

APPENDIXES

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APPENDIX I

Convention regarding the Organization of the Statute of the Tangier Zone, signed at Paris December 18, 1923¹

His Majesty the King of the United Kingdom of Great Britain and Ire-

¹ Ratification deposited May 14, 1924.

land and of the British Dominions beyond the seas, Emperor of India, His Majesty the King of Spain, the President of the French Republic, desirous of assuring to the town and district of Tangier the régime laid down by the Treaties now in force, have appointed as their plenipotentiaries for this purpose:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the seas, Emperor of India:

Mr. Malcolm Arnold Robertson, Minister Plenipotentiary, His Britannic Majesty's Agent and Consul-General at Tangier; and

Mr. Gerald Hyde Villiers, Counselor of Embassy, head of Department in the Foreign Office;

His Majesty the King of Spain:

M. Mauricio Lopez Roberts y Terry, Marquis de la Torrehermosa, Chamberlain of His Majesty the King of Spain, Minister Plenipotentiary, head of the Colonial Department of the Ministry of State, his Plenipotentiary at the Conference regarding the organization of the Statute of Tangier; and

M. Manuel Aguirre de Carcer, Minister Resident of His Majesty the King of Spain, head of the Morocco Department of the Ministry of State, his assistant Plenipotentiary at this Conference;

The President of the French Republic:

M. Maurice - Paul - Jean Delarue Caron de Beaumarchais, Minister Plenipotentiary, Sub-Director at the Ministry for Foreign Affairs:

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

ARTICLE 1

In conformity with the provisions of Article 1 of the Protectorate Treaty of March 30, 1912, and of Article 7 of the Franco-Spanish Convention regarding Morocco of November 27, 1912, the three contracting Governments agree that in the region defined in Article 2 hereunder and styled the Tangier Zone the maintenance of public order and the general

administration of the Zone shall, under powers delegated by his Shereefian Majesty, be intrusted to the authorities and bodies hereafter denominated.

ARTICLE 2

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

ARTICLE 3

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

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

All stocks of munitions and of war material are prohibited.

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

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

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

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

All civil or commercial aviation to, from, or within the Zone of Tangier shall be subject to the rules and pro-

visions of the Convention for the Regulation of Aërial Navigation.

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

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

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

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

The contracting Governments have the right to attach to their consulates at Tangier an officer charged with the duty of keeping them informed as to the observance of the foregoing obligations of military order.

ARTICLE 4

The surveillance of contraband traffic in arms and munitions of war in the territorial waters of the Tangier Zone shall be exercised jointly by British, Spanish, and French naval forces.

Offenders shall be brought before the Mixed Court of Tangier.

ARTICLE 5

The Tangier Zone shall possess, under authority delegated by His Shereefian Majesty and subject to the exceptions provided for, the most extensive legislative and administra-

tive powers. This delegation of authority shall be permanent and general, except in diplomatic matters, where there shall be no derogation from the provisions of Article 5 of the Protectorate Treaty of March 30, 1912.

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

ARTICLE 6

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

ARTICLE 7

The Tangier Zone shall respect all treaties in force.

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

ARTICLE 8

International agreements concluded in the future by His Shereefian Majesty shall only extend to the Tangier Zone with the consent of the international legislative Assembly of the Zone.

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

The provisions of Article 141 *et seq.* of the Treaty of Versailles continue to apply to the Tangier Zone. The Shereefian dahirs issued in consequences of those provisions can only

be modified in agreement with the central Shereefian Authority.

ARTICLE 9

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

ARTICLE 10

Any agitation, propaganda, or conspiracy in the Tangier Zone against the established order in the French and Spanish Zones of Morocco is prohibited.

It is likewise prohibited to engage in any similar proceedings against a foreign country.

ARTICLE 11

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

ARTICLE 12

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

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

ARTICLE 13

As a result of the establishment at Tangier of the Mixed Court, as pro-

vided in Article 48, the capitulations shall be abrogated in the Zone. This abrogation shall entail the suppression of the system of protection.

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

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

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

ARTICLE 14

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

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

There shall be no prejudice to the

rights of States or companies actually in possession of telegraph cables landing at Tangier.

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

ARTICLE 15

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

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

ARTICLE 16

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

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

ARTICLE 17

The public State property comprises:

a) Maritime Property.

The sea and the shore with a foreshore of six meters, certain rights over which have already been ceded under the concession

granted to the port concessionary company. These rights shall be respected by the Tangier Zone. The fishery revenues, including the royalties payable to the State under the fishery concessions already granted by the Shereefian Government, as well as the obligations arising from those concessions, shall accrue to the Tangier Zone.

b) Land Property.

The road from Tangier to Tetuán. The road from Tangier to Larache and to Rabat.

The road to Cape Spartel.

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

The urban highways.

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

The Zone shall:

1. Maintain the roads from Tangier to Tetuán and those from Tangier to Larache and to Rabat within the Tangier Zone, as a first charge on the proceeds of the "Taxe Spéciale";
2. Place at the gratuitous disposal of the Franco-Spanish Tangier-Fez Railway Company such State property as may be necessary for its requirements.

c) Fluvial Property.

The watercourses.

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

d) Mining Property.

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

e) Forest Property.

ARTICLE 18

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

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

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

- The former German Legation and its dependencies;
- The Sultan's Palace;
- The Kasba and its dependencies;
- The guard-house of the Maghzanis on the ramparts;
- The land and the guard-house on the hill leading up to the Marshan now occupied by the *compagnie chérifienne*.

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

ARTICLE 19

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

ARTICLE 20

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

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

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

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

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

ARTICLE 21

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

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

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

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

ARTICLE 22

Inasmuch as the autonomy of the Tangier Zone cannot prejudice the rights and privileges granted, in conformity with the Act of Algeciras, to the State Bank of Morocco in respect of the whole territory of the Empire, the State Bank shall continue to enjoy in the Zone all the rights which it derives from its char-

ter and from the regulation of November 9, 1906, respecting its relations with the Shereefian Government.

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

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

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

ARTICLE 23

The Moroccan franc shall be lawful currency and shall be legal tender in the Tangier Zone.

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

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

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

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

ARTICLE 24

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

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

The duty of 2½ per cent leviable on tobacco imported through Tangier accrues wholly to the Zone.

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

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

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

ARTICLE 25

Inasmuch as the autonomy of the Zone cannot prejudice the sovereign rights of His Majesty the Sultan, nor his prestige and prerogatives as head of the Mussulman community of the Empire and as head of the Shereefian

famly residing in Tangier, the administration of the native population and of Mussulman interests in the Zone as well as the administration of justice shall continue to be exercised, with respect for traditional forms, by a Moroccan staff directly appointed by the Sultan and under the control of his agents.

ARTICLE 26

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

ARTICLE 27

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

ARTICLE 28

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

They shall pay exactly the same duties and taxes.

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

ARTICLE 29

His Shereefian Majesty will nominate a Mendoub to represent him at Tangier. The Mendoub will promulgate the legislation passed by the international Assembly and counter-signed by the President of the Com-

mittee of Control. He will directly administer the native population. He will fulfil the functions of Pasha and exercise those administrative and judicial powers which fall normally under this head within the Empire. He will have the right of expulsion as regards Moroccan subjects, and will exercise the same right in the case of persons justiciable by the Mixed Court on a decision to that effect by a full meeting of the titular members of the Court.

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

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

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

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

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

ARTICLE 30

The Committee of Control will consist of the consuls *de carrière* of the Powers signatories of the Act of Algeciras or of their substitutes *de carrière*.

The functions of President of the Committee of Control will be performed by the consuls of the Powers in rotation for one year each. These functions will consist in convening the meetings of the Committee, in bringing before it all communications

addressed to it, and in executing all business within its competence.

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

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

It will be the duty of the Committee of Control to insure the observance of the régime of economic equality and the provisions of the statute of Tangier.

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

ARTICLE 31

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

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

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

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

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

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

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

ARTICLE 32

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

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

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

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

ARTICLE 33

The regulations and fiscal enactments referred to in paragraph 3 of the preceding article are as follows:

Dahir relating to association.

Dahir regulating the opening and running of liquor shops.

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

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

Dahir relating to the protection of historical monuments and sites.

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

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

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

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

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

Dahir relating to the working of quarries.

Dahir enforcing the Mining Regulations of 1914.

Regulations relating to public accountancy.

Dahir fixing the duty and laying down regulations regarding alcohol.

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

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

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

ARTICLE 34

In consideration of the number of nationals, the volume of commerce, the property interest, and the importance of local trade at Tangier of the several Powers signatories of the Act

of Algeciras, the international legislative Assembly shall be composed of:

4 French members

4 Spanish members

3 British members

2 Italian members

1 American member

1 Belgian member

1 Dutch member

1 Portuguese member

nominated by their respective consulates, and in addition:

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

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

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

ARTICLE 35

The Administrator will carry out the decisions of the Assembly and direct the international Administration of the Zone.

The Administrator will have under his orders two assistant administrators and two engineers. One of the assistant administrators, with the title of director, will be especially responsible for the services of health and relief; the other assistant administrator, with the title of director, will be especially responsible for the financial services.

For the first period of six years the Administrator will be of French nationality; the assistant administrator responsible for the services of health and relief will be of Spanish nationality; the assistant administra-

tor responsible for the financial services will be of British nationality. The Administrator, the two assistant administrators, and the two engineers will be appointed by His Shereefian Majesty at the instance of the Committee of Control, to whom they will be presented by their respective consulates.

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

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

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

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

ARTICLE 36

The salaries of the officials will be fixed by the Assembly.

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

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

The Administration will also provide housing accommodation for these officials.

During the first period of six years, referred to above, these salaries may, as an exceptional measure, be modified at the request of the Assembly on a decision accompanied by a statement of the grounds on which it is based of the Committee of Control on a three-fourths majority.

ARTICLE 37

The appointment of the officials of the international Administration, other than those provided for in Article 36 above, will be effected by a committee presided over by the Administrator and composed of the three vice-presidents of the Assembly and of the head of the service concerned.

The candidates selected will be appointed by the Administrator with the previous approval of the Assembly.

ARTICLE 38

The proceeds of the "Taxe Spéciale" accruing to the Tangier Zone shall be paid into the State Bank on account of the Zone.

Shall be a first charge on these receipts:

The works and upkeep in the Tangier Zone of the roads from Tangier to Tetuán and from Tangier to Larache and Rabat;
The improvement and upkeep of the

maritime lighting and buoyage other than the port lights and buoys.

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

ARTICLE 39

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

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

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

It shall likewise levy and collect the dues and profits of the tobacco monopoly and the 2½ per cent tax established by the Act of Algeciras under the name of "Taxe Spéciale des Travaux Publics."

It shall also levy and collect the various consumption taxes.

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

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

1. To the representatives of the bondholders of the 1904 and 1910 loans:

The share of Tangier in the service of those loans;

2. To the Shereefian State:

The custom duties paid by the Administration of the tobacco monopoly in respect of tobacco not consumed in the Tangier Zone;

3. To the Tangier-Fez Railway:

The share of Tangier in the guaranty of its loans;

4. To the Tangier Port Company:

The annuities of the service of its loans.

The custom and excise service shall remit the proceeds of the "Taxe Spéciale" to the State Bank of Morocco.

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

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

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

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

The Committee of Control may, if needs be, and on a three-fourths ma-

ajority, lodge with the Shereefian Government a demand, accompanied by a statement of the grounds on which it is based, for the removal of the head of the custom service.

ARTICLE 40

Subject to the conditions laid down below, the Shereefian Government shall:

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

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

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

There shall be submitted to the approval of the Shereefian Government

- a) Any modification of the conditions of the concession and of the statutes of the port concessionary company;
- b) Any partial or total transfer of the concern;
- c) Forfeiture;
- d) Expropriation.

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

- a) Any change from registered shares to bearer shares;
- b) Any agreement, disposition, or arrangement allowed under the con-

ditions of the concession and entailing an increase of the capital furnished by the company as laid down in Article 10 of the Port Convention.

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

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

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

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

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

ARTICLE 41

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

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

Under the authority of the Committee of Control, the Commission shall insure the observance of the régime of economic equality in the working of the port.

The Commission shall be composed of a representative of the Shereefian Government; a representative of the legislative Assembly; a representative of the Committee of Control.

The engineer will attend its meetings with a right to take part in the discussion and to vote.

The Administrator of the Zone has the right to attend the meetings of the Commission in a consultative capacity.

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

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

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

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

The rules of procedure of the Com-

mission shall be approved by the Committee of Control.

The Commission will appoint its president. In default of such appointment the functions of president will be performed by each of the three members in rotation.

Contracts for supplies of imported materials as well as plant (with the exception of any supplies or purchases of material subject to a contract awarded after public tender) shall be put up to competition under the control of the Port Commission.

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

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

2. Approve contracts and decisions regarding tenders.

In the case of supplies of a cost exceeding 100,000 francs the procedure shall be by public tender.

ARTICLE 42

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

ARTICLE 43

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

ARTICLE 44

As regards the Tangier-Fez Railway, the Administration of Tangier

shall have, within the limits of the Zone, all the rights and obligations accruing to it under the Franco-Spanish Protocol of November 27, 1912, and the concession of March 18, 1914, and its annexes.

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

ARTICLE 45

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

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

ARTICLE 46

There shall be created a budget for the Tangier Zone. This budget will be drawn up and executed according to the rules laid down in the annexed organic "*dahir*."

ARTICLE 47

Public security in the Zone shall be assured exclusively by a force of native police placed at the disposal of the Administrator. This force, commanded by a Belgian officer of the rank of captain, assisted by French and Spanish *cadres*, shall not exceed 250 men. It may be garrisoned

in the town of Tangier and maintain outposts in the surrounding country. The regulations respecting the police force are annexed to the present Convention.

ARTICLE 48

An international jurisdiction, called the Mixed Court of Tangier and composed of French, British, and Spanish magistrates, shall be responsible for the administration of justice to nationals of foreign Powers.

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

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

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

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

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

- Code respecting the civil status of foreigners in the Zone.
- Commercial Code.
- Penal Code.
- Code of criminal procedure.
- Code of obligations and contracts.
- Code of civil procedure with an annex fixing the Court expenses.
- Registration Code.

ARTICLE 49

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

ARTICLE 50

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

ARTICLE 51

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

Laws and regulations must be published in the three languages.

ARTICLE 52

Games of chance shall be forbidden in the Tangier Zone.

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

ARTICLE 53

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

ARTICLE 54

Disputes which may arise in regard to the interpretation and the application of the provisions of the present Convention shall be referred to the Permanent Court of International Justice or, by agreement between the

parties, to the Permanent Court of Arbitration at The Hague.

ARTICLE 55

All clauses of previous treaties, conventions, or agreements which may be contrary to the provisions of the present Statute are abrogated.

ARTICLE 56

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

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

It is concluded for a period of 12 years dating from such ratification.

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

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

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

ARNOLD ROBERTSON
G. H. VILLIERS
M. DE BEAUMARCHAIS

Ad referendum and subject to the reserves made by us as regards Articles 2, 3, 6, 8, 9, 13, 14, 25, 29, 32, 33, 40, 41, 45, 47, and 56 and generally subject to all reserves made in the course of the negotiations:

MAURICIO LOPEZ ROBERTS,
MARQUIS DE LA TORREHERMOSA
M. AGUIRRE DE CARCER

The undersigned, duly authorized by the Royal Government, declare that their signatures shall hereafter be re-

garded as given without condition or reserve.

MAURICIO LOPEZ ROBERTS,
MARQUIS DE LA TORREHERMOSA
M. AGUIRRE DE CARCER
Paris, the 7th February, 1924.

Annex to the Convention of December 18, 1923, concerning the Statute of Tangier. Regulations concerning the Police Force of the Tangier Zone.

