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THE SUPPLEMENTARY FUNDAMENTAL LAWS¹

OF

OCTOBER 7, 1907

(AS AMENDED DECEMBER 12, 1925)

GENERAL DISPOSITIONS

Art. 1. The official religion of Persia is Islám, according to the orthodox Ja'farí doctrine of the *Ithna 'Ashariyya* (Church of the Twelve Imáms), which faith² the Sháh of Persia must profess and promote.

Art. 2. At no time must any legal enactment of the Sacred National Consultative Assembly, established by the favour and assistance of His Holiness the Imám of the Age (may God hasten his glad Advent!),³ the favour of His Majesty the Sháhinsháh of Islám (may God immortalize his reign!), the care of the Proofs of Islám⁴ (may God multiply the like of them!), and the whole people of the Persian nation, be at variance with the sacred rules of Islám or the laws established by His Holiness the Best of Mankind⁵ (on whom and on whose household be the Blessings of God and His Peace!).

It is hereby declared that it is for the learned doctors of theology (the '*ulamá*')—may God Prolong the blessing of their existence!—to determine whether such laws as may be proposed are or are not conformable to the rules of Islám; and it is therefore officially enacted that there shall at all times exist a committee composed of

¹ English text in Edward Granville Browne, *A Brief Narrative of Recent Events in Persia* (London, 1909), pp. 87-101; Amendments of 1925 in *British and Foreign State Papers*, vol. 131 (1929, part II), London, H. M. Stationery Office, p. 883.

² The Shi'ite form of Islam includes the "Church of the Twelve" (*Ithna 'Ashariyya*) and the "Church of the Seven" (*Sab 'iyya*). Both agree as to the sequence of their Imáms down to the sixth, Ja'far as-Sádiq (from whom the epithet "Ja'fari" is derived), but diverge from this point. Both are regarded as heterodox by the Sunnis, but the "Church of the Twelve" is orthodox in Persia.

³ I.e., the Twelfth Imám, or Imám Mahdí, who is believed to have disappeared in the year A.H. 260 (A.D. 873-74) and who is expected to return at the end of time, "to fill the earth with justice after it has been filled with iniquity."

⁴ I.e., the '*ulamá*', or doctors of theology, especially the *Mujtahids*.

⁵ I.e., the Prophet Muhammad.

not less than five *mujtahids* or other devout theologians, cognizant also of the requirements of the age, [which committee shall be elected] in this manner. The '*ulamá* and Proofs of Islám shall present to the National Consultative Assembly the names of Twenty of the '*ulamá* possessing the attributes mentioned above; and the Members of the National Consultative Assembly shall, either by unanimous acclamation, or by vote, designate five or more of these, according to the exigencies of the time, and recognize these as Members, so that they may carefully discuss and consider all matters proposed in the Assembly, and reject and repudiate, wholly or in part, any such proposal which is at variance with the Sacred Laws of Islám, so that it shall not obtain the title of legality. In such matters the decision of this ecclesiastical committee shall be followed and obeyed, and this article shall continue unchanged until the appearance of His Holiness the Proof of the Age (may God hasten his glad Advent!).¹

Art. 3. The frontiers, provinces, departments and districts of the Persian Empire cannot be altered save in accordance with the Law.

Art. 4. The capital of Persia is Tihrán.

Art. 5. The official colours of the Persian flag are green, white and red, with the emblem of the Lion and the Sun.

Art. 6. The lives and property of foreign subjects residing on Persian soil are guaranteed and protected, save in such contingencies as the laws of the land shall except.

Art. 7. The principles of the Constitution cannot be suspended either wholly or in part.

RIGHTS OF THE PERSIAN NATION

Art. 8. The people of the Persian Empire are to enjoy equal rights before the Law.

Art. 9. All individuals are protected and safeguarded in respect to their lives, property, homes, and honour, from every kind of interference, and none shall molest them save in such case and in such way as the laws of the land shall determine.

Art. 10. No one can be summarily arrested, save *flagrante delicto*

¹ I.e., until the *Imám Mahdí* shall return and establish the reign of perfect Justice.

in the commission of some crime or misdemeanour, except on the written authority of the President of the Tribunal of Justice, given in conformity with the Law. Even in such case the accused must immediately, or at latest in the course of the next twenty-four hours, be informed and notified of the nature of his offence.

Art. 11. No one can be forcibly removed from the tribunal which is entitled to give judgement on his case to another tribunal.

Art. 12. No punishment can be decreed or executed save in conformity with the Law.

Art. 13. Every person's house and dwelling is protected and safeguarded, and no dwelling-place may be entered save in such case and in such way as the Law has decreed.

Art. 14. No Persian can be exiled from the country, or prevented from residing in any part thereof, or compelled to reside in any specified part thereof, save in such cases as the Law may explicitly determine.

Art. 15. No property shall be removed from the control of its owner save by legal sanction, and then only after its fair value has been determined and paid.

Art. 16. The confiscation of the property or possessions of any person under the title of punishment or retribution is forbidden, save in conformity with the Law.

Art. 17. To deprive owners or possessors of the properties or possessions controlled by them on any pretext whatever is forbidden, save in conformity with the Law.

Art. 18. The acquisition and study of all sciences, arts and crafts is free, save in the case of such as may be forbidden by the ecclesiastical law.

Art. 19. The foundation of schools at the expense of the government and the nation, and compulsory instruction, must be regulated by the Ministry of Sciences and Arts, and all schools and colleges must be under the supreme control and supervision of that Ministry.

Art. 20. All publications, except heretical books and matters hurtful to the perspicuous religion [of Islám] are free, and are exempt from the censorship. If, however, anything should be discovered in them contrary to the Press law, the publisher or writer is liable to punishment according to that law. If the writer be known, and be

resident in Persia, then the publisher, printer and distributor shall not be liable to prosecution.

Art. 21. Societies (*anjumans*) and associations (*ijtimá'át*) which are not productive of mischief to Religion or the State, and are not injurious to good order, are free throughout the whole Empire, but members of such associations must not carry arms, and must obey the regulations laid down by the Law on this matter. Assemblies in the public thoroughfares and open spaces must likewise obey the police regulations.

Art. 22. Correspondence passing through the post is safeguarded and exempt from seizure or examination, save in such exceptional cases as the Law lays down.

Art. 23. It is forbidden to disclose or detain telegraphic correspondence without the express permission of the owner, save in such cases as the Law lays down.

Art. 24. Foreign subjects may become naturalized as Persian subjects, but their acceptance or continuance as such, or their deprivation of this status, is in accordance with a separate law.

Art. 25. No special authorization is required to proceed against government officials in respect of shortcomings connected with the discharge of their public functions, save in the case of Ministers, in whose case the special laws on this subject must be observed.

POWERS OF THE REALM

Art. 26. The powers of the realm are all derived from the people; and the Fundamental Law regulates the employment of those powers.

Art. 27. The powers of the realm are divided into three categories.

First, the legislative power, which is specially concerned with the making or amelioration of laws. This power is derived from His Imperial Majesty, the National Consultative Assembly, and the Senate, of which three sources each has the right to introduce laws, provided that the continuance thereof be dependent on their not being at variance with the standards of the ecclesiastical law, and on its approval by the Members of the two Assemblies, and the Royal ratification. The enacting and approval of laws connected with the

revenue and expenditure of the kingdom are, however, specially assigned to the National Consultative Assembly. The explanation and interpretation of the laws are, moreover, amongst the special functions of the above-mentioned Assembly.

