rests upon the Statute, to which it is complementary and from which it may not derogate. It must be interpreted and applied in the light of the Statute. Should its provisions conflict with those of the Statute, the latter must prevail.

6. The Committee does not think it necessary to comment upon the provisions of the two drafts, which are, in general, self-explanatory. It desires, however, to mention a few points and to formulate certain recommendations and suggestions which it thinks should be laid before the Council.

I. THE STATUTE.

7. The Committee feels that, apart from being adopted by the Council of the League, the Statute ought to be expressly accepted by Turkey on the one hand, and by France, acting both on her own behalf and as mandatory Power, on the other. Such acceptance might take the form of a declaration signed at a meeting of the Council by the representatives of the two States.

Delimitation of the Sanjak.

8. The Committee was requested by the resolution of January 27th, 1937, to study the delimitation of the Sanjak, including the question of the three *Nahiés* of Bassit, Bahir and El Akrad.

9. A brief description of the present boundaries has been drawn up by the experts and is appended to this report (map attached).¹

10. With regard to the *Nahiés*, the Turkish expert, taking into consideration the ethnical composition of the population and the motives by which the mandatory Power was actuated when, at one time, it attached them to the Sanjak, suggests that the *Nahié* of Bahir should be incorporated in the Sanjak, that the *Nahié* of El Akrad should not be included, and that the future of the *Nahié* of Bassit should be decided later on the basis of a new census.

11. The other members of the Committee see no adequate justification for the abnormal and defective boundary-line that would result from the incorporation of the whole or part of the three *Nahiés* in the territory of the Sanjak.

Languages.

12. The Council, in its resolution of January 27th, 1937, decided that Turkish should be an official language in the Sanjak.

13. It remains for the Council to determine, according to the procedure laid down in No. 10 of the fundamental principles set out in that resolution, "the character and conditions of the use of another language".

14. The Turkish expert held that the text of the Council's resolution, which is in itself a compromise, contained two elements: a specific element—that expressed by the sentence, "In the Sanjak Turkish shall be an official language"—and an element as yet indeterminate, in regard to which the Council entrusted certain duties to this Committee.

The latter's work should therefore, in the Turkish expert's view, be confined to determining another language, its character and the conditions for its use.

The Turkish expert holds that the effect of the Council's text is that, since Turkish is an official language in the Sanjak, the character of universality is definitely and formally recognised by the Council as attaching to it.

The Turkish expert agrees that the second language shall be Arabic; he agrees that Arabic shall have an official character in the Sanjak; he also agrees that the conditions for its use shall be so determined as to give full satisfaction to the Arab element in the Sanjak in all those districts where the Arabs are in the majority.

15. The other members of the Committee consider that the conditions for the use of the Turkish and Arabic languages in the Sanjak should be identical. Accordingly, they recommend that the following principles shall apply in this connection:

(a) Turkish shall be an official language.

(b) Arabic shall be an official language.

(c) In the public schools, elementary teaching shall be given in the official language preponderant in the village or quarter in which the particular school is situated; the teaching of the other official language shall be either optional or compulsory, provided that in this respect the two languages receive completely identical treatment.

(d) Both languages may equally be employed in all the courts of justice of the Sanjak, including the Supreme Court, and members of minorities may express themselves in their mother tongue.

(e) Both official languages may be employed in the Assembly; the records of the Assembly shall be drawn up, and all laws shall be published, in both languages.

¹ The map has been deposited in the archives of the Secretariat.

- (f) Administrative regulations and instructions shall be published in both languages.
- (g) The public may employ either language at their own choice in their relations with the administration, and shall receive replies in the same language.

Supervision by the Council of the League of Nations.

16. Article 5 of the *Statute* lays down a general rule applying to all the provisions of the *Statute* and the *Fundamental Law*. With reference to demilitarisation and the protection of minorities, Articles 24 and 33 provide for a special system of supervision superimposed upon the general system established by Article 5.

17. To enable the delegate to exercise his suspensive power, it is desirable that the Government of the Sanjak should communicate to him all legislative and governmental acts before their promulgation. The Committee is of opinion that the delegate should normally exercise his suspensive power within a period of one month as from the promulgation of the act or of its prior communication to him.

18. The Committee interpreted the words "governmental act" (Point 5 of the *Fundamental Principles* laid down in the Council's resolution of January 27th, 1937) as referring to the decisions of the Government and the Central Administration, but not to the acts of local authorities.

19. Though not formally laying it down as a principle, the Committee thought that the Council of the League would find it preferable, in practice, not to exercise its supervisory powers without giving a representative of the Sanjak Government an opportunity of being heard.

Sanjak Citizenship.

20. This question, though not mentioned in the Council resolution of January 27th, 1937, should, it was felt, be regulated in the *Statute*. It is, indeed, directly raised by the principle of the full independence of the Sanjak in the sphere of internal affairs.

21. In the Committee's view, the word "established", in Article 9 of the *Statute*, should be construed on the lines followed by the Permanent Court of International Justice in its Advisory Opinion No. 10 of February 21st, 1925.

22. The Committee also considered that persons repudiating Sanjak citizenship (*Statute*, Article 11) should be required to leave the Sanjak, and that persons opting for that citizenship should be required to establish themselves there.

23. When the Committee was engaged in drafting Article 12 of the *Statute*, the view was expressed—though not unanimously—that persons convicted of or charged with ordinary criminal offences ("crimes et délits de droit commun") should not be allowed to benefit by the provisions of that article.

External Affairs.

24. Syria may, obviously, conclude international agreements such as would not apply, having regard to the subjects with which they deal, to the Sanjak. In such cases it would be desirable that the agreement itself should explicitly mention this limitation.

25. The Committee felt some hesitation about the wording of Article 15 of the *Statute*. Upon reflection, it thought it better merely to reproduce the text of No. 3 of the *Fundamental Principles* set out in the report adopted by the Council on January 27th, 1937.

26. With regard to Article 16 of the *Statute*, the Committee's intention was to refer to international agreements concerning matters within the sphere of internal affairs, in respect of which the Sanjak enjoys full independence—e.g., conventions on judicial assistance in civil, criminal, and commercial matters; extradition treaties; conventions on literary, artistic, and scientific subjects, etc.

Demilitarisation.

