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British and Foreign State Papers . . .

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(No. 2.)—*The United States Secretary of State to the Iranian Minister at Washington.*

Washington, April 8, 1943.

Sir:

I have the honour to acknowledge the receipt of your note of today's date and to confirm the statement therein set forth concerning the general policy of the Government of the United States with respect to the importation of opium.

My Government is deeply interested in measures designed to suppress the illicit international traffic in opium. It is, therefore, gratifying to learn that it is the intention of your Government to establish at an early date any additional regulations which may be necessary to confine the trade in opium produced in Iran to legitimate international channels, including a system of import permits and export authorisations at least equivalent to that described in the Geneva drug convention of 1925.

Accept, &c.,

CORDELL HULL.

LAW amending the Iraqi Constitution of 1925.—Bagdad, October 27, 1943⁽¹⁾

IN view of Article 119 of the Constitution,⁽²⁾ and of the fulfilment of the conditions therein prescribed, and with the approval of the Senate and the Chamber of Deputies, We confirm and direct the publication of the following law:—

Art. 1. Article 2 of the Constitution is amended in the following manner:—

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.

2. Article 3 is amended in the following manner:—

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.

⁽¹⁾ *Iraq Government Gazette*, No. 48 of November 28, 1943 and *Waqayi' al Iraqiya* No. 2123 of October 31, 1943.

⁽²⁾ Vol. CXXIII, page 383.

3. Article 4 is amended in the following manner:—

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.

4. Article 5 is amended in the following manner:—

Iraq nationality and the rules applicable thereto will be prescribed by law.

5. Article 10 is amended in the following manner:—

(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.

6. Article 11 is amended in the following manner:

No tax or duty shall be imposed except by law, the provisions whereof shall include all the persons liable to pay the tax.

7. Article 14 is amended in the following manner:—

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 public authorities, in the manner and in the circumstances to be prescribed by law.

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

8. Article 18 is amended in the following manner:—

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.

9. Article 20 is amended in the following manner:—

(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.

10. Article 21 is amended in the following manner:—

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.

11. Article 23 is amended in the following manner:—

(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 Ministers, appoint a Regent or Council of Regency, and define the powers which he delegates to him or them.

(2) Neither a Regent nor any member of a Council of Regency shall exercise any right of the King until after he has taken the oath prescribed by Article 21 of this law.

(3) If Parliament is sitting, the oath shall be sworn before it, in the manner described in Article 21; otherwise it shall be sworn before the Council of Ministers in the presence of the Presidents of the Senate and of the Chamber of Deputies, or those acting for them.

(4) A Minister cannot be Regent or a member of a Council of Regency. If a member of Parliament is Regent or a member of a Council of Regency he shall not, during the period of the Regency, participate in the business of the Assembly to which he belongs.

(5) If the absence of the King extends to more than 4 months and Parliament is not sitting, it shall be summoned immediately to consider the matter.

(6) The Regent and the members of a Council of Regency must be Iraqi nationals and not less than 30 years of age. A male relative of the King, who has completed the 18th year of his age, may be appointed.

12. Article 26 is amended in the following manner:—

(1) The King is Head of the State. He confirms laws, orders the publication, and supervises the execution thereof. By his order Regulations are issued for purpose of carrying out laws, within the express provisions thereof.

(2) The King issues orders for holding General Elections for the Chamber of Deputies and for the convocation of Parliament. He opens Parliament, adjourns and prorogues it, and dissolves the Chamber of Deputies, in conformity with the provisions of this law.

(3) If necessity shall arise, when Parliament is not sitting, for taking urgent measures to maintain order and public security, to repel a public danger, to incur urgent expenditure not sanctioned by the budget or by a special law, or to carry out the obligations of treaties, the King may, with the approval of the Council of Ministers issue ordinances, having the force of law, prescribing the measures to be taken, as may be necessary in the circumstances, provided that they shall not contravene the Constitution. All ordinances must be submitted to Parliament at its next session, except those which have been issued for the purpose of fulfilling the obligations of treaties which have been approved by Parliament or the Constituent Assembly. If Parliament does not confirm the ordinances, the Government shall notify the termination of the operation thereof, and they shall stand repealed from the date of such notification. All Ministers must sign the ordinances.

The expression "Law" includes ordinances issued under this Article unless there is anything to the contrary in the context.

(4) The King concludes treaties provided that he shall not ratify them without the approval of Parliament.

(5) The King selects the Prime Minister and, on his recommendation, appoints the Ministers and accepts their resignation from office.

(6) The King may dismiss the Prime Minister if the public interest renders it necessary so to do.

(7) The King appoints the members of the Senate and accepts their resignation from their office.

(8) The King on the recommendation of the responsible Minister, appoints and dismisses all diplomatic representatives, civil officials, qadhis and judges, and grants military rank and appoints divisional commanders and those above them, unless he delegates these powers, by law, to some other authority. He bestows decorations and titles and other marks of honour.

(9) The King is Commander-in-Chief of all the armed forces. He declares war with the consent of the Council of Ministers. He concludes treaties of peace, on condition that he shall not ratify them without the approval of Parliament. He declares Martial Law and the State of Emergency in conformity with the provisions of this law.

(10) The coinage shall be struck in the name of the King.

(11) The death sentence shall not be executed unless it is confirmed by the King. The King may reduce sentences or remit them by special pardon and, with the consent of both Assemblies of Parliament, he may proclaim a general amnesty.

13. Article 30 is amended in the following manner:—

No person shall be a member of either Assembly of Parliament:—

(1) If he is not an Iraqi national who has acquired Iraqi nationality at birth or by virtue of the Treaty of Lausanne or by naturalisation, provided that, if he is naturalised, he belongs to an Ottoman family ordinarily resident in Iraq before the year 1914, and has been an Iraqi national for 10 years.

(2) If he is less than 30 years old in the case of a deputy, or less than 40 in the case of a senator.

