1350. Expenses of the Committee of Jurists to draft the Amendments to the Covenant provided for in the Protocol for the Pacific Settlement of International Disputes adopted by the Fifth Assembly.

The Council decided to adjourn this question to its next session.

1351. Exchange of Greek and Turkish Populations.

The Council decided to adjourn this question until the arrival at Brussels of the first Greek and the first Turkish delegate on the Mixed Commission. It was said that they would arrive on October 31st.

THIRD MEETING (PUBLIC)

_Held at Brussels on Wednesday, October 29th, 1924, at 6 p.m._

Present: All the representatives of the Members of the Council, and the Secretary-General.

1352. The Question of the Frontier between Turkey and Iraq: Interpretation of the Council's Resolution of September 30th, 1924: Provisional Boundary between the Territories occupied and administered by the two Governments concerned.

His Excellency Fetih Bey, representative of Turkey, came to the Council table. M. Branting (Rapporteur) read the following report:

The question submitted for the consideration of the Council is the definition of the position on the borders between Iraq and Turkey which the British and Turkish Governments have undertaken to observe.

This reciprocal undertaking is laid down in the last paragraph of Article 3 of the Treaty of Lausanne. It was confirmed in the presence of the Council on September 30th last by the representatives of Great Britain and of Turkey, and the Council, in its resolution of the same date, took note of this declaration. The only point on which some uncertainty still exists, therefore, concerns a question of fact. What was the territorial position in the area under consideration at the time of the signature of the Treaty of Lausanne?

On this point there exists a difference of opinion between the parties concerned. The explanations furnished by the delegates and experts of the two Governments, however, as well as the maps submitted by them, have made it possible for the Rapporteur, with the assistance of the representatives of Spain and of Uruguay, to establish that the real difference between the two points of view is not very great. It would be impossible, without an enquiry on the spot, which does not seem practicable, to come to a decision on the differences which still exist regarding the position on July 24th, 1923.

But we have thought it possible to propose a line which differs only very slightly from the suggestions made by the two parties and which may succeed in putting an end to the uncertainty out of which the present difficulties have arisen.

A description of this line is given in the draft resolution which I have the honour to submit to you.

This line would mark the extreme limit which, until the final frontier between Turkey and Iraq has been fixed, must be respected by both parties both from the military and from the administrative point of view.

The two parties, in a desire for peace, to which my colleagues and I pay tribute, have undertaken to conform to the decision of the Council. The Council, if it approves the present report, will request both parties to take all the necessary measures to carry out the resolution in every respect at an early date; this date might be November 15th. Any area at present either occupied or administered in contravention of the terms of this resolution should therefore be evacuated not later than November 15th next. As from that date the provisional limit laid down should not under any circumstances be passed by the civil or military authorities of either party.

It must be clearly understood — and I feel certain that the Council is particularly desirous that there should be no doubt on this point — that the object of this decision is merely to regulate a provisional situation on that order and peace may be maintained during an interim period. Neither the solution of the problem of the final frontier between Turkey and Iraq nor the procedure by which the solution is to be reached should be in any way affected thereby. I would propose that the special Commission which is to report to the Council on the main question should be given explicit instructions on this point.

The Council hopes to be able to announce, before the end of the present session, the names of the members of the special Commission which is to furnish it with the information required for reaching a decision on the question of the frontier between Turkey and Iraq. In this event the Commission might immediately begin its work so as to hasten the final settlement of the question.

I therefore have the honour to propose the following resolution:

"The Council:

In view of the provisions of Article 3 of the Treaty of Lausanne by which the British and Turkish Governments have reciprocally undertaken to respect the status
At the time of the signature of that Treaty pending the final delimitation of the frontier between Turkey and Iraq;

"Whereas, at the last session of the Council on September 30th, 1924, and during the present session the representatives of the two Governments have formally confirmed this undertaking;

"In view of the difficulties which have arisen in regard to the definition of the status quo on the date of the signature of the Treaty;

"And whereas the representatives of the two Governments concerned have declared that the latter are prepared to accept the decision of the Council:

"Decides:

"That the extreme limit of the territories which may be occupied or administered by either party until the final frontier between Turkey and Iraq has been determined shall be as follows (Annex 691):