27. The Committee points out, as a general guide, that the technical advisers who have assisted it in this part of its work considered that a police and gendarmerie force of approximately 1,000 men, armed in the manner which they have proposed, would *normally* be sufficient.

28. The technical advisers stated that their estimates were based "on the assumption that the police and gendarmerie would be kept up to a standard such as would satisfy reasonable requirements, particularly in the matter of discipline and command".

29. The following table, which is also included as a general guide, gives an idea of what they considered to be the appropriate armament of the said forces.

Material.

Dismounted forces:

Per 100 men	{	100 pistols
		100 rifles
		4 automatic rifles
		2 machine-guns
		8 bomb-throwers.

Mounted forces:

Per 100 mounted men

Material.

100 pistols
100 sabres
100 carbines
4 automatic rifles
2 cavalry machine-guns.

General reserve (motorised):

5 vehicles with one 37-mm. gun and one machine-gun each.
1 platoon with side-car combinations or motor-cycles:

Armament: Pistols
Carbines
Automatic rifles.

30. To avoid all possibility of misunderstanding, the Committee wishes to make it clear that, in its view, the provisions of the *Statute* relative to the organisation of the police and gendarmerie forces cannot affect the power of the Council of the League of Nations to formulate, on the expiry of the mandate, such recommendations as it may deem necessary, in the light of the situation then obtaining, to ensure the maintenance of order and tranquillity in the Sanjak,

31. The Netherlands member of the Committee desired to point out that, after examining the information available to him, particularly the report of the observers and the oral statements made by them to the Committee, he had come to the conclusion that the Council should reserve to itself the right to require the Sanjak to engage foreigners for the *cadres* of its police forces. The French expert concurred.

32. In framing those provisions of the *Statute* which relate to the demilitarisation of the Sanjak (Articles 22 and 23), the Committee adopted the principle that demilitarisation must be in keeping with the need for maintaining order in the territory. It therefore took the view that, during the period of the mandate, the evacuation of the Sanjak by the armed forces of the mandatory Power could only be effected at a rate and in a manner consistent with that need.

33. In accordance with the advice of the military technical advisers consulted, the Committee considered that the prohibition of all fortified works in the territory of the Sanjak (*Statute*, Article 22) would not preclude the police forces from erecting protective enclosures (of barbed wire or similar material) around their camps, barracks or guard-posts.

34. The Committee was also of opinion that the prohibition in regard to the maintenance and assembly of air forces in, and their introduction into, the territory of the Sanjak (*Statute*, Article 22) should not hamper the development of purely civil aviation. In view, however, of the connection existing between civil and military aviation, the League of Nations delegate in the Sanjak should keep himself informed of the development of civil aviation.

35. The absolute prohibition to introduce armed forces into the Sanjak (Article 22 of the *Statute*) will obviously not preclude the possibility of the application of the Franco-Turkish Treaty provided for in No. 7 of the *Fundamental Principles* laid down in the Council resolution of January 27th, 1937; nor will it prevent any measures to be taken in execution of a decision or recommendation of the Council of the League of Nations.

Minorities.

36. As regards Article 32 of the *Statute*, the Committee thought that it would be desirable that, whenever possible, the representation of the minorities in the Government should be reconciled with the principle of the collective responsibility of the Government.

Customs Administration.

37. In the Committee's opinion, the "Mixed Commission" provided for in Article 35 of the *Statute* should have power to fix, not merely the rates of the duties provided for in the Customs tariff, payable on goods of foreign provenance both on import and export, but also the rates of the subsidiary dues (statistics, transport, forwarding, etc.) payable on import, export or transit.

The duties of the "Mixed Commission" should also include the framing or amendment of Customs laws in regard to such matters as the prohibition, regulation by quota, or limitation of the import or export of certain goods, the regulation of temporary admission (in recognised warehouses or under Customs passes), bonding, broken transit, etc., together with the regulations regarding sanitary, veterinary or phytopathological control.

38. The French expert said that he must make full reservations as to the establishment of separate Customs services for the Sanjak and Syria.

Port of Alexandretta.

39. The Committee was of opinion that the provisions of Article 44 of the *Statute* should not prevent the entry of the Sanjak police into the Turkish Free Zone for the performance of its duties whenever a flagrant offence is being committed in that zone.

Furthermore, in the Committee's opinion, the agreement to be concluded between the Sanjak and Turkey in accordance with Article 50 should embody a provision to the effect that the authorities of the Turkish Free Zone shall grant the Sanjak Administration all possible facilities for the collection of the taxes that the latter may levy under Article 46.

40. The Committee also considered that Article 51 should not prevent the granting to other countries of the rights and advantages secured to Turkey under that article.

Postal Service.

41. The Committee thought it proper to recommend the conclusion between Syria and the Sanjak of an agreement of the kind referred to in Article 5 of the *Universal Postal Convention*.

Entry into Force.

42. In Article 55 of the *Statute*, the Committee has embodied the following clauses:

"The Statute and the Fundamental Law of the Sanjak shall come into force on
(date to be fixed by the Council).

"During such time as the mandate remains in operation, they shall be applied to the fullest extent compatible with the exercise of the said mandate."

The Committee expresses the hope that the resulting situation in the Sanjak will be similar to that which will obtain in Syria and Lebanon.

* * *

43. The question of *capitulations* was raised in the course of the proceedings. The Committee considered that the matter lay outside its terms of reference.

44. In the last place, the Committee unanimously recommended the enactment in the near future of a *law regarding the legal position and protection of ancient monuments in the Sanjak*; this law should be similar to the laws in force in other countries, and more particularly in those adjacent to the Sanjak.

* * *

II. THE FUNDAMENTAL LAW.

45. During the discussion of Article 3 of the *Fundamental Law*, the French expert put forward the following draft, which he asked to have included in the Committee's report:

"On the entry into force of this Fundamental Law, the Sanjak shall take over all the assets and liabilities of the present Administration.

"The laws, regulations, and appointments to public offices shall be maintained until it may be otherwise decided, subject to vested rights, by the competent authorities of the Sanjak.

"Concessions granted and contracts concluded before January 27th, 1937, shall remain in force, subject to any changes made by agreement between the parties."

46. Should the Assembly alter the name of the Sanjak in accordance with the provision contained in Article 4 of the *Fundamental Law*, the new name shall automatically be substituted for that of the Sanjak in the text of the Statute.