(3) If he has been adjudged bankrupt and has not been reinstated.

(4) If he has been interdicted by the Court and the interdiction has not been removed.

(5) If he has been sentenced to imprisonment for a term of not less than one year for an offence which is not of a political nature, or if he has been sentenced to imprisonment for any period for theft, bribery, breach of trust, forgery, fraud or any other offence adversely affecting his honour.

(6) If he holds an official appointment in the Government or the departments connected therewith, or any office, appointment or employment under a person or institution which has a contract with a public department, or if he has any material interest, direct or indirect, with such contractor, unless the interest arise out of his being a shareholder in a Company composed of more than 25 persons. From this rule are excepted the lessees of Government lands and property, and those who are engaged in the duties described in paragraph 2 of Article 31 of this law.

(7) If he is mad or an idiot.

(8) If he is a relative of the King, within such degree as may be prescribed by law.

(9) A person cannot be a member of both Assemblies of Parliament.

14. Article 31 is amended in the following manner:—

(1) The Senate shall be composed of a number of persons not exceeding one quarter of the total number of Deputies, to be appointed by the King from among those who have, by their acts, secured the confidence and esteem of the people, and from among those who have served the State and fatherland with distinction in the past.

(2) A Senator or Deputy may, with the approval of the Assembly to which he belongs, be deputed to undertake important duties in the service of the State for a period not exceeding two years.

15. Article 32 is amended in the following manner:—

The period of membership of the Senate is 8 years from the date of appointment. A former senator may be again appointed.

16. Article 33 is amended in the following manner:—

The Senate will elect a President and two Vice-Presidents from among its members, for a period extending from the beginning of the ordinary session until the beginning of the ordinary session in the following year. The result of the election will be submitted to the King for his confirmation. In the event of the dissolution of the Chamber of Deputies, their term of office will not terminate until the new Parliament has assembled, unless they have ceased to be members of the Senate.

17. Article 35 is amended in the following manner:—

A senator will receive, in addition to travelling allowance, a monthly allowance of 50 Dinars during the whole period of his membership.

18. Article 37 is amended in the following manner:—

The election of deputies shall be done under a special law, which shall prescribe the manner of proposing candidates, of secret voting at elections, and the necessary representation of the Christian and Jewish minorities.

19. Article 38 is amended in the following manner:—

(1) The term of the Chamber of Deputies is four ordinary sessions, one in each year, beginning on December 1 and, if that day falls on a legal holiday, then on the day following, subject to the provisions of paragraph 2 of Article 26.

(2) The Chamber will be 6 months in session and 6 months in recess in each year. Subject to paragraph 1, the periods of session and recess in each year will be determined by Royal Iradah.

(3) The Chamber will sit in the Capital but, if that is impossible, may sit elsewhere.

20. Article 39 is amended in the following manner:—

(1) The King will summon the Chamber of Deputies to meet in session; if he fails so to do on the appointed day, it will meet by virtue of this law. It will remain in session as prescribed by the preceding Article unless the King dissolves it before the end of its term.

(2) The Chamber may adjourn its sittings from time to time in accordance with its internal regulations, and shall be deemed to be in session during such adjournments.

21. Article 40 is amended in the following manner:—

(1) If the Chamber is dissolved, new elections shall be proceeded with and the new Chamber will be summoned to meet in extraordinary session within a period not exceeding 4 months from the date of dissolution. This session shall be subject to the rules set out in Articles 38 and 39 in what concerns recess and adjournments. In any event the session must terminate on November 30, so that the first ordinary session of the term may begin, but if the extraordinary session begins in the months of December or January, it shall be regarded as the first ordinary session of the term.

(2) If the Chamber is dissolved for any reason the new Chamber may not be dissolved for the same reason.

(3) The King may summon Parliament to assemble outside the period prescribed by Article 38 in order to decide matters to be specified in the summons; the session will be terminated by Royal Iradah.

22. Article 42 shall be amended in the following manner:—

Every male Iraqi national who has completed the 30th year of his age, and is not disqualified in any manner set out in Article 30, may be elected a deputy. He shall not represent more than one of the electoral districts described in the Electoral Law and, if he is elected to more than one district he must within 8 days after having been so informed, select the district which he desires to represent. Officials, not being Ministers or delegated senators or deputies, who are elected may choose between accepting or refusing their seats, and those who accept must vacate their Government appointments within the period aforesaid.

23. Article 43 is amended in the following manner:—

The Chamber of Deputies decides matters connected with the electoral qualifications of deputies, objections made against elections, vacant seats and resignations.

24. Article 46 is amended in the following manner:—

A deputy may resign his seat by presenting his resignation in writing to the President, but the resignation shall be of no effect until it is accepted by the Chamber of Deputies.

25. Article 47 is amended in the following manner:—

If a seat in the Chamber of Deputies becomes vacant by reason of death, resignation, loss of legal qualification, or absence, a new election must be held forthwith, at the request of the President.

26. Article 48 is amended in the following manner:—

A deputy is deemed to represent the whole of Iraq and not merely his own electoral district.

27. Article 50 is amended in the following manner:—

(1) A deputy will receive, in addition to travelling allowance, a monthly allowance of 40 Dinars during the whole period of his membership.

(2) If the Chamber is dissolved on the first day of December or thereafter, the deputy shall receive his allowance for the

remaining months of the sessional year, up to the end of November in such year.

28. Article 51 is amended in the following manner:—

Senators and deputies, before entering on their duties, shall individually swear an oath, before the Assemblies to which they belong, that they will be loyal to the King, preserve the Constitution, serve the nation and fatherland, and perform their duties diligently.

29. Article 52 is amended in the following manner:—

(1) The Senate shall not begin business unless more than one half of the members actually appointed are present.

(2) The Chamber of Deputies shall not begin business unless more than half of the members actually elected are present.