"From the junction of the River Tigris and the River Khabur, along the river Khabur in mid-stream, up to its junction with the river Hazil; in mid-stream, along the river Hazil to a point three kilometres upstream of the junction of that river with the side-stream which passes by Sirnez. From this point in a direct line eastwards to the northern crest of the valley of the side-stream which passes by Sirnez. The northern crest bordering this valley up to Mount Bilakish, and in a straight line from this point to the source of the tributary of the Bajio at Robozak. Along this tributary to its junction south of Robozak with a river coming down from point 6834 east-south-east of Robozak, then following a straight line to the hill north-north-east of point 6834. Along the small river in mid-stream which comes down in an easterly direction from this hill to its junction with the river Khabur. The river Khabur downstream for about a kilometre and a-half to its junction with the river coming from the Arush and Geramus district. Along this river (leaving to the north the river coming from Qashura) to the junction of its two large branches, the first coming from Geramus and the second from Arush. From this junction along the bottom of a valley eastwards to point 6571 on the watershed between the two tributaries mentioned above. Following this watershed to point 9063 east of point 6571, then along the crest bordering the valley of the tributary, which passes by Geramus up to its junction with the crest on the south side of the valley of the Lizan. From the latter crest along the crest on the northern side of the valley of the tributary of the river Zab which comes down from Ora, then up to a point west-north-west of Duskia and about two and a-half kilometres from that place. A straight line from this point to the source of this tributary of the Zab, a little north-east of Duskia — the course of the tributary to the river Zab — downstream along the river Zab to a point one kilometre south of Baishuka — a straight line eastwards up to the southern crest of the river valley which runs south of Baykh and north of Chal — along the southern crest of the valley of the tributary of the Zab which passes by Borijan, up to the point nearest to the source of the Ave Marek west south-west of Shiluk — a straight line to this source — the western arm of the Ave Marek from this source to the junction of the small river which comes down from the pass between Quasrik and Nervek — along this small river up to its source — following a straight line between this source and the tributary of the eastern arm of the Ave Marek which flows into the Ave Marek north-west of Nervek — along this tributary to its junction — following a straight line from this junction to the watershed between the Ave Marek and the Rudbar i Shin — along this watershed to the nearest point to the source of the tributary of the Rudbar i Shin which flows into that river just north of Shaikh Momar — in a straight line up to the source of that river — following this tributary and down the Rudbar i Shin to the mouth of the river which flows just south of Deh — along this river to its source — in a straight line from the source of that river to the watershed between the Rudbar i Shin and the tributary of the Shemsdinan Su which flows just east of Herki — in a straight line thence to the side-stream nearest to this tributary along this side-stream and then along the tributary to the Shemsdinan Su — in a direct line from the junction of these two streams to the southern crest of the valley of the Shemsdinan Su — along this crest to the point where it meets the watershed between the river Haji Beg and its tributaries which runs just east of Upah — along the line of this watershed direct to the river Haji Beg — up the river Haji Beg to the Persian frontier.

"And that any area which at present is occupied or administered in contravention of the terms of the present resolution shall be evacuated not later than November 15th, 1924. As from that date the provisional limit described above shall, in fact, constitute the extreme limit which under no circumstances may be passed by the civil or military authorities of either party."

M. Branting continued. The description of the line has been taken from the British staff map 1/250,000 sheets M. N. and O. (Jesireh-Ibn-Omar, Amadia and Diza-Cawar).

A copy of this map with the tracing of the line will be handed to each of the interested parties. A third copy will be kept at the Secretariat of the League of Nations; this map will alone be valid for interpreting the description contained in the resolution of the Council.
Sir Cecil Hurst (Great Britain) said:

Mr. President, I need scarcely assure you and your colleagues on the Council that, so far as concerns the Government which I represent at this moment, this decision of the Council of the League will not only be accepted but will be loyally observed.

During the few moments that preceded the meeting of the Council, I myself had an opportunity of examining with care the description of the line that has been laid down in the report of His Excellency M. Branting. We realise that the dominating purpose with which this line has been adopted is to ensure, as far as is humanly possible, that there shall be peace and contentment upon this frontier and an absence of any quarrelling during the interval that must necessarily precede the ultimate and final fixing of this frontier. It is in the realisation of that fact that you will forgive me if there is one small point to which I want to draw attention.

The frontier has been admirably described in words and admirably translated into a line fixed upon the map; but there is one small case in which, by reason, no doubt, of the necessity for the line being indicated with some breadth, it passes through two villages which, from the description of the frontier, I think it is clear are intended to remain upon the Iraq side of the line. I refer to the two villages the names of which are Dotaza and Nerva. Perhaps His Excellency M. Branting will allow me at the conclusion of this meeting to draw his attention to that point, and I have no doubt that His Excellency Fethy Bey, if he is in agreement with me, will be in a position to confirm what I think is the clear intention of the wording of the report — namely, that those two villages do remain on the Iraq side of the line.

I said just now that we realise on our side that the primary purpose with which this line has been fixed is to ensure peace and, I trust, contentment upon the frontier and in the frontier region. I take it that that is the intention of the paragraph on page 2 of the report which reads as follows: “This line would mark the extreme limit which, until the final frontier between Turkey and Iraq has been fixed, must be respected by both parties both from the military and from the administrative point of view.”

It is the intention that up to that line the authorities on either side will be entitled to exercise all necessary measures of administrative control. What is intended by that paragraph is that there shall be no attempt to exercise authority beyond the line; but it does give authority to exercise full administrative control up to that line. That is my understanding of the paragraph.

I can only, therefore, undertake, so far as concerns His Britannic Majesty’s Government, that such necessary patrol work as we have to carry out will be strictly limited to the Iraq side of the line.