47. The Committee thinks it desirable to point out to the Council that, in its opinion, the members and staff of the Commission referred to in Article 15 of the *Fundamental Law* should be sufficiently numerous for them to be able to be present at the operations provided for in Articles 9 and 14 in all the voting areas.

48. During the discussion on the organisation of the Executive of the Sanjak, the French expert proposed that the election of the President of the Sanjak should have to be confirmed by the Head of the Syrian State in some form to be decided. In support of this proposal, he argued that the Government of the Sanjak would have to exercise its powers in certain matters affecting Syria, such as: the execution of treaties concluded by Syria; the policing of the boundary of the Sanjak, which is part of that of Syria; the granting of Sanjak citizenship, which carries with it Syrian nationality; the issue of passports to Sanjak citizens in the name of the State of Syria, etc. The other experts felt that, in view of the clauses of the Council's resolution of January 27th, 1937, dealing with full internal independence, their French colleague's proposal could not be taken into consideration.

49. The Committee is of opinion that public offices and employments in the Sanjak should be reserved for its own citizens, though that should not preclude the Government from securing, under contract, the services of technical experts from abroad.

50. It is understood that the exceptional measures provided for in Article 37 do not impair the supervision of the League of Nations and the powers of its delegate as defined in the Statute.

51. When alluding, in Article 26 of the *Fundamental Law*, to the "other functions" assigned by the Law to the Supreme Court, the Committee had in mind the power of administrative supervision which it thinks it desirable that the Supreme Court should exercise over the lower courts.

Annex.

BOUNDARIES OF THE SANJAK OF ALEXANDRETTA.

This note is based on the general map (scale 1:100,000) of the Sanjak of Alexandretta drawn by the survey department in 1937.

N.B. — All the villages named are in the Sanjak of Alexandretta.

1. — *Boundary to the North.*

This is the boundary established by the Final Protocol for the demarcation of the Turco-Syrian frontier, dated May 3rd, 1930.

2. — *Boundary to the East-South-East and South.*

— leaves the northern boundary at the intersection of the River Kara Tchai and the northern boundary mentioned above (to the west of the railway); then follows the River Kara Tchai, which flows in a direction from north to south-south-west, crosses Lake Kara Tach, and follows the Kara Sou for a distance of about 1 kilometre.

— follows a general line from north to south for a distance of about 15 kilometres.

— follows a general line from north-east to south-west for a distance of about 4 kilometres, passing about 1 kilometre south-east of the village of Chercheb.

— then takes a general south-south-easterly direction for a distance of about 12 kilometres, thus passing about 2 kilometres east of the village of Soudji, about 1½ kilometres to the east of the village of Tof, and about 1 kilometre east of the village of Teliat.

— takes an easterly direction for a distance of about 2 kilometres.

— takes a south-south-westerly direction for about 2½ kilometres, thus passing about 1 kilometre to the east of the village of Hammam Arab.

— takes a south-easterly direction for a distance of about 2½ kilometres.

— takes a west-south-westerly direction for a distance of about 2 kilometres, ending south-west of and close to the village of Kastal Kabaly.

— takes a south-south-easterly direction for a distance of about 2½ kilometres and crosses the River Afrine about 1 kilometre north-north-east of the village of Zoba Huyuk.

— follows the River Afrine north-eastwards for a distance of about 4 kilometres, leaving it about 2 kilometres north-east of the village of Kzeimé.

— takes a south-easterly direction for a distance of about 1 kilometre.

— takes an easterly direction for a distance of about 1½ kilometres.

— takes a south-easterly direction for a distance of about 2 kilometres.

— takes a south-south-westerly direction for a distance of about 3 kilometres, passing about 1 kilometre to the east of the village of Maarata and about 1½ kilometres to the east of the village of Bornias.

— takes an easterly direction for a distance of about 3 kilometres.

— takes a south-westerly direction for about 3 kilometres, passing about 1 kilometre to the east of the village of Sarsarine.

— takes a south-south-easterly direction for a distance of about 3 kilometres.

— takes a south-south-westerly direction for a distance of about 3 kilometres.

— joins the Antioch-Aleppo road.

— follows that road westward for a distance of about 2 kilometres.

— takes a south-south-easterly direction for about 1 kilometre.

— takes a westerly direction for about 1 kilometre.

— takes a north-westerly direction for a distance of about 3 kilometres, thus arriving immediately to the south of the intersection of the Antioch-Aleppo road and the Harran-Ibrahim Pasha track.

— takes a southerly direction for about 2 kilometres.

— takes a west-north-westerly direction for a distance of about 7 kilometres, thus passing about 1 kilometre to the south-west of the village of Harran and about 800 metres to the south of the village of Yeni Chehir.

— takes a south-westerly direction for a distance of about 2 kilometres.

— takes a north-westerly direction for a distance of about 4 kilometres, thus intersecting the Antioch-Aleppo road about 3 kilometres to the west of the village of Yeni Chehir.

— takes a south-westerly direction for a distance of about 3 kilometres, thus passing to the south of, and quite close to, the village of Tchayer, and intersecting the Antioch-Aleppo road about 1 kilometre to the east of that village.

— takes a southerly direction for a distance of about 2½ kilometres.

— takes a north-westerly direction for a distance of about 2 kilometres, touching the Khan Bessine-Hamda track about 1 kilometre to the south-west of the latter village.

— takes a south-south-westerly direction for a distance of about 4 kilometres, arriving about 2 kilometres to the south of the village of Khan Bessine, after intersecting the Marrouche-Arim road about 1 kilometre to the south-east of the village of Khan Bessine.

— takes a north-westerly direction and rejoins the Marrouche-Arim road about 1½ kilometres to the south-west of the village of Khan Bessine.

— follows the Marrouche-Arim road north-westwards for a distance of about 7 kilometres.

— leaves that road about 2 kilometres to the south-east of the village of Marrouche, takes a south-westerly direction, and joins the Orontes.

— follows the Orontes in a general south-south-westerly direction.

— leaves the Orontes at a distance of about 2½ kilometres east-south-east of the village of Chakhoura (the village of Chakhoura is situated about 25 kilometres south-west of Antioch).

— takes a south-westerly direction for about 3 kilometres.

— takes a north-westerly direction for about 5 kilometres, thus passing 2 kilometres to the south-west of the village of Bachirbé.

— takes a southerly direction for a distance of about 6 kilometres.