30. Article 55 is amended in the following manner:—

An Assembly will pass its decisions on draft laws article by article and then as a whole, but it may resolve that it is enough to decide on the draft as a whole only, in which case the members shall have the right to discuss the articles.

31. Article 60 is amended in the following manner:—

(1) Every member has complete freedom of speech subject to the internal regulations of the Assembly to which he belongs. No legal proceedings shall be taken against him on account of any vote which he gives or any opinion which he expresses, or any speech which he makes in the course of the deliberations and discussions of the Assembly.

(2) A member of Parliament shall not be arrested or tried unless the Assembly to which he belongs resolves, by majority, that sufficient grounds exist for his being charged, or unless he is arrested, *flagrante delicto*, for a crime. If a member is arrested for any reason while Parliament is in recess the Government shall so inform the Assembly when it meets, furnishing explanations and reasons.

32. Article 62 is amended in the following manner:—

(1) Draft laws will be submitted to one of the Assemblies and, if accepted, will be submitted to the other Assembly. They shall not become law unless accepted by both Assemblies and confirmed by the King.

(2) If a draft law is submitted to one Assembly and the Prime Minister, or one of the Ministers mentioned in the draft, demands a joint session and the Senate approves the demand, then the Assemblies shall meet under the presidency of the

President of the Senate. The decision as to the draft shall be by a two-thirds majority of the joint assembly, but the draft shall not become law until the King has confirmed it.

(3) Both Chambers shall decide on drafts submitted to them by the Government. After acceptance the drafts will be presented to the King who will either confirm them or return them for reconsideration with a statement of reasons therefor, within a period of 3 months, provided that if either of the Assemblies resolves that a draft is urgent then it must be confirmed, or returned for reconsideration, within 15 days, with a statement of reasons therefor. Drafts not returned within the prescribed period shall be regarded as confirmed.

(4) Draft laws rejected by both Assemblies shall not be introduced again into either Assembly during the Session.

33. Article 64 is amended in the following manner:—

(1) The number of Ministers shall not be less than seven including the Prime Minister. No person shall be a Minister who is under any disqualification described in Article 30. A Minister who is not a member of either Assembly shall not remain in office longer than 6 months unless he is appointed a senator or elected a deputy before the end of that period. A Minister who receives the salary of a minister shall not, at the same time, receive the membership allowance in either Assembly. A Minister shall not buy or lease any of the property or possessions of the State.

(2) Deputy Ministers may be appointed provided that they must be members of Parliament.

(3) In case of necessity the King may appoint Ministers without portfolio, in order to obtain the benefit of their experience and talents.

34. Article 65 is amended in the following manner:—

The Council of Ministers will undertake the direction of the affairs of the State. It will meet, under the presidency of the Prime Minister, to decide the measures to be taken in matters which concern more than one Ministry and in all important matters which concern the Ministries. The Prime Minister will submit the decisions of the Council to the King, for his confirmation.

35. Article 81 is amended in the following manner:—

The High Court will assemble to try Ministers and members of Parliament for political offences or offences connected with

their public duties, and to try judges of the Court of Cassation for offences arising out of their duties, and to decide matters connected with the interpretation of this law and the conformity of other laws to this law.

36. Article 82 shall be amended as follows:—

(1) If it be necessary to hold a trial before the High Court the case shall be submitted to the Court by a resolution of accusation, passed by the Chamber of Deputies, separately in each case, by a majority composed of two-thirds of the members present.

(2) Other matters shall be submitted to the High Court by decision of the Council of Ministers or of one of the Assemblies of Parliament.

(3) The High Court shall be constituted of 8 members, beside the President, to be chosen by the Senate, 4 of them being senators and 4 of them being judges of the Court of Cassation or other senior judges. The Court will sit under the presidency of the President of the Senate or, if the cannot be present, his deputy.

37. Article 83 is amended in the following manner:—

If it is required to decide a matter connected with the interpretation of the provisions of this law, or to decide whether a law in force contravenes the provisions of this law, the High Court will assemble by virtue of a Royal Iradah, to be issued with the consent of the Council of Ministers, after the Court has been constituted as prescribed by paragraph 3 of the preceding article. If Parliament is not in session the members shall be appointed by decision of the Council of Ministers and Royal Iradah.

38. Article 84 is amended in the following manner:—

If it is necessary to interpret laws or regulations in circumstances other than those described in the preceding article, or if it is necessary to decide whether a regulation contravenes the law on which it is based, a Diwan Khas shall, at the request of the Minister concerned, be constituted under the presidency of the President of the Civil Court of Cassation or, if he is unable to attend, the Vice-President. The members shall be chosen as prescribed by a special law, 3 of them from the judges of the Court of Cassation and 3 from the senior military officers if the law in question concerns the armed forces, or 3 from the senior administrative officials if the law concerns administrative matters.

39. Article 85 is amended in the following manner :—

Cases tried by the High Court shall be decided according to law. An accused person shall not be declared guilty except by a majority of two-thirds of the Court. The decisions of the Court are final. Persons who are accused by the Chamber of Deputies shall forthwith relinquish their duties. Resignation shall not be a bar to prosecution.

40. Article 86 is amended in the following manner :—

(1) Every decision of the High Court declaring that a law or any provision of a law contravenes the provisions of this law shall issue by majority of two-thirds of the Court. If a decision of this nature is issued then the law, or the offending portion thereof, will stand repealed from the date on which the decision was issued, provided that the Government shall introduce legislation providing for compensation for damage which may have been caused by the application of the repealed provisions.

(2) Every decision issuing from the Diwan Khas, declaring that a regulation, or some provision thereof, contravenes the law on which it is based, shall be by a majority of two-thirds of the Diwan. If a decision of this kind is issued, then the regulation, or the offending part thereof, shall stand repealed from the date of the issue of the decision.

