

No. 14904

**IRAN
and
IRAQ**

**Agreement concerning frontier commissioners. Signed at
Baghdad on 26 December 1975**

Authentic text: French.

Registered by Iran on 22 July 1976.

**IRAN
et
IRAK**

**Accord concernant les commissaires de frontière. Signé à
Bagdad le 26 décembre 1975**

Texte authentique : français.

Enregistré par l'Iran le 22 juillet 1976.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN IRAN AND IRAQ CONCERNING FRONTIER COMMISSIONERS

The Imperial Government of Iran, and the Government of the Republic of Iraq, desiring to strengthen, in the spirit of the Algiers Agreement of 6 March 1975,² order and security in their frontier zones, have agreed, in order to settle incidents, violations or disputes which might occur in those zones, on the following provisions:

Article 1. The two Contracting Parties undertake to settle on a friendly basis, through their duly authorized frontier commissioners, all incidents, violations or disputes occurring in the frontier zones and defined in article 6 of this agreement.

Article 2. The frontier zone shall extend a distance of 15 kilometres into the territory of each of the two Contracting Parties from the common frontier line.

Article 3. (a). Each of the two Contracting Parties shall appoint a frontier commissioner for each zone listed below:

In Iran

Khorranshahr
Susangerd
Dehloran
Mehran
Sumar
Qasr-e Shirin
Nausud
Marivan
Baneh
Sar Dasht
Piranshah

In Iraq

Basra Subdistrict Headquarters
Amarah Subdistrict Headquarters
Ali al Gharbi
Badrah
Mandoli
Khanaqin
Halabjah
Panjwin
Shahrbazar
Pachdar (Qal at Dizah)
Choman

The number and location of the above-mentioned frontier commissioners' offices may be changed by agreement through the diplomatic channel.

(b) The Contracting Parties shall communicate to each other through the diplomatic channel, as soon as possible, the names, titles and powers of the frontier commissioners, as well as any changes which may be made at a later date in this regard. The rank or level of the frontier commissioners shall be determined by agreement through the same channel.

Article 4. Each frontier commissioner shall have authority to appoint the assistants he requires and to communicate their names, titles and functions to the frontier commissioner of the other Contracting Party.

If necessary, each frontier commissioner shall have authority to call on the services of experts.

Article 5. The frontier commissioners shall take the necessary measures to settle questions which come under their jurisdiction.

¹ Came into force on 22 June 1976 by the exchange of the instruments of ratification, which took place at Tehran, in accordance with article 20.

² See p. 54 of this volume.

In case of incidents, the frontier commissioners shall, by agreement, conduct a joint inquiry and record the results in a report.

Matters on which assistant frontier commissioners cannot agree shall be referred to the frontier commissioners for settlement.

Frontier incidents which cannot be settled by agreement between the frontier commissioners shall be referred for settlement to the Permanent Commission mentioned in article 20.

Article 6. The frontier commissioners of each Contracting Party shall have, in a zone extending 15 kilometres on each side of the frontier, the jurisdiction to:

I. Take the necessary measures to prevent the occurrence of incidents in the frontier zone.

II. Take the necessary measures, and so inform the frontier commissioners of the other Contracting Party, to prevent the commission of crimes or offences in the frontier zone of the other Party by armed or unarmed persons and to prevent these persons from crossing the frontier in either direction.

When such persons illegally cross the frontier and pass from the territory of one Party to the territory of the other, the frontier commissioners of the first Party shall so inform the frontier commissioners of the second Party. The latter shall take the necessary measures to arrest the offenders and to deliver them to the competent legal authorities.

III. (a) Take the necessary measures to prevent any preparations or attempts to impair the security and order of the frontier zone of the other Party and take measures against persons who give aid or protection for the purpose of illegal passage across the frontier or incite inhabitants to settle in the territory of the other Party.

(b) When the presence of persons who have committed the acts listed in subparagraph (a) above has been established in the frontier zone of one of the Contracting Parties, the frontier commissioners of that Party shall take, in accordance with their national legislation, the necessary measures to put a stop to these acts *ex officio* or upon receipt of information or documents from the frontier commissioners of the other Party concerning those persons or of information concerning their place of residence.

IV. Take the necessary measures to combat smuggling and keep smugglers away from the frontier zone.

V. Exchange information in the event of disasters (fires, floods, etc.) occurring in the frontier zones and co-operate in bringing them under control.

VI. Exchange information in cases involving the violation of the airspace of the two Contracting Parties by aircraft.

VII. Take preventative measures against the spread of epidemics, epizootic diseases or crop parasites to the territory of the other Party.

For this purpose, the frontier commissioners of the Contracting Party in the zone in which an epidemic, epizootic disease or parasites have appeared shall be obliged to so inform the frontier commissioners of the other Party.