Second, the judicial power, by which is meant the determining of rights. This power belongs exclusively to the ecclesiastical tribunals in matters connected with the ecclesiastical law, and to the civil tribunals in matters connected with ordinary law.

Third, the executive power, which appertains to the King, that is to say, the laws and ordinances are carried out by the Ministers and State officials in the august name of His Imperial Majesty in such manner as the Law defines.

Art. 28. The three powers above mentioned shall ever remain distinct and separate from one another.

Art. 29. The special interests of each province, department and district shall be arranged and regulated, in accordance with special laws on this subject, by provincial and departmental councils (*an-jumans*).

RIGHTS OF MEMBERS OF THE ASSEMBLY

Art. 30. The deputies of the National Consultative Assembly and of the Senate represent the whole nation, and not only the particular classes, provinces, departments or districts which have elected them.

Art. 31. One person cannot at one and the same time enjoy membership of both Assemblies.

Art. 32. As soon as any deputy accepts any lucrative employment in the service of one of the departments of the government, he ceases to be a member of the Assembly, and his re-acceptance as a member of the Assembly depends on his resigning such government appointment, and being re-elected by the people.

Art. 33. Each of the two Assemblies has the right to investigate and examine every affair of state.

Art. 34. The deliberations of the Senate are ineffective when the National Consultative Assembly is not in session.

RIGHTS OF THE PERSIAN THRONE

Art. 35. The sovereignty is a trust confided (as a Divine gift) by the people to the person of the King.

Art. 36 (*as amended December 12, 1925*). The Constitutional Monarchy of Persia is vested by the Constituent Assembly in His Imperial Majesty Reza Shah Pahlavi and his male descendants in succession.

Art. 37 (*as amended December 12, 1925*). The eldest son, if born of a Persian mother, shall be the Heir Apparent to the Throne. In the event of the Shah having no son, the Heir to the Throne shall be designated by His Imperial Majesty, subject to the approval of the Majlis. No member of the Kajar family can, however, be so designated.

Art. 38 (*as amended December 12, 1925*). In the event of the Throne becoming vacant, the Crown Prince cannot govern in person until he has reached the age of 20. If he has not reached that age, a Regent, who shall in no circumstances be a member of the Kajar family, shall be appointed by the Majlis.

Art. 39. No King can ascend the Throne unless, before his coronation, he appear before the National Consultative Assembly, in presence of the Members of this Assembly and of the Senate, and of the Cabinet of Ministers, and repeat the following oath:

“I take to witness the Almighty and Most High God, on the glorious Word of God, and by all that is most honoured in God’s sight, and do hereby swear that I will exert all my efforts to preserve the independence of Persia, safeguard and protect the frontiers of my Kingdom and the rights of my People, observe the Fundamental Laws of the Persian Constitution, rule in accordance with the established laws of Sovereignty, endeavour to promote the Ja’farí doctrine of the Church of the Twelve Imáms, and will in all my deeds and actions consider God Most Glorious as present and watching me. I further ask aid from God, from Whom alone aid is derived, and seek help from the holy spirits of the Saints of Islám to render service to the advancement of Persia.”

Art. 40. So in like manner no one who is chosen as Regent can enter upon his functions unless and until he repeats the above oath.

Art. 41. In the event of the King’s decease, the National Consultative Assembly and the Senate must of necessity meet, and such meeting must not be postponed later than ten days after the date of the King’s decease.

Art. 42. If the mandate of the deputies of either or both of the Assemblies shall have expired during the period of the late King's life, and the new deputies shall not yet have been elected at the time of his decease, the deputies of the late Parliament shall re-assemble, and the two Assemblies shall be reconstituted.

Art. 43. The King cannot, without the consent and approval of the National Consultative Assembly and the Senate, undertake the government of any other kingdom.

Art. 44. The person of the King is exempted from responsibility. The Ministers of State are responsible to both Chambers in all matters.

Art. 45. The decrees and rescripts of the King relating to affairs of State can only be carried out when they are countersigned by the responsible Minister, who is also responsible for the authenticity of such decree or rescript.

Art. 46. The appointment and dismissal of Ministers is effected by virtue of the Royal Decree of the King.

Art. 47. The granting of military rank, decorations and other honorary distinctions shall be effected with due regard to the special law referring to the person of the King.

Art. 48. The choice of officials as heads of the various government departments, whether internal or foreign, subject to the approval of the responsible Minister, is the King's right, save in such cases as are specifically excepted by the Law; but the appointment of other officials does not lie with the King, save in such cases as are explicitly provided for by the Law.

Art. 49. The issue of decrees and orders for giving effect to the laws is the King's right, provided that under no circumstances shall he postpone or suspend the carrying out of such laws.

Art. 50. The supreme command of all the forces, military and naval, is vested in the person of the King.

Art. 51. The declaration of war and the conclusion of peace are vested in the King.

Art. 52. The treaties which, conformably to article 24 of the Fundamental Law promulgated on Dhu'l-Qa'da 14, A.H. 1324 (December 30, 1906), must remain secret, shall be communicated by the King, with the necessary explanations, to the National Con-

sultative Assembly and the Senate after the disappearance of the reasons which necessitated such secrecy, as soon as the public interests and security shall require it.

Art. 53. The secret clauses of a treaty cannot in any case annul the public clauses of the same.

Art. 54. The King can convoke in extraordinary session the National Consultative Assembly and the Senate.

Art. 55. The minting of coin, subject to conformity with the Law, is in the name of the King.

Art. 56. The expenses and disbursements of the Court shall be determined by law.

Art. 57. The Royal prerogatives and powers are only those explicitly mentioned in the present Constitutional Law.

CONCERNING THE MINISTERS

Art. 58. No one can attain the rank of Minister unless he be a Musulmán by religion, a Persian by birth, and a Persian subject.

Art. 59. Princes in the first degree, that is to say the sons, brothers and paternal uncles of the reigning King, cannot be chosen as Ministers.

Art. 60. Ministers are responsible to the two Chambers, and must, in case of their presence being required by either Chamber, appear before it, and must observe the limitations of their responsibility in all such matters as are committed to their charge.

Art. 61. Ministers, besides being individually responsible for the affairs specially appertaining to their own Ministry, are also collectively responsible to the two Chambers for one another's actions in affairs of a more general character.

Art. 62. The number of Ministers shall be defined by law, according to the requirements of the time.

Art. 63. The honorary title of Minister is entirely abolished.

Art. 64. Ministers cannot divest themselves of their responsibility by pleading verbal or written orders from the King.

Art. 65. The National Consultative Assembly, or the Senate, can call Ministers to account or bring them to trial.

Art. 66. The Law shall determine the responsibility of Ministers and the punishments to which they are liable.

Art. 67. If the National Consultative Assembly or the Senate shall, by an absolute majority, declare itself dissatisfied with the Cabinet, or with one particular Minister, that Cabinet or Minister shall resign their or his ministerial functions.

Art. 68. Ministers may not accept a salaried office other than their own.

Art. 69. The National Consultative Assembly or the Senate shall declare the delinquencies of Ministers in the presence of the Court of Cassation, and the said Court, all the members of the tribunals comprised in it being present, will pronounce judgement, save in cases when the accusation and prosecution refer to the Minister in his private capacity, and are outside the scope of the functions of government entrusted to him in his ministerial capacity.

(N.B. So long as the Court of Cassation is not established, a Commission chosen from the Members of the two Chambers in equal moieties shall discharge the function of that Court.)