41. The following paragraph shall be added to the end of Article 88 :—

(5) Courts Martial and Special Courts set up in the circumstances described in Article 120 of this law.

42. Article 89 is amended in the following manner :—

The procedure in the Special Courts and the fees to be collected therein and the manner of appeal against, or revision of, the judgments thereof, shall be prescribed by law.

43. Article 91 is amended in the following manner :—

Taxes and dues shall not be imposed except by law, provided that this shall not apply to charges collected by Government Departments in return for public services rendered by them or in return for the enjoyment of State property. Taxes and duties may not be imposed by ordinance.

44. Article 92 is amended in the following manner :—

Taxes and dues must be collected from the tax payers without distinction and none of them shall be exempted therefrom except by law.

45. Article 108 is amended in the following manner:—

The coinage of the State shall be determined by law.

46. Article 120 shall be the first paragraph thereof and the following paragraph is added as paragraph 2:—

(1) Upon the occurrence of danger or rebellion or anything which disturbs the peace, in any part of Iraq, the King may, with the consent of the Council of Ministers, notify a state of emergency in the whole of Iraq, or in any part thereof. The districts affected by the notification shall be administered in accordance with a special law, which shall provide for trial, by Special Courts, of those who commit specified offences, and prescribe the administrative measures to be taken by specified authorities.

47. The following article is added to the law and numbered 123:—

Article 123. Parliament may not pass any law granting pardon to persons who have committed offences which are directed to changing the form of Government or changing the Government or constraining the King or the Government, by pressure or threats, to do any act.

48. The following article is added to the law and numbered 124:—

Article 124. Constitutional methods which are not mentioned in, nor forbidden by, this law, but are practised by Constitutional States, may be adopted by decision of Parliament in joint Assembly, and observed as constitutional rules.

49. Article 123 becomes Article 125.

50. This law shall come into force on the date of publication in the official gazette.

Made at Baghdad Shawal 28, 1362, and October 27, 1943.

ABDUL ILAH.

(Signatures of Ministers.)

CONDITIONS of an Armistice between the United Nations and Italy.—September 3/November 9 1943⁽¹⁾

THE following conditions of an armistice are presented by General Dwight D. Eisenhower, Commander-in-Chief of the Allied forces, acting by authority of the Governments of the United States and Great Britain in the interest of the United

(¹) Italy No. 1 (1945) (Cmd. 6693).

Nations, and accepted by Marshal Pietro Badoglio, head of the Italian Government:—

1. Immediate cessation of all hostile activity by the Italian armed forces.

2. Italy will use its best endeavours to deny, to the Germans, facilities that might be used against the United Nations.

3. All prisoners or internees of the United Nations to be immediately turned over to the Allied Commander-in-Chief, and none of these may now or at any time be evacuated to Germany.

4. Immediate transfer of the Italian fleet and Italian aircraft to such points as may be designated by the Allied Commander-in-Chief, with details of disarmament to be prescribed by him.

5. Italian merchant shipping may be requisitioned by the Allied Commander-in-Chief to meet the needs of his military-naval programme.

6. Immediate surrender of Corsica and of all Italian territory, both islands and mainland, to the Allies, for such use as operational bases and other purposes as the Allies may see fit.

7. Immediate guarantee of the free use by the Allies of all airfields and naval ports in Italian territory, regardless of the rate of evacuation of the Italian territory by the German forces. These ports and fields to be protected by Italian armed forces until this function is taken over by the Allies.

8. Immediate withdrawal to Italy of Italian armed forces from all participation in the current war from whatever areas in which they may be now engaged.

9. Guarantee by the Italian Government that, if necessary, it will employ all its available armed forces to ensure prompt and exact compliance with all the provisions of this armistice.

10. The Commander-in-Chief of the Allied forces reserves to himself the right to take any measure which in his opinion may be necessary for the protection of the interests of the Allied forces for the prosecution of the war, and the Italian Government binds itself to take such administrative or other action as the Commander-in-Chief may require; and, in particular, the Commander-in-Chief will establish Allied military government over such parts of Italian territory as he may deem necessary in the military interests of the Allied nations.

11. The Commander-in-Chief of the Allied forces will have a full right to impose measures of disarmament, demobilisation and demilitarisation.

12. Other conditions of a political, economic and financial nature with which Italy will be bound to comply will be transmitted at a later date.

The conditions of this armistice will not be made public without prior approval of the Allied Commander-in-Chief. The English will be considered the official text.

MARSHAL BADOGLIO,
Head of the Italian Government.

by

GIUSEPPE CASTELLANO,
*Brigadier-General attached to
Italian High Command.*

DWIGHT D. EISENHOWER,
*General, United States Army,
Commander-in-Chief, Allied Forces.*

by

WALTER B. SMITH,
Major-General, Chief of Staff.

*Additional Conditions signed on September 29, 1943
Instrument of Surrender of Italy*

Whereas in consequence of an armistice dated September 3, 1943, between the United States and the United Kingdom Governments on the one hand and the Italian Government on the other hand, hostilities were suspended between Italy and the United Nations on certain terms of a military nature ;

And whereas in addition to those terms it was also provided in the said Armistice that the Italian Government bound themselves to comply with other conditions of a political, economic and financial nature to be transmitted later ;

And whereas it is convenient that the terms of a military nature and the said other conditions of a political, economic and financial nature should without prejudice to the continued validity of the terms of the said Armistice of September 3, 1943, be comprised in a further instrument ;

The following, together with the terms of the Armistice of September 3, 1943, are the terms on which the United States and United Kingdom Governments acting on behalf of the United Nations are prepared to suspend hostilities against Italy

so long as their military operations against Germany and her Allies are not obstructed and Italy does not assist these Powers in any way and complies with the requirements of these Governments.

These terms have been presented by General Dwight D. Eisenhower, Commander-in-Chief, Allied Forces, duly authorised to that effect ;

And have been accepted by Marshal Pietro Badoglio, Head of the Italian Government.