I. ORGANIZATION

ARTICLE 1

There shall be constituted at Tangier a police force of the Zone.

ARTICLE 2

It shall be the duty of this police force to:

1. Maintain order in the Zone. It must furnish assistance to the local police if requested to do so by the Administrator;

2. Guarantee effectively the security of the Zone.

ARTICLE 3

The Police Force shall be placed under the authority of the Administrator of the Zone.

ARTICLE 4

It shall be commanded by a captain having under his orders, as European cadres, four lieutenants or second-lieutenants, including one accountancy officer; one non-commissioned officer who will be attached to the accountancy officer.

ARTICLE 5

If these European officers or non-commissioned officers are promoted to higher rank during their contract, they must be replaced by officers of the rank referred to in Article 4 above.

ARTICLE 6

The strength of the force shall not exceed 250 native Moroccan troops, including native non-commissioned officers.

The allocation of effectives and their grouping shall be fixed by the international Assembly with the approval of the Committee of Control.

ARTICLE 7

The composition of the Police Force (the relative proportions of the two arms) may, however, be modified as experience shows to be necessary.

ARTICLE 8

The cost of maintaining the police force shall be borne by the Tangier Administration.

ARTICLE 9

The contract concluded between the Tangier Administration and the European officers shall lay down the conditions of their engagement and shall fix their pay, which must be passed for payment by the Director of Finance.

II. RECRUITMENT

ARTICLE 10

The police force shall be composed of Moroccan non-commissioned officers, corporals, and privates, married or unmarried, who have not incurred any serious punishment.

No member of the rank and file may be under twenty-four years of age or over forty-five.

ARTICLE 11

The Captain commanding this unit shall, in constituting the police force, make his selection preferably among the non-commissioned officers and askeri of police Tabors No. 1 and 2, which have been disbanded.

ARTICLE 12

The rank and file shall be recruited by enlistment and re-enlistment. Enlistment shall be for a period of three years.

Any man who, after three years' service in the police force, re-enlists in this unit for a similar period shall be entitled to receive increased pay at the rate of 50 centimes per diem.

Each re-enlistment shall confer the right to a further increase of pay at the rate of 50 centimes per diem, in addition to previous increases.

III. POWERS OF THE COMMAND.
DISCIPLINE

ARTICLE 13

The captain in charge shall have all the powers of a commanding officer.

He shall be responsible for the training, discipline, and administration of the unit.

As regards discipline he shall, in the case of the Cadi Mia and the Moroccan other ranks, conform to the provisions of the regulations to be drawn up subsequently.

As regards the European cadre, the captain commanding shall, on his own responsibility, submit a report, with conclusions, to the Administrator of Tangier.

The latter shall transmit the report to the Consul of the country of which the officer or non-commissioned officer in question is a national.

IV. SALUTING SERVICE

ARTICLE 14

A special detachment of the police force shall be responsible for manning the battery which fires the regulation salutes.

Done at Paris on December 18, 1923, in three copies:

(Signed)

BEAUMARCHAIS
ARNOLD ROBERTSON

G. H. VILLIERS

MAURICIO LOPEZ ROBERTS,
MARQUIS DE LA TORREHERMOSA
M. AGUIRRE DE CARCER

The Governments of the Powers signatories of the present Convention undertake to recommend to His Shereefian Majesty for adoption the two following dahirs relating to the administration of the Tangier Zone and to the organization of an international jurisdiction at Tangier.

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

(Signed)

BEAUMARCHAIS
ARNOLD ROBERTSON
G. H. VILLIERS
MAURICIO LOPEZ ROBERTS,
MARQUIS DE LA TORREHERMOSA
M. AGUIRRE DE CARCER

*Draft Shereefian Dahir Organizing
the Administration of the
Tangier Zone*

CHAPTER I. GENERAL CLAUSES

ARTICLE 1

Within the region defined in Article 2 hereunder and styled the Tangier Zone, we delegate general and permanent authority by these presents to an International Administration, subject to the exercise of Our rights and powers over Our subjects in this Zone—which rights and powers shall be exclusively exercised by Our Mendoub and Our Shereefian officials at Tangier—and subject to due respect for Our prestige as head of the Mussulman community of Our Empire and head of the Shereefian family residing at Tangier, which will be safeguarded in conformity with the assurances given by the Government of the French Republic to Our Predecessor in regard to the whole of Morocco.

This general and permanent delegation of authority shall not apply to diplomatic matters, concerning which there shall be no derogation from the provisions of Article 5 of the Protectorate Treaty of March 30, 1912. The International Administration shall, however, be entitled to negotiate with the consuls of the Powers at Tangier on questions of interest to the aforesaid Zone within the limits of its autonomy.

ARTICLE 2

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

ARTICLE 3

The members of Our Shereefian family who have reigned over Our Empire and reside in the Tangier Zone shall enjoy therein special consideration and respect.

All articles entering or leaving the customs for their use shall, as in the case of articles intended for Our own use, continue to be exempt from customs duty.

CHAPTER II. AUTHORITIES OF THE
TANGIER ZONE

ARTICLE 4

We entrust to Our Mendoub the duty of exercising over Our subjects within the Tangier Zone, in conformity with the rules and traditional customs of Our Empire, the administrative and judicial powers devolving on Pashas and Cadis in Morocco. In the exercise of these functions Our Mendoub shall be assisted by two Caliphs designated by Us for this purpose.

The Shereefian Mendoub shall preside over the International Legislative Assembly provided for herein-

after. He may take part in its discussions, but will not vote.

He shall sign for promulgation and execution the laws or regulations passed by the Assembly, provided the Committee of Control has not exercised its right of veto.

The President of the Committee of Control shall countersign the enactments in question.

It will be his duty to see that public peace and order and the general provisions of the Statute of the Zone are respected by the populations subject to his administration. He may, for this purpose, request the Administrator to grant him the assistance of the armed forces of the Zone.

He must also see that the duties and taxes due from Our subjects and legally levied in the Zone are collected without distinction of nationality or religion.

The Shereefian Mendoub shall have the right to expel Moroccan subjects. He will exercise the same right in the case of persons justiciable by the Mixed Court on a decision to that effect by a full meeting of this Court given according to the procedure laid down in Article 29 of the Convention of December 18, 1923.

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

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

ARTICLE 5

The budget of the Zone shall contribute annually a lump sum of 125,000 Moroccan francs toward the expenses of the native administration.

The payments to be made out of this sum must be approved by the Director of Finance.

ARTICLE 6

On the appointment and under the direction of Our Shereefian Maghzen,

the Cadi, the members of the Chrâa, and agents of the habous, and, in general, of the other administrations connected with institutions which concern the personal status and the religion of our subjects shall continue in the exercise of their functions in the forms and according to the traditional customs prevailing in Our Empire.

ARTICLE 7

The free practice of the religion of Moroccan subjects and its traditional customs shall be respected and guaranteed. Their religious festivals and ceremonials shall be maintained, provided that public order is not disturbed.

ARTICLE 8

Our Mussulman and Jewish subjects shall enjoy complete equality with the nationals of the Powers in the matter of duties and taxes of all kinds. They shall punctually pay such duties and taxes.

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

ARTICLE 9

The international body intrusted, subject to the foregoing reservations, with the administration of the Tangier Zone in Our name and in virtue of Our general delegation of powers shall consist of an International Legislative Assembly and an Administrator whose respective power will be defined hereinafter. The exercise of these powers shall be subject to the supervision of a Committee of Control.

Our Shereefian Government cannot be held responsible in respect of claims due to circumstances arising in the Tangier Zone as a result of the

administration of the international body.

ARTICLE 10

The Administration of the Zone shall insure public order and, unless otherwise provided, shall introduce all the administrative, economic, financial, and judicial reforms it considers advisable.

ARTICLE 11

The Administration of the Zone shall respect the Treaties at present in force between Us and the Powers.

International agreements to which all the Powers signatories of the Act of Algeciras are Contracting Parties or shall have acceded shall apply automatically to the Tangier Zone.

In case of any divergence between the provisions of these Treaties and the laws and regulations passed by the International Legislative Assembly, the provisions of the Treaties shall prevail.

The Administration of the Zone shall specially insure the observance of Articles 3, 7 (paragraph 2), 8 (paragraph 3), 10, 11, and 12 of the Convention of December 18, 1923.

ARTICLE 12

Any international agreements concluded in the future by Our Shereefian Majesty shall only apply to the Tangier Zone with the consent of the International Legislative Assembly. The same shall hold good in the case of Our decrees promulgated in conformity with Article 5 of the Protectorate Treaty of March 30, 1912.

By exception, the following shall apply automatically to the Tangier Zone:

1. International agreements to which all the Powers signatories of the Act of Algeciras are Contracting Parties or have acceded;

2. All legislative provisions applicable to the French and the Spanish Zones, concerning:

- a) The functioning of the Shereefian postal and telegraph services with foreign countries and the unification of the scales of charges applicable thereto;
- b) The traffic in arms and ammunition for use with these arms.

ARTICLE 13

In virtue of the provisions of Articles 141 *et seq.* of the Treaty of Versailles, of Articles 96 *et seq.* of the Treaty of Saint-Germain-en-Laye, and of Articles 80 *et seq.* of the Treaty of Trianon, the provisions of the present Statute can in no case be invoked by German, Austrian, or Hungarian nationals, and the provisions of Our Dahirs of January 9, 10, and 11, 1920, of January 11, 1921, and of August 8, 1922, concerning the status of German nationals and goods coming from Germany, and of Our Dahirs dated September 6, 1920, and January 8, 1921, concerning trade with Austria and Austrian nationals, shall apply at the Tangier Zone.

ARTICLE 14

The International Administration may not, without previously coming to an agreement with the authorities of the other two Zones, regulate

- a) Questions concerning the coasting trade and all other matters connected with Customs questions which concern Moroccan ports as a whole;
- b) Inter-Zone posts, telegraphs, and telephones.

ARTICLE 15

The yield of the taxes and the resources of every description in the Zone shall be used to meet the expenditure of the Zone in the manner indicated below.

ARTICLE 16

The Shereefian Government cannot, on any ground, be called upon to bear any share of the expenditure

of the Tangier Zone except as regards the salaries of native officials directly appointed by Us.

ARTICLE 17

Inasmuch as the administration of the Tangier Zone cannot prejudice the rights, prerogatives, and privileges formerly granted by Our Government to bondholders of the 1904 and 1910 loans, to the State Bank of Morocco and to the *Société internationale de Régie co-intéressée des Tabacs au Maroc* throughout the whole territory of the Empire, these rights, prerogatives, and privileges shall be respected by the International Administration, which has, in particular, to insure the observance of Articles 21, 22, and 24 of the Convention dated December 18, 1923.

CHAPTER III. COMMITTEE OF CONTROL

ARTICLE 18

We intrust to a Committee of Control consisting of the consuls *de carrière* of the Powers signatories of the Act of Algeciras or their substitutes *de carrière*, and constituted in conformity with the provisions of Article 30 of the Convention of December 18, 1923, the duty of insuring the observance of the provisions of the Statute of the Tangier Zone as laid down in the Convention of December 18, 1923, and in the present Dahir.

All the texts of the laws and regulations voted by the International Assembly shall be submitted to the Committee of Control in the manner indicated in Article 31 of the Convention of December 18, 1923.

The meetings of the Committee of Control shall not be public; but the minutes of these meetings shall, unless the Committee otherwise decides, be kept on the spot so as to be entirely or partly at the disposal of those members of the Assembly who desire to consult them.

ARTICLE 19

The Committee of Control shall have the right to summon and hear the Administrator of the Zone, who will be accompanied, if needs be, by the heads of the services concerned.

CHAPTER IV. INTERNATIONAL LEGISLATIVE ASSEMBLY

ARTICLE 20

The International Legislative Assembly shall have power to enact laws and regulations.

It shall be presided over by the Mendoub and shall be composed of 26 representatives of the foreign and Moroccan communities as follows:

- 4 French members
- 4 Spanish members
- 3 British members
- 2 Italian members
- 1 American member
- 1 Belgian member
- 1 Dutch member
- 1 Portuguese member

nominated by their respective consulates

- o of Our Mussulman subjects nominated by Our Mendoub, and
- 3 of Our Jewish subjects chosen by Our Mendoub from a list of nine candidates submitted by the Jewish community of Tangier.

Vacancies caused by death or resignation shall be filled, according to the same procedure, within three months at latest.

ARTICLE 21

Every member of the International Assembly must be in occupation, as owner or tenant, of premises assessed in the urban tax register at an annual rental of 600 Moroccan francs, or on the corresponding rural tax register at a similar rental. He must not be under twenty-five years of age and must have been resident for the

previous year within the Tangier Zone.

Consulate officials *de carrière* and officials paid by the Administration of the Zone may not be members of the International Assembly.

Foreign members must be nationals of the country whose consulate nominates them.

Any member of the Assembly absent from the Tangier Zone, may, by notice in writing, dated, signed, and addressed to the President of the Assembly, empower one of his colleagues to vote in his place. No member of the Assembly may have more than two votes.

ARTICLE 22

The term of office of the International Legislative Assembly shall be for four years. On the expiration of this period a new Assembly shall be constituted within a month.

The powers of the members of the Assembly may be renewed.

The members of the Assembly shall not receive any payment for their services.

The Assembly shall be presided over by Our Mendoub assisted by a French vice-president, a Spanish vice-president, and a British vice-president appointed annually by the Assembly.

The Assembly shall meet in ordinary session every month and in extraordinary session whenever its President or the Administrator deems it necessary, or when nine of its members so request in writing.

The questions which the Assembly is called upon to discuss shall be placed on the agenda by the Administrator in agreement with the standing committee. No question which is not within the competence of the Assembly may be included in its agenda.

The Assembly may not, for instance, on its own initiative, open discussions on subjects which would in-

volve an agreement of the Moroccan Government with the Powers.

Should the standing committee refuse to place a question on the agenda, an appeal may be made from this decision to the Committee of Control by means of a request, accompanied by a statement of the reasons on which it is based and signed by nine members of the Assembly, or by means of a request from the Administrator accompanied by a statement of the reasons on which the request is based.

ARTICLE 23

A quorum of eighteen members, either present in person or duly represented, shall be necessary for the lawful transaction of business in the Assembly.

In the absence of a quorum, the Administrator, in agreement with the standing committee, shall issue a second summons for a new meeting, which may not, however, take place until forty-eight hours have elapsed. The decisions of this second meeting shall be valid, whatever may be the number of members present.

The Assembly shall take its decisions on a majority vote of the members present or represented. If the votes are equally divided, the proposal voted on will not be adopted.

Members of the Assembly may not take part in decisions concerning matters in which they are directly interested either personally or as agents.

ARTICLE 24

The Administrator shall participate in an advisory capacity in the discussions of the Assembly. He may be assisted by one or more heads of services.

ARTICLE 25

The texts of the laws and regulations voted, as well as the discussions and decisions of the Assembly,

shall be transmitted to the Committee of Control through the Administrator within the space of eight days.

ARTICLE 26

The Committee of Control shall immediately annul all resolutions and decisions

1. Which are contrary to the law or the treaties;

2. Which relate to any question foreign to powers and duties of the Assembly, or which have not been adopted at a regularly constituted meeting;

3. In which a member of the Assembly directly interested, either personally or as an agent, in the question under consideration, shall have taken part.

ARTICLE 27

Laws and regulations voted by the Assembly, which have not been voted by the Committee of Control within the period provided for in Article 31 of the Convention of December 18, 1923, shall only acquire executive force after they have been promulgated by Our Mendoub and countersigned by the President of the Committee of Control.

Decisions concerning matters directly or indirectly connected with the finances of the Zone or the organization of the international Administration of the Zone shall also acquire executive force only on the same conditions.

ARTICLE 28

The judicial codes referred to in Article 48 of the Convention of December 18, 1923, may only be repealed or modified after unanimous agreement has been reached between the French and Spanish Zones of influence of Our Empire and the Committee of Control.

The texts of regulations and fiscal enactments referred to in Article 32

of the Convention of December 18, 1923, may neither be repealed nor modified during a period of two years as from the coming into force of the Statute. On the expiration of this period, they may be repealed or modified with the consent of a three-fourths majority of the Committee of Control.

ARTICLE 29

The Assembly may be dissolved by a decision of the Committee of Control, accompanied by a statement of the reasons on which it was based and adopted by a three-fourths majority. Such dissolution must, as far as circumstances permit, only take place after previous warning.

In the event of dissolution, a new Assembly must be constituted within one month.

ARTICLE 30

The Assembly shall draw up its rules of procedure as soon as it is constituted, and in any case not later than three months after such date. These rules of procedure shall be submitted to the Committee of Control for approval.

If within this period the Assembly has not adopted its rules of procedure, the Committee of Control shall lay down provisional rules of procedure which shall apply to the Assembly until it has itself established definitive rules.

CHAPTER V. INTERNATIONAL ADMINISTRATION OF THE ZONE

ARTICLE 31

The executive power shall be vested in the Administrator, who shall represent the international body in its relations with third parties and shall transmit the decisions of the Assembly to the Committee of Control. He shall communicate these decisions to the heads of the services concerned,

who will carry them into effect on his responsibility.

The Administrator possesses no independent power; he shall carry out the decisions of the Assembly.

ARTICLE 32

The Administrator shall have under his orders two assistant administrators. One assistant, who will replace him in case of absence, will, under his direction, be especially responsible for the services of health and relief, and the other assistant, under his direction, will be especially responsible for the financial services.

The other administrative services of the Zone shall be directly under the orders of the Administrator.

ARTICLE 33

The police of the Zone shall comprise:

1. A force of native police consisting of not more than 250 men. It shall be commanded by a Belgian officer, of the rank of captain, assisted by French, Spanish, and Moroccan *Cadres*.

2. A civilian police force consisting of European and native policemen, the effectives of which will be fixed by the Assembly. The police shall be under the order of a Commissioner appointed by the Assembly on the nomination of the Administrator.

ARTICLE 34

The status of the officials of the International Administration shall, as regards promotion, salaries, and discipline, form the subject of a Regulation to be submitted by the Administrator to the Assembly. This Regulation must be approved by the Committee of Control.

ARTICLE 35

The Tangier Zone must create a provident fund for officials and em-

ployees of the International Administration.

The rules for the organization of this provident fund, drawn up by the Administrator, must be approved within one year by the International Assembly, failing which they shall be established on the sole authority of the Committee of Control.

ARTICLE 36

The appointment of the officials of the International Administration, other than those provided for in Article 35 of the Convention of December 18, 1923, will be effected by a committee presided over by the Administrator and composed of the three vice-presidents of the Assembly and the head of the service concerned.

The candidates selected will be appointed by the Administrator with the previous approval of the Assembly.

ARTICLE 37

The Assembly may not decide to create any new service unless it obtains the approval of a three-fourths majority of the Committee of Control.

ARTICLE 38

Internal regulations concerning the International Administration shall be submitted by the Administrator to the Assembly and to the Committee of Control for approval.

CHAPTER VI. RESOURCES AND BUDGET OF THE ZONE

ARTICLE 39

The resources of the Zone shall consist of the total yield of taxes, dues, and public revenue collected within the territory of the Zone.

ARTICLE 40

The Shereefian State shall transfer its public and private property, including its rights over the "guich"

lands to the Tangier Zone, which shall administer it, collect the revenues therefrom for its own benefit, and insure its preservation without power to alienate any portion thereof.

This transfer will terminate on the expiry of the Convention dated December 18, 1923, and the property transferred to the Zone will then revert to the Shereefian State.

ARTICLE 41

The public State property comprises:

a) Maritime Property.

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

b) Land Property.

The road from Tangier to Tetuán. The road from Tangier to Larache and to Rabat. The road to Cape Spartel. The road from the station to the harbor and skirting the harbor. The urban highways. The sewers and water ducts and their appurtenances, subject to the rights of any holders of water concessions.

The Zone shall:

1. Maintain the roads from Tangier to Tetuán and those from Tangier to Larache and to Rabat within the Tangier Zone as a first charge on the proceeds of the "Taxe Spéciale";

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

c) Fluvial Property.

The watercourses.

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

d) Mining Property.

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

e) Forest Property.

ARTICLE 42

The private State property comprises all real estate, both land and buildings, inscribed in the registers of the Maghzen property and not mentioned in the preceding Article, as also the slaughterhouses.

Subject to the provisions of Article 15 of the Convention of December 18, 1923, the leases and holdings of Maghzen property by private individuals, as also the *gza* or other rights duly established on the said properties, shall be respected. The same shall apply in the case of any uses to which such lands may have been put in the public interest.

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

The former German Legation and its dependencies;
Our Shereefian Palace;
The Kasba and its dependencies;
The guard-house of the Maghzanis on the ramparts;
The land and the guard-house on the hill leading up to the Marshan now occupied by the *compagnie chérifienne*.

No new lease beyond those already in existence shall exceed the term laid down in the Statute of Tangier.

ARTICLE 43

The Tangier Zone shall be absolute owner, and may dispose freely, of any immovable property which it may acquire for a consideration, or construct, or accept as a gift or legacy under the conditions laid down in the regulations of the Zone.

ARTICLE 44

Any property belonging to Us personally is expressly excluded from private State property.

ARTICLE 45

The International Legislative Assembly, either on its own initiative or on the proposal of the Administrator, shall be entirely free to levy such taxes and duties as it may consider necessary, subject to the approval of the Committee of Control.

These taxes and duties shall be levied without distinction on nationals of the Powers and on Moroccan subjects.

ARTICLE 46

The ordinary budget of the Tangier Zone shall be divided into two parts: General revenue and expenditure. Municipal revenue and expenditure.

The main items of general revenue will be provided by:

The Customs.
Consumption taxes on sugar, tea, and coffee, beers, candles, alcohol, and colonial produce.
Yield of the special 2½ per cent tax on imports.
Yield of the registration and stamp taxes.
State property revenues.
The urban tax.
The tax on commercial and industrial profits.

The *tertib*.

Profits from the sale of tobacco.

The main items of general expenditure will be:

The contribution to the 1904 and 1910 Loans.

Share in the expenses of the Franco-Spanish Tangier-Fez Railway.

The service of the guaranteed loans of the Port Company.

The costs of the Administration of Justice, the Central Administration, and the collection of taxes.

The police force.

The maintenance of roads and public works.

The first three categories of expenditure referred to above are to be regarded as obligatory, and shall be met as a first charge out of the yield of the customs and consumption taxes. The customs service shall be administered in conformity with the provisions of Article 39 of the Convention of December 18, 1923.

The main items of municipal revenue will be:

The gate tax.

Slaughterhouse tax.

Market dues.

Taxes for the upkeep of roads and bridges.

The main items of municipal expenditure will be:

The cost of administration.

Expenditure on roads, etc.

Town cleaning and lighting.

Municipal police.

Hygiene and relief.

The upkeep of slaughterhouses.

The Legislative Assembly may decide upon any other categories of revenue and expenditure it may deem necessary.

ARTICLE 47

The rules of public accountancy shall be those laid down in Our Dahir of this date, applied under the con-

ditions specified in Article 32 of the Convention of December 18, 1923.

ARTICLE 48

Apart from the obligatory expenditure, all orders for payment shall be issued by the Director of Finance.

Apart from the yield of the Customs and consumption taxes, the collection of revenue and the payment of expenses shall be effected by an accountant appointed by the Committee of Control.

ARTICLE 49

If in the course of the year of account supplementary credits become necessary, the same procedure shall be followed as in the case of the framing of the original budget.

ARTICLE 50

Should the Tangier Zone contract loans, an extraordinary budget shall be established.

ARTICLE 51

It shall be the duty of the Mixed Court to audit the accounts with the assistance of two technical assessors, not officials of the Zone Administration, who shall be entitled to take part in the discussions and to vote.

ARTICLE 52

The Administrator, with the assistance of the Director of Finance, shall prepare the budget and submit it to the Assembly for approval two months before the commencement of the year of account.

He shall insure its execution and shall be responsible for the closed accounts. The latter must also be submitted to the Assembly for approval not later than three months after the close of the year of account.

ARTICLE 53

The draft budget and closed accounts shall be communicated to the Committee of Control.

In the event of excessive expenditure or any other difficulty, it shall refer the draft budget back to the Assembly and invite the latter to take the necessary steps to balance the budget.

It shall satisfy itself that the yield of the Customs and consumption taxes is sufficient to cover the obligatory expenditure, and, if not, it shall assign for the integral payment of this expenditure such other sources of revenue as it may deem necessary.

It shall also satisfy itself that adequate provision is made for the essential services of the Zone.

If the budget has not been voted by the Assembly when the year of account commences, the Committee of Control may order its application by monthly votes on account on the basis of the budget estimates for the previous year.

ARTICLE 54

All lists, returns of yield and documents concerning collection shall be rendered executory by the Administrator.

The Assembly, following the procedure usual in such matters, shall draw up a regulation concerning the recovery of claims in the Zone and the legal procedure to which such recovery may give rise.

CHAPTER VII. MISCELLANEOUS PROVISIONS

ARTICLE 55

Provided the public regulations are observed, all schools and establishments in the Tangier Zone belonging to the Powers signatories of the Act of Algeciras, or to their nationals, on the date on which the Statute came into force, may be maintained and shall retain complete autonomy as regards their internal organization under the supervision of the authorities of their country of origin.

New establishments which may subsequently be created must conform to the regulations which will be promulgated in accordance with the provisions of Article 12 of the Convention of December 18, 1923.

ARTICLE 56

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

Laws and regulations must be published in the three languages.

ARTICLE 57

At public ceremonies the order of precedence of the higher officials at Tangier shall be as follows:

The Mendoub.

The President of the Committee of Control.

The Members of the Committee of Control.

The Members of the Mixed Court.

The Vice-Presidents of the Assembly

The Administrator.

(Signed)

BEAUMARCHAIS

ARNOLD ROBERTSON

G. H. VILLIERS

MAURICIO LOPEZ ROBERTS.

MARQUIS DE LA TORREHERMOSA

M. AGUIRRE DE CARCER

Draft Dahir concerning the Organization of an International Jurisdiction at Tangier

ARTICLE 1

There shall be established at Tangier an international jurisdiction to be known as the Mixed Court of Tangier.

This jurisdiction shall include:

1. As titular members: two British magistrates, one Spanish magistrate, and one French magistrate.

2. As assistant members: subjects

or citizens of each of the Powers signatories of the Act of Algeciras excepting Germany, Austria, and Hungary, these subjects or citizens being chosen from among leading persons over twenty-five years of age who have been resident in the Tangier Zone for more than one year.

The titular members of the Mixed Court of Tangier will be appointed by a Dahir of Our Shereefian Majesty on the nomination of their respective Governments. They shall receive a salary to be fixed hereinafter. They shall not be entitled during their term of office to exercise any other profession. Any titular member may be relieved of his duties by a Dahir promulgated by Us on a decision to that effect by a full meeting of the titular members and by the Government which nominated the member in question.

The list of assistant members of the Mixed Court shall be drawn up by the titular members at a full meeting, on the basis of the separate list of his nationals which each consul presents. The powers of the assistants shall be exercised for a period of three years and may be renewed. These honorary magistrates shall be free to carry on any calling, trade, industry, or liberal profession except that of advocate at the Mixed Court, or at any other Tangier jurisdiction, but shall not be entitled to occupy a public post. A full meeting of the titular members may remove an assistant member on notice to that effect being given by the consul of the State of which the magistrate concerned is a national.

Before entering upon his duties each titular and assistant member shall take before the titular members sitting in public session the following oath: "I swear and promise to do my duty well and faithfully, to observe conscientiously the secrecy of discussions and to conduct myself in

every way as a worthy and loyal magistrate."

ARTICLE 2

Of the titular magistrates one shall discharge the duties assigned by the law to a justice of the peace, and another shall fulfil the duties of an examining magistrate.

ARTICLE 3

Questions concerning the competence of the Chamber of the Institution of Prosecutions shall be decided by a section consisting of one titular member as President, and two assistant members.

ARTICLE 4

Another section of the Mixed Court, also consisting of a titular member as President and two assistant members, shall discharge in civil, commercial, administrative, and disciplinary cases the duties developing on a Court of First Instance. This section shall adjudicate as a Court of Appeal on matters judged in the first instance by the justice of the peace, provided such appeal is admissible, regard being had to the nature and importance of the question thus referred to it in second instance.

In litigation concerning immovable property, the Section composed as described above shall co-opt two Muslim jurists as advisers, but without the right to vote. These jurists, together with two substitutes, shall be appointed annually by the titular members in a full meeting out of a list of eight candidates submitted by Our Mendoub.

ARTICLE 5

An appeal from decisions given in the first instance by the Section established under the preceding article may be made on the three titular magistrates who have not been concerned

in the judgment impugned, aided in all instances by two assistant members who have taken no part in the case, and also, in matters regarding immovable property, by two Mussulman jurists acting in an advisory capacity. The latter must also be chosen from among those who have not participated in giving judgment in first instance, and shall be selected from the list referred to in Article 4 above.

The senior, or in case of equal seniority, the elder, titular magistrate on the panel judging the case shall be president of this Court of Appeal.

If one of the three titular magistrates called upon to constitute this higher Court is prevented from sitting, assistant members may sit to the number of three, but the Court cannot be constituted unless it includes at least two titular and three assistant members and when the two titular members are placed in a minority by the three assistant members, the case shall, at the request of the two titulars, be referred to the Court of Appeal consisting of the three titular members and two assistant members who have not taken part in the first deliberation.

No further appeal shall lie from the decisions of this Court.

ARTICLE 6

If the parties to a civil action, or the accused in a criminal action, are of the same nationality, two of the assistant members of this nationality shall be called upon to constitute the Section of First Instance, or the Section for Prosecutions, or the Court of Appeal.

If the parties or accused are nationals of two different countries each of which possesses assistant members in the Mixed Court, the above-mentioned Sections and Courts of Appeal shall include an assistant of each of the nationalities concerned.

If the parties or the accused are nationals of more than two different

countries, each of which is represented in the Mixed Court, the two assistant members who are to sit shall be selected by lot from the lists of the States whose nationals are concerned. The lots shall be drawn by the President of the Section or of the Court of Appeal three days at least before the hearing of the case, in the presence of the magistrate intrusted with the legal representation of the public interests, the Clerk of the Court, and the parties or their representatives; the latter must at least have been summoned in due form.

If one of the parties or one of the accused is a national of a State which has not a sufficient number of assistant members to constitute the Court in due form, he may designate the nationality of the assistant member or members whom he desires to try the case. Should he fail to notify his choice within the period assigned to him by the President of the Section or of the Court of Appeal, the President himself shall make the choice. After the nation which is to provide either one or two assistant members has thus been designated, the Section or Court of Appeal shall be constituted according to the rules and regulations set out in the three preceding paragraphs.

If, in the exceptional case in which the Court of Appeal has to be constituted with three assistant members, the parties are nationals of two different States and if it is thus impossible to apply the rule laid down in paragraph 2 of this Article, in its entirety, the nationality of the third assistant member shall be settled by drawing lots under the conditions laid down in paragraph 3 of the present Article.

Assistant members of the same nationality shall serve in rotation in accordance with the provisions of regulations to be drawn up by the titular members in a full meeting.

For the purposes of the present Article public administrations shall be assimilated to justiciable persons who do not possess, in the Mixed Court, assistant members of their nationality. It is their duty, therefore, to fix the nationality of the assistant member or members whom they desire to sit in the Section or Court of Appeal dealing with their case. The same shall apply to joint stock companies having their head offices in Morocco.

ARTICLE 7

Every year before October 2, a full meeting of the titular members will be held to allocate, as between the titular magistrates for the judicial year which begins on the date of this meeting, the duties referred to in Articles 2, 3, and 4.

This allocation of duties shall not involve any difference in rank as between the various titular members.

One and the same titular member may, however, fulfil several of the duties enumerated in the foregoing Articles. In serious criminal cases, however, titular members who have submitted information in connection with a case or who have had cognizance of the matter as members of the Section for Prosecutions may not sit on the bench. This disqualification shall not apply in the case of misdemeanors.

ARTICLE 8

If a titular member who is acting as President of the Section for Prosecutions or of the Section of First Instance, or as justice of the peace or examining magistrate, is absent on account of illness or other cause, a full meeting of the titular members will be held without delay either on their own initiative or on the proposal of the representative of the public interests, in order to appoint a temporary substitute for the magistrate who is

absent on account of illness or other cause.

The full meeting of members may also, by unanimous decision, appoint a titular member to act as a justice of the peace concurrently with the magistrate who is already fulfilling these same duties, if pressure of work renders this step necessary. In such case the titular member appointed as a second justice of the peace shall continue to perform the special duties intrusted to him under the terms of Article 7. The special powers delegated to him as a justice of the peace shall be conferred on him for a definite period, such period not to exceed three months in any one judicial year. The President of the Section of First Instance shall allocate cases as between the two commissioners sitting concurrently as justices of the peace.

ARTICLE 9

On the first Monday in March, July, and November each year the Criminal Court shall meet to try persons sent up to it for trial on criminal charges.

It shall be presided over by the President of the Section sitting as a Court of First Instance, or, if this magistrate is prevented from so doing, by another titular member appointed by a full meeting of the titular members in conformity with the final provisions of Article 7. A jury of six shall assist the President in determining the guilt of the accused. The President shall pronounce the sentence.

A person cannot be found guilty unless the President concurs. If the President does not concur with the jury in finding the accused guilty, the case shall be adjourned until the next session of the Criminal Court presided over by a titular magistrate appointed by a full meeting of the titular members other than those magistrates who have had cognizance

of the case as examining magistrate or President of the Section for Prosecutions. The accused shall be finally acquitted unless, at the following session, the majority find him guilty, and the President concurs.

ARTICLE 10

If the accused is one of Our subjects, the jury shall be composed of three of Our subjects, a British subject, a Spanish subject, and a French citizen.

If he is a national of a State other than the Moroccan State, the members of the jury shall be chosen by lot from a list of jurymen of the same nationality as the accused. If there is no special list for the country of which the accused party is a national, the accused himself may designate the nationality of the list of jurymen before whom he desires to be tried, and jurymen shall be selected by lot from the list of that nationality. The President of the Criminal Court shall inform the accused of his right in this respect ten days at least before the opening of the session. Should the accused fail to avail himself of this right within twenty-four hours of receiving notice thereof from the President, the jury shall be composed of two British subjects, two Spanish subjects, and two French citizens.

If there are several accused of various nationalities, the jury shall be composed as far as possible of an equal number of jurymen of each of the nationalities concerned. But if the accused are nationals of four or five different nationalities, the jury shall include first of all one member of each of the nationalities concerned, the last remaining seat or the last two remaining seats being attributed by lot to one or two of the nationalities concerned.

The annual lists of jurymen and the lists of the sessions shall be drawn up in conformity with the rules laid

down in the Code of Criminal Procedure.

ARTICLE 11

No appeal shall lie from the decisions of the Criminal Court. But We retain the right to remit or commute sentences for crimes, misdemeanors, and minor offenses pronounced by the Courts set up under the preceding Articles. Our Royal reprieve shall be granted on the advice of the prosecuting magistrate and the President of the Court which pronounced sentence.

Capital punishment may not be inflicted without Our express consent following upon the regular and unanimous opinion of a full meeting of the titular magistrates.

ARTICLE 12

In cases of revision provided for in the Code of Criminal Procedure We may order a case which has been definitely decided by a Court for penal offenses to be submitted anew to a similar Court composed of different elements. Our order shall be carried out by the representatives of the Public Prosecutor.

ARTICLE 13

The legal representation of the public interests shall be insured by two magistrates chosen, respectively, from the French and Spanish magistracy.

The French magistrate shall represent the public interests in the Section of First Instance and in the Court of Appeal when these Courts are sitting for the trial of misdemeanors. This magistrate may also forward to the examining magistrate any papers relating to the prosecution necessary for the institution, the conduct, and the closing of judicial inquiries. He may enter pleas against the orders of the examining magistrate.

In the same way the Spanish magistrate shall represent the public inter-

ests in the Section of First Instance or the Court of Appeal, if these Courts are sitting to try civil actions, in the Section for Prosecutions, and in the Criminal Court. He may exercise his discretion as to whether he will take action in civil, commercial, and administrative cases.

The duties connected with the legal representation of the public interests, as allocated above, shall be intrusted in turn to each of the two magistrates for a period of three years.

Each of these two magistrates shall have the title of "Public Prosecutor to the Mixed Court of Tangier." Each will *ex officio* act as a substitute for the other if the latter is absent on account of illness or other cause. Before assuming their duties they will take the oath required of titular magistrates.

They shall take part in the discussions of the full meeting of titular magistrates in all cases in which this meeting has to decide questions of internal organization and, in particular, in the cases provided for in Articles 1, 4, 6, 7, 8, 9, 11, 14, 16, and 21, and in the last paragraph of the present Article.

They shall be appointed and may be removed in the same way and under the same conditions as the titular members of the Mixed Court.

A Commissioner of Police, to be appointed by the full meeting, shall be attached to the magistrate who fulfils the duties of justice of the peace, to act as officer for the legal representation of the public interests.

ARTICLE 14

The clerk's office of the Mixed Court of Tangier shall consist of a chief clerk, three clerk secretaries, and two junior clerks, who will be appointed by Our Dahir on the proposal of a full meeting of the titular members.

These officials shall not be entitled

to receive any emoluments other than their fixed salaries, which shall be determined later.

They shall keep the records, notarial acts, and accounts. They shall also issue summonses, notices, writs of execution, and affidavits as ordered by the magistrates. They shall, moreover, act as official receivers or judicial liquidators and as trustees in the case of vacant succession under the conditions determined by law.

The officials in question shall be of British, Spanish, or French nationality. They must not be under twenty-five years of age. They may be discharged by Dahir on the proposal of a full meeting of titularies acting either on their own initiative or on the suggestion of one of the Public Prosecutors. Such action, however, shall not be taken until explanations have been given by the officials concerned, or at least until such explanations have been requested.

A Dahir shall fix the dues payable to the Treasury in connection with judicial proceedings or acts of the Court, and shall also fix the conditions for recovering these dues.

ARTICLE 15

A judicial interpreter in Arabic appointed by a full meeting of the titular members shall be attached to the Mixed Court. He shall receive a fixed salary, the amount of which shall be determined in a full meeting. If necessary, documents drawn up in languages other than Arabic may be submitted to expert translators for translation.

ARTICLE 16

Advocates at the Mixed Court of Tangier are entitled to give consultations and to plead before the Court and its various Sections.

They shall represent their clients before the Court, its Sections, and the Clerk's Office; they shall submit in

their name all necessary requests, memoranda, or conclusions without any special power of attorney being required.

No person may be entered as a member of the Bar of the Mixed Court unless he fulfils the conditions, as regards qualifications, etc., required in the case of advocates under the laws of the Powers signatories of the Act of Algeciras or unless he is entitled to plead at a Court of one of these Powers, and is, moreover, unanimously selected by the titular members in a full meeting.

Advocates who are regular members of the Bar or are entitled to plead at a Court of one of the Powers signatories of the Act of Algeciras shall be admitted by the full meeting to plead at the Mixed Court and its Sections. They may not, however, carry out written Acts of Procedure as the agents of their clients.

The duties and professional etiquette of advocates at the Mixed Court of Tangier shall be defined in a Regulation drawn up by the titular members at a full meeting.

ARTICLE 17

The languages of the Court shall be French and Spanish, and the judgments and Acts of the Clerk's Office shall be drafted or made out in one or other of these languages—at the choice of the magistrates in the case of judgments, and at the choice of the Chief Clerk in the case of Acts of the Clerk's Office, each party being also entitled to employ French or Spanish in drawing up his requests and documents relating to procedure.

Notices and summonses in French or Spanish shall be valid, even though the party on whom they are served declares that he is unacquainted with the language in which they are prepared. But the party in question shall have the right to request the Clerk's Office to have these writs and sum-

mons translated by an expert at his expense.

Pleadings shall be in Spanish or in French unless the President authorizes the use of another language.

ARTICLE 18

Justice shall be administered by the Mixed Court at Tangier and its Sections in the name of Our Shereefian Majesty.

ARTICLE 19

The Mixed Court of Tangier shall apply the codes and laws specially promulgated for the Zone.

ARTICLE 20

In view of the international character of the Mixed Court of Tangier, the decisions of the Courts of the Powers signatories of the Act of Algeciras shall be executory without further formality in the Tangier Zone in the case of persons justiciable by the Mixed Court.

The titular members in a full meeting shall fix the conditions for verifying and determining the authenticity and regularity of judgments according to the laws of the country in which they were given.

ARTICLE 21

In addition to the special duties imposed upon it under the previous provisions of the present Dahir, it shall be the duty of a full meeting of the titular members to take all necessary decisions for regulating the following matters:

1. Order and duration of leave of absence granted to titular magistrates, such leave of absence, however, not to exceed two and a half months per annum in any one case, including the time spent in traveling.

2. Opening and closing of the

ARTICLE 22

The salary of the six titular magistrates of the Mixed Court shall be 30,000 Moroccan francs. The magistrates shall receive an additional annual allowance of 6,000 francs as house allowance.

(Signed)

BEAUMARCHAIS
ARNOLD ROBERTSON
G. H. VILLIERS
MAURICIO LOPEZ ROBERTS,
MARQUIS DE LA TORREERMOSA
M. AGUIRRE DE CARCER

APPENDIX II

Final Protocol of the Conference relating to Certain Matters concerning the Tangier Statute

Spain and France having agreed on various developments and modifications of the régime in force in the Tangier Zone, the Government of His Majesty the King of Spain, the Government of the French Republic, His Britannic Majesty's Government in Great Britain, signatories of the Convention of the 18th December, 1923, relating to the organization of the Statute of the Tangier Zone, have together agreed to make in common with the Government of His Majesty the King of Italy certain amendments to the said Convention, to the organic Shereefian Dahirs, and to the Codes in force in the Zone, and to draw up certain provisions concerning the Zone and to recognize that the Italian Government becomes a contracting party to the said Convention as thus revised.

In these conditions the undersigned, duly authorized, met at a conference held in Paris at the Ministry for Foreign Affairs from the 20th March to the 16th July, 1928, in the course

of which they have agreed to the provisions annexed hereto. These provisions are initialed this day *ne varietur*, the High Contracting Parties having agreed to proceed later to the formality of signature.

The present Protocol done in four copies at Paris, the 17th July, 1928.

J. QUINONES DE LEON
BERTHELOT
CREWE
G. MANZONI

A.—Agreement revising the Convention of the 18th December, 1923, relating to the Organization of the Statute of the Tangier Zone

The undersigned, duly authorized, respectively Plenipotentiaries of the Powers signatories of the Convention signed at Paris on the 18th December, 1923, relating to the organization of the Statute of the Tangier Zone, to whom has been added the Plenipotentiary of Italy,

Having agreed to revise certain articles of the said Convention and its Annex containing the gendarmerie regulations of the Tangier Zone,

Have agreed as follows:

I

The text of Articles 1, 3, 4, 8, 10, 27, 34, 35, 37, 47, 48, 50, and 56 of the Convention signed at Paris on the 18th December, 1923, relating to the organization of the Statute of the Tangier Zone, is replaced by the following text:

ARTICLE 1.—*Replace the words, "The three contracting Governments," by the words, "The contracting Governments."*

ARTICLE 3.—...*(Last paragraph)*: The British, Spanish, French, and Italian Governments have the right to attach to their consulates at Tangier an officer charged with the duty of keeping them informed as to the observance of the foregoing obligations of military order.

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

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

Offenders shall be brought before the Mixed Court of Tangier.

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

By exception, international agreements to which all the Powers signatories of the Act of Algeciras are

contracting parties or shall have acceded apply automatically to the Zone.

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

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

ARTICLE 10.—Any agitation, propaganda, or conspiracy against the established order in any of the Zones of Morocco or in any foreign country is prohibited.

Offenders, whosoever they may be, shall be brought before the Mixed Court of Tangier.

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

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

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

Without intervening in the work of

the services of the Tangier Administration, the Inspector-General of Security will be the counselor of the authorities of the Zone, mentioned below in the present article, for the application of Article 3, paragraph 1, of the present Convention in so far as it concerns the security of Tangier in relation to that of the neighboring Zones and foreign countries, for the application of Article 10 dealing with subversive propaganda, contraband, and in a general manner for the application of the existing provisions concerning undesirables and conspiracy directed against the established order both in Morocco and in foreign countries.

He will communicate his information to the Administrator in order to enable the latter to take the appropriate measures of surveillance or to order the necessary investigation.

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

The Inspector-General of Security is authorized to present to the Committee of Control all observations, suggestions, and advice which he may think it his duty to offer concerning the organization of the services of the Administration intrusted with the application of Article 3, paragraph 1, and of Article 10 of the present Convention.

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

ARTICLE 27.—*For the words, "The*

three contracting Powers," *substitute the words, "The contracting Powers."*

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

- 4 French members
- 4 Spanish members
- 3 British members
- 3 Italian members
- 1 American member
- 1 Belgian member
- 1 Dutch member
- 1 Portuguese member

nominated by their respective consulates, and in addition:

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

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

ARTICLE 35 (*Paragraphs 1, 2, 3, 4, and 5*).—The Administrator will carry out the decisions of the Assembly and direct the international Administration of the Zone.

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

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

will be especially responsible for the services relating to the administration of justice.

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

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

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

The committee must satisfy itself, by inquiring of the consul of the nationality concerned, that the candidate has a satisfactory record. The required information must be given within a month from the date on which it is sought. Otherwise the committee may proceed with the appointment of the candidate.

The candidates selected will be appointed by the Administrator with the previous approval of the Assembly.

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

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

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

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

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

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

The gendarmerie shall be commanded by a Spanish officer of the

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

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

The regulations respecting the gendarmerie are annexed to the present convention.

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

....

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

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

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

ARTICLE 56 (*First paragraph*).—*Replace the words, "The three contracting Governments," by the words, "The contracting Governments."*

II

The text of the Regulations for the gendarmerie in the Tangier Zone (annex to the Convention of the 18th

December, 1923) is replaced by the following text:

Regulations for the Gendarmerie in the Tangier Zone

I.—ORGANIZATION

ARTICLE 1.—A force of gendarmerie belonging to the Zone shall be formed at Tangier.

ARTICLE 2.—This force shall—

1. Maintain order in the Zone. It must assist the local police on the demand of the Administrator.

2. Effectively guarantee public security in the Zone.

ARTICLE 3.—The gendarmerie is placed under the authority of the Administrator of the Zone.

ARTICLE 4.—It shall be commanded by a Spanish officer of the rank of major, who shall be assisted by a French officer of the rank of captain.

The European cadre shall, in addition, consist of four Lieutenants or Second-Lieutenants, of whom two shall be Spanish and two French; three non-commissioned officers, of whom one shall be Spanish and one French.

ARTICLE 5.—Should any of these European officers or non-commissioned officers be promoted to a higher rank during the period of their contract they shall be replaced by other officers or non-commissioned officers of the rank laid down in Article 4 above.

ARTICLE 6.—The native Moroccan strength shall be fixed at 3 cadis and 250 men, including non-commissioned officers. The distribution of officers and men shall be fixed by the International Legislative Assembly, with the approval of the Committee of Control. Modifications may be made in the light of experience.

The strength of horses shall be fixed in principle at fifty.

ARTICLE 7.—A contract, drawn up between the Tangier Administration

and the European officers, shall lay down the conditions of their appointment, and the amount of their salary, which shall be disbursed by the director of finance.

II.—RECRUITMENT

ARTICLE 8.—The gendarmerie shall consist of Moroccan cadis, non-commissioned officers, corporals, and private soldiers of good character.

The men shall not be less than twenty-four and not more than forty-five years of age.

ARTICLE 9.—For the formation of the gendarmerie, the non-commissioned ranks and Moroccan private soldiers shall be recruited in equal numbers from each of the police tabors. Equality between the Spanish and French elements shall be maintained both when the strength of the force is reduced and when vacancies occur.

ARTICLE 10.—The recruitment of private soldiers shall be effected by means of short-term enlistment and re-engagement.

Enlistment shall be for a period of three years.

Re-engagement shall be for a period of from one to three years, and carries with it an increase in pay.

The amount of pay and the increase shall be fixed by the International Assembly with the approval of the Committee of Control.

III.—FUNCTIONS OF THE COMMANDANT. DISCIPLINE

ARTICLE 11.—The commandant of the gendarmerie has all the functions of a commanding officer.

He is responsible for the training, discipline, and the administration of the unit.

As regards the organization of duties and discipline for both the European staff and for the Moroccan officers and private soldiers, regulations shall be drawn up which shall

be based on the principles common to the regulations of the French gendarmerie and the Spanish *guardia civil*.

The commandant of the gendarmerie and the second in command shall exercise over the officers and non-commissioned officers of their own nationality the authority conferred on them by the regulations in force in their respective armies. The commandant of the gendarmerie may also on his own responsibility forward to the Administrator of Tangier a report with recommendations in regard to the officers and non-commissioned officers who are not of his own nationality. The Administrator shall forward this report to the Consul of the nationality to which the officer or non-commissioned officer concerned belongs.

IV.—SALUTES

ARTICLE 12.—The gendarmerie is responsible for manning the battery for the purpose of the usual salutes.

V.—TRANSITIONAL PERIOD

ARTICLE 13.—For a period of twelve months from the date of the formation of the Tangier gendarmerie, its strength will be fixed at 400 men, including non-commissioned officers, and fifty horses, but shall be reduced on the expiry of that period to the strength laid down in Article 6.

In view of the transitional character of this provision the European cadre laid down in Article 4 shall not be modified.

The number of cadis may during the initial period be eight. They shall be recruited in accordance with the conditions laid down in Article 9 and their strength shall be progressively reduced to that fixed in Article 6.

III

The present agreement shall be communicated by the Government of the French Republic to the Powers which have acceded to the Convention

of the 18th December, 1923, relating to the organization of the Tangier Statute, as well as to the Government of the United States of America as a signatory of the Act of Algeciras.

IV

The present agreement shall be ratified and the ratifications shall be deposited at Paris as soon as possible.

It shall enter into force three months from the date of the deposit of the ratifications, and shall from that moment have the same duration and the same conditions of renewal as the Statute established by the Convention of the 18th December, 1923.

J. Q. DE L.
P. B.
C.
G. M.

B.—Agreement Revising Certain Articles of the Shereefian Dahir regarding the Administration of the Tangier Zone, of the Shereefian Dahir on the Organization of an International Tribunal at Tangier, of the Annex to the Shereefian Dahir on the Organization of an International Tribunal at Tangier, and of the Penal Code of the Tangier Zone

The Government of His Majesty the King of Spain, the Government of the French Republic, His Britannic Majesty's Government in Great Britain, and the Government of His Majesty the King of Italy, having considered the necessity of amending certain articles of the Shereefian Dahir organizing the administration of the Tangier Zone, of the Shereefian Dahir regarding the organization of an international tribunal at Tangier, of the annex to the Shereefian Dahir regarding the organization of an international tribunal at Tangier, and of the Penal Code of the Tangier Zone, particularly with a view to

bringing them into harmony with the Tangier Statute, established by the Convention of the 18th December, 1923, as revised this day,

Have agreed to recommend to His Shereefian Majesty the adoption of the following amendments to the instruments specified above:

I

Amendments to the Shereefian Dahir Organizing the Administration of the Tangier Zone—

ARTICLE 12.—International agreements concluded in the future by Our Shereefian Majesty shall only extend to the Tangier Zone with the consent of the International Legislative Assembly. The same applies to Our decrees issued in accordance with Article 5 of the Protectorate Treaty of the 30th March, 1912.

By exception the following shall apply automatically to Tangier:

1. International agreements of which the Powers signatories to the Act of Algeciras are contracting parties or to which they have adhered.

2. Our decrees referred to above when they are issued in order to modify the organic texts of the Zone in conformity with agreements concluded or to be concluded for the revision of the Tangier Statute by the Powers signatories of the Convention of the 18th December, 1923, as revised.

3. All legislation in force in both the French and Spanish Zones relating to

a) The operation of the postal and telegraphic services to foreign countries and the unification of their tariffs.

b) The trade in arms and ammunition and their use.

ARTICLE 20.—The International Legislative Assembly is the legislative authority.

It is presided over by the Mendoub and is composed of twenty-seven

members drawn as follows from the foreign and native communities:

- 4 French members
- 4 Spanish members
- 3 British members
- 3 Italian members
- 1 American member
- 1 Belgian member
- 1 Dutch member
- 1 Portuguese member

nominated by their respective consulates

- 6 of Our Mussulman subjects nominated by Our Mendoub, and
- 3 of Our Jewish subjects, chosen by Our Mendoub from a list of nine names submitted by the Jewish community of Tangier.

The same procedure shall be followed, within three months of the vacancy, to replace a deceased or retired member.

ARTICLE 22.—(*Fourth paragraph*): The Assembly is presided over by Our Mendoub, assisted by a French vice-president, a Spanish vice-president, a British vice-president, and an Italian vice-president, nominated each year by the Assembly. . . .

ARTICLE 32.—The Administrator shall have under his orders three assistant administrators: a first assistant, who acts for him during his absence and who, under his direction, is especially responsible for the services of health and relief; a second assistant, who, under his direction, is especially responsible for the financial services; and a third assistant, who, under his direction, is especially responsible for the services relating to the administration of justice.

The other administrative services shall be under the immediate direction of the Administrator.

ARTICLE 33.—The police of the Zone shall comprise—

1. A force of gendarmerie composed of 250 men and constituted in accordance with the provisions of

Article 47 of the Convention of the 18th December, 1923, as revised.

2. A civil police, composed of Europeans and natives, the strength of which shall be fixed by the Assembly. The police shall be placed under the orders of a commissioner appointed by the Assembly on the nomination of the Administrator.

ARTICLE 36.—The appointment of officials of the international administration, other than those specified in Article 35 of the Convention of the 18th December, 1923, as revised, shall be effected by a committee presided over by the Administrator and composed of the four vice-presidents of the Assembly and of the head of the service concerned.

The committee must assure themselves by seeking information from the candidate's Consul that he has a satisfactory record. The required information must be given within a month from the date on which it is sought. Otherwise the committee may proceed with the appointment of the candidate.

The candidates selected will be appointed by the Administrator with the previous approval of the Assembly

II

Amendments to the Dahir concerning the Organization of an International Tribunal at Tangier—

ARTICLE 1 (*Paragraphs 1, 2, and 3*).—An international tribunal, called the Mixed Court of Tangier, shall be established at Tangier.

This tribunal is composed of

1. As permanent members, a Belgian magistrate, a British magistrate, a Spanish magistrate, a French magistrate, and an Italian magistrate. . . .

ARTICLE 10 (*Paragraphs 1 and 2*).—If the accused is one of Our subjects, the jury shall consist of three of Our subjects, one Spanish subject, a French citizen, and either a British subject or an Italian citizen.

If the accused is a national of a State other than Morocco, the members of the jury shall be drawn by lot from the list of jurors of the same nationality as the accused. Should there be no special list for the nation to which the accused belongs, the accused may select the nationality of the list of jurors before whom he desires to be tried and the jurors shall be drawn by lot from the list of this nationality. The president of the criminal court shall inform the accused of his rights in this respect at least ten days before the opening of the session. Should the accused not avail himself of this right within twenty-four hours of receiving such notice from the President, the jury shall be composed of six members, of whom not more than two may be of the same nationality, chosen from the lists of British, Spanish, French, and Italian jurors. . . .

ARTICLE 14.—The office of the Mixed Court shall consist of one chief clerk, four clerks, and two assistant clerks, who shall be appointed by dahir issued by Our Majesty on the recommendation of the assembly-general of magistrates.

These officials shall be exclusively remunerated by a fixed salary, the amount of which shall be fixed later.

They are responsible for all duties which normally devolve on the clerk, the notary, and the accountant of the court. They also put into effect the orders of the magistrates as to summonses, notifications, execution, and ascertainment of facts. Finally, they perform the duties of official liquidator, receiver in bankruptcy, and of curator of estates under the conditions laid down by the law.

The members of the office shall be of British, Spanish, French, or Italian nationality. They must be at least twenty-five years of age. They may be dismissed by dahir on the recommendation of the assembly-general of

magistrates acting either on their own initiative or on that of one of the public procurators, but in any case after the official concerned has stated his case or at least has been invited to do so.

A dahir shall fix the amount of the fees due to the Treasury in respect of judicial procedure or office fees, and shall determine the conditions under which such fees shall be levied.

ARTICLE 22.—The salary of the magistrates of the Mixed Court is fixed at 30,000 Moroccan francs. The magistrates shall receive in addition a yearly allowance of 14,000 francs in respect of lodging and foreign allowance.

III

Amendments to the Annex to the Dahir concerning the Organization of an International Tribunal at Tangier—

ARTICLE 5.—From the date of the entry into force of the present Dahir, the Mixed Court shall, within the limits of the competence of its different sections and in conformity with the penal laws of the international zone, have jurisdiction over

1. All felonies, misdemeanors, or petty offenses committed by foreign nationals;

2. All felonies, misdemeanors, or petty offenses committed by subjects of Our Empire together with nationals of foreign Powers;

3. All felonies, misdemeanors, or petty offenses committed by subjects of Our Empire against nationals of foreign Powers;

3a. All offenses committed by subjects of Our Empire which fall within the scope of Articles 139 and 139a of the penal code;

4. All felonies, misdemeanors, and petty offenses

a) Committed in court or in any place in which one or more magis-

trates are engaged in the performance of their duties;

b) Amounting to perjury or suborning of witnesses in civil or criminal proceedings before the Mixed Court;

c) Against the execution of decisions, judgments, sentences, orders, or warrants of the Mixed Court;

d) Against the magistrates, assessors, jurors, or judicial officers of the Mixed Court in the exercise of or on the occasion of the exercise of their functions;

e) By the magistrates, assessors, jurors, or judicial officers of the Mixed Court in the exercise of their functions or in consequence of an abuse of authority.

IV

Amendments to the Penal Code of the Tangier Zone—

BOOK I. CHAPTER V (NEW). PROHIBITION OF RESIDENCE

ARTICLE 25a.—In addition to sentences of imprisonment, the Tribunal may in any case impose the penalty of prohibition of residence in the Tangier Zone for a maximum period of 20 years on persons convicted of any of the following offenses, or their accomplices:

1. All crimes and attempted crimes;

2. The offenses which fall under Articles 139 (paragraphs 1 and 2) and 139a;

3. In the case of persons previously convicted, the offenses falling under Articles 118, 130, 131, 133, 139 (paragraph 3), 146, 147, 148, 149, 150, 188, 189, 199, 201, and 203.

Moroccan subjects who are sentenced to the accessory penalty of prohibition of residence in the Tangier Zone shall be ordered by the Tribunal to reside in one of the other Zones of Morocco, which shall be designated after agreement with the competent authorities of the Zone in question.

A convict who returns to the Zone

before the expiry of the period during which his residence there has been prohibited, shall be banished from the Tangier Zone. If he is a Moroccan subject, he will be compelled to reside in a place chosen in accordance with the terms of the preceding paragraph.

BOOK III. PART 2. CHAPTER I. SECTION 2.

ARTICLE 139.—The manufacture, introduction, or possession in any capacity in the Tangier Zone of explosives, war material, and munitions such as arms, ammunition, cartridges, loaded or unloaded, is punishable by imprisonment for a term of from 6 months to 5 years and a fine of 1,000 to 20,000 francs.

Attempts to commit, and complicity in, the above offenses are punishable with the same penalty as the offense itself.

Without prejudice to the application, if necessary, of the first two paragraphs of the present article, the carriage, outside the residence of the individual, of any weapon, whether concealed or not, is punishable by imprisonment for a term of from 6 days to 3 months and a fine of 100 to 200 francs, or by one of these two penalties only.

In all cases falling within the scope of the present article the articles manufactured, introduced, or possessed, and the weapons carried, shall be confiscated.

ARTICLE 139a.—Agitation, propaganda, or conspiracy against the established order in any one of the Zones in Morocco or in foreign countries is punishable by imprisonment for a term of from 6 months to 6 years and a fine of 1,000 to 20,000 francs.

Done at Paris and initialed in four copies, the 16th July, 1928.

J. Q. DE L.
P. B.
C.
G. M.

C.—*Special Provisions*

The undersigned, duly authorized, respectively, by the Government of His Majesty the King of Spain, the Government of the French Republic, His Britannic Majesty's Government in Great Britain, and the Government of His Majesty the King of Italy, have agreed upon the following special provisions relating to the agreements concluded this day concerning the Tangier Zone.

I

The assistant-administrator in charge of the services relating to the administration of justice shall have under his authority the administrative services connected with the international tribunal, the prisons, and the issue of official publications. He shall supervise the execution of the judgments of the Mixed Court in criminal matters. In addition he will discharge the functions of counsellor to the administration of the Zone in legal and legislative matters, always provided that he does not encroach on the functions of the other assistant administrators.

II

In accordance with the provisions of the Tangier Statute the existing tabors shall be dissolved and replaced as soon as possible after the entry into force of the agreement revising the Convention of the 18th December, 1923, and signed this day, by a force of gendarmerie constituted in accordance with the provisions of the said Convention as revised in Article 47 and by the regulations for the gendarmerie, also revised, which are annexed to that instrument.

III

The codes drawn up in accordance with Article 48 of the Convention of the 18th December, 1923, relating to the organization of the Tangier Statute and revised this day shall be

officially communicated to the Italian Government. They shall be provisionally applicable to Italian subjects from the date on which the agreement revising the said Convention signed this day comes into force. On the expiration of two years from the said day the codes shall be submitted to a committee of jurists composed of British, Spanish, French, and Italian representatives, which shall be entrusted with the task of examining the modifications which the Italian Government, and possibly other governments which have acceded to the said Convention, may desire to propose. The committee shall draft the texts to be submitted to the Legislative Assembly. It must complete its work within three months from the date of its first meeting.

IV

As regards the application of Article 48 of the Convention of the 18th December, 1923, relating to the organization of the Statute of the Tangier Zone, and of Article 1 of the Shereefian Dahir of the 16th February, 1924, relating to the organization of an international tribunal at Tangier, the said Convention and the said Shereefian Dahir having been revised in conformity with the agreements signed this day, it is agreed that

1. The Italian magistrate shall take his seat on the Mixed Court of Tangier on the entry into force of the revised Statute.

2. The Belgian magistrate shall replace the first of the two British magistrates, who shall cease to be a member of the Court.

V

The four Governments undertake to cause a revised scheme for the international tribunal of Tangier to be elaborated by a committee of jurists which shall meet in Paris within six months from the date of signature of

the present provisions. This committee shall take as a basis of its work the recommendations and drafts annexed to the minutes of the 29th meeting held on the 12th July, 1928, by the experts intrusted with the revision of the Tangier Statute.

The revised scheme shall in particular—

Place the directorship of the *Parquet* under one head;

Intrust the duties of the representative of the State before the courts of first instance and the court of appeal and the criminal court to a Spanish magistrate and a French magistrate, respectively, in alternate years; and before the police court to a Spanish inspector of police and a French inspector of police in the same way;

Create a presidency of the Mixed Court;

Make provision for a vacation court during the vacation of the Mixed Court;

Create a court of appeal, wholly separate from the other courts, on which may sit non-resident appeal judges who shall come periodically to hear appeals at Tangier. A special fee may be levied on all appellants, not poor persons, in addition to the usual court fees;

Take into account the desire expressed by the Spanish and French Governments to be represented by a magistrate of their nationality in the court of first instance and in the court of appeal;

Suppress the lay assessors of the Mixed Court as permanent members of the international tribunal.

Provision might be made for a court of cassation composed of magistrates belonging to the Supreme Court of a country not represented in the international tribunal of Tangier.

VI

In accordance with Article 49 of the Convention of the 18th December,

1923, relating to the organization of the Tangier Statute and revised this day, the diplomatic agency of Italy at Tangier shall be replaced by a consulate. The Italian Government, however, reserve the right to appoint a member of their diplomatic service to this consulate without claiming for him other rights, prerogatives, and privileges than those attached to the functions of consul *de carrière* in the Tangier Zone.

VII

The Government of His Majesty the King of Italy agree that Italian subjects shall be subject to the fiscal laws of the zone from the date of the deposit of the ratifications of the agreement signed this day revising the Convention of the 18th December, 1923, relating to the organization of the Tangier Statute.

VIII

The present provisions shall be communicated by the Government of the French Republic to the Powers which have acceded to the Convention of the 18th December, 1923, relating to the organization of the Tangier Statute and also to the Government of the United States of America, as a signatory of the Act of Algeciras, at the same time as the agreements signed this day.

Done at Paris and initialed in four copies of the 16th July, 1928.

J. Q. DE L.

P. B.

C.

G. M.

ANNEX

Notes to be Exchanged between His Majesty's Ambassador in Paris, the French Minister for Foreign Affairs, and the Spanish Ambassador in Paris on the one hand, and the

Italian Ambassador in Paris on the other, regarding certain Clauses of the Agreement for the Revision of the Convention of the 18th December, 1923, relating to the Organization of the Statute of the Tangier Zone

I.—NOTES REGARDING THE EXECUTION OF PUBLIC WORKS IN THE TANGIER ZONE

To the Italian Ambassador (mutatis mutandis)

SIR:

You were good enough to draw my attention to the fact that the Italian Government, on becoming a contracting party to the Convention of the 18th December, 1923, relating to the organization of the Statute of the Tangier Zone, were anxious to know whether a fair distribution would be assured to Italian capital and labor in the execution of public works at Tangier. I have the honor to inform you that the régime of economic equality, instituted in the Tangier Zone by the treaties in force and guaranteed by Article 7 of the said Convention, guarantees the enterprise and labor of the different nations against any form of discrimination. I have the honor to inform you that the British Consul-General at Tangier, who is a member of the Committee of Control, will receive instructions to insure in that committee that Italy shall derive full benefit from this régime and to take steps, if necessary, to cause the committee, acting within the powers with which they are invested under Article 30, paragraph 5, to address the necessary observations to the international administration.

In order to give satisfaction to another request which you have put forward, the British representative will be reminded that the Port Commission instituted under Article 41 is responsible, under the authority of the

Committee of Control, for insuring the observance of the régime of economic equality, to which Italian interests are fully entitled, and that, in accordance with the terms of the port concession, this régime extends to the construction and maintenance as well as the exploitation of the port.

I have, etc.

Reply of the Italian Ambassador (mutatis mutandis)

SIR:

You were good enough by your note of today's date to inform me that the régime of economic equality, instituted in the Tangier Zone by the treaties in force and guaranteed by Article 7 of the Convention of the 18th December, 1923, relating to the organization of the Statute of the Tangier Zone, guarantees the enterprise and labor of the different nations against any form of discrimination.

You add that the British Consul-General at Tangier, who is a member of the Committee of Control, will receive instructions to insure in that committee that Italy shall derive full benefit from this régime and to take steps, if necessary, to cause the committee, acting within the powers with which they are invested under Article 30, paragraph 5, of the said Convention, to address the necessary observations to the international administration.

At the same time the British Consul-General will also be reminded that the Port Commission instituted under Article 41 is responsible, under the authority of the Committee of Control, for insuring the observance of the régime of economic equality, to which Italian interests are fully entitled, and that, in accordance with the terms of the port concession, this régime extends to the construction and maintenance as well as the exploitation of the port.

I have the honor to thank you for this communication, which I shall not fail to transmit to my government.

I have, etc.

II—NOTES REGARDING THE APPOINTMENT OF OFFICIALS OF THE ADMINISTRATION OF THE TANGIER ZONE

To the Italian Ambassador (mutatis mutandis)

SIR:

You were good enough to express to me in the name of the Italian Government the desire that when vacancies occur in the personnel of the international administration of Tangier a fair participation in the administration shall be henceforth assured to Italian nationals, and that the attention of the vice-presidents of the International Legislative Assembly, members of the recruiting committee set up under Article 37 of the Convention of the 18th December, 1923, relating to the organization of the Statute of the Tangier Zone, shall be respectively called to this point by the Consuls-General of Great Britain, France, Spain, and Italy.

I have the honor to inform you that His Majesty's Government will be glad to comply with this request.

I have, etc.

Reply of the Italian Ambassador (mutatis mutandis)

SIR:

You were good enough in a note of today's date to inform me that His

Majesty's Government would be happy to comply with the desire expressed by the Italian Government that when vacancies occur in the personnel of the international administration of Tangier a fair participation in the administration shall be henceforth assured to Italian nationals, and that the attention of the vice-presidents of the International Legislative Assembly, members of the recruiting committee set up under Article 37 of the Convention of the 18th December, 1923, relating to the organization of the Statute of the Tangier Zone, shall be respectively called to this point by the Consuls-General of Great Britain, France, Spain, and Italy.

I have the honor to thank you for this communication, which I shall not fail to transmit to my Government.

I have, etc.

The undersigned, duly authorized by their respective governments, have agreed that the above notes, the terms of which have been agreed upon this day *ne varietur*, shall be exchanged between the High Contracting Parties at the time of the signature of the agreements which form the Protocol of this day's date.

Done in Paris in four copies, the 17th July, 1928.

J. QUINONES DE LEON
BERTHELOT
CREWE
G. MANZONI

APPENDIX III

Anglo-French Agreement for the Re-establishment of the International Administration of Tangier,¹ Paris, 31st August, 1945

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 in 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, 1923,² to operate until a revised Tangier Statute has been agreed upon and can be put into force:

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

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

Mr. Charles Brinsley Pemberton Peake, His Britannic Majesty's Consul-General at Tangier;

The Provisional Government of the French Republic:

M. Jacques Meyrier, Minister Plenipotentiary, Director-General at the Ministry of Foreign Affairs:

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

¹ British Treaty Series No. 24. Treaties and Other International Acts Series 2752: Amendment to Anglo-French Agreement for the re-establishment of international administration of Tangier; Protocol between the United States of America and other Governments, pp. 9-14.

² League of Nations Treaty Series 28: 542.

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 same³), 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 Algeiras: 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 Government of the Powers referred to in Article 2 (a) above of the acceptance of the 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 Com-

³ *Ibid.*, 87: 211.

mission 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 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 fulfill 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 (paragraph 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 organized 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 Comman-

dant 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 fulfillment 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, 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 fulfillment of a process equiv-

alent 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.

(L.S.) CHARLES PEAKE

(L.S.) MEYRIER

APPENDIX IV

Protocol of November 10, 1952, Amending the Anglo-French Agreement of August 31, 1945¹

In view of article 8 of the agreement signed at Paris on August 31, 1945, in the name of the Government of the United Kingdom of Great Britain and Northern Ireland and of the Provisional Government of the French Republic, which reads as follows:

"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 Con-

trol, 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."

I

The Committee of Control decided unanimously that articles 2, 4, 5, 6, and 11 of the Anglo-French Agreement of August 31, 1945, were abrogated. The other provisions of that agreement are retained, subject to the following amendments:

II

Article 7, paragraph (b), of the agreement shall be amended and supplemented as follows:

The composition of the Legislative Assembly shall be determined on the basis of the number of nationals, the amount of general commerce, the real property interests, and the volume of

trade in Tangier of the various Powers parties to the Act of Algeciras.²

Provisionally, and pending the completion of a thorough study of the fundamental elements of an equitable composition of the Legislative Assembly, the latter shall be constituted as contemplated in the Anglo-French Agreement of August 31, except for the Italian representation, which shall be the same as that specified in article 34 of the Final Protocol signed at Paris on July 25, 1928.

Consulates having only one representative may designate a deputy to replace the Consul in case of his absence.

The Mendoub, head of the Moroccan community, shall preside over the Legislative Assembly and shall be assisted by Vice-Presidents who will substitute for him if he is absent or otherwise prevented from attending.

The duties of Vice-President shall be performed in rotation by the representatives of other communities.

Powers represented in the Assembly by at least three members shall be entitled to one Vice-President each. Those which do not have the necessary quorum may form a group and present to the Assembly a Vice-President having the nationality of one of them.

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.

III

Article 7, paragraph (c), of the agreement is amended as follows:

The Administrator of the Zone shall be of Belgian, Netherlands, Portuguese, or Swedish nationality. He shall carry out the decisions of the Committee of Control and the Legislative Assembly, direct administration, and be respon-

sible for the maintenance of law and order.

The Administrator shall be aided by four Assistant Administrators:

- 1 Assistant Administrator for Moroccan Affairs, of French nationality,
- 1 Assistant Administrator for Health, Welfare, and Labor, of Spanish nationality,
- 1 Assistant Administrator for Finance, of British nationality,
- 1 Assistant Administrator for Judicial Services, of Italian nationality,

and by:

- 1 Chief Engineer of State Public Works, of French nationality,
- 1 Chief Engineer of Municipal Public Works, of Spanish nationality.

The Administrator, the Assistant Administrators, and the Engineers [shall be] appointed by His Sherifian Majesty at the request of the Committee of Control, to which they shall be recommended by their respective Consuls.

The term of office of the Administrator shall be three years and shall not be renewable. The term of the Assistant Administrators and Engineers shall be five years and shall not be renewable.

IV

Article 7, paragraph (d), of the agreement is hereby abrogated and replaced by the following provisions:

The principles set forth in paragraphs 1 and 2, article 10, of the Statute of 1923, as amended in 1928, are reaffirmed. The other paragraphs of this article, relating to the Mixed Intelligence Bureau, are restored.

The members of the Committee of Control may at any time examine the files and the functioning of the Mixed Intelligence Bureau.

The provisions of article 47 of the Statute of Tangier relating to the gendarmerie and the police are abrogated.

The security of the Zone shall be ensured by a general police force and a special police force, both under the direct orders of the Administrator of the Zone, who alone is responsible for keeping law and order.

² Treaty Series 456; 34 Stat. 2905.

¹ Treaties and Other International Acts Series 2752. Amendment to Anglo-French Agreement for re-establishment of international administration of Tangier. Protocol between the United States of America and other Governments, pp. 4-8.

The General Police shall be commanded by a police officer of Belgian, Netherlands, Portuguese, or Swedish nationality proposed by his Consul to the Committee of Control for its approval.

The Chief of the General Police shall be aided by a French Assistant Chief and by civil and military Commissioners selected from among the nationals of the Powers signatory to the Act of Algeciras. The Commissioner in charge of the Sûreté [Criminal Investigation Department] shall be of British nationality.

These Commissioners, proposed by their respective Consuls to the Committee of Control for its approval, shall be regarded as officials of the International Administration.

The Commandant of the Special Police shall be of Spanish nationality and shall be proposed by his Consul to the Committee of Control for its approval.

The Chiefs of the two Police Forces shall establish continuous liaison between their services.

The Chiefs of the two Police Forces, appointed by Sherifian dahir, shall be responsible directly to the Administrator of the Zone; the distribution of functions shall not imply any difference of rank between them.

Regulations concerning the General Police and the Special Police shall be annexed to the present agreement.

V

A Special Controller, of Belgian, Netherlands, Portuguese, or Swedish nationality, appointed by the Committee of Control for a nonrenewable period of three years upon recommendation by

his Consul, shall be responsible for seeing to the allocation of the funds voted by the Legislative Assembly or, on occasion, the Committee of Control, and for verifying their utilization.

In carrying out this mission, he shall have full powers and shall maintain close contact with the Office of the Director of Finance. He may notify the Committee of Control, through the Administrator, of any matter that appears to him to be of a nature requiring action by the said Committee, to which he shall submit an annual report of his activities.

VI

The post of the Administrator, Chief of the General Police, Tax Collector of the Zone, and Special Controller may not be occupied by more than two persons of the same nationality.

VII

The present Protocol is concluded for a period of five years.

It shall automatically be renewed by tacit agreement for one or more equal periods if, at least six months before its expiration, none of the members of the Committee of Control has asked that it be revised. In the latter case, it shall continue in force until the new agreement is concluded.

Done at Tangier on November 10, 1952.

JOHN CARTER VINCENT
MANUEL HOMEM DE MELLO
A MERENS
FRANCESCO M DI CELLERE
GODRIC MUNTZ
F. DE PANAFIEU
C DEL CASTILLO
C DE RADIGUÈS

APPENDIX V

Convention Relating to the Reorganization of the International Courts of the Tangier Zone

The Government of the Spanish State, the Government of the French Republic, the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of the Italian Republic, parties to the Con-

vention of December 18, 1923, [1] as amended by the Agreement of July 25, 1928, [2] being desirous of reorganizing the International Courts of the Tangier Zone set up by the said convention and agreement, have for this

¹ League of Nations Treaty Series 28: 542. ² *Ibid.*, 87: 211.

purpose appointed their plenipotentiaries, to wit:

The Government of the Spanish State:

Mr. Cristóbal del Castillo y Campos, Minister Plenipotentiary, Consul General of Spain at Tangier;

The Government of the French Republic:

Mr. François de Panafieu, Minister Plenipotentiary, Consul General of France at Tangier;

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

Mr. Thomas G. A. Muntz, Minister Plenipotentiary, Consul General of Her Britannic Majesty at Tangier;

The Government of the Italian Republic:

Mr. Francesco Macchi di Cellere, Minister Plenipotentiary, Consul General of Italy at Tangier,

Who, after communicating to each other their respective full powers, found to be in good and due form, have drawn up and signed the following articles:

ARTICLE 1

The text of article 48 of the Convention of December 18, 1923, as amended by the Agreement of July 25, 1928, is replaced by the following text:

International Courts shall be charged with administering justice to the nationals of foreign Powers, as well as to Moroccan subjects in the cases specified in the Annex to the Sherifian dahir of February 16, 1924, concerning the organization of international courts in Tangier, as amended by the dahir of December 26 1928.

The relations of the judicial authorities of the French Zone or the Spanish Zone with the International Courts of Tangier shall continue to be governed by the Agreement of December 29, 1916, [3] concerning the relations be-

³ Dated Dec. 26, 1916. *British and Foreign State Papers*, vol. 110, p. 882.

tween the judicial authorities of those two zones.

SECTION I COMPOSITION OF THE INTERNATIONAL COURTS OF TANGIER

ARTICLE 2

The International Courts of Tangier shall include:

- A Court of Appeals
- A Court of First Instance for Civil Actions and Misdemeanors [Tribunal de Première Instance Civil et Correctionnel]
- A Criminal Court
- A Police Court [Tribunal de Paix et de Simple Police]

In these courts, a Public Prosecutor's Department shall discharge the functions assigned to the Public Prosecutor [Ministère Public] by the codes and laws of the Tangier Zone.

They shall be assisted by the Clerk's Office and the Interpreting Service.

ARTICLE 3

The International Courts of Tangier shall be composed of twelve judges assigned to the Bench and two prosecuting attorneys assigned to the Public Prosecutor's Department.

The Bench shall comprise: two Spanish judges, two French judges, a Belgian judge, a British judge, an American judge, an Italian judge, a Moroccan judge, a Netherlands judge, a Portuguese judge, and a Swedish judge.

One of the two prosecuting attorneys shall be of Spanish nationality and the other of French nationality.

All these magistrates shall be appointed by dahir of His Sherifian Majesty, at the request of the Committee of Control, on the recommendation of their respective Governments and, in the case of the Moroccan magistrate, on that of the Mendoub of His Sherifian Majesty in Tangier.

ARTICLE 4

These magistrates must possess all the qualifications required for the satisfactory performance of their duties; be or have been, if possible, judges or public prosecutors in their own countries; and be familiar with at least one of the judicial languages provided for in article 54 of the present Convention.

They must reside in Tangier except during leaves of absence.

They are forbidden to hold offices or exercise functions other than those assigned to them in the International Courts, or to carry on any paid activities incompatible with those devolving upon them in these courts.

They are likewise forbidden to belong to political associations of any kind, or to participate in political demonstrations.

Any magistrate who fails in the performance of his professional duties, compromises the dignity of his functions, or impairs the prestige of the magistracy may be recalled by dahir of His Sherifian Majesty on the recommendation of the General Assembly of Magistrates as provided for in section VIII of the present Convention, and at the request either of the Committee of Control, as decided by a unanimous vote of its members, or of the Government or the Mendoub on whose proposal he was appointed.

ARTICLE 5

All magistrates shall be *parés inter pares*, and the assignment of their functions in the various bodies of the International Courts shall not imply any difference in rank among them.

They shall receive equal salaries, the amount of which shall be fixed by the Committee of Control.

They shall enjoy all the advantages accorded to high officials of the Tangier Zone, including the benefits of the welfare fund.

Their leaves of absence, which shall not exceed two and one-half months per year, including travel to a foreign country, shall be granted them by the General Assembly of Magistrates with due regard to the needs of their service.

ARTICLE 6

Before entering upon their duties, magistrates shall take the following oath before the General Assembly of Magistrates in a formal public sitting:

"I promise and swear to perform my duties well and faithfully, religiously to keep deliberations secret, and to conduct myself in every way as a worthy and loyal magistrate of the International Courts of Tangier."

Magistrates whose religious convictions prevent them from taking the oath shall make the following affirmation:

"I promise to perform my duties well and faithfully, scrupulously to keep deliberations secret, and to conduct myself in every way as a worthy and loyal magistrate of the International Courts of Tangier."

SECTION II

THE COURT OF APPEALS

ARTICLE 7

The Court of Appeals shall be composed of two permanent magistrates, one of Spanish nationality, the other of French nationality, and of two nonpermanent magistrates of two other nationalities.

The two nonpermanent magistrates shall be appointed from among the Court judges, according to their seniority of service with the International Courts and in cases of equal seniority, according to their age, for a period of four years, at the expiration of which they shall assume such functions in the Court of First Instance or the Police Court as the General Assembly of Magistrates may assign to them.

The Court of Appeals shall sit with three magistrates. Its decisions shall be taken by a majority vote.

Its composition at hearings shall be determined by mutual agreement of all its members, according to the needs of the service, in such a way that the four magistrates composing it shall, in so far as possible, sit for fairly equal periods. In case of disagreement in this matter, the General Assembly of Magistrates shall take any necessary decision.

ARTICLE 8

The presidency of the Court of Appeals shall be occupied by each of the judges of the Court in turn, in annual rotation, according to their seniority of service with the International Courts, and in case of equal seniority, according to their age.

If the incumbent President is absent or otherwise prevented from attending, he shall be replaced by the magistrate of the Court with the greatest seniority,

and in cases of equal seniority, by the oldest.

ARTICLE 9

In litigation concerning nonregistered real property, the Court of Appeals shall add to its number two Moslem jurists to serve as advisers. These jurists, as well as two alternates, shall be appointed for one year by the General Assembly of Magistrates at its meeting held the first week of October, from a list of eight names prepared by the Mendoub of His Sherifian Majesty in Tangier.

SECTION III

THE COURT OF FIRST INSTANCE

ARTICLE 10

The Court of First Instance shall be composed of seven members, including a President, a Vice-President, and an Examining Magistrate, appointed for one year by the General Assembly of Magistrates at its meeting held the first week of October.

The functions of President and of Vice-President shall be assigned, in annual rotation, according to the seniority of the magistrates' service with the International Courts, and in cases of equal seniority, according to their age.

The Court shall always sit with three magistrates, and its decisions shall be taken by a majority vote.

ARTICLE 11

One section of the Court shall hear actions in civil, commercial, and administrative matters.

Another section, of which the Examining Magistrate may not be a member, shall hear actions concerning misdemeanors.

These sections shall be presided over, the first by the President and the second by the Vice-President of the Court.

If the President or the Vice-President is absent or otherwise prevented from discharging his duties, he shall be replaced by the magistrate of the Court with the greatest seniority, and in cases of equal seniority among several magistrates, by the oldest.

ARTICLE 12

Decisions on matters within the competence of the Chamber for the Institution of Prosecutions shall be made by three magistrates including the Presi-

dent or the Vice-President and two members of the Court of First Instance, with the exception of the Examining Magistrate.

ARTICLE 13

Where necessary, the composition of the sections of the Court or the Chamber for the Institution of Prosecutions may be completed by the President of the Police Court and even, in very exceptional cases, by one of the members of the Court of Appeals.

ARTICLE 14

In litigation concerning nonregistered real property, the Court shall add to its number two Moslem jurists to serve as advisers. Such jurists, as well as two alternates, shall be appointed for one year by the General Assembly of Magistrates at its meeting held the first week of October, from a list of eight names drawn up by the Mendoub of his Sherifian Majesty in Tangier.

SECTION IV

THE CRIMINAL COURT

ARTICLE 15

The Criminal Court shall be composed of a magistrate of the Court of Appeals, a President, two magistrates of the Court of First Instance who have not taken part in the preliminary investigation of a case or heard it in the Chamber for the Institution of Prosecutions, and a jury of six members chosen by lot under the conditions laid down in article 200 *et seq.* of the Code of Criminal Procedure.

Where there is only one defendant, or where all the defendants are of the same nationality, the jury must include three members of the nationality of the defendant and three members of a different nationality.

Where there are several defendants of different nationalities, the jury shall be composed as follows:

If the defendants are of two different nationalities, the jury shall include two members of each of those nationalities, and two members of another nationality.

If the defendants are of three different nationalities, the jury shall include two members of each of those nationalities.

If the defendants are of four differ-

ent nationalities, the jury shall include one member of each of those nationalities, and two members of another nationality.

If the defendants are of five different nationalities, the jury shall include one member of each of those nationalities, and one member of another nationality.

If the defendants are of six different nationalities, the jury shall include one member from each of those nationalities.

If the defendants are of more than six different nationalities, the nationalities of the jurors, which must be those of six of the defendants, shall be determined by lot.

Where there is no special list for the nation to which the defendant belongs, he may indicate from which of the national lists provided for in article 186 (new) of the Code of Criminal Procedure he desires to have the selection by lot made of the jurors who, pursuant to the foregoing provisions, should possess the same nationality as he. At least twenty days before the opening of the session, the President shall notify the defendant that he must make his choice known to him within 48 hours after such notification. If the defendant fails to make use of this right within the said period, the jury shall be composed of six members of different nationalities chosen by lot from the general list of jurors under the conditions prescribed in article 200 *et seq.* of the Code of Criminal Procedure.

ARTICLE 16

The magistrates and jurors shall confer regarding the guilt of the accused. Their decision on this question shall be taken by a majority vote.

The magistrates alone shall impose the penalty, their decision being taken by a majority vote.

ARTICLE 17

Judgments pronounced by the Criminal Court may be appealed to the Court of Appeals, but only for lack of jurisdiction, action *ultra vires*, omission of substantial legal formalities, violation of the rights of the defense, lack of grounds, false application, false interpretation, or violation of the law.

Such appeal must, under penalty of

inadmissibility, be formulated within the period of fifteen clear days from the pronouncing of the judgment.

When the Court of Appeals sets aside a decision that has been submitted to it, it shall remand the case for a further hearing as soon as possible, to be tried by the same Court, which shall impanel a new jury composed exclusively of members who did not sit in the Criminal Court.

The new jury shall be impaneled and selected by lot in accordance with the provisions of article 15 of the present Convention.

SECTION V THE POLICE COURT

ARTICLE 18

The Police Court shall be composed of a single judge appointed each year by the General Assembly of Magistrates and given the title of "President of the Police Court."

ARTICLE 19

Whenever overloading of the docket of the Police Court so requires, the General Assembly of Magistrates may appoint a magistrate of the Court of First Instance to help the single judge provided for in the preceding article, or, in case of absolute necessity, either an attorney who is a registered member of the Bar of Tangier, or a person of standing offering every guaranty of honor and ability. The last-mentioned person shall be entitled to remuneration the amount of which will be fixed by law.

SECTION VI THE PUBLIC PROSECUTOR'S

DEPARTMENT ARTICLE 20

The Public Prosecutor's Department shall be composed of two prosecuting attorneys who will conduct public prosecutions and head the Judicial Police.

By delegation of His Sherifian Majesty, it shall represent the Administration of the Zone at the International Courts.

The Public Prosecutor shall address all necessary charges to the Examining Magistrate with a view to the opening, conduct, and closing of judicial inquiries. He is empowered to file objections

to the rulings of the Examining Magistrate.

ARTICLE 21

In turn, beginning with the senior in point of service and, in case of equal seniority, with the older in point of years, each of the two prosecuting attorneys shall, for one year and with the title of Chief of the Public Prosecutor's Department, represent the Public Prosecutor before the authorities, the public administrations, and the various agencies of the Tangier Zone.

These two magistrates shall agree on the apportionment of cases between them and on the representation of the Public Prosecutor's Department at the Court of Appeals, the two sections of the Court of First Instance, the Chamber for the Institution of Prosecutions, and the Criminal Court. In case of difficulty in this matter, the General Assembly of Magistrates shall take any necessary decision.

ARTICLE 22

The two prosecuting attorneys shall automatically replace each other if one of them is absent, ill, or otherwise prevented from attending.

If both prosecuting attorneys are absent, ill, or otherwise prevented from attending, the General Assembly of Magistrates shall appoint a magistrate of the Court to discharge their functions temporarily.

ARTICLE 23

The President of the Court of Appeals and the Chief of the Public Prosecutor's Department must be of different nationalities. If through application of the provisions of the foregoing articles the possibility of assigning these two posts to magistrates of the same nationality should arise, the choice would be made in favor of the President of the Court of Appeals.

ARTICLE 24

The functions of Public Prosecutor at the Police Court shall be performed, under the supervision and authority of the Public Prosecutor's Department, by a Police Commissioner appointed by the Administrator of the Zone and approved by the Chief of the Public Prosecutor's Department.

ARTICLE 25

The Assistant Administrator for Judicial Services may, acting in the name of the Administrator, request the Chief of the Public Prosecutor's Department for information and, should the occasion arise, address recommendations to him.

The Administrator of the Zone must inform the Committee of Control thereof.

In their written charges the prosecuting attorneys must take the recommendations of the Assistant Administrator into account, but they may verbally present and support their personal opinions at the hearing.

SECTION VII EXECUTION OF JUDICIAL DECISIONS. REVIEW. CLEMENCY MEASURES

ARTICLE 26

The execution of judgments and decrees in criminal cases shall rest with the Public Prosecutor's Department.

The Assistant Administrator of the Zone for Judicial Services shall see to the execution of such judgments and decrees. To that end, he shall receive an abstract thereof and be kept informed of their execution by the Public Prosecutor's Department. He may call any defaulting or omission therein to the attention of that Department.

ARTICLE 27

His Sherifian Majesty shall retain the right to remit or commute the sentences for crimes, misdemeanors, and minor offenses pronounced by the International Courts. Such decisions shall be made on the recommendation of the President of the Court of Appeals, the magistrate of the Public Prosecutor's Department who heard the case, and the Assistant Administrator for Judicial Services.

The appeal of a condemned person shall be submitted through his attorney to the Office of Judicial Services, which shall transmit it to the Chief of the Public Prosecutor's Department for the opinions referred to above.

ARTICLE 28

In view of the character of the International Courts of Tangier, final judgments, as well as rogatory commissions, of the courts of the Powers which

signed the Act of Algeciras [*] shall automatically be enforceable in the Tangier Zone against persons subject to those courts, provided such decisions are not contrary to public policy in the Zone.

As regards judgments, however, a request for an exequatur must be submitted to the Court of Appeals.

The General Assembly of Magistrates shall specify, in regulations, the conditions for verifying the authenticity and regularity of judgments and rogatory commissions under the laws of the country where they were rendered.

SECTION VIII

THE GENERAL ASSEMBLY OF MAGISTRATES

ARTICLE 29

The fourteen magistrates composing the International Courts shall meet in a General Assembly at least once every three months and more often if necessary.

The two prosecuting attorneys may express their opinions on all questions, but shall not have the right to vote.

The Assembly shall, under such conditions as it may determine, appoint a delegate from among its members to preside at its meetings, convene the Assembly whenever he deems it advisable, and represent the International Courts before the authorities, the public administrations, and the various agencies of the Zone.

ARTICLE 30

Each year, the first week of October, the Assembly shall assign among its members, except the two prosecuting attorneys and the two permanent magistrates of the Court of Appeals, under the conditions laid down in the present Convention, the functions of nonpermanent Court Judges, of President, Vice-President, Examining Magistrate, and Judges in the Court of First Instance, and of President of the Police Court. It shall also see to the execution of the provisions of article 8 of the present Convention, regarding the presidency of the Court of Appeals.

If a magistrate of the Courts or of

the Public Prosecutor's Department is absent, ill, or otherwise prevented from serving, the Assembly shall meet at once and, if necessary, on its own motion, to appoint a temporary substitute for the magistrate unable to attend.

ARTICLE 31

In addition to the duties and responsibilities assigned to it by the other provisions of the present Convention, the General Assembly of Magistrates shall assume the following functions:

It shall fix the date and hour of hearings by the Police Court, the Court of First Instance, and the Court of Appeals, as well as the opening and closing hours of the offices of the Chief Clerk and the Interpreting Service;

It shall take care of the satisfactory internal organization of the International Courts and the professional etiquette of the magistrates; determine the robes and insignia to be worn by the magistrates in the performance of their functions; decide, according to the needs of the service, the order and length of their leaves of absence, and take any necessary decision in regard thereto;

It shall, if conditions for the smooth functioning of the Courts permit, organize a vacation service.

Under the conditions set forth in the Personnel Regulations for the Clerk's Office and the Interpreting Service, it shall appoint, promote, and advance this personnel and shall, under the same conditions, take disciplinary action against them; the Assistant Administrator for Judicial Services shall participate in meetings of the General Assembly of Magistrates concerning these matters; he may express his opinion on all questions, but shall not be entitled to vote.

It shall, with the same participation of the Assistant Administrator for Judicial Services, prepare the budget of the International Courts.

Within the limits of the budgetary allocations, it shall purchase the necessary law books, periodicals, and office furnishings, as well as appoint *chaoushs*, caretakers, and laborers.

ARTICLE 32

The decisions of the General Assembly of Magistrates shall be taken by a majority vote. In cases of a tie, the senior magistrate in the International Courts and, in cases of equal seniority, the oldest magistrate, shall cast the deciding vote.

SECTION IX THE CLERK'S OFFICE AND THE INTERPRETING SERVICE

ARTICLE 33

The Clerk's Office of the International Courts shall be directed, under the authority of these courts, by a Chief Clerk assisted by six clerk-secretaries and by assistant clerk-secretaries, junior clerks, assistant junior clerks, and female office workers the number of whom shall be fixed in an order of the Committee of Control containing the personnel regulations of the Clerk's Office.

ARTICLE 34

The members of the Clerk's Office must possess one of the nationalities mentioned in the second paragraph of article 3 of the present Convention.

The Chief Clerk and the six clerk-secretaries shall be appointed and, when necessary, discharged or dismissed, by dahir of His Sherifian Majesty, on the proposal of the General Assembly of Magistrates and at the request of the Committee of Control. The other staff members shall be appointed by an order of the Committee of Control on the proposal of the General Assembly of Magistrates.

ARTICLE 35

The Clerk's Office shall provide the secretarial staffs of the Court of Appeals, the Court of First Instance, the Police Court, and the Public Prosecutor's Department.

It shall also comprise:

- An office of judicial notices and executions;
- An office of bankruptcy, liquidation, and receivership;
- A notarial office;
- The judicial accounting office.

The assignment among the members of the Clerk's Office of the functions devolving upon that office shall be the

subject of decisions by the General Assembly of Magistrates.

ARTICLE 36

The staff of the office of judicial notices and executions shall be responsible for serving summonses, formal notices, constats, protests, and other judicial acts. It shall also execute all decisions of the International Courts up to and including the sale of seized personal and real property.

ARTICLE 37

The personnel of the office of bankruptcy, liquidation, and receivership shall perform the functions of official assignee in bankruptcies, judicial liquidator, liquidator of companies, receiver of contested property, trustee of unclaimed inheritance and, in general, all business of management, liquidation, or conservation not falling within the duties of a notary.

The International Courts may also increase the staff of this office in cases where the assistance of technical experts is considered necessary.

ARTICLE 38

Should a member of the secretarial staffs, the offices, or the accounting office specified in article 35 be absent or otherwise prevented from discharging his duties, he may be temporarily replaced, if necessary, by decision of the General Assembly of Magistrates, which shall appoint a member of another secretariat or office.

ARTICLE 39

The notarial office shall be responsible for receiving all documents and contracts to which the parties must give or desire to give the character of authenticity attached to official documents of the public authority, and to record the date of such instruments, keep them on deposit, and issue certified copies thereof.

The organization of this office and the conditions under which notarized documents will be received and certified and other copies thereof issued, shall be prescribed in an order of the Committee of Control.

The functioning of the notarial office shall be under the supervision of the magistrates of the Public Prosecutor's

* Treaty Series 456; 34 Stat. 2905.

Department, without prejudice to the provisions of article 43 below.

ARTICLE 40

In case of necessity, the General Assembly of Magistrates may, on the proposal of the Chief Clerk and within the limits of the budgetary allocations, recruit auxiliary personnel and temporary personnel.

ARTICLE 41

A court interpreter for the Arabic language, attached to the International Courts, shall be appointed by dahir of His Sherifian Majesty on the proposal of the General Assembly of Magistrates and at the request of the Committee of Control.

An assistant court interpreter shall be appointed by order of the Committee of Control on the proposal of the General Assembly of Magistrates.

ARTICLE 42

The regulations mentioned in article 33 above shall specify the conditions for the recruitment and advancement, as well as the manner of determining the salaries and the rules of professional etiquette of the personnel of the Clerk's Office and the Interpreting Service.

ARTICLE 43

The Assistant Administrator for Judicial Services may, when he deems it necessary, request of the General Assembly of Magistrates any pertinent information concerning the functioning of the Clerk's Office and the Interpreting Service and, where appropriate, make any recommendations on this matter to the Assembly.

SECTION X

ATTORNEYS

ARTICLE 44

Attorneys of the Tangier Zone shall have the right to give consultations and to plead. They shall represent their clients before the International Courts and submit, in their name, all necessary briefs, petitions, and conclusions, without the necessity of having a special power of attorney.

They may not, however, without special power of attorney, repudiate a document, make commitments or compromises, accept offers, confessions, or consents, tender or tender back an oath or, in general, perform any act involving

the surrender or recognition of a right.

ARTICLE 45

The right to practice the profession of attorney in the Tangier Zone shall be acquired only by entry on the roll of lawyers practicing before the International Courts.

However, attorneys regularly enrolled and enjoying a right to be heard in a tribunal or court of one of the signatory Powers of the Act of Algiers, shall be allowed to plead before the International Courts after obtaining the authorization of the President of the tribunal or court that is to take cognizance of the case regarding which they desire to be heard. But such attorneys may not execute acts of the written proceedings as agents of their clients.

ARTICLE 46

The roll of lawyers shall be decided upon and drawn up each year by the President of the Bar and the Council of the Bar Association.

ARTICLE 47

No one may be registered on the roll of lawyers of the International Courts unless he:

Is a national of one of the signatory Powers of the Act of Algiers;

Meets all the competency and other requirements of the laws of the State of which he is a national for admittance to the bar of that State;

Has an actual domicile and residence in the Tangier Zone;

Proves that for at least three years he has practiced the profession of lawyer in a tribunal or court of the State of which he is a national, or has passed a probationary period under the conditions prescribed by the laws of that State for admittance to the bar, or under the conditions prescribed by the regulations of the Bar of Tangier, with an attorney registered therein. The actual exercise of judicial functions as a magistrate or of teaching functions in a faculty or school of law as professor or lecturer, shall be regarded as a probationary period.

ARTICLE 48

All lawyers at the International Courts shall form a single bar. It shall be administered by the Bar Association

Council, composed of nine members, elected for two years by the entire body of attorneys, and representative, in so far as possible, of their various nationalities. The Council shall elect the President of the Bar from its own membership.

ARTICLE 49

The regulations of the Bar shall be established by the Bar Association Council and approved by the General Assembly of Magistrates.

ARTICLE 50

The Bar Association Council shall exercise disciplinary control over the probationers and attorneys registered on the roll.

ARTICLE 51

Any decision of the Bar Association Council relating to an application for admittance to probation or registration on the roll, to a complaint against a probationer or an enrolled lawyer, or to a disciplinary matter, may be submitted to the Court of Appeals composed of three magistrates sitting in the said court and, in addition, of the President and the Vice-President of the Court of First Instance.

Such remedy shall be open either to the person concerned or to the Public Prosecutor's Department and must be exercised within fifteen days after notice of the contested decision is given by the President of the Bar Association.

Notice of any decision of the Bar Association Council regarding one of the subjects mentioned in the first paragraph of the present article must be given to the Public Prosecutor's Department by the President of the Bar Association.

Any complaint against a probationer or an attorney on the roll must be communicated to the Public Prosecutor's Department, which shall have the right to allow the Bar Association Council a certain period in which to rule on the complaint and to notify it of the decision to be taken. Failure of the President of the Bar to give formal notice of a decision within such period shall be equivalent to an implicit decision of rejection by the Bar Association Council, against which the Public Prosecutor's Department may exercise the

recourse provided for in the second paragraph of the present article.

SECTION XI

GENERAL PROVISIONS

ARTICLE 52

Justice shall be administered by the International Courts of Tangier in the name of His Sherifian Majesty.

ARTICLE 53

The International Courts of Tangier shall apply the codes, dahirs, and laws specially promulgated for the Zone, as well as the international conventions relating to this Zone.

In the event of contradiction between the provisions of such codes, dahirs, and laws, on the one hand, and those of the present Convention, on the other hand, the latter shall prevail.

ARTICLE 54

The judicial languages shall be French and Spanish, the judgments and records of the Clerk's Office being written or drawn up in either of these languages, at the option of the magistrates in the case of judgments and of the Chief Clerk, in the case of records of the Clerk's Office, each party being permitted also to use French or Spanish in drafting his petitions and procedural documents.

Formal notices and summonses in the French or the Spanish language shall be valid even though the party on whom they are served claims ignorance of the language in which they are drawn up. But such party may request the Clerk's Office to have them translated by an expert at the party's expense.

Pleadings shall be in Spanish or French unless the President authorizes the use of some other language.

ARTICLE 55

For purposes of accession, the present Convention shall be communicated by the Government of the French Republic to the Powers that have adhered to the Convention of December 18, 1923, concerning the establishment of the Statute of the Zone of Tangier, as well as to the Government of the United States of America, represented on the Committee of Control. [5]

The Governments of the Powers sig-

⁵ See *post*, p. 264.

natory to the present Convention, as well as those which adhere thereto, agree to recommend for adoption by His Sherifian Majesty the text of a dahir in accordance with the provisions of articles 2 to 54 above, the said dahir to replace the dahir of February 16, 1924, as amended by the dahir of November 26, 1928.

ARTICLE 56

The present Convention shall come into force as soon as all the Governments of the Powers mentioned in article 55 above shall have given their adherence thereto. [6] It is concluded for a period of five years from the date of its coming into force, which will be notified to all signatory and adhering Governments by the Government of the French Republic.

It shall automatically be renewed by tacit agreement for one or more such periods if, at least six months before its expiration, none of the Contracting Powers has requested that it be revised. In the latter case, it shall continue to be applied until the conclusion of the new Convention.

In witness whereof, the undersigned Plenipotentiaries have signed the present Convention and affixed their seals thereto.

Done at Tangier, November 10, 1952, in four copies.

D. DEL CASTILLO
F. DE PANIFIEU
GODRIC MUNTZ
F. MACCHI DI CELLERE

⁶ July 8, 1953.

*The American Embassy to the French
Ministry of Foreign Affairs*

No. 8

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs, and has the honor to refer to the note of January 27, 1953 [1] enclosing a certified true copy of the Convention of November 10, 1952 [2] relating to the reform of the international jurisdiction of Tan-

¹ Not printed.

² *Ante*, p. 254.

gier and inviting the United States to adhere to this Convention.

The Convention was signed by the plenipotentiaries of the Governments of Spain, France, United Kingdom of Great Britain and Northern Ireland, and Italy and amends the Statute of Tangier established by the Convention of December 18, 1923, modified by the Agreement of July 25, 1928, between the same parties.

The United States is not a party to the Statute of Tangier. The Convention provides, nevertheless, that it shall be communicated for adherence, not only to the powers which have adhered to the Statute of Tangier, but also to the Government of the United States which is represented on the Committee of Control of Tangier as a result of the joint invitation from the French and British Governments to participate in the provisional international regime created by the Agreement of August 31, 1945. [3]

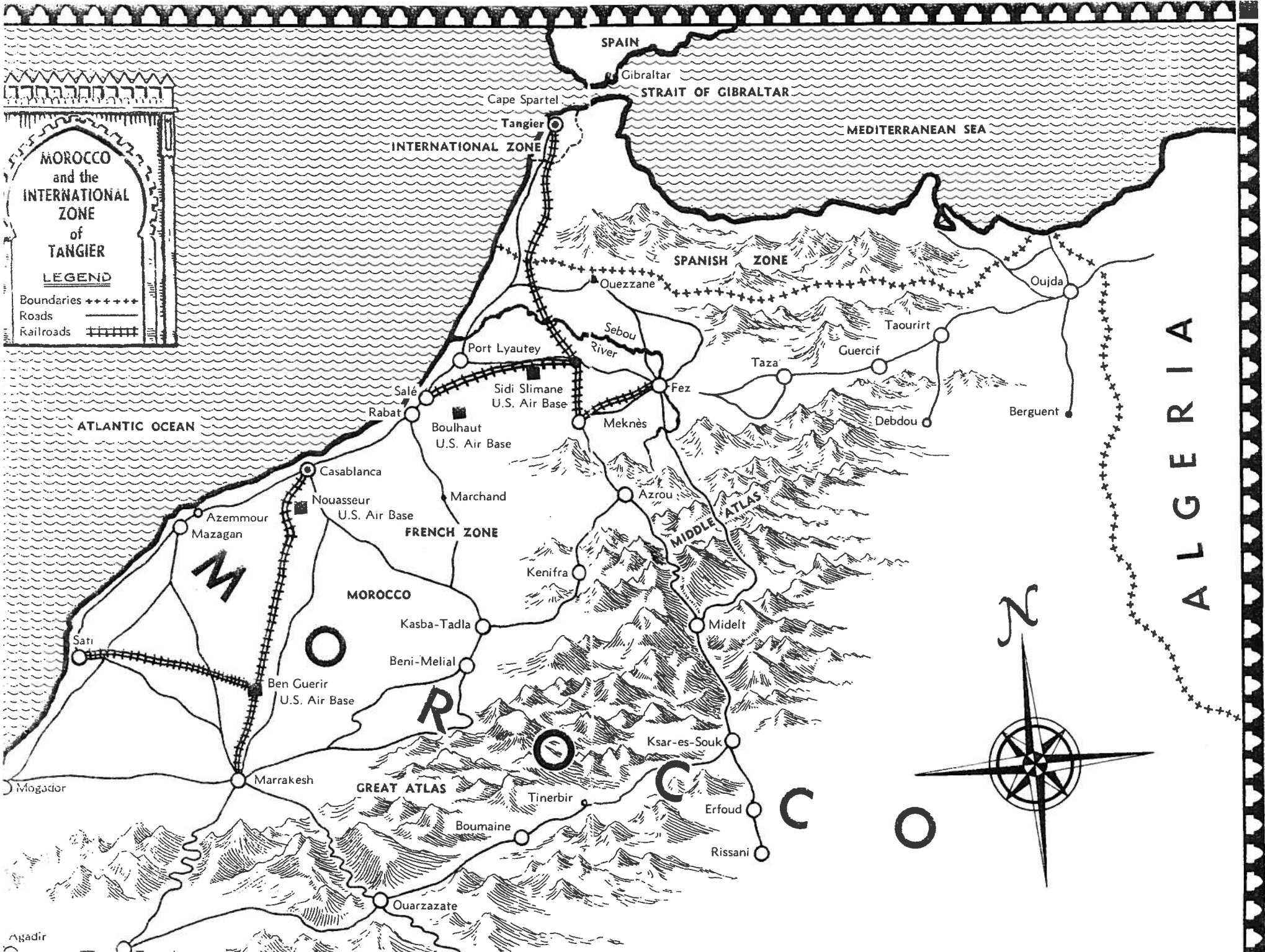
The Embassy of the United States, pursuant to instructions of the Government of the United States of America, has the honor to inform the Ministry of Foreign Affairs that the Government of the United States of America, desirous of supporting to the fullest extent possible the implementation of the program of reforms prepared by the Committee of Control, adheres to the said Convention of November 10, 1952 subject to the following reservations:

1. The adherence of the United States to the Convention does not modify or abridge in any manner the extra territorial jurisdiction of the United States in the Tangier zone;
2. The adherence of the United States does not in any way imply adherence to the Statute of Tangier of December 18, 1923, as modified on July 25, 1928, which the Convention of November 10, 1952 amends.

The Embassy takes this occasion to renew the assurances of its highest consideration.

PARIS, July 8, 1953.

³ Text printed in *Treaties and Other International Acts Series 2752*.



MOROCCO and the INTERNATIONAL ZONE of TANGIER

LEGEND

- Boundaries ————
- Roads ————
- Railroads ————

SPAIN

Gibraltar

STRAIT OF GIBRALTAR

MEDITERRANEAN SEA

INTERNATIONAL ZONE

SPANISH ZONE

ATLANTIC OCEAN

FRENCH ZONE

MOROCCO

MIDDLE ATLAS

GREAT ATLAS

ALGERIA