Art. 70. The determination of the delinquencies of Ministers, and of the punishments to which they are liable, in case they incur the suspicion of the National Consultative Assembly or of the Senate, or expose themselves to personal accusations on the part of their opponents in the affairs of their department, will be regulated by a special law.

POWERS OF THE TRIBUNALS OF JUSTICE

Art. 71. The Supreme Ministry of Justice and the judicial tribunals are the places officially destined for the redress of public grievances, while judgement in all matters falling within the scope of the Ecclesiastical Law is vested in just *mujtahids* possessing the necessary qualifications.

Art. 72. Disputes connected with political rights belong to the judicial tribunals, save in such cases as the Law shall except.

Art. 73. The establishment of civil tribunals depends on the authority of the Law, and no one, on any title or pretext, may establish tribunal contrary to its provisions.

Art. 74. No tribunal can be constituted save by the authority of the Law.

Art. 75. In the whole Kingdom there shall be only one Court

of Cassation for civil cases, and that in the capital; and this Court shall not deal with any case of first instance, except in cases in which Ministers are concerned.

Art. 76. All proceedings of tribunals shall be public, save in cases where such publicity would be injurious to public order or contrary to public morality. In such cases, the tribunal must declare the necessity of sitting *clausis foribus*.

Art. 77. In cases of political or press offences, where it is desirable that the proceedings should be private, this must be agreed to by all the members of the tribunal.

Art. 78. The decisions and sentences emanating from the tribunals must be reasoned and supported by proof, and must contain the articles of the Law in accordance with which judgement has been given, and they must be read publicly.

Art. 79. In cases of political and press offences, a jury must be present in the tribunals.

Art. 80. The presidents and members of the judicial tribunals shall be chosen in such manner as the laws of justice determine, and shall be appointed by Royal Decree.

Art. 81. No judge of a judicial tribunal can be temporarily or permanently transferred from his office unless he be brought to judgement and his offence be proved, save in the case of his voluntary resignation.

Art. 82. The functions of a judge of a judicial tribunal cannot be changed save by his own consent.

Art. 83. The appointment of the Public Prosecutor is within the competence of the King, supported by the approval of the ecclesiastical judge.

Art. 84. The appointment of the members of the judicial tribunals shall be determined in accordance with the Law.

Art. 85. The presidents of the judicial tribunals cannot accept salaried posts under government, unless they undertake such service without recompense, always provided that [in this case also] there be no contravention of the Law.

Art. 86. In every provincial capital there shall be established a Court of Appeal for dealing with judicial matters in such wise as is

explicitly set forth in the laws concerning the administration of justice.

Art. 87. Military tribunals shall be established throughout the whole Kingdom according to special laws.

Art. 88. Arbitration in cases of dispute as to the limitations of the functions and duties of the different departments of government shall, agreeably to the provisions of the Law, be referred to the Court of Cassation.

Art. 89. The Court of Cassation and other tribunals will only give effect to public, provincial, departmental and municipal orders and bye-laws when these are in conformity with the Law.

PROVINCIAL AND DEPARTMENTAL COUNCILS (*Anjumans*)

Art. 90. Throughout the whole empire provincial and departmental councils (*anjumans*) shall be established in accordance with special regulations. The fundamental laws regulating such assemblies are as follows.

Art. 91. The members of the provincial and departmental councils shall be elected immediately by the people, according to the regulations governing provincial and departmental councils.

Art. 92. The provincial and departmental councils are free to exercise complete supervision over all reforms connected with the public advantage, always provided that they observe the limitations prescribed by the Law.

Art. 93. An account of the expenditure and income of every kind of the provinces and departments shall be printed and published by the instrumentality of the provincial and departmental councils.

CONCERNING THE FINANCES

Art. 94. No tax shall be established save in accordance with the Law.

Art. 95. The Law will specify the cases in which exemption from the payment of taxes can be claimed.

Art. 96. The National Consultative Assembly shall each year by a majority of votes fix and approve the Budget.

Art. 97. In the matter of taxes there shall be no distinction or difference amongst the individuals who compose the nation.

Art. 98. Reduction of or exemption from taxes is regulated by a special law.

Art. 99. Save in such cases as are explicitly excepted by Law, nothing can on any pretext be demanded from the people save under the categories of state, provincial, departmental and municipal taxes.

Art. 100. No order for the payment of any allowance or gratuity can be made on the Treasury save in accordance with the Law.

Art. 101. The National Consultative Assembly shall appoint the members of the Financial Commission for such period as may be determined by the Law.

Art. 102. The Financial Commission is appointed to inspect and analyse the accounts of the Department of Finance and to liquidate the accounts of all debtors and creditors of the Treasury. It is especially deputed to see that no item of expenditure fixed in the Budget exceeds the amount specified, or is changed or altered, and that each item is expended in the proper manner. It shall likewise inspect and analyse the different accounts of all the departments of State, collect the documentary proofs of the expenditure indicated in such accounts, and submit to the National Consultative Assembly a complete statement of the accounts of the Kingdom, accompanied by its own observations.

Art. 103. The institution and organization of this commission shall be in accordance with the Law.

THE ARMY

Art. 104. The Law determines the manner of recruiting the troops, and the duties and rights of the military, as well as their promotion, are regulated by the Law.

Art. 105. The military expenditure shall be approved every year by the National Consultative Assembly.

Art. 106. No foreign troops may be employed in the service of the State, nor may they remain in or pass through any part of the Kingdom save in accordance with the Law.

Art. 107. The military cannot be deprived of their rights, ranks or functions save in accordance with the Law.

NOTE ON THE ELECTORAL LAW¹

Election of Deputies

The electoral laws of September 8, 1906, and of August 1, 1909, proved unsatisfactory, and a new law was adopted October 22, 1911. The Electoral Law of October 3, 1934, revising the law of 1911, is in fact the same law with changes made on September 4, 1925, under the name of "reforms."

On September 6, 1944, the Mejlis (Assembly) appointed a Committee of Twelve to prepare a new electoral law. In March, 1945, a bill containing seventy-six articles was submitted to the Mejlis for discussion, but no discussion took place at that time. In 1949 another electoral law was introduced by the Government (Council of Ministers). This draft, which was in general inspired by the report of the Committee of Twelve, embodied in article 6 a new conception: an elector must personally write his vote on the official ballot in the place designated for this purpose and in the presence of the Committee for the Inspection of Elections. No earlier law contained such a provision. Article 6 made no specific ruling that the voter must be able to read and write, but this ability was implied in the stipulated procedure. The bill for the election of Deputies to the Mejlis was approved article by article, except for article 6, which was first eliminated and then passed on the same day upon the basis of a new formula presented by Dr. Djalal Abdoh, rapporteur. However, a majority of the Mejlis postponed the vote on the bill as a whole, adjournment followed, and no final action was therefore taken on the bill submitted by the Council of Ministers. In his speech from the throne made on October 7, 1950, at the opening of the Iranian Senate, the Shah asked Parliament once again to pass a new electoral law.

The law now in force governing the election of Deputies is accordingly still the Electoral Law of 1934.

¹ This note is based on information received through the courtesy of Dr. Djalal Abdoh, Alternate Permanent Representative of Iran to the United Nations.—ED.

Election and Appointment of Senators

At the same session of the Mejlis (1949), a law establishing procedure for the election of a Senate was passed. This statute, which became effective in 1949, contains an article similar to article 6 mentioned above. The measure and the action flowing from it were strongly backed by the Shah. Establishment of an electoral procedure made possible the election of a Senate, and the first election for the Senate as provided for in articles 43-51 of the Constitution¹ took place in 1949. The articles of the Constitution under which these measures preparatory to the institution of the Senate were taken had never before been implemented.