1.—(A) The Italian land, sea and air forces wherever located, hereby surrender unconditionally.

(B) Italian participation in the war in all theatres will cease immediately. There will be no opposition to landings, movements or other operations of the land, sea and air forces of the United Nations. Accordingly, the Italian Supreme Command will order the immediate cessation of hostilities of any kind against the forces of the United Nations and will direct the Italian Navy, Military and Air Force authorities in all theatres to issue forthwith the appropriate instructions to those under their Command.

(C) The Italian Supreme Command will further order all Italian Naval, Military and Air Forces or authorities and personnel to refrain immediately from destruction of or damage to any real or personal property, whether public or private.

2. The Italian Supreme Command will give full information concerning the disposition and condition of all Italian land, sea and air forces, wherever they are situated and of all such forces of Italy's Allies as are situated in Italian or Italian-occupied territory.

3. The Italian Supreme Command will take the necessary measures to secure airfields, port facilities, and all other installations against seizure or attack by any of Italy's Allies. The Italian Supreme Command will take the necessary measures to insure law and order, and to use its available armed forces to insure prompt and exact compliance with all the provisions of the present instrument. Subject to such use of Italian troops for the above purposes, as may be sanctioned by the Allied Commander-in-Chief, all other Italian land, sea and air forces will proceed to and remain in their barracks, camps or ships pending directions from the United Nations as to their future status and disposal. Exceptionally such naval personnel shall proceed to shore establishments as the United Nations may direct.

4. Italian land, sea and air forces will within the periods to be laid down by the United Nations withdraw from all areas outside Italian territory notified to the Italian Government by the United Nations and proceed to areas to be specified by the United Nations. Such movement of Italian land, sea and air forces will be carried out in conditions to be laid down by the United Nations and in accordance with the orders to be issued by them. All Italian officials will similarly leave the areas notified except any who may be permitted to remain by the United Nations. Those permitted to remain will comply with the instructions of the Allied Commander-in-Chief.

5. No requisitioning, seizures or other coercive measures shall be effected by Italian land, sea and air forces or officials in regard to persons or property in the areas notified under Article 4.

6. The demobilisation of Italian land, sea and air forces in excess of such establishments as shall be notified will take place as prescribed by the Allied Commander-in-Chief.

7. Italian warships of all descriptions, auxiliaries and transports will be assembled as directed in ports to be specified by the Allied Commander-in-Chief and will be dealt with as prescribed by the Allied Commander-in-Chief. (NOTE.—If at the date of the Armistice the whole of the Italian Fleet has been assembled in Allied ports, this article would run: “Italian warships of all descriptions, auxiliaries and transports will remain until further notice in the ports where they are at present assembled, and will be dealt with as prescribed by the Allied Commander-in-Chief”.)

8. Italian aircraft of all kinds will not leave the ground or water or ships, except as directed by the Allied Commander-in-Chief.

9. Without prejudice to the provisions 14, 15 and 28 (A) and (D) below, all merchant ships, fishing or other craft of whatever flag, all aircraft and inland transport of whatever nationality in Italian or Italian-occupied territory or waters will, pending verification of their identity and status, be prevented from leaving.

10. The Italian Supreme Command will make available all information about naval military and air devices, installations and defences, about all transport and inter-communication systems established by Italy or her allies on Italian territory

or in the approaches thereto, about minefields or other obstacles to movement by land, sea or air and such other particulars as the United Nations may require in connection with the use of Italian bases, or with the operations, security or welfare of the United Nations land, sea or air forces. Italian forces and equipment will be made available as required by the United Nations for the removal of the above-mentioned obstacles.

11. The Italian Government will furnish forthwith lists of quantities of all war material showing the location of the same. Subject to such use as the Allied Commander-in-Chief may make of it, the war material will be placed in store under such controls as he may direct. The ultimate disposal of war material will be prescribed by the United Nations.

12. There will be no destruction of nor damage to nor except as authorised or directed by the United Nations any removal of war material, wireless, radio location or meteorological stations, railroad, port or other installations or in general, public or private utilities or property of any kind, wherever situated, and the necessary maintenance and repair will be the responsibility of the Italian authorities.

13. The manufacture, production and construction of war material and its import, export and transit is prohibited, except as directed by the United Nations. The Italian Government will comply with any directions given by the United Nations for the manufacture, production or construction and the import, export or transit of war material.

14.—(A) All Italian merchant shipping and fishing and other craft, wherever they may be, and any constructed or completed during the period of the present instrument will be made available in good repair and in seaworthy condition by the competent Italian authorities at such places and for such purposes and periods as the United Nations may prescribe. Transfer to enemy or neutral flags is prohibited. Crews will remain on board pending further instructions regarding their continued employment or dispersal. Any existing options to repurchase or reacquire or to resume control of Italian or former Italian vessels sold or otherwise transferred or chartered during the war will forthwith be exercised and the above provisions will apply to all such vessels and their crews.

(B) All Italian inland transport and all port equipment will be held at the disposal of the United Nations for such purposes as they may direct.

15. United Nations merchant ships, fishing and other craft in Italian hands wherever they may be (including for this purpose those of any country which has broken off diplomatic relations with Italy) whether or not the title has been transferred as the result of prize court proceedings or otherwise, will be surrendered to the United Nations and will be assembled in ports to be specified by the United Nations for disposal as directed by them. The Italian Government will take all such steps as may be required to secure any necessary transfers of title. Any neutral merchant ship, fishing or other craft under Italian operation or control will be assembled in the same manner pending arrangements for their ultimate disposal. Any necessary repairs to any of the above mentioned vessels will be effected by the Italian Government, if required, at their expense. The Italian Government will take the necessary measures to insure that the vessels and their cargo are not damaged.

16. No radio or telecommunication installations or other forms of inter-communication, ashore or afloat, under Italian control whether belonging to Italy or any nation other than the United Nations will transmit until directions for the control of these installations have been prescribed by the Allied Commander-in-Chief. The Italian authorities will conform to such measures for control and censorship of press and of other publications, of theatrical and cinematograph performances, of broadcasting, and also of all forms of intercommunication as the Allied Commander-in-Chief may direct. The Allied Commander-in-Chief may at his discretion, take over radio, cable and other communication stations.

17. The warships, auxiliaries, transports and merchant and other vessels and aircraft in the service of the United Nations will have the right freely to use the territorial waters around and the air over Italian territory.

18. The forces of the United Nations will require to occupy certain parts of Italian territory. The territories or areas concerned will from time to time be notified by the United Nations and all Italian land, sea and air forces will thereupon withdraw from such territories or areas in accordance with the instructions issued by the Allied Commander-in-Chief. The provisions of this article are without prejudice to those of article 4 above.

The Italian Supreme Command will guarantee immediate use and access to the Allies of all airfields and naval ports in Italy under their control.

19. In the territories or areas referred to in article 18 all naval, military and air installations, power stations, oil refineries, public utility services, all ports and harbours, all transport and all inter-communication installations, facilities and equipment and such other installations or facilities and all such stocks as may be required by the United Nations will be made available in good condition by the competent Italian authorities with the personnel required for working them. The Italian Government will make available such other local resources or services as the United Nations may require.

20. Without prejudice to the provisions of the present instrument the United Nations will exercise all the rights of an occupying power throughout the territories or areas referred to in article 18, the administration of which will be provided for by the issue of proclamations, orders or regulations. Personnel of the Italian administrative, judicial and public services will carry out their functions under the control of the Allied Commander-in-Chief unless otherwise directed.

21. In addition to the rights in respect of occupied Italian territories described in articles 18 to 20—

(A) Members of the land, sea or air forces and officials of the United Nations will have the right of passage in or over non-occupied Italian territory, and will be afforded all the necessary facilities and assistance in performing their functions.

(B) The Italian authorities will make available on non-occupied Italian territory all transport facilities required by the United Nations including free transit for their war material and supplies, and will comply with instructions issued by the Allied Commander-in-Chief regarding the use and control of airfields, ports, shipping, inland transport systems and vehicles, inter-communication systems, power stations and public utility services, oil refineries, stocks and such other fuel and power supplies and means of producing same, as United Nations may specify, together with connected repair and construction facilities.

22. The Italian Government and people will abstain from all action detrimental to the interests of the United Nations and will carry out promptly and efficiently all orders given by the United Nations.

23. The Italian Government will make available such Italian currency as the United Nations may require. The Italian Government will withdraw and redeem in Italian currency within such time limits and on such terms as the United Nations may specify all holdings in Italian territory of currencies issued by the United Nations during military operations or occupation and will hand over the currencies withdrawn free of cost to the United Nations. The Italian Government will take such measures as may be required by the United Nations for the control of banks and business in Italian territory, for the control of foreign exchange and foreign commercial and financial transactions and for the regulation of trade and production and will comply with any instructions issued by the United Nations regarding these and similar matters.

24. There shall be no financial, commercial or other intercourse with or dealings with or for the benefit of countries at war with any of the United Nations or territories occupied by such countries or any other foreign country except under authorisation of the Allied Commander-in-Chief or designated officials.

25.—(A) Relations with countries at war with any of the United Nations, or occupied by any such country, will be broken off. Italian diplomatic, consular and other officials and members of the Italian land, sea and air forces accredited to or serving on missions with any such country or in any other territory specified by the United Nations will be recalled. Diplomatic and consular officials of such countries will be dealt with as the United Nations may prescribe.

(B) The United Nations reserve the right to require the withdrawal of neutral diplomatic and consular officers from occupied Italian territory and to prescribe and lay down regulations governing the procedure for the methods of communication between the Italian Government and its representatives in neutral countries and regarding communications emanating from or destined for the representatives of neutral countries in Italian territory.

26. Italian subjects will pending further instructions be prevented from leaving Italian territory except as authorised by the Allied Commander-in-Chief and will not in any event take service with any of the countries or in any of the territories referred to in article 25 (A) nor will they proceed to any place for the purpose of undertaking work for any such country. Those at present so serving or working will be recalled as directed by the Allied Commander-in-Chief.

27. The military, naval and air personnel and material and the merchant shipping, fishing and other craft and the aircraft, vehicles and other transport equipment of any country against which any of the United Nations is carrying on hostilities or which is occupied by any such country, remain liable to attack or seizure wherever found in or over Italian territory or waters.

28.—(A) The warships, auxiliaries and transports of any such country or occupied country referred to in article 27 in Italian or Italian-occupied ports and waters and the aircraft, vehicles and other transport equipment of such countries in or over Italian or Italian-occupied territory will, pending further instructions, be prevented from leaving.

(B) The military, naval and air personnel and the civilian nationals of any such country or occupied country in Italian or Italian-occupied territory will be prevented from leaving and will be interned pending further instructions.

(C) All property in Italian territory belonging to any such country or occupied country or its nationals will be impounded and kept in custody pending further instructions.

(D) The Italian Government will comply with any instructions given by the Allied Commander-in-Chief concerning the internment, custody or subsequent disposal, utilisation or employment of any of the above-mentioned persons, vessels, aircraft, material or property.

29. Benito Mussolini, his Chief Fascist associates and all persons suspected of having committed war crimes or analogous offences whose names appear on lists to be communicated by the United Nations will forthwith be apprehended and surrendered into the hands of the United Nations. Any instructions given by the United Nations for this purpose will be complied with.

30. All Fascist organisations, including all branches of the Fascist Militia (MVSN), the Secret Police (OVRA), all Fascist organisations will in so far as this is not already accomplished be disbanded in accordance with the directions of the Allied Commander-in-Chief. The Italian Government will comply with all such further directions as the United Nations may give for abolition of Fascist institutions, the dismissal and internment of Fascist personnel, the control of Fascist funds, the suppression of Fascist ideology and teaching.

31. All Italian laws involving discrimination on grounds of race, colour, creed or political opinions will in so far as this is not already accomplished be rescinded, and persons detained on such grounds will, as directed by the United Nations, be released and relieved from all legal disabilities to which they have been subjected. The Italian Government will comply with all such further directions as the Allied Commander-in-Chief may give for repeal of Fascist legislation and removal of any disabilities or prohibitions resulting therefrom.

32.—(A) Prisoners of war belonging to the forces of or specified by the United Nations and any nationals of the United Nations, including Abyssinian subjects, confined, interned, or otherwise under restraint in Italian or Italian-occupied territory will not be removed and will forthwith be handed over to representatives of the United Nations or otherwise dealt with as the United Nations may direct. Any removal during the period between the presentation and the signature of the present instrument will be regarded as a breach of its terms.

(B) Persons of whatever nationality who have been placed under restriction, detention or sentence (including sentences *in absentia*) on account of their dealings or sympathies with the United Nations will be released under the direction of the United Nations and relieved from all legal disabilities to which they have been subjected.

(C) The Italian Government will take such steps as the United Nations may direct to safeguard the persons of foreign nationals and property of foreign nationals and property of foreign states and nationals.

33.—(A) The Italian Government will comply with such directions as the United Nations may prescribe regarding restitutions, deliveries, services or payments by way of reparation and

payment of the costs of occupation during the period of the present instrument.

(B) The Italian Government will give to the Allied Commander-in-Chief such information as may be prescribed regarding the assets, whether inside or outside Italian territory, of the Italian state, the Bank of Italy, any Italian state or semi-state institutions or Fascist organisations or residents in Italian territory and will not dispose or allow the disposal, outside Italian territory of any such assets except with the permission of the United Nations.

34. The Italian Government will carry out during the period of the present instrument such measures of disarmament, demobilisation and demilitarisation as may be prescribed by the Allied Commander-in-Chief.

35. The Italian Government will supply all information and provide all documents required by the United Nations. There shall be no destruction or concealment of archives, records, plans or any other documents or information.

36. The Italian Government will take and enforce such legislative and other measures as may be necessary for the execution of the present instrument. Italian military and civil authorities will comply with any instructions issued by the Allied Commander-in-Chief for the same purpose.

37. There will be appointed a Control Commission representative of the United Nations charged with regulating and executing this instrument under the orders and general directions of the Allied Commander-in-Chief.

38.—(A) The term “United Nations” in the present instrument includes the Allied Commander-in-Chief, the Control Commission and any other authority which the United Nations may designate.

(B) The term “Allied Commander-in-Chief” in the present instrument includes the Control Commission and such other officers and representatives as the Commander-in-Chief may designate.

39. Reference to Italian land, sea and air forces in the present instrument shall be deemed to include Fascist Militia and all such other military or para-military units, formations or bodies as the Allied Commander-in-Chief may prescribe.

40. The term "War Material" in the present instrument denotes all material specified in such lists or definitions as may from time to time be issued by the Control Commission.

41. The term "Italian Territory" includes all Italian colonies and dependencies and shall for the purposes of the present instrument (but without prejudice to the question of sovereignty) be deemed to include Albania. Provided, however, that except in such cases and to such extent as the United Nations may direct the provisions of the present instrument shall not apply in or affect the administration of any Italian colony or dependency already occupied by the United Nations or the rights or powers therein possessed or exercised by them.

42. The Italian Government will send a delegation to the Headquarters of the Control Commission to represent Italian interests and to transmit the orders of the Control Commission to the competent Italian authorities.

43. The present instrument shall enter into force at once. It will remain in operation until superseded by any other arrangements or until the voting into force of the peace treaty with Italy.

44. The present instrument may be denounced by the United Nations with immediate effect if Italian obligations thereunder are not fulfilled or, as an alternative, the United Nations may penalise contravention of it by measures appropriate to the circumstances such as the extension of the areas of military occupation or air or other punitive action.

The present instrument is drawn up in English and Italian, the English text being authentic, and in case of any dispute regarding its interpretation, the decision of the Control Commission will prevail.

Signed at Malta on September 29, 1943.

MARSHAL PIETRO BADOGLIO,
Head of the Italian Government.

DWIGHT D. EISENHOWER,
*General, United States Army,
Commander-in-Chief, Allied Force.*

Letter from General Eisenhower to Marshal Badoglio

September 29, 1943.

My dear Marshal Badoglio,

THE terms of the armistice to which we have just appended our signatures are supplementary to the short military armistice signed by your representative and mine on September 3, 1943. They are based upon the situation obtaining prior to the cessation of hostilities. Developments since that time have altered considerably the status of Italy, which has become in effect a co-operator with the United Nations.

It is fully recognised by the Governments on whose behalf I am acting that these terms are in some respects superseded by subsequent events and that several of the clauses have become obsolescent or have already been put into execution. We also recognise that it is not at this time in the power of the Italian Government to carry out certain of the terms. Failure to do so because of existing conditions will not be regarded as a breach of good faith on the part of Italy. However, this document represents the requirements with which the Italian Government can be expected to comply when in a position to do so.

It is to be understood that the terms both of this document and of the short military armistice of September 3 may be modified from time to time if military necessity or the extent of co-operation by the Italian Government indicates this as desirable.

Sincerely,

DWIGHT D. EISENHOWER.

*General, United States Army,
Commander-in-Chief, Allied Forces.*

*Protocol signed on November 9, 1943, amending the Additional
Conditions of September 29, 1943*

It is agreed that the title of the document signed at Malta on September 29, 1943, by Marshal Pietro Badoglio, Head of the Italian Government, and General Dwight D. Eisenhower, Commander-in-Chief, Allied Forces, should be changed to

“additional conditions of Armistice with Italy.” The following further amendments to this document are also agreed:—

In the first paragraph of the Preamble the words “acting in the interests of all the United Nations” are inserted between the words “Governments” and “on the one hand.” The paragraph in question therefore reads as follows:—

“Whereas in consequence of an Armistice dated September 3, 1943, between the United States and United Kingdom Governments acting in the interests of all the United Nations on the one hand, and the Italian Government on the other hand, hostilities were suspended between Italy and United Nations on certain terms of a military nature.”

In the fourth paragraph of the Preamble the words “and Soviet” are inserted between the words “United Kingdom” and “Governments,” and the word “and” between the words “United States” and “United Kingdom” is deleted. The paragraph in question therefore reads as follows:—

“The following, together with the terms of the Armistice of September 3, 1943, are the terms on which the United States, United Kingdom and Soviet Governments, acting on behalf of the United Nations, are prepared to suspend hostilities against Italy so long as their military operations against Germany and the Allies are not obstructed and Italy does not assist these Powers in any way and complies with the requirements of these Governments.”

In paragraph 6 of the Preamble the word “unconditionally” is inserted between the word “accepted” and “by.” The paragraph in question therefore reads as follows:—

“and have been accepted unconditionally by Marshal Pietro Badoglio, Head of the Italian Government representing the Supreme Command of the Italian land, sea and air forces and duly authorised to that effect by the Italian Government.”

In Article 1 (A) the word “unconditionally” is deleted. The Article in question therefore reads as follows:—

“The Italian land, sea and air forces wherever located hereby surrender.”

Article 29 is amended to read as follows:—

“Benito Mussolini, his chief Fascist associates, and all persons suspected of having committed war crimes or analogous offences whose names appear on lists to be communicated by the United Nations and who now or in the future are on

territory controlled by the Allied Military Command or by the Italian Government, will forthwith be apprehended and surrendered into the hands of the United Nations. Any instructions given by the United Nations in this purpose will be complied with."

The present Protocol is drawn up in English and Italian, the English text being authentic, and in case of any dispute regarding its interpretation the decision of the Control Commission will prevail.

Signed on November 9, 1943, at Brindisi.

NOEL MACFARLANE,

Lt.-General,

For the Allied Commander-in-Chief.

BADOGGIO,

The Head of the Italian Government.

ARRETE No. 129/F.C. re-establishing the application of the Lebanese Constitution and making certain modifications thereto.—Signed by General Catroux, March 18, 1943⁽¹⁾

LE Général d'Armée G. Catroux, Grand Officier de la Légion d'Honneur, Commandant en Chef au Levant, Délégué Général et Plénipotentiaire de la France Combattante au Levant :

Vu les décrets du Chef des Français Libres en date du 24 Juin 1941 :

Vu la Constitution de la République Libanaise promulguée par M. Henri de Jouvenel, Haut-Commissaire de la République française en Syrie et au Liban, le 23 Mai 1926,⁽²⁾ modifiée par les lois du 17 Octobre 1927 et du 8 Mai 1929⁽³⁾ ;

Vu la lettre No. 3536, en date à Beyrouth du 23 Novembre 1941, par laquelle le Général d'Armée Catroux, Commandant en Chef au Levant, Délégué Général et Plénipotentiaire de la France Libre au Levant a demandé à M. Alfred Naccache, Chef du Gouvernement libanais, de bien vouloir accepter la mission de Président de la République libanaise ;

Vu la lettre No. 512/C, en date à Beyrouth du 24 novembre 1941, par laquelle M. Alfred Naccache, Chef du Gouvernement

(1) Text from " *Le Jour* " of March 18, 1943.

(2) Vol. CXXVII, page 831.

(3) Vol. CXXX, page 930.

de la République Libanaise a fait connaître au Général d'Armée Catroux Commandant en Chef au Levant, Délégué Général et Plénipotentiaire de la France Libre au Levant qu'il acceptait la mission proposée du Président de la République Libanaise ;

Vu la proclamation faite à Beyrouth le 26 Novembre 1941, par le Général d'Armée Catroux, Commandant en Chef au Levant, Délégué Général et Plénipotentiaire de la France Libre au Levant, reconnaissant l'indépendance du Liban et définissant dans son esprit et dans ses formes, la collaboration à instituer entre la France et le Liban, en attendant la conclusion d'un traité d'alliance et d'amitié franco-libanaise qui consacrerait définitivement l'indépendance du pays ;

Vu la décision prise par le Comité National de la France Combattante à la suite de laquelle a été publié, le 24 Janvier 1943, le communiqué suivant :

“ Le Comité National Français,

“ résolu à renforcer l'Indépendance de la Syrie et du Liban, Indépendance proclamée en son nom par le Général Catroux en 1941,

“ et considérant, après consultation avec le Gouvernement Britannique, que l'évolution de la situation militaire dans le pays autorise le rétablissement du régime constitutionnel.

“ a donné mandat au Délégué Général et Plénipotentiaire, Commandant en Chef au Levant, de prendre à cet effet toutes les dispositions nécessaires, après consultation avec le Gouvernement de la République Syrienne et de la République Libanaise, ainsi qu'avec les principales personnalités politiques locales.

“ Le retour du Général Catroux, prochainement attendu au Levant, marquera donc une étape décisive dans la vie politique du Liban et de la Syrie ”.

Considérant que les consultations avec le Gouvernement de la République Libanaise et avec les principales personnalités politiques locales ont été menées à bonne fin, et qu'il échet d'exécuter le mandat confié, au Général Commandant en Chef au Levant, Délégué Général et Plénipotentiaire, par le Comité National de la France Combattante ;

Considérant que, dans les circonstances actuelles, le rétablissement du régime constitutionnel exige que la Chambre des