There is one point in reference to which I would like, if I may, to make an offer to His Excellency the Turkish representative. I am sure that he will be imbued, as we are on our side, with the desire to secure the absence of all further wrangling upon this frontier. The time-limit which is indicated, by which certain measures have to be complied with, is near, and if it would be of any assistance to ensure the proper carrying-out of this report that some military officer on the British side and some military officer on the Turkish side should meet and agree as to the precise and exact local effect of this line, we, on our side, are quite willing to depute the necessary officer for the purpose.

May I ask for one further assurance? By those who study this line in detail it will be seen that there are certain villages as to which we had thought and believed that the administrative control up till now had been in the hands of the Iraq authorities. I refer, for instance, to villages such as that which I find on the map called Shivzeran, which have been hitherto occupied by Christian inhabitants who are now refugees in the territory of Iraq and who will no doubt remain in Iraq territory up till the moment when the frontier is finally determined. I think that I am entitled to ask that there shall be no attempt to penalise them in their absence up till such time as the frontier is finally determined.

I think that perhaps in conclusion, Mr. President, it will be desirable that I should formally undertake, in the words of the report, that, so far as His Britannic Majesty’s Government is concerned, all necessary measures will be taken to carry out this report, which we accept.

His Excellency Fethy Bey, representative of Turkey, said:

Mr. President, Gentlemen: I have just read the report of M. Branting. In the course of my previous declarations I showed that Turkey had not, in any way whatever, acted contrary to Article 3 of the Treaty of Peace. At the same time, the Council has, I hope, been convinced that the taking of Suleymanieh by the British forces nearly a year after the signature of the Treaty of Lausanne — a fact which was not contested by the representative of the British Government at the last meeting — constitutes an act which is clearly contrary to the letter and to the spirit of that article. As, however, we are dealing with a state of things which is purely provisional, and as the line now proposed in no way prejudices the main question, and as, moreover, the rights of the Turkish Government on the main question are reserved, I shall not insist on this point.

I declare, in the name of the Turkish Government, that I accept the resolution proposed by M. Branting, and I declare further that this resolution will be executed loyally and completely by the Government of the Turkish Republic.

Allow me now, gentlemen, to reply, in a few words to the observation of Sir Cecil Hurst.
The honourable representative of the British Government spoke of two villages which can be studied on the map. I am entirely at the disposal of the Rapporteur for the purpose of seeing whether there is any change to be made in the report on this point.

As regards the proposal that delegates of the two Governments should meet for the purpose of executing the resolution, I consider that proposal entirely reasonable and of value, and I shall certainly suggest it to my Government, which will, I hope, agree and send a delegate to meet a British delegate on the spot to execute strictly the resolution proposed.

The British representative spoke of the inhabitants of certain villages which have remained in Turkish territory. It is hardly necessary for me to say that there are hundreds of thousands of Christians living in Turkey who are good citizens of that country. They are properly treated and there is no difference between the treatment of Christians and of Moslems. It is therefore superfluous to make a declaration on this subject or to state that no differential treatment will be applied to the inhabitants of the two villages in question. These inhabitants will be treated exactly like citizens of the Turkish Republic.

In order to ensure peace and tranquillity in the neighbourhood of the frontier, the Government of the Turkish Republic will make it its duty to execute energetically and strictly the resolution adopted by the Council.

M. Branting said that Sir Cecil Hurst had dealt in his observations in the first place with a little village called Nerva. According to the map which was authentic, this village lay to the south of the provisional frontier-line.

The other village, called Dotaza, was shown on the map as being situated on the frontier-line itself. But as this village was on the headwaters of a stream flowing south, it would be natural to conclude that the line should pass to the north of that village.

The President said that the members of the Council had heard M. Branting's report, which had been prepared after a thorough and impartial consideration of the question. They had also heard the explanations given by the Rapporteur which solved the question raised by Sir Cecil Hurst in regard to the two villages of Nerva and Dotaza.

They had also noted the declarations made by the representatives of the two parties accepting on behalf of their respective Governments the decision which had been suggested to them.

He submitted the resolution for the Council's approval.

The resolution was unanimously adopted.

The President said that the Council felt convinced that the promises made to them by the representatives of the two Governments regarding the re-establishment of peace in that part of the world would be fulfilled and that the measures laid down by the Council of the League of Nations would be strictly carried out.

M. Branting added that he desired to tender his own thanks and those of his colleagues to the Belgian cartographer who had been placed at their disposal and whose assistance had been of the greatest value.

The President thanked the Rapporteur for the tribute he had paid to a distinguished officer of the Belgian army.

Sir Cecil Hurst, on behalf of his Government, thanked the Rapporteur and the Members of the Council for the efforts they had made to bring about the settlement which they had just adopted.

His Excellency Fetüy Bey associated himself with Sir Cecil Hurst in tendering, on behalf of the Turkish Government, his thanks to M. Branting, the Rapporteur, who had taken infinite trouble to arrive at a conclusion acceptable to both parties.

The President said that he was voicing the sentiments of the Council in tendering his own thanks to M. Branting for the efforts he had made to arrive at a satisfactory solution of this difficult problem.