When an epizootic disease is suspected of being present in animals which are to pass from the territory of one Party to the territory of the other, the frontier commissioners of the Contracting Parties shall take the necessary measures to prevent the spread of the epizootic disease, in accordance with the sanitary and veterinary inspection regulations of each of the Parties.

VIII. Investigate and, where appropriate, settle all frontier incidents, including:

(a) Shooting across the frontier at persons or objects or into the territory of the other Party.

(b) The killing or wounding of persons and injury to their health as the result of shots fired across the frontier or the use of violence against nationals of one Party in the territory of the other Party.

(c) The illegal crossing of the frontier by officials or individuals. In such cases, the frontier commissioners shall immediately conduct an investigation and, if it is established that the persons in question have crossed the border unintentionally, they shall be sent back to the territory of the State from which they have come. Neither Contracting Party shall be entitled to refuse to accept persons who are proven to have crossed the frontier unintentionally.

(d) Utterances or actions at the frontier which are offensive to the other Party.

(e) The violation of the frontier by ships or boats.

(f) The discovery of boats, fishing equipment or other objects which happen to be in the territory of the other Party as a result of natural causes.

(g) The moving, damaging or destruction of frontier marks or other frontier installations, including river installations and signals.

(h) The theft, destruction or damaging of State, private or other property in the territory of the other Party.

In this case, State property, and private or other property which has been stolen in or transported intentionally or unintentionally to the territory of the other Party shall, as far as possible, be returned to the Party to which it belongs. If the total amount or a part of this property cannot be returned in kind, the frontier commissioners of the Contracting Parties shall, if necessary, determine by agreement the amount of compensation.

(i) The crossing of the frontier by animals accidentally or under escort. In such cases, the animals in question, shall, as far as possible, be returned to the Party to which they belong. (Proven material damages shall be compensated for in accordance with the procedure provided for in subparagraph (h) above.)

(j) Disputes concerning unauthorized game hunting in the frontier zones.

(k) The spread of fires across the frontier into the territory of the other Party.

(l) The settlement of disputes concerning the improper use of frontier waters, causing pollution and making them unsuitable for irrigation or consumption. In this regard, the provisions of the Agreement between Iran and Iraq concerning the use of frontier watercourses¹ shall be observed.

(m) Consideration, within the limits of their powers, of compensation claims arising out of frontier incidents and presented by one of the Parties or by persons in the frontier zone which is under their jurisdiction.

In settling a frontier incident in accordance with subparagraphs (f), (g), (h) and (k) of paragraph VIII of this article, the frontier commissioners shall also decide questions concerning the procedure for the return of property which happens to be in the territory of the other Party.

IX. (a) The frontier commissioners of the two Contracting Parties shall co-operate with regard to the maintenance, protection and installation of frontier marks with the Mixed Commission provided for in article 5 of the Protocol concerning the Redemarcation of the Land Frontier between Iran and Iraq, signed at Baghdad on 13 June 1975.²

(b) The frontier commissioners shall keep the area surrounding the frontier mark clear in order to facilitate access to them. The entire frontier line shall be maintained in such a way as to ensure its visibility at all times.

¹ See p. 255 of this volume.

² See p. 54 of this volume.

Article 7. (1) When a national of one of the Contracting Parties takes refuge in the frontier zone of the other Contracting Party after having committed an offence in the frontier zone of his own country, the frontier commissioner of the Party in whose territory the offence was committed may request the arrest of the offender. The frontier commissioner of the other Contracting Party shall do everything possible to ensure the arrest of the person sought and to notify the frontier commissioner of the requesting Party of the arrest.

(2) The requesting frontier commissioner may request the requested frontier commissioner in writing to extradite the fugitive within a maximum period of 10 days after the date of his arrest.

(3) If the requested frontier commissioner fails for any reason to hand over the offender within a period of 10 days, he must keep the offender under arrest until he receives, through the diplomatic channel, the documents concerning his extradition. In no case should the term of arrest of the offender exceed two months.

(4) When the frontier commissioners of one of the Contracting Parties are notified that a person sought by the authorities of the other Contracting Party has entered their frontier zones, they must take steps to arrest this person and report the facts of the case, including the date of arrest, to the frontier commissioner of that other Contracting Party. The provisions of the preceding paragraphs shall apply to the person so arrested.

Article 8. Decisions taken jointly by the frontier commissioners, within the limits of their jurisdiction, on frontier incidents and the determination of compensation arising therefrom shall be binding and final.

Article 9. (1) The first meeting of the frontier commissioners shall take place within 30 days after the entry into force of this Agreement. They shall agree on the venue of this meeting by an exchange of notes. A joint meeting of the frontier commissioners shall thereafter be held every three months in the territory of each of the two Contracting Parties alternately.

(2) Special meetings may take place, if necessary, at the request of the frontier commissioners of one of the two Contracting Parties. These meetings shall take place in the territory of the Party which has taken the initiative in convening them. They must be held at the latest five days after the receipt of the request concerning them. If for valid reasons they have not taken place within the time-limit agreed upon, one further five-day period shall be scheduled.