— takes a north-westerly direction for a distance of about 2½ kilometres, thus arriving about 1 kilometre to the south of the village of Bédirhoun.

— takes a west-south-westerly direction for a distance of about 5 kilometres, thus passing about 1½ kilometres from the village of Oskiat and about 2 kilometres to the south of the village of Mraige.

— takes a south-westerly direction for a distance of about 5 kilometres, thus arriving at about 2 kilometres to the east of the village of Kaladuz.

— takes a south-south-westerly direction for a distance of about 12 kilometres, thus passing about 2 kilometres to the east of the village of Nichrini, about 1 kilometre to the east of the village of Guvedji, about 2 kilometres to the east of the village of Tenziri Fokhani, and arriving about 1 kilometre to the south-east of the village of Béhissoun.

— takes a north-westerly direction for a distance of about 7 kilometres, thus passing immediately to the south-west of the village of Béhissoun, about 1 kilometre to the west of the village of Tenziri Tahtani, and arriving about 1 kilometre to the south of the village of Koz Pinar.

— takes a general west-north-westerly direction, thus passing about 2½ kilometres to the south of the village of Yayla, about 2½ kilometres south of the village of El Ordou, about 1 kilometre to the south of the village of Ekiz Olouk, about 1 kilometre to the south of the village of Kara Douran, and meets the coast about 6 kilometres to the west-south-west of the village of Kara Douran.

4.

STATUTE OF THE SANJAK.

I. GENERAL PROVISIONS.

Article 1. — The following principles shall govern the Sanjak of Alexandretta, as delimited in Article 4 below:

(1) The Sanjak shall constitute a separate entity, enjoying full independence in its internal affairs.

(2) The State of Syria shall be responsible for the conduct of the foreign affairs of the Sanjak.

(3) The Sanjak and Syria shall have the same Customs and monetary administration.

Effect shall be given to these principles in accordance with the conditions laid down in the present Statute, the provisions of which in their entirety shall be binding upon all authorities concerned in the administration of the affairs of the Sanjak.

The language question shall be settled in accordance with the Council's decisions of January 27th, 1937, and May 29th, 1937, attached hereto.¹

Article 2. — Should any provision of the Fundamental Law of the Sanjak conflict with the present Statute, the latter shall prevail.

Article 3. — With a view to ensuring the observance of the Statute and the Fundamental Law, the Council of the League of Nations shall be invested with supervisory powers, the scope and forms of which are laid down in Articles 5, 24, and 33 below.

II. DELIMITATION OF THE SANJAK.

Article 4. — The boundaries of the Sanjak shall be the present boundaries as defined in the Annex to the Committee's Report.²

III. GENERAL SUPERVISION BY THE COUNCIL OF THE LEAGUE OF NATIONS.

Article 5. — In order to supervise the observance of the present Statute and the Fundamental Law of the Sanjak, the Council of the League of Nations shall appoint a delegate of French nationality, who shall reside in the Sanjak. The Council's delegate shall be entitled to suspend for a maximum period of four months any legislative or administrative act that is contrary to the provisions of the present Statute or of the Fundamental Law. In such case the delegate shall immediately refer the matter to the Council of the League of Nations, with which the final decision shall rest.

IV. DECISIONS AND RECOMMENDATIONS OF THE COUNCIL OF THE LEAGUE OF NATIONS.

Article 6. — The Council's decisions and recommendations shall be taken by a two-thirds majority, without reckoning the votes of the representatives of the parties.

V. CO-OPERATION BETWEEN FRANCE AND TURKEY.

Article 7. — The French Government and the Turkish Government shall give effect to the recommendations which the Council of the League of Nations may make to them to ensure that the decisions taken by the Council are respected.

¹ See pages 2 to 4 and 4 to 6.

² See page 11.

If, in virtue of the Council's decision, the two Governments have to take joint action, they shall previously consult one another regarding the details of such action.

VI. CITIZENSHIP.

Article 8. — Sanjak citizenship, which carries with it the rights and obligations laid down in the present Statute, in the Fundamental Law and in the legislation of the Sanjak, shall imply Syrian nationality.

Loss of Sanjak citizenship shall not involve loss of Syrian nationality.

Article 9. — Citizenship of the Sanjak shall be acquired as of right by Syrian nationals established in the territory of the Sanjak prior to January 1st, 1937.

Such Syrian nationals as have not yet been registered on the coming into force of the present Statute shall be entitled to regularise their position within the following twelve months by a judicial procedure free of charge. They shall incur no penalty on account of the delay in seeking registration.

Article 10. — The persons referred to in the foregoing article may repudiate Sanjak citizenship by a special declaration made to the Sanjak authorities within six months of the coming into force of the Statute, and, in any case, before the opening of the poll for the first legislative elections.

Article 11. — The status of married women shall be governed by that of their husbands, and the status of minors by that of their parents.

Persons whose parents are in the position described in Articles 9 and 10 on the coming into force of the Statute shall be entitled, within the year following their majority, to notify their desire to acquire or repudiate Sanjak citizenship.

Article 12. — The following persons may acquire Sanjak citizenship:

- (a) Any person born in the territory of the Sanjak;
- (b) Any person under 21 years of age on the coming into force of the Statute, whose father was born in the territory of the Sanjak.

Application must be made within five years of the coming into force of the Statute. It shall be examined under the judicial procedure free of charge.

Any persons covered by the present article, not already in possession of Syrian nationality, shall automatically acquire such nationality through the exercise of the right conferred on them by the present article.

The status of married women shall be governed by that of their husbands, and the status of children under 18 years of age by that of their parents. Such children shall be entitled, on attaining their majority, to opt for the State whose nationality their father possessed, or to repudiate Sanjak citizenship.

VII. LIAISON.

Article 13. — With a view to ensuring liaison between the Government of Syria and the Government of the Sanjak in respect of matters of common concern, each Government shall accredit a Commissioner to the other. Each Commissioner shall be consulted in advance on any measures affecting the interests of his Government.

The two Legislative Assemblies may set up between themselves, for the same purposes, a liaison system of which they shall determine the details.

VIII. FOREIGN AFFAIRS.

Article 14. — International agreements concluded by the State of Syria shall apply to the Sanjak, subject to the provisions laid down in Articles 15, 16, 17 and 18.

In so far as such agreements affect the Sanjak, they shall be presumed, in respect of both their conclusion and their execution, to relate to the matters of common concern referred to in Article 13.

