



Treaty Series No. 7 (1930)

AGREEMENT

between

His Majesty and the Amir of Trans-Jordan

Signed at Jerusalem, February 20, 1928

[*Ratifications exchanged, October 31, 1929*]

Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty

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WHEREAS His Britannic Majesty in virtue of a Mandate entrusted to him on the 24th of July, 1922, has authority in the area covered thereby; and

Whereas His Highness the Amir of Trans-Jordan has set up an Administration in that part of the area under Mandate known as Trans-Jordan; and

Whereas His Britannic Majesty is prepared to recognise the existence of an independent Government in Trans-Jordan under the rule of His Highness the Amir of Trans-Jordan, provided that such Government is constitutional and places His Britannic Majesty in a position to fulfil his international obligations in respect of that territory by means of an Agreement to be concluded with His Highness.

Now therefore His Britannic Majesty and His Highness the Amir of Trans-Jordan have resolved to conclude an Agreement for these purposes, and to that end have appointed as their Plenipotentiaries:

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India,

For Great Britain and Northern Ireland:

Field-Marshal the Right Honourable Lord Plumer, G.C.B.,
G.C.M.G., G.C.V.O., G.B.E.;

His Highness the Amir of Trans-Jordan:

Hassan Khaled Pasha Abul Huda;

who, having communicated their full powers, found in good and due form, have agreed as follows:—

Article 1.

His Highness the Amir agrees that His Britannic Majesty shall be represented in Trans-Jordan by a British Resident acting on behalf of the High Commissioner for Trans-Jordan, and that communications between His Britannic Majesty and all other Powers on the one hand and the Trans-Jordan Government on the other shall be made through the British Resident and the High Commissioner aforesaid.

His Highness the Amir agrees that the ordinary expenses of civil government and administration and the salaries and expenses of the British Resident and his staff will be borne entirely by Trans-Jordan. His Highness the Amir will provide quarters for the accommodation of British members of the staff of the British Resident.

Article 2.

The powers of legislation and of administration entrusted to His Britannic Majesty as Mandatory for Palestine shall be exercised in that part of the area under Mandate known as Trans-Jordan by His Highness the Amir through such constitutional government as is defined and determined in the Organic Law of Trans-Jordan and any amendment thereof made with the approval of His Britannic Majesty.

Throughout the remaining clauses of this Agreement the word "Palestine," unless otherwise defined, shall mean that portion of the area under Mandate which lies to the west of a line drawn from a point two miles west of the town of Akaba on the Gulf of that name up the centre of the Wady Araba, Dead Sea and River Jordan to its junction with the River Yarmuk; thence up the centre of that river to the Syrian frontier.

Article 3.

His Highness the Amir agrees that for the period of the present Agreement no official of other than Trans-Jordan nationality shall be appointed in Trans-Jordan without the concurrence of His Britannic Majesty. The numbers and conditions of employment of British officials so appointed in the Trans-Jordan Government shall be regulated by a separate Agreement.

Article 4.

His Highness the Amir agrees that all such laws, orders or regulations as may be required for the full discharge of the international responsibilities and obligations of His Britannic Majesty in respect of the territory of Trans-Jordan shall be adopted and made, and that no laws, orders or regulations shall be adopted or made in Trans-Jordan which may hinder the full discharge of such international responsibilities and obligations.

Article 5.

His Highness the Amir agrees to be guided by the advice of His Britannic Majesty tendered through the High Commissioner for Trans-Jordan in all matters concerning foreign relations of Trans-Jordan, as well as in all important matters affecting the international and financial obligations and interests of His Britannic Majesty in respect of Trans-Jordan. His Highness the Amir undertakes to follow an administrative, financial and fiscal policy in Trans-Jordan such as will ensure the stability and good organisation of his Government and its finances. He agrees to keep His Britannic Majesty informed of the measures proposed and adopted to give due effect to this undertaking, and further agrees not to alter the system of control of the public finances of Trans-Jordan without the consent of His Britannic Majesty.

Article 6.

His Highness the Amir agrees that he will refer for the advice of His Britannic Majesty the annual Budget law and any law which concerns matters covered by the provisions of this Agreement, and any law of any of the following classes, namely :—

- (1.) Any law affecting the currency of Trans-Jordan or relating to the issue of bank-notes.
- (2.) Any law imposing differential duties.
- (3.) Any law whereby persons who are nationals of any States Members of the League of Nations or of any State to which His Britannic Majesty has agreed by treaty that the same rights should be ensured as it would enjoy if it were a member of the said League, may be subjected or made liable to any disabilities to which persons who are British subjects or nationals of any foreign State are not also subjected or made liable.
- (4.) Any special law providing for succession to the Amir's throne, or for the establishment of a Council of Regency.
- (5.) Any law whereby the grant of land or money or other donation or gratuity may be made to himself.
- (6.) Any law under which the Amir may assume sovereignty over territory outside Trans-Jordan.
- (7.) Any law concerning the jurisdiction of the Civil Courts over foreigners.
- (8.) Any law altering, amending or adding to the details of the provisions of the Organic Law.

Article 7.

Except by agreement between the two countries there shall be no customs barrier between Palestine and Trans-Jordan, and the Customs tariff in Trans-Jordan shall be approved by His Britannic Majesty.

The Government of Palestine shall pay to the Trans-Jordan Government the estimated amount of customs duties levied on the part of the goods entering Palestine from territory other than Trans-Jordan which subsequently enters Trans-Jordan for local consumption, but shall be entitled to withhold from the sums to be paid on this account the estimated amount of customs duties levied by Trans-Jordan on that part of the goods entering Trans-Jordan from other than Palestine territory, which subsequently enters Palestine for local consumption. The trade and commerce of Trans-Jordan shall receive at Palestinian Ports equal facilities with the trade and commerce of Palestine.