(3) In cases of emergency and urgent necessity, the frontier commissioners may meet subject only to prior notification. In such cases, they will have the right to be accompanied by a maximum of four persons.

Article 10. (1) The purpose of the meetings shall be decided in advance by correspondence. Other matters relating to the functions of the frontier commissioners may, however, be brought up during these meetings.

(2) Minutes shall be drawn up on the occasion of each meeting of the frontier commissioners or their assistants and shall briefly indicate the proceedings of the meeting, the decisions taken and the procedure for their implementation.

Article 11. In order to ascertain the facts, the frontier commissioners and their assistants may by previous agreement conduct joint inquiries into frontier incidents on the spot. On such an occasion, they may, if necessary, be accompanied by experts, interpreters and witnesses, as well as by the victims of the incident. Such an inquiry shall be directed by the Party in whose territory it is held.

A record of the inquiry shall be drawn up in conformity with the provisions of article 10 of this Agreement.

Article 12. The frontier commissioners of the Contracting Parties shall inform each other as soon as possible of action taken in accordance with the decisions adopted at a meeting.

Article 13. The frontier commissioners shall by agreement designate, within a zone extending two kilometres from each side of the common frontier, contact points and points for the exchange of correspondence and the delivery of persons and property. The contact points shall be determined at the first meeting of the frontier commissioners after the entry into force of this Agreement.

The frontier commissioners may by agreement change the number and location of the contact points.

Persons shall be delivered by the frontier commissioners or their assistants personally.

The frontier commissioners or their assistants shall agree on the place and time of each such delivery. Animals shall be delivered in the area where they crossed the frontier. Animals, property and correspondence may be delivered by the commanding officers of frontier posts by order of the frontier commissioners.

Correspondence shall be accepted at any time of the day or night, including holidays and non-working days.

The frontier commissioners shall establish by agreement the form of receipts to be given for correspondence, animals and property.

The frontier commissioners shall agree upon the signals to be used to summon the frontier guards of the other Party.

Article 14. The frontier commissioners and their assistants and secretaries, interpreters and experts may cross the frontier to perform official functions arising out of the provisions of this Agreement.

The frontier commissioners and their assistants shall cross the frontier upon presentation of the written credentials provided for in article 3 of this Agreement. The credentials shall bear the photograph and signature of the holder and the visa of the frontier commissioners of the other Party, which shall be valid for one year in the case of frontier commissioners and for six months in the case of assistants and renewable for the same term.

Experts and persons whose presence is required for the clarification of any matter may cross the frontier upon presentation of a certificate valid for a single crossing of the frontier in each direction within a period of five days and renewable only once. This certificate shall be issued by the frontier commissioner of one of the Parties and stamped with the visa of the frontier commissioner of the other Party.

Article 15. The date and hour of transit for persons who are to cross the frontier shall be communicated in good time, and in no case less than 24 hours in advance, to the nearest frontier guard of the other Party, which shall send a guide to the crossing point to escort them to the contact point.

Article 16. The frontier commissioners and their assistants shall enjoy personal immunity during the performance of their duties, and such equipment as they require for this purpose shall not be subject to customs duties or charges.

Article 17. The persons referred to in article 14 of this Agreement shall, when in the frontier zone of either Contracting Party, be given any necessary assistance, including transport, lodging and facilities for communicating with their own authorities.

Article 18. The frontier commissioners shall not be empowered to settle disputes concerning the frontier line. In no case may they interfere in the internal affairs or policies of the other Contracting Party.

Article 19. The two Contracting Parties shall establish a permanent commission composed of an equal number of members in order to co-ordinate the functions of the frontier commissioners. The commission shall meet at least once a year, in Iran and Iraq alternately. It may also be convened whenever circumstances so require. Special meetings shall take place in the territory of the Party which convenes them.

The permanent Commission shall endeavour to settle on a friendly basis questions which the frontier commissioners have not been able to agree upon. In order to do so, it may summon the frontier commissioners of the two Contracting Parties. In case of disagreement, these questions shall be resolved through the diplomatic channel.

The two Contracting Parties shall agree, through the diplomatic channel, on the date and place of the meeting of the Commission and shall notify each other, at least one month before it is convened, of the names and titles of their representatives and the questions to be included in the Commission's agenda.

Article 20. This Agreement shall enter into force on the date of the exchange of the instruments of ratification for a period of five years. Upon the expiration of this period, it shall be renewable by tacit agreement, unless one of the Contracting Parties requests, with six months' advance notice, its denunciation or review.

This Agreement supersedes the provisional Agreement between Iran and Iraq concerning the appointment of frontier commissioners of 1932.

DONE at Baghdad on 26 December 1975.

For the Imperial Government
of Iran:

[Signed]

ABBAS-ALI KHALATBARY

For the Government
of the Republic
of Iraq:

[Signed]

SAADOUN HAMADI