Article 15. — No international agreement concluded by the State of Syria which is likely to affect in any way whatever the independence and sovereignty of that State, and no international decision having the same effects, shall apply to the Sanjak without the express consent in advance of the Council of the League of Nations.

Article 16. — The Government of the Sanjak shall be entitled to ask for a special examination, before signature and in the conditions fixed hereinafter, of any international agreement which concerns a question falling directly, by reason of its nature, within the proper competence of the Sanjak, and which that Government regards as contrary to the fundamental interests of the Sanjak.

Article 17. — This examination shall be carried out by the two Commissioners, who may co-opt for this purpose such experts as they may think fit.

If the two Commissioners do not reach an agreement, they shall invite the delegate of the League of Nations to take part in their discussions. Should they still fail to reach agreement, the League delegate shall submit the matter to the Council, which shall come to a decision in the conditions laid down in Article 6.

Article 18. — If at any time the Government of the Sanjak considers it desirable that an international agreement relating solely to the interests of the Sanjak be concluded, it shall so inform the Syrian Government.

Should the latter fail to comply with a request of this nature, or should the negotiations, when begun, not be pursued in a satisfactory manner, the Government of the Sanjak shall be entitled to ask that the question be specially examined, in which case the procedure laid down in Article 17 shall be followed.

The Commissioner of the Sanjak accredited to the Syrian Government shall follow the progress of the negotiations referred to in the present article in an advisory capacity.

Article 19. — The diplomatic and consular representatives of the State of Syria shall be responsible for the protection of the interests of the Sanjak and that of its citizens.

Article 20. — The *exequatur* shall be granted to foreign consuls resident in the Sanjak by the Syrian Government, after consultation with the authorities of the Sanjak.

Article 21. — Passports shall be issued to citizens of the Sanjak, on behalf of the Syrian State, by the Sanjak authorities at home, and by the Syrian diplomatic and consular authorities abroad.

IX. DEMILITARISATION OF THE SANJAK.

Article 22. — The Sanjak shall be demilitarised.

It shall be forbidden throughout the territory of the Sanjak:

- (1) To maintain or assemble any land, naval or air armed forces, or to introduce such forces into the Sanjak for any purpose whatever, even that of transit;
- (2) To institute any form of compulsory military service;
- (3) To manufacture, introduce (even for transit purposes), or to maintain, whether on behalf of the public authorities or of private persons, arms, ammunition or implements designed or intended for land, sea or air warfare;
- (4) To construct or maintain works designed or intended for land, sea or air warfare.

Article 23. — Notwithstanding the provisions of the preceding article, police and gendarmerie forces sufficient to ensure the maintenance of order and tranquillity shall be organised by the Sanjak. The total effectives of these forces shall not exceed fifteen hundred men, unless the Council of the League of Nations shall have given its consent.

The Government of the Sanjak shall be entitled to introduce and maintain the arms, ammunition and material required for these forces.

Article 24. — Any departure from the provisions laid down in Articles 22 and 23 shall be notified to the Council of the League of Nations by its delegate. The French, Turkish and Syrian Governments shall have the right to bring such departures to the notice of the Council. In such cases, the Council shall proceed in such a manner, and shall give such instructions, as it deems proper and effective in the circumstances.

X. MINORITIES.

Article 25. — All inhabitants of the Sanjak shall enjoy full and entire protection for their lives and liberties, without distinction of birth, nationality, language, race or religion.

They shall be entitled to practise freely, both in public and in private, any faith, religion or creed the practice of which is not incompatible with public order and morality.

Article 26. — All citizens of the Sanjak shall be equal before the law, and shall enjoy the same civil and political rights, without distinction of race, language or religion.

No difference of race, religion or language shall cause prejudice to any citizen of the Sanjak in the enjoyment of his civil and political rights, and especially as regards admission to public offices, functions and honours, and the exercise of the various professions and trades.

No restriction shall be imposed upon the free use, by any citizen of the Sanjak, of any language, whether in private or commercial relations, or in connection with religion, the Press or publications, or at public meetings.

Article 27. — Citizens belonging to racial, linguistic, or religious minorities shall enjoy the same treatment and the same safeguards, *de jure* and *de facto*, as other citizens of the Sanjak. In particular, they shall have equal rights to found, administer and supervise, at their own expense, all charitable, religious, and social institutions, and all schools and other instructional and educational establishments, and shall be free to use their own language and practise their own religion therein.

Article 28. — In the matter of public education, the Sanjak shall grant facilities in towns and districts where a considerable proportion of citizens belonging to racial, religious or linguistic minorities reside, for the children of such citizens to be taught in their own language in the elementary schools; provided always that the Sanjak shall not thereby be prevented from making the teaching of an official language ¹ compulsory in such schools.

Article 29. — In towns and districts where a considerable proportion of citizens of the Sanjak belonging to racial, religious or linguistic minorities reside, such minorities shall be given an equitable share in the benefit and assignment of the sums which may be allotted out of public funds in the budget of the Sanjak or in municipal or other budgets for educational, religious or charitable purposes.

Article 30. — As regards the family and personal status of citizens of the Sanjak belonging to racial, religious or linguistic minorities, the Sanjak shall not enact any provision which, even after the adoption of a civil code, would restrict the right of such minorities to settle these questions according to the written or customary law of the creeds to which they belong.

Article 31. — The Sanjak shall grant full protection to the buildings used for worship, to the other religious establishments and to the cemeteries of the minorities. Every facility and authority shall be given to pious foundations and other religious and charitable establishments at present existing in the Sanjak, and none of the necessary facilities which are afforded to existing establishments of this nature shall be refused for the creation of new religious and charitable establishments.

Article 32. — Elections to the Legislative Assembly shall be held under a system of proportional representation, the details of which shall be settled by the Fundamental Law.

Minorities shall be equitably represented in the public services, to the full extent compatible with the requirements of good administration.

Article 33. — The stipulations of the foregoing articles of Chapter X, in so far as they affect citizens of the Sanjak belonging to racial, linguistic or religious minorities, are placed under the guarantee of the League of Nations.

To this end, the delegate of the League shall supply it with all useful information, in such circumstances and such manner as may be determined by the Council. He shall be entitled to ask the authorities of the Sanjak for the information necessary for the performance of his duty.