According to the Constitution the Mejlis has 162 members. Its number may be increased to 200. The Senate consists of 60 members of whom 30 are to be elected and 30 to be appointed by the Shah. Since the election of 1949, the Shah has so appointed 29 Senators, 28 in 1949 and one in 1950, leaving one place still vacant.

Election of the Constituent Assembly

A decree issued in 1925 by the Council of Ministers, and approved by the then Temporary Chief of State, Reza Khan, established a procedure for the election of a Constituent Assembly. This procedure was based on the Electoral Law of 1925 with one change. Instead of 176 members, 272 were to be elected to the Constituent Assembly. In 1949 this decision was confirmed by Firman of the Shah; on the basis of this Firman, the Constituent Assembly was again to include 272 members, an act to which the Mejlis gave practical effect when on March 10, 1949, it approved the budget both for the election of the Senate and for the election of the Constituent Assembly.²—ED.

¹ See text, pp. 113-115 above.

² The Constituent Assembly met from April 21 to May 8, 1949. It amended art. 48 of the Constitution and voted an additional article (see above, p. 115).—ED.

TREATY OF FRIENDSHIP BETWEEN PERSIA AND THE RUSSIAN SOCIALIST FEDERAL SOVIET REPUBLIC¹

MOSCOW, FEBRUARY 26, 1921

ALSO EXCHANGE OF NOTES BETWEEN PERSIA AND RUSSIA RELATIVE TO ARTICLES III, V, VI, XIII AND XX OF THE TREATY OF FRIENDSHIP BETWEEN THE TWO COUNTRIES SIGNED AT MOSCOW FEBRUARY 26, 1921

TEHRAN, DECEMBER 12, 1921

The Persian Government, of the one part, and the Russian Socialist Federal Soviet Republic, of the other part, desiring to establish relations of friendship and fraternity between the two nations, have decided to engage in negotiations for this purpose, and have therefore appointed the following Plenipotentiaries. . . .

Who, after the verification of their respective powers, have agreed as follows:—

I. In order to confirm its declarations regarding Russian policy towards the Persian nation, which formed the subject of correspondence on the 4th January, 1918, and the 26th June, 1919, the Russian Socialist Federal Soviet Republic formally affirms once again that it definitely renounces the tyrannical policy carried out by the colonising Governments of Russia which have been overthrown by the will of the workers and peasants of Russia.

Inspired by this principle, and desiring that the Persian people should be happy and independent and should be able to dispose freely of its patrimony, the Russian Republic declares the whole body of treaties and conventions concluded with Persia by the Tsarist Government, which crushed the rights of the Persian people, to be null and void.

II. The R.S.F.S.R. expresses its reprobation of the policy of the Tsarist Governments of Russia, which, on the pretext of ensuring the independence of the peoples of Asia, concluded, without the con-

¹ English text in *British and Foreign State Papers*, vol. 114 (1921), London, H. M. Stationery Office, pp. 901-907.

sent of the latter, treaties with European Powers, the sole object of which was to subjugate those peoples.

This criminal policy, which infringed upon the independence of the countries of Asia and which made the living nations of the East a prey to the cupidity and the tyranny of European robbers, is abandoned unconditionally by Federal Russia.

Federal Russia, therefore, in accordance with the principles laid down in Articles I and IV of this Treaty, declares its refusal to participate in any action which might destroy or weaken Persian sovereignty. It regards as null and void the whole body of treaties and conventions concluded by the former Russian Government with third parties in respect of Persia or to the detriment of that country.

III. The two Contracting Powers agree to accept and respect the Russo-Persian frontiers, as drawn by the Frontier Commission¹ in 1881.

At the same time, in view of the repugnance which the Russian Federal Government feels to enjoying the fruit of the policy of usurpation of the Tsarist Government, it renounces all claim to the Achouradeh Islands and to the other islands on the Astrabad Littoral, and restores to Persia the village of Firouzeh and the adjacent land ceded to Russia in virtue of the Convention of the 28th May, 1893.

The Persian Government agrees for its part that the Russian Sarakhs, or "old" Sarakhs, and the land adjacent to the Sarakhs River, shall be retained by Russia.

The two High Contracting Parties shall have equal rights of usage over the Atrak River and the other frontier rivers and waterways. In order finally to solve the question of the waterways and all disputes concerning frontiers or territories, a Commission, composed of Russian and Persian representatives, shall be appointed.

IV. In consideration of the fact that each nation has the right to determine freely its political destiny, each of the two Contracting Parties formally expresses its desire to abstain from any intervention in the internal affairs of the other.

V.² The two High Contracting Parties undertake—

¹ For Commission *read* Treaty. See Exchange of Notes of December 12, 1921, pp. 139-141 below.

² For the interpretation of arts. V and VI, see *ibid.*

1. To prohibit the formation or presence within their respective territories of any organisations or groups of persons, irrespective of the name by which they are known, whose object is to engage in acts of hostility against Persia or Russia, or against the allies of Russia.

They will likewise prohibit the formation of troops or armies within their respective territories with the afore-mentioned object.

2. Not to allow a third party or any organisation, whatever it be called, which is hostile to the other Contracting Party, to import or to convey in transit across their countries material which can be used against the other Party.

3. To prevent by all means in their power the presence within their territories or within the territories of their allies of all armies or forces of a third party in cases in which the presence of such forces would be regarded as a menace to the frontiers, interests or safety of the other Contracting Party.

VI. If a third party should attempt to carry out a policy of usurpation by means of armed intervention in Persia, or if such Power should desire to use Persian territory as a base of operations against Russia, or if a foreign Power should threaten the frontiers of Federal Russia or those of its allies, and if the Persian Government should not be able to put a stop to such menace after having been once called upon to do so by Russia, Russia shall have the right to advance her troops into the Persian interior for the purpose of carrying out the military operations necessary for its defence. Russia undertakes, however, to withdraw her troops from Persian territory as soon as the danger has been removed.

VII. The considerations set forth in Article VI have equal weight in the matter of the security of the Caspian Sea. The two High Contracting Parties therefore have agreed that Federal Russia shall have the right to require the Persian Government to send away foreign subjects, in the event of their taking advantage of their engagement in the Persian navy to undertake hostile action against Russia.

VIII. Federal Russia finally renounces the economic policy pursued in the East by the Tsarist Government, which consisted in lending money to the Persian Government, not with a view to the economic development of the country, but rather for purposes of political subjugation.

Federal Russia accordingly renounces its rights in respect of the loans granted to Persia by the Tsarist Governments. It regards the debts due to it as void, and will not require their repayment. Russia likewise renounces its claims to the resources of Persia which were specified as security for the loans in question.

IX. In view of the declaration by which it has repudiated the colonial and capitalist policy which occasioned so many misfortunes and was the cause of so much bloodshed, Federal Russia abandons the continuation of the economic undertakings of the Tsarist Government, the object of which was the economic subjugation of Persia. Federal Russia therefore cedes to the Persian Government the full ownership of all funds and of all real and other property which the Russian Discount Bank possesses on Persian territory, and likewise transfers to it all the assets and liabilities of that bank. The Persian Government nevertheless agrees that in the towns where it has been decided that the Russian Socialist Republic may establish consulates, and where buildings exist belonging to the Discount Bank, one of these buildings, to be chosen by the Russian Government, shall be placed at the disposal of the Russian Consulate, free of charge.