Article 8.

So far as is consistent with the international obligations of His Britannic Majesty no obstacle shall be placed in the way of the association of Trans-Jordan for customs or other purposes with such neighbouring Arab States as may desire it.

Article 9.

His Highness the Amir undertakes that he will accept and give effect to such reasonable provisions as His Britannic Majesty may consider necessary in judicial matters to safeguard the interests of foreigners.

These provisions shall be embodied in a separate Agreement, which shall be communicated to the Council of the League of Nations, and, pending the conclusion of such Agreement, no foreigner shall be brought before a Trans-Jordan Court without the concurrence of His Britannic Majesty.

His Highness the Amir undertakes that he will accept and give effect to such reasonable provisions as His Britannic Majesty may consider necessary in judicial matters to safeguard the law and jurisdiction with regard to questions arising out of the religious beliefs of the different religious communities.

Article 10.

His Britannic Majesty may maintain armed forces in Trans-Jordan, and may raise, organise and control in Trans-Jordan such armed forces as may in his opinion be necessary for the defence of the country and to assist His Highness the Amir in the preservation of peace and order.

His Highness the Amir agrees that he will not raise or maintain in Trans-Jordan or allow to be raised or maintained any military forces without the consent of His Britannic Majesty.

Article 11.

His Highness the Amir recognises the principle that the cost of the forces required for the defence of Trans-Jordan is a charge on the revenues of that territory. At the coming into force of this Agreement, Trans-Jordan will continue to bear one-sixth of the cost of the Trans-Jordan Frontier Force, and will also bear, as soon as the financial resources of the country permit, the excess of the cost of the British forces stationed in Trans-Jordan, so far as such forces may be deemed by His Britannic Majesty to be employed in respect of Trans-Jordan, over the cost of such forces if stationed in Great Britain, and the whole cost of any forces raised for Trans-Jordan alone.

Article 12.

So long as the revenues of Trans-Jordan are insufficient to meet such ordinary expenses of administration (including any expenditure on local forces for which Trans-Jordan is liable under Article 11) as may be incurred with the approval of His Britannic Majesty, arrangements will be made for a contribution from the British Treasury by way of grant or loan in aid of the revenues of Trans-Jordan. His Britannic Majesty will also arrange for the payment of the excess of the cost of the British forces stationed in Trans-Jordan, and deemed by His Britannic Majesty to be employed in respect of Trans-Jordan, insofar and for such time as the revenues of Trans-Jordan are insufficient to bear such excess.

Article 13.

His Highness the Amir agrees that all such laws, orders or regulations as may from time to time be required by His Britannic Majesty for the purposes of Article 10 shall be adopted and made, and that no laws, orders or regulations shall be adopted or made in Trans-Jordan which may, in the opinion of His Britannic Majesty, interfere with the purposes of that Article.

Article 14.

His Highness the Amir agrees to follow the advice of His Britannic Majesty with regard to the proclamation of Martial Law in all or any part of Trans-Jordan and to entrust the administration of such part or parts of Trans-Jordan as may be placed under Martial Law to such officer or officers of His Britannic Majesty's forces as His Britannic Majesty may nominate. His Highness the Amir further agrees that on the re-establishment of civil government a special law shall be adopted to indemnify the armed forces maintained by His Britannic Majesty for all acts done or omissions or defaults made under Martial Law.

Article 15.

His Britannic Majesty may exercise jurisdiction over all members of the armed forces maintained or controlled by His Britannic Majesty in Trans-Jordan.

For the purposes of this and the five preceding Articles, the term "armed forces" shall be deemed to include civilians attached to or employed with the armed forces.

Article 16.

His Highness the Amir undertakes that every facility shall be provided at all times for the movement of His Britannic Majesty's forces (including the use of wireless and land-line telegraphic and telephonic services and the right to lay land-lines), and for the carriage and storage of fuel, ordnance, ammunition and supplies on the roads, railways and waterways and in the ports of Trans-Jordan.

Article 17.

His Highness the Amir agrees to be guided by the advice of His Britannic Majesty in all matters concerning the granting of concessions, the exploitation of natural resources, the construction and operation of railways, and the raising of loans.

Article 18.

No territory in Trans-Jordan shall be ceded or leased or in any way placed under the control of any foreign Power; this shall not prevent His Highness the Amir from making such arrangements as may be necessary for the accommodation of foreign representatives and for the fulfilment of the provisions of the preceding Articles.

Article 19.

His Highness the Amir agrees that, pending the making of special extradition agreements relating to Trans-Jordan, the Extradition Treaties in force between His Britannic Majesty and foreign Powers shall apply to Trans-Jordan.

Article 20.

This Agreement shall come into force so soon as it shall have been ratified by the High Contracting Parties after its acceptance by the constitutional Government to be set up under Article 2. The constitutional Government shall be deemed to be provisional until the Agreement shall have been so approved. Nothing shall prevent the High Contracting Parties from reviewing from time to time the provisions of this Agreement with a view to any revision which may seem desirable in the circumstances then existing.

Article 21.

The present Agreement has been drawn up in two languages, English and Arabic, and the Plenipotentiaries of each of the High Contracting parties shall sign two English copies and two Arabic copies. Both texts shall have the same validity, but in case of divergence between the two in the interpretation of one or other of the Articles of the present Agreement, the English text shall prevail.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Agreement.

Done at Jerusalem, this twentieth day of February, one thousand nine hundred and twenty-eight.

(Signature in Arabic.)

HASSAN KHALID ABOULHOUDY.

PLUMER, F.M.