¹ See the Committee's Report, paragraph 15 (page 7 of this document).

Petitions from minorities shall be addressed to the delegate, who shall transmit them to the Council if he considers them worthy of the latter's attention. In such case, he shall append his own observations and those of the Government of the Sanjak.

Any Member of the League represented on the Council may draw the latter's attention to any breach or threatened breach of any of the stipulations of the Statute that concern minorities.

The Council shall proceed in such a manner and shall give such instructions as it shall deem proper and effective in the circumstances.

XI. CUSTOMS ADMINISTRATION.

Article 34. — Syria and the Sanjak shall have the same Customs administration. This administration shall be conducted under the following conditions:

(a) The Customs regime shall be the same for the Sanjak and Syria, which together shall constitute a single Customs territory within which goods shall circulate freely;

(b) No taxes on consumption shall be instituted, save with the consent of the Commission mentioned in Article 35, or under the procedure laid down in Article 37;

(c) Subject to the stipulations of Article 35, the Customs services of Syria and the Sanjak shall be separate.

Article 35. — A Mixed Commission, consisting of four representatives of Syria and two representatives of the Sanjak, and including the two Commissioners mentioned in Article 13, shall be set up for the purpose of ensuring unity of administration. It shall be the Commission's duty:

(a) To determine the Customs regime and to lay down such regulations as may be necessary for its application;

(b) With this object, to issue the appropriate instructions to the two competent services;

(c) To exercise disciplinary authority over the officials of the said services;

(d) To supervise their work and, if it deems it desirable, to appoint local representatives to assist it in carrying out its task.

Decisions of the Mixed Commission shall be taken by majority vote.

Article 36. — An agreement shall be concluded between Syria and the Sanjak—due account being taken of refunds and cost of collection and administration—to establish the respective shares of Syria and the Sanjak in the Customs receipts.

In no case shall the share allotted to the Sanjak fall below one-tenth of such receipts.

In case of disagreement, the procedure laid down in Article 37 shall be applied.

Article 37. — Should the two Sanjak members of the Mixed Commission consider that a decision of that body is such as to cause prejudice to the rights or interests of the Sanjak, they shall be entitled to claim that the matter shall be reviewed afresh at a further meeting of the Commission, to be held under the chairmanship of the delegate of the League of Nations.

If, at such further meeting, an agreement still proves unattainable, the delegate, at the request of the two representatives of the Sanjak, and provided he is of opinion that the question is of sufficient importance to warrant such a step, shall lay the matter before the Council, with which the final decision shall rest.

In all other cases, the point at issue shall be referred for decision to an arbitrator who shall be selected unanimously by all the members of the Commission, and who may be the delegate of the League of Nations himself. If the Commission cannot agree unanimously on the choice of an arbitrator, such arbitrator shall be appointed by the Secretary-General of the League of Nations.

XII. MONETARY ADMINISTRATION.

Article 38. — Syria and the Sanjak shall have the same monetary system, with the Syrian pound as the monetary unit. Other countries may participate in this system.

Article 39. — The Sanjak shall accede to a Convention to be concluded between Syria and a bank of issue. Such accession shall confer upon the Sanjak rights analogous to those to be enjoyed by Syria, and shall be effected in such a manner as to safeguard the special rights and interests of the Sanjak.

The Convention shall lay down the conditions governing the issue of banknotes, which shall have equal validity as legal tender in the territories of the Sanjak and of Syria. At the request of

either of the two Governments, part of these notes may be stamped "Syria" and part "Sanjak".

Article 40. — An agreement to be concluded between Syria and the Sanjak shall determine their respective shares in the advantages and profits of every description resulting from the grant of the right to issue currency.

In no case may the share allotted to the Sanjak amount to less than one tenth of such advantages and profits.

In case of disagreement, the matter shall be dealt with in accordance with the procedure laid down in Article 42.

Article 41. — Syria and the Sanjak shall be entitled to mint divisional coins of identical value, composition and weight and having equal validity as legal tender, up to a maximum to be agreed upon between them and with the bank of issue.

Article 42. — All monetary questions requiring an agreement between Syria and the Sanjak shall be submitted for examination to the two Commissioners mentioned in Article 13; they shall be dealt with in accordance with a procedure analogous to that laid down in Article 37.

XIII. PORT OF ALEXANDRETTA.

Article 43. — Turkey shall have the right to make use to the fullest extent of the port of Alexandretta for her transit trade.

With this object, the Sanjak Government shall lease to Turkey, within the port, an area of adequate extent, which shall be assigned to her use and placed under her Customs administration. The lease shall run for fifty years, subject to the payment of an annual rent of one Syrian pound gold.

Land and buildings of any kind belonging to the Sanjak Government or the municipality of Alexandretta, and situated within the leased area, shall be handed over to Turkey without further charge.

Land and buildings of any kind owned by private persons, and situated within the leased area, shall be expropriated by the Sanjak Government; compensation in respect of such expropriation shall be paid by the Turkish Government.

Article 44. — The said area, to be known as the "Turkish Free Zone", shall form an integral part of the territory of the Sanjak, and shall be within its jurisdiction, more particularly as regards police and justice. The zone, being considered as a Turkish Customs area, shall, however, be administered by the Customs authorities of the Turkish Republic.

With a view to carrying out the duties in connection with police and justice devolving to the Sanjak authorities, the commandant of the port—but no other person—shall have the right of entry into the Turkish Free Zone.

If the commandant of the port deems it necessary for the judicial authorities to intervene, preliminary judicial enquiries shall be carried out by the judicial authorities of the Sanjak, to whom the authorities of the Turkish Free Zone shall be bound to give the necessary assistance.

Article 45. — All officials and staff of the Turkish Free Zone shall be appointed by Turkey, a list of such persons being communicated to the Government of the Sanjak.

Within the Zone, the order of berthing of vessels and the supervision of loading and unloading operations, and, generally speaking, all duties appertaining to a harbour-master, shall be carried out by an official appointed by the Turkish Government, under the supervision of the commandant of the port of Alexandretta.

The Turkish Customs authorities shall hand over to the Customs authorities of the Sanjak copies (in triplicate) of the ship's manifest of goods and passengers entering or leaving the Turkish Free Zone in transit. The handing-over of copies of the manifest shall not hamper in any way the transit of goods and passengers.