X. The Russian Federal Government, having abandoned the colonial policy, which consisted in the construction of roads and telegraph lines more in order to obtain military influence in other countries than for the purpose of developing their civilisations, and being desirous of providing the Persian people with these means of communication indispensable for the independence and development of any nation, and also in order to compensate the Persian people as far as possible for the losses incurred by the sojourn in its territory of the Tsarist armies, cedes free of charge to the Persian Government the following Russian installations:—

(a) The high-roads from Enzeli to Tehran, and from Kazvin to Hamadan, and all land and installations in connection with these roads.

(b) The railroad Djoulfa-Tauris-Sofian-Urmiä, with all installations, rolling-stock and accessories.

(c) The landing-stages, warehouses, steamships, canals, and all means of transport of the lake of Urmiä.

(d) All telegraph and telephone lines established in Persia by the Tsarist Governments, with all movable and immovable installations and dependencies.

(e) The port of Enzeli and the warehouses, with the electrical installation, and other buildings.

XI. In view of the fact that the Treaty of Turkomantchai,¹ concluded on the 10th February, 1828 (old style), between Persia and Russia, which forbids Persia, under the terms of Article 8, to have vessels in the waters of the Caspian Sea, is abrogated in accordance with the principles set forth in Article I of the present Treaty, the two High Contracting Parties shall enjoy equal rights of free navigation on that sea, under their own flags, as from the date of the signing of the present Treaty.

XII. The Russian Federal Government, having officially renounced all economic interests obtained by military preponderance, further declares that, apart from the concessions which form the subject of Articles IX and X, the other concessions obtained by force by the Tsarist Government and its subjects shall also be regarded as null and void.

In conformity with which the Russian Federal Government restores, as from the date of the signing of the present Treaty, to the Persian Government, as representing the Persian people, all the concessions in question, whether already being worked or not, together with all land taken over in virtue of those concessions.

Of the land and properties situated in Persia and belonging to the former Tsarist Government, only the premises of the Russian Legation at Tehran and at Zerguendeh with all movable and immovable appurtenances, as well as all real and other property of the Consulates and Vice-Consulates, shall be retained by Russia. Russia abandons, however, her right to administer the village of Zerguendeh, which was arrogated to itself by the former Tsarist Government.

XIII.² The Persian Government, for its part, promises not to

¹ See p. 149 below.

² See Exchange of Notes of December 12, 1921, pp. 139-141 below.

cede to a third Power, or to its subjects, the concessions and property restored to Persia by virtue of the present Treaty, and to maintain those rights for the Persian nation.

XIV. The Persian Government, recognising the importance of the Caspian fisheries for the food supply of Russia, promises to conclude with the Food Service of the Russian Socialist Federal Soviet Republic immediately upon the expiry of the legal period of these existing engagements, a contract relating to the fisheries, containing appropriate clauses. Furthermore, the Persian Government promises to examine, in agreement with the Government of the Russian Socialist Federal Soviet Republic, the means of at once conveying the produce of the fisheries to the Food Service of Soviet Russia pending the conclusion of the above contract.

XV. In accordance with the principle of liberty of conscience proclaimed by Soviet Russia, and with a desire to put an end, in Moslem countries, to religious propaganda, the real object of which was to exercise political influence over the masses and thus to satisfy the rapacity of the Tsarist Government, the Government of Soviet Russia declares that the religious settlements established in Persia by the former Tsarist Governments are abolished. Soviet Russia will take steps to prevent such missions from being sent to Persia in the future.

Soviet Russia cedes unconditionally to the nation represented by the Persian Government the lands, property and buildings belonging to the Orthodox Mission situated at Urmia, together with the other similar establishments. The Persian Government shall use these properties for the construction of schools and other institutions intended for educational purposes.

XVI. By virtue of the communication from Soviet Russia dated the 25th June, 1919, with reference to the abolition of Consular jurisdictions, it is decided that Russian subjects in Persia and Persian subjects in Russia shall, as from the date of the present Treaty, be placed upon the same footing as the inhabitants of the towns in which they reside; they shall be subject to the laws of their country of residence, and shall submit their complaints to the local Courts.

XVII. Persian subjects in Russia and Russian subjects in Persia shall be exempt from military service and from all military taxation.

XVIII. Persian subjects in Russia and Russian subjects in Persia shall, as regards travel within the respective countries, enjoy the rights granted to the most favoured nations other than countries allied to them.

XIX. Within a short period after the signature of the present Treaty, the two High Contracting Parties shall resume commercial relations. The methods to be adopted for the organisation of the import and export of goods, methods of payment, and the customs duties to be levied by the Persian Government on goods originating in Russia, shall be determined, under a Commercial Convention, by a special Commission consisting of representatives of the two High Contracting Parties.

XX.¹ Each of the two High Contracting Parties grants to the other the right of transit for the transport of goods passing through Persia or Russia and consigned to a third country.

The dues exacted in such cases shall not be higher than those levied on the goods of the most favoured nations other than countries allied to the Russian Socialist Federal Soviet Republic.

XXI. The two High Contracting Parties shall open telegraphic and postal relations between Russia and Persia within the shortest possible period after the signature of the present Treaty.

The conditions of these relations shall be fixed by a postal and telegraphic Convention.

XXII. In order to consolidate the good relations between the two neighboring Powers and to facilitate the realisation of the friendly intentions of each country towards the other, each of the High Contracting Parties shall, immediately after the signature of the present Treaty, be represented in the capital of the other by a Plenipotentiary Representative, who shall enjoy the rights of extra-territoriality and other privileges to which diplomatic representatives are entitled by international law and usage and by the regulations and customs of the two countries.

XXIII. In order to develop their mutual relations, the two High Contracting Parties shall establish Consulates in places to be determined by common agreement.

¹ See Exchange of Notes of December 12, 1921, pp. 139-141 below.

The rights and duties of the Consuls shall be fixed by a special Agreement to be concluded without delay after the signature of the present Treaty. This Agreement shall conform to the provisions in force in the two countries with regard to consular establishments.

XXIV. This Treaty shall be ratified within a period of three months. The exchange of ratifications shall take place at Tehran as soon as possible.

XXV. The present Treaty is drawn up in Russian and Persian. Both texts shall be regarded as originals and both shall be authentic.

XXVI. The present Treaty shall come into force immediately upon signature.

EXCHANGE OF NOTES BETWEEN PERSIA AND RUSSIA¹ RELATIVE TO
ARTICLES III, V, VI, XIII AND XX OF THE TREATY OF FRIENDSHIP
BETWEEN THE TWO COUNTRIES SIGNED AT MOSCOW, FEBRUARY 26, 1921
TEHRAN, DECEMBER 12, 1921

(NO. 1) THE PERSIAN MINISTER FOR FOREIGN AFFAIRS TO THE RUSSIAN
DIPLOMATIC REPRESENTATIVE AT TEHRAN.

(No. 2654)

TEHRAN, December 12, 1921.

SIR:

The Persian Government and the Mejlis have observed that Articles V and VI of the Treaty concluded between our two countries are worded vaguely: the Mejlis, moreover, desires that the retrocession of Russian concessions to the Persian Government should be made without reserve or condition, and that Article XX should be so worded as to allow the Persian Government full powers for the transit of imports and exports. Conversations have taken place with you on these questions, and you have given explanations with regard to Articles V and VI and promises concerning Articles XIII and XX, to the effect that if the Treaty were passed by the Mejlis you would give all the assistance in your power to ensure that the two Articles in question should be revised on the lines desired by the Mejlis and the Persian Government. The Persian Government and the Mejlis are most desirous that friendly relations should be re-established between our two Governments, and that the Treaty, which is based upon the most amicable sentiments, should be concluded as soon as possible.

I have, therefore, the honour to request you to give in writing your explanations with regard to the interpretation of Articles V and VI, and to repeat the promise of support which you have already given as regards the revision of Articles XIII and XX, in order that

¹ English text in *British and Foreign State Papers*, vol. 114 (1921), London, H. M. Stationery Office, pp. 907-909.

the Persian Government may be enabled to secure the passing of the Treaty by the Mejlis.

I also wish to ask you to take the necessary steps to repair the error which has been made in Article III, in which the word "Commission" was written instead of "Treaty," as the only Treaty which was concluded in 1881 was a frontier delimitation Treaty, and this is the Treaty referred to in Article III.¹

(NO. 2) THE RUSSIAN DIPLOMATIC REPRESENTATIVE AT TEHRAN TO
THE PERSIAN MINISTER FOR FOREIGN AFFAIRS.

(No. 1600)

TEHRAN, December 12, 1921

YOUR EXCELLENCY,

In reply to your letter dated the 20th day of Ghows, I have the honour to inform you that Articles V and VI are intended to apply only to cases in which preparations have been made for a considerable armed attack upon Russia or the Soviet Republics allied to her, by the partisans of the régime which has been overthrown or by its supporters among those foreign Powers which are in a position to assist the enemies of the Workers' and Peasants' Republics and at the same time to possess themselves, by force or by underhand methods, of part of the Persian territory, thereby establishing a base of operations for any attacks—made either directly or through the counter-revolutionary forces—which they might meditate against Russia or the Soviet Republics allied to her. The Articles referred to are therefore in no sense intended to apply to verbal or written attacks directed against the Soviet Government by the various Persian groups, or even by any Russian *émigrés* in Persia, in so far as such attacks are generally tolerated as between neighbouring Powers animated by sentiments of mutual friendship.

With regard to Articles XIII and XX, and the small error to which you draw attention in Article III with reference to the Convention of 1881,¹ I am in a position to state categorically, as I have always stated, that my Government, whose attitude towards the Persian nation is entirely friendly, has never sought to place any restriction upon the progress and prosperity of Persia. I myself fully share this attitude, and would be prepared, should friendly relations be

¹ See p. 132 above and Note on Treaties no. 2, p. 149.

maintained between the two countries, to promote negotiations with a view to a total or partial revision of these Articles on the lines desired by the Persian Government, as far as the interests of Russia permit.

In view of the preceding statements, I trust that, as you promised me in your letter, your Government and the Mejlis will ratify the Treaty in question as soon as possible.

TREATY OF GUARANTEE AND NEUTRALITY BE-
TWEEN PERSIA AND THE UNION OF
SOVIET SOCIALISTIC REPUBLICS¹

SIGNED AT MOSCOW, OCTOBER 1, 1927

His Imperial Majesty the Shah of Persia and the Central Executive Committee of the Union of Soviet Socialist Republics, recognising the desirability, in the interests of the two Contracting Parties of defining the precise conditions for the consolidation of normal stable relations and of the sincere friendship which unites them, have appointed as their Plenipotentiaries. . . .

Art. 1. The mutual relations between Persia and the Union of Soviet Socialist Republics shall continue to be governed by the Treaty of February 26, 1921, of which all the articles and provisions shall remain in force, and which shall be applicable throughout the territory of the Union of Soviet Socialist Republics.

Art. 2. Each of the High Contracting Parties undertakes to refrain from any aggression and from hostile acts directed against the other Party, and not to introduce its military forces into the territory of the other Party.

Should either of the Contracting Parties become the victim of aggression on the part of one or more third Powers, the other Contracting Party agrees to observe neutrality throughout the duration of the conflict, while the Party which is the victim of the aggression shall not violate that neutrality, notwithstanding any strategic, tactical or political considerations or any advantages it might thereby obtain.

Art. 3. Each of the Contracting Parties agrees to take no part, whether *de facto* or *de jure*, in political alliances or agreements

¹ English text in League of Nations *Treaty Series*, vol. 112 (1931), pp. 292-295. The exchange of ratifications took place at Tehran, January 31, 1928. This Treaty is followed by a letter from the Minister of Foreign Affairs of Persia to the People's Commissar of Foreign Affairs of the U.S.S.R. declaring that the Government of Persia considered the obligations assumed by this treaty as not being in contradiction to its obligations as member of the League of Nations and that it would respect and carry out these obligations. The People's Commissar of the U.S.S.R. took note of this communication on behalf of his Government.

directed against the safety of the territory or territorial waters of the other Contracting Party or against its integrity, independence or sovereignty.

Each of the Contracting Parties likewise agrees to take no part in any economic boycotts or blockades organised by third Powers against one of the Contracting Parties.

Art. 4. In view of the obligations laid down in Articles 4 and 5 of the Treaty of February 26, 1921, each of the Contracting Parties, being determined to abstain from any intervention in the internal affairs of the other Party and from any propaganda or campaign against the Government of the other Party, shall strictly forbid its officials to commit such acts in the territory of the other Party.

Should the citizens of either of the Contracting Parties in the territory of the other Party engage in any propaganda or campaign prohibited by the authorities of this latter Party, the Government of that territory shall have the right to put a stop to the activities of such citizens and to impose the statutory penalties.

The two Parties likewise undertake, in virtue of the above-mentioned Articles, not to encourage or to allow in their respective territories the formation of activities of: (1) organisations or groups of any description whatever, whose object is to overthrow the Government of the other Contracting Party by means of violence, insurrection or outrage; (2) organisations or groups usurping the office of the Government of the other country or of part of its territory, also having as their object the subversion of the Government of the other Contracting Party by the above-mentioned means, a breach of its peace and security, or an infringement of its territorial integrity.

In accordance with the foregoing principles, the two Contracting Parties likewise undertake to prohibit military enrolment and the introduction into their territory of armed forces, arms, ammunition, and all other war material, intended for the organisation mentioned above.

Art. 5. The two Contracting Parties undertake to settle by a pacific procedure appropriate to the circumstances all disputes of any description which may arise between them and which it has not been possible to settle through the ordinary diplomatic channels.

Art. 6. Apart from the obligations undertaken by the two Con-

tracting Parties in virtue of the present Treaty, the two Parties shall retain full freedom of action in their international relations.

Art. 7. The present Treaty is concluded for a period of three years and shall be approved and ratified within the shortest possible time by the legislative organs of the two Parties, after which it shall come into force.

The exchange of the instruments of ratification shall take place at Tehran one month after ratification.

After the expiry of the original period of validity, the Treaty shall be regarded as automatically prolonged for successive periods of one year until one of the Contracting Parties notifies the other of its desire to denounce the Treaty. In that case the present Treaty shall remain in force for six months from the date of the notification of its denunciation by one of the Parties.

Art. 8. The present Treaty is drawn up in the Persian, Russian, and French languages, in three authentic copies for each of the Contracting Parties.

For the purpose of interpretation, all three texts shall be regarded as authentic. In the case of any divergencies with regard to interpretation, the French text shall prevail.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty and have thereto affixed their seals.

Done at Moscow, October 1, 1927.