Article 46. — Apart from customary charges representing normal payment for services actually rendered, such as towage, pilotage, etc., or reasonable and general tolls in respect of the construction outside the Turkish Free Zone of works of common utility such as lighthouses, breakwaters, etc., no dues or charges other than those imposed by the Turkish Government shall be levied on goods in transit from or to Turkey or on vessels berthing in the said Zone. Without prejudice to the provisions of Article 45 concerning the intervention of the commandant of the port, such vessels may come alongside the wharves and load or unload goods and passengers without previous notice to, or supervision by, the authorities of the Sanjak.

Article 47. — All buildings and plant required for the berthing of vessels or for the loading, unloading or warehousing of goods, etc., shall be provided in the Turkish Free Zone by the Turkish Government, at its own cost, and shall be erected either directly by itself or by contractors.

The dues or charges for the use of such buildings and plant shall be fixed by the Turkish Government and levied for its account.

Works to be executed by the Turkish Government in the Free Zone shall be carried out in harmony with the general plan to be adopted by the Government of the Sanjak for the building of the port of Alexandretta.

Article 48. — Goods and passengers coming from or proceeding to Turkey shall be considered as being in transit from the Turkish frontier to the Turkish Free Zone and *vice versa*, and shall not be subjected to any dues or charges by the authorities of the Sanjak. The transport tariffs applied in respect of them shall be of a reasonable nature and shall involve no discrimination.

Article 49. — Every facility shall be afforded to the Turkish Government for ensuring connection between the Turkish Free Zone and the railway linking Alexandretta to Turkish territory.

Article 50. — Detailed rules for the application of Articles 43 to 49 of the present Statute shall be laid down in a special agreement to be concluded between Turkey and the Government of the Sanjak by the procedure prescribed for the latter's external affairs. This agreement shall contain provisions dealing, in particular, with health matters and with vessels berthing in the Turkish Free Zone, part of the cargo of which consists of goods consigned to or from the Sanjak or in transit through the Sanjak from or to territories other than Turkish territory.

Article 51. — In other parts of the port than the Turkish Free Zone, goods and passengers in transit from or to Turkey and vessels flying the Turkish flag shall be treated on a footing of absolute equality with goods and passengers of, and vessels registered in, the Sanjak, in conformity with the provisions of the Statute on Freedom of Transit adopted by the General Conference on Freedom of Communications and Transit, 1921, and with the provisions of the Statute on the International Regime of Maritime Ports and the Statute on the International Regime of Railways adopted by the General Conference on Communications and Transit, 1923.

Article 52. — In the recruiting of labour for employment in the Turkish Free Zone, preference shall be given to the local population.

Article 53. — Any differences that may arise between the parties concerning the application of the foregoing articles of the present Chapter shall be settled in conformity with the provisions of Article 13 of the Statute on Freedom of Transit.

XIV. POSTS AND TELECOMMUNICATIONS.

Article 54. — As regards postal and telecommunication services, the postal administrations of Syria and the Sanjak shall conclude an agreement for the provision of a uniform service. In the event of differences of opinion with regard to the conclusion of such an agreement, the matter shall be referred to the two Governments.

The Sanjak shall be entitled to issue postage stamps for its own internal use. For the purposes of the international service, the Sanjak shall continue to form part of the Syrian Administration until such time as it shall exercise its right to apply for, and shall obtain, separate admission to the Postal Union and to the Telecommunications Union.

XV. ENTRY INTO FORCE.

Article 55. — The Statute and the Fundamental Law of the Sanjak shall come into force on November 29th, 1937.¹

During such time as the mandate remains in operation, they shall be applied to the fullest extent compatible with the exercise of the said mandate.

¹ Date fixed by the Council's decision of May 29th, 1937 (see page 5).

5.

FUNDAMENTAL LAW OF THE SANJAK.

A. GENERAL PROVISIONS.

Article 1. — The present law shall be known as the “Fundamental Law of the Sanjak”.

Article 2. — It may only be interpreted, applied and amended subject to the provisions of the Statute.

Article 3. — On the entry into force of the present Fundamental Law, the Sanjak shall take over all the assets and liabilities of the present Administration. Concessions granted before January 27th, 1937, the existing laws and regulations, and appointments to public posts shall be maintained until such time as the competent authorities of the Sanjak, with due regard to rights legally acquired, decide otherwise.

Article 4. — The provisions of Articles 5 to 27, concerning the organisation of powers, may be amplified and amended by the Assembly of the Sanjak. Proposed additions to the provisions of the Fundamental Law must be approved by the Assembly twice, at three months' interval, by a majority of the members constituting the Assembly.

Amendments must be approved under the same conditions. No amendment to the Fundamental Law may be made until a period of five years has elapsed, except in the cases specifically provided for in that Law.

The name of the Sanjak may also be changed by the Assembly, in accordance with the procedure laid down for additions to the Fundamental Law.

B. ORGANISATION OF POWERS.

Chapter I. — Legislature.

Article 5. — The legislative power shall be exercised, in the name of the people of the Sanjak, by the Assembly. The Assembly shall be a single chamber of forty members, elected for a period of four years.

Article 6. — Elections for the Assembly shall be conducted in two stages.

Article 7. — The electors at the first stage shall be all male citizens of the Sanjak over 20 years of age who have not been disqualified from voting by the loss of their civic rights or through a personal disability established by law and duly placed on record by the competent authority.

Article 8. — Only such persons as are further able to read and write shall be qualified for election at the first stage; candidates for election at the second stage must, in addition to the above-mentioned conditions, be at least 25 years of age.

Article 9. — Electors at the first stage shall register, in the presence of delegates of the Commission mentioned in Article 15, as members of one of the following communities: “Turkish community”, “Alawite community”, “Arab community”, “Armenian community”, “Greek Orthodox community”, “Kurdish community”, “Other communities”.

It shall be for the Commission mentioned in Article 15 to declare the registration proceedings provided for in the present article closed and to specify the interval which shall elapse between such closure and the first stage of the elections.

Article 10. — The number of deputies and the number of electors at the second stage allotted to each community, in the Sanjak as a whole, shall be determined by the number of electors registered as belonging to such community. Whatever the result of this computation, however, each community shall be assured of a minimum number of deputies, as follows:

Turkish community	8
Alawite community	6
Arab community	2
Armenian community	2
Greek Orthodox community	1

Article 11. — There shall be one elector at the second stage for every hundred electors at the first stage.

Article 12. — Each *Caza* shall constitute an electoral constituency. A voting section shall be established in each *Nahié* or quarter; two voting sections may, if necessary, be set up within the same *Nahié*.

Article 13. — The members of the Assembly shall be elected by the electors at the second stage.

Article 14. — Both stages of the election shall be conducted by secret ballot. Lists of candidates shall be drawn up by communities. Each elector shall receive only one voting-paper, which shall contain the list of the candidates of the community to which he has declared himself to belong.

Article 15. — The whole of the proceedings involved in the first elections¹ held in the Sanjak shall be organised and supervised by a commission, the members of which shall be appointed by the Council of the League of Nations. This commission shall be composed of nationals of States Members of the League of Nations other than France and Turkey, to whom shall be attached local representatives of the Turkish, Alawite, Arab, Armenian and Greek Orthodox communities.

Article 16. — Legislation may be initiated by the members of the Assembly and by the Executive. Nevertheless, legislation involving expenditure or introducing, modifying or abolishing taxes may only be initiated by the Executive.

Article 17. — No tax may be introduced or levied and no loan may be contracted except in virtue of a law.

Each year the Executive shall lay before the Assembly a draft Budget and a draft Finance Law for the following year.

No expenditure shall be incurred during the year unless the corresponding credits have been voted by the Assembly.

After the close of each financial period, final accounts for such period shall be laid before the Assembly, after having been audited by an independent body set up by law.

Article 18. — In the absence of any contrary provision in the present Fundamental Law, laws shall be voted by simple majority. Half the members composing the Assembly shall constitute a quorum.

Chapter II. — Executive.

Article 19. — The executive power shall be exercised, in the name of the people of the Sanjak, by the President of the Sanjak and an Executive Council.

Article 20. — The President shall be elected by the Assembly for a period of five years. He shall exercise the prerogatives specifically assigned to him by the present Fundamental Law. He shall enjoy remuneration and immunities which shall not be altered to his disadvantage during his term of office.

Article 21. — The President shall represent the Sanjak at official ceremonies.

He shall have the right of pardon within the limits laid down by law.

An amnesty may only be granted by law.

Article 22. — All laws passed by the Assembly shall be promulgated by the President of the Sanjak, and no law shall come into force before its promulgation.

The President may, within one month following its adoption by the Assembly, suspend the promulgation of a law and require the Assembly to reconsider it together with any observations which he may think fit to submit.

Reconsideration cannot take place until one month after the measure has been referred back. The President shall be bound to promulgate the law in the form in which it is approved as a result of such reconsideration.

Article 23. — The President of the Sanjak may dissolve the Assembly on the advice of the Executive Council. In such case he shall be bound to order fresh elections without delay.

Article 24. — There shall be an Executive Council responsible to the Assembly. This Council shall consist of a chief member, and of not more than four other members selected by him.

The chief member of the Executive Council shall be selected by the President of the Sanjak.

¹ In accordance with the Council's decision of May 29th, 1937, these elections shall be held not later than April 15th, 1938 (see above, page 6).

Chapter III. — Judiciary.

Article 25. — The judicial power shall be exercised, in the name of the people of the Sanjak, by courts of justice organised by law. There shall be a Supreme Court, whose members shall be appointed by the President of the Sanjak and may not be removed from office except by him, after consultation with the other Judges of the Supreme Court, in the cases and in the manner provided by law.

Article 26. — The Supreme Court shall exercise appeal and revision jurisdiction with regard to the decisions of all the courts of the Sanjak; it shall also perform such other functions as are assigned to it by law. The Executive Council shall be bound to enforce the judgments and orders of the Supreme Court and of the lower courts. Decisions of the judiciary may not be reversed or modified by any other authority.

Article 27. — The Supreme Court and the lower courts shall not be competent to question the constitutionality of laws.

C. FUNDAMENTAL RIGHTS.

Article 28. — No one may be arrested, interrogated, or deprived of his liberty, or sentenced, except in the cases and in the forms provided by law.

Article 29. — Dwelling-houses shall be inviolable. No search or investigation may take place therein except in the cases and in the forms provided by law.

Article 30. — There shall be absolute freedom of conscience. Citizens shall be entitled to choose any religion they wish. The Sanjak shall have no official religion. No advantage may be granted to any religion or creed to the detriment of any other.

Article 31. — Ministers of religion may not, in the exercise of their functions, make use of their religious authority for political ends.

Article 32. — Any authority receiving a petition must reply thereto within a reasonable time.

Article 33. — Elementary education shall be compulsory; it may be given both in public and in private schools.

In public schools, religious instruction shall be given at the discretion and in accordance with the wishes of the parents or guardians, according to creeds and in conformity with the principles thereof.

Article 34. — The liberty of the Press and of printing, and freedom of association and of meeting, shall be guaranteed under the conditions provided by law.

Article 35. — No one shall be deprived of his property save on previous payment of fair compensation, for reasons of public utility, and in the cases and according to the procedure laid down by law. Judicial proceedings may be taken in the event of a dispute as to the amount of such compensation.

Article 36. — Any abuse of authority committed by public officials or local administrations and causing injury to the person or property of a citizen shall entitle the latter to take proceedings in the appropriate court.

Article 37. — In the event of serious disorder or insurrection, the Assembly may, by a special law, suspend or provisionally restrict individual liberties in the whole or part of the territory.

In urgent cases, the President of the Sanjak may decree similar measures. He shall then be bound to summon the Assembly as soon as possible.

6.

DECLARATIONS MADE AT THE MEETING OF THE COUNCIL OF THE LEAGUE OF
NATIONS OF MAY 29TH, 1937, ON BEHALF OF FRANCE AND TURKEY.¹

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Question of Alexandretta : Report of the Committee of Experts.

M. SANDLER presented the following report and resolution (document C.264.1937).: ²

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The resolution was adopted.

M. DELBOS. — France has just voted in favour of the resolution adopted by the Council. She accepts the settlement laid down therein as constituting the final solution of the question, and undertakes the special obligations which devolve upon her from the texts established.

M. RÜSTÜ ARAS. — Turkey has just voted in favour of the resolution adopted by the Council. She accepts the settlement laid down therein as constituting the final solution of the question, and undertakes the special obligations which devolve upon her from the texts established.

¹ See *Official Journal*, May-June 1937.
² See page 4 of this document.