PROTOCOL I

M. Ali Goli Khan ANSARI, Persian Minister for Foreign Affairs, declares that he has been instructed by the Persian Government to confirm on behalf of that Government, at the time of the signature of the Treaty of Guarantee and Neutrality between Persia and the Union of Soviet Socialist Republics dated this day, that the Persian Government has no international obligations whatsoever contrary to the said Treaty and will not undertake such obligations during the whole duration of that Treaty.

MM. George TCHITCHERINE, People's Commissary for Foreign Affairs of the Union of Soviet Socialist Republics and LEON KARAKHAN, Deputy People's Commissary for Foreign Affairs of the Union of Soviet Socialist Republics, declare that they have been instructed

by the Government of the Union of Soviet Socialist Republics to confirm on behalf of that Government, at the time of the signature of the Treaty of Guarantee and Neutrality between the Union of Soviet Socialist Republics and Persia dated this day, that the Government of the Union of Soviet Socialist Republics has no international obligations whatsoever contrary to the said Treaty and will not undertake such obligations during the whole duration of that Treaty.

Done at Moscow, October 1, 1927.

PROTOCOL II

In accordance with the provisions of the Treaty of February 26, 1921, which shall remain in force as a whole and in all its parts, the obligation assumed under Article 2 of the Treaty of Guarantee and Neutrality signed this day between Persia and the Union of Soviet Socialist Republics, not to introduce military forces of one Party into the territory of the other Contracting Party, shall not apply to the cases provided for in Article 6 of the Treaty of February 26, 1921, or to the commentaries on that Article.

Done at Moscow, October 1, 1927.

TREATY OF ALLIANCE BETWEEN THE UNITED KINGDOM AND THE SOVIET UNION AND IRAN

JANUARY 29, 1942

NOTE

This Treaty, the text of which was printed in the first edition of this book (pp. 100-104) was, in accordance with article 9, to remain in force until the date fixed for the withdrawal of the forces of the Allied Powers from Iranian territory "in accordance with Article 5." Article 5 stipulated: "The forces of the Allied Powers shall be withdrawn from Iranian territory not later than six months after all hostilities between the Allied Powers and Germany and her associates have been suspended by the conclusion of an armistice or armistices, or on the conclusion of peace between them, whichever date is the earlier. The expression 'associates' of Germany means all other Powers which have engaged or may in the future engage in hostilities against either of the Allied Powers."

In accordance with these provisions the Treaty expired on March 2, 1946. Annex 3 of the Treaty, however, containing identic notes addressed to the Iranian Minister for Foreign Affairs by His Majesty's Minister and the Soviet Ambassador, includes a paragraph 3 according to which "it is understood that Annex 1 will remain in force even if the Treaty ceases to be valid, in accordance with the provisions of Article 9, before peace has been concluded."—ED.

Annex 1 reads as follows:¹

ANNEX I

Identic Notes addressed to the Iranian Minister for Foreign Affairs by His Majesty's Minister and the Soviet Ambassador.

With reference to Article 6, paragraph (i), of the Treaty of Alliance signed to-day, I have the honour, on behalf of His Majesty's Government in the United Kingdom [the Government of the Union of Soviet Socialist Republics] to assure Your Excellency that

¹ English text in *Treaty of Alliance . . .*, Tehran, January 29, 1942, "Persia No. 1" (1942), Cmd. 6335, London, H. M. Stationery Office, 1942, p. 5.

my Government interpret the provisions of this clause as being applicable to any peace conference or conferences held at the conclusion of the present war, or other general international conferences. Consequently they consider themselves bound not to approve anything at any such conference which is prejudicial to the territorial integrity, sovereignty or political independence of Iran, and not to discuss at any such conference anything affecting the direct interests of Iran without consultation with the Government of Iran.

His Majesty's Government [the Government of the Union of Soviet Socialist Republics] will further do their best to secure that Iran will be represented on a footing of equality in any peace negotiations directly affecting her interests.

DECLARATION REGARDING IRAN—DECEMBER 1, 1943¹

CONFERENCE OF PRESIDENT ROOSEVELT, PRIME MINISTER
CHURCHILL AND PREMIER STALIN AT TEHRAN

The President of the United States of America, the Premier of the Union of Soviet Socialist Republics, and the Prime Minister of the United Kingdom, having consulted with each other and with the Prime Minister of Iran, desire to declare the mutual agreement of their three Governments regarding their relations with Iran.

The Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom recognize the assistance which Iran has given in the prosecution of the war against the common enemy, particularly by facilitating transportation of supplies from overseas to the Soviet Union. The three Governments realize that the war has caused special economic difficulties for Iran and they are agreed that they will continue to make available to the Government of Iran such economic assistance as may be possible, having regard to the heavy demands made upon them by their world-wide military operations and to the world-wide shortage of transport, raw materials and supplies for civilian consumption.

With respect to the post-war period, the Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom are in accord with the Government of Iran that any economic problem confronting Iran at the close of hostilities should receive full consideration along with those of the other members of the United Nations by conferences or international agencies held or created to deal with international economic matters.

The Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom are at one with the Government of Iran in their desire for the maintenance of the independence, sovereignty and territorial integrity of Iran. They count upon the participation of Iran together with all other peace-loving nations in the establishment of international peace, security and prosperity after the war in accordance with the principles of the Atlantic Charter, to which all four Governments have continued to subscribe.

¹ See *The Department of State Bulletin*, vol. IX, no. 233, publication 2035 (Washington, December 11, 1943), p. 409; *ibid.*, the Declaration of the Three Powers, signed at Tehran, December 1, 1943.—ED.

NOTE ON TREATIES

Concerning boundaries between Iran and Russia, consult:

1. Treaty of Turcomanchai of 1828.¹
2. Frontier Delimitation Convention of 1881.²

Concerning boundaries between Iran and Turkey, consult:

3. Treaty of Erzerum of 1847.³
4. Treaty of Friendship and Security between Afghanistan and Iran.⁴
5. Treaty of Neutrality, Non-aggression and Security between Persia and Turkey,⁵ signed at Ankara on November 5, 1932. Ratifications were exchanged at Tehran on July 14, 1935.
6. Iran is a party to the Saadabad Pact.⁶
7. Iran is an original member of the United Nations. It deposited its ratification on October 16, 1945.

¹ Text in C. V. Aitchison, *A Collection of Treaties, Engagements and Sanads Relating to India and Neighbouring Countries*, vol. XIII, Persia, appendix VII (Calcutta, Government of India, Central Publications Branch, 1933).

² See above, p. 132. Text in *Nouveau recueil général de traités. . . .* Continuation du grand recueil de G. Fr. de Martens par Jules Hopf. 2 sér. tome 9 (Gottingue, 1884), pp. 228-231; no. 45. Perse, Russie. Convention pour le règlement de la frontière à l'est de la mer Caspienne; signée à Téhéran, le 9 décembre 1881.

³ Sir Edward Hertslet C. B. (Librarian and Keeper of the Papers Foreign Office), *Treaties, etc. concluded between Great Britain and Persia and between Persia and other Foreign Powers, wholly or partially in force on the 1st April 1891* (London, 1891), pp. 169 ff.

⁴ See above, p. 23.

⁵ Text in *British and Foreign State Papers*, vol. 136 (1933), pp. 948-950 (in French). An earlier Treaty of Friendship was concluded between Iran and Turkey on April 22, 1926 (*ibid.*, vol. 127 [1927, Part II], pp. 911-913 [in French]). Ratifications were exchanged at Tehran July 27, 1930.

⁶ See below, p. 523.

Iraq

	PAGES
1. CONSTITUTION (ORGANIC LAW) OF IRAQ, PROMULGATED MARCH 21, 1925, AS AMENDED JULY 29, 1925, AND OCTOBER 27, 1943.	151-175
2. ELECTORAL LAW OF MAY 27, 1946.	176-190
<hr/>	
3. TREATY OF ALLIANCE BETWEEN HIS MAJESTY IN RESPECT OF THE UNITED KINGDOM AND HIS MAJESTY THE KING OF IRAQ, JUNE 30, 1930.	191-196
4. DECLARATION OF THE KINGDOM OF IRAQ, MADE AT BAGHDAD ON THE OCCASION OF THE TERMINATION OF THE MANDATORY REGIME IN IRAQ, MAY 30, 1932.	197-203
5. NOTE ON TREATIES.	204

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CONSTITUTION (ORGANIC LAW) OF IRAQ¹

Passed by the Constituent Assembly, July 10, 1924, and promulgated by the King on March 21, 1925, as amended by the laws of July 29, 1925, and October 27, 1943.

INTRODUCTION

Art. 1. This law shall be known as "The Iraq Constitution," its provisions shall be in force in all parts of the Kingdom of Iraq.

Art. 2 (*as amended October 27, 1943*). Iraq is a sovereign State, independent and free. Her territories shall not be partitioned and no part thereof shall be given up. The Government is a hereditary monarchy, and its form is representative.

Art. 3 (*as amended October 27, 1943*). The city of Baghdad is the Capital of Iraq. In case of need some other place may be adopted as the Capital, as a temporary measure.

Art. 4 (*as amended October 27, 1943*). The Iraq flag shall be of the following form and dimensions:—

Its length shall be double its breadth and it shall be divided horizontally into three parallel and equal strips, the uppermost being black, the next white and the next green. Next to the staff it shall bear a red truncated cone, of which the greater base shall be equal to the breadth of the flag, the smaller base equal to the breadth of the white strip and the height equal to one-fourth of the length of the flag. In the middle of the cone shall be two white stars of seven points placed in a perpendicular line parallel to the staff.

The use of the flag and the arms, insignia and decorations of the State shall be prescribed by law.

PART I

THE RIGHTS OF THE PEOPLE

Art. 5 (*as amended October 27, 1943*). Iraq nationality and the rules applicable thereto will be prescribed by law.

¹English text, League of Nations, Geneva, 1929 (C. 49 1929, VI) (Series of *League of Nations Publications*. VI. A. Mandates. 1929. VI. A. I.); Amendments of 1943: *Iraq Government Gazette*, Baghdad, November 28, 1943, pp. 469-476.

Art. 6. There shall be no differentiation in the rights of Iraqis before the law, whatever differences may exist in language, race or creed.

Art. 7. There shall be no violation of, or interference with, the personal liberty of any of the inhabitants of Iraq. None of them shall be arrested, detained, punished or obliged to change their place of residence, or be placed in bonds, or compelled to serve in the armed forces, except in conformity with law.

Torture and the deportation of Iraqis from the Kingdom of Iraq are absolutely forbidden.

Art. 8. The inviolability of all places of residence is guaranteed. They may not be entered or searched except in such circumstances and in such manner as may be prescribed by law.

Art. 9. No person shall be prevented from having recourse to the Courts, or be obliged to have recourse to a Court other than the Court competent to deal with his case, except in accordance with law.

Art. 10 (*as amended October 27, 1943*).

1) Rights of ownership shall be safeguarded. No person's goods or property shall be expropriated except for the public benefit, and in the circumstances and in the manner prescribed by law, and on condition that just compensation is paid.

2) Forced loans may not be imposed, nor may goods or property be seized or prohibited goods confiscated, except in accordance with law.

3) Unpaid forced labour and the general confiscation of movable and immovable property are absolutely forbidden.

Art. 11 (*as amended October 27, 1943*). No tax or duty shall be imposed except by law, the provisions whereof shall include all the persons liable to pay the tax.

Art. 12. Freedom of expression of opinion, liberty of publication, of meeting together, and of forming and joining associations is guaranteed to all Iraqis with such limits as may be prescribed by law.

Art. 13. Islam is the official religion of the State. Freedom to practise the rites of the different sects of that religion, as observed in Iraq, is guaranteed. Complete freedom of conscience and freedom

to practice the various forms of worship, in conformity with accepted customs, is guaranteed to all inhabitants of the country, provided that such forms of worship do not conflict with the maintenance of order and discipline or public morality.

Art. 14. (*as amended October 27, 1943*). Iraq nationals have the right to present petitions of complaint and memorials, in matters concerning themselves personally or in public matters, to the King and to Parliament and to the public authorities, in the manner and in the circumstances to be prescribed by law.

It is not permitted, except to official bodies and juristic persons, to address the authorities in the name of a number of persons.

Art. 15. All postal and telegraphic correspondence and all telephonic communications shall be secret and free from censorship or detention, except in such circumstances and in such manner as may be prescribed by law.

Art. 16. The various communities shall have the right of establishing and maintaining schools for the instruction of their members in their own tongues, provided that such instruction is carried out in conformity with such general programmes as may be prescribed by law.

Art. 17. Arabic shall be the official language, except as may be prescribed by a special law.

Art. 18 (*as amended October 27, 1943*). Iraq nationals are equal in the enjoyment of civil and political rights and the performance of public duties and obligations. No distinction shall be made between them on account of origin, language or religion. To them alone shall public appointments, civil or military, be entrusted, and foreigners may not hold such appointments except in the exceptional circumstances to be prescribed by law.

PART II

THE PREROGATIVES OF THE CROWN

Art. 19. The sovereignty of the constitutional Kingdom of Iraq resides in the people. It is a trust confided by them to King Faisal, son of Husain, and to his heirs after him.

Art. 20 (*as amended October 27, 1943*).

1) The Heir Apparent shall be the eldest son of the King, in the

direct line, in accordance with the provisions of the Law of the Succession.

2) If there be no Heir Apparent according to the Law of Succession, the ablest adult male Iraqi of the sons of the eldest of the sons of King Hussein ibn Ali shall be the heir until there is an Heir Apparent.

Art. 21 (*as amended October 27, 1943*). On accession to the throne the King shall swear an oath before the Senate and Chamber of Deputies, assembled in joint session under the presidency of the President of the Senate, that he will uphold the Constitution and the independence of the country, and will be loyal to the nation and fatherland.

Art. 22 (*as amended July 29, 1925*). The King shall attain his majority on completion of his eighteenth year. In the event of the throne passing to a person below that age, the King's prerogatives shall be exercised by a Regent chosen by the former King, until such time as the King attains his majority. The Regent, however, may not assume this dignity, nor carry out the functions thereof, unless Parliament approves of his appointment. Should Parliament not approve, or should the former King fail to appoint a Regent, the Regent shall be appointed by Parliament. The Regent shall swear an oath before Parliament, as prescribed in the preceding article. Until such time as the Regent has been appointed and has taken the oath, the constitutional prerogatives of the King shall be exercised by the Council of Ministers on behalf of the people of Iraq, the Council being responsible therefor. No modification may be introduced into the Constitution during the Regency concerning the King's prerogatives and succession to the throne.

Whenever the necessity for the appointment of a Regent arises, Parliament shall be convoked immediately. Should the Chamber of Deputies be dissolved, and the election of the new Chamber be not yet completed, the former Chamber shall be convoked for this purpose.

Art. 23 (*as amended October 27, 1943*).

1) The King may, in case of need, absent himself from Iraq, by decision of the Council of Ministers, which must be published. Before leaving, the King will, with the approval of the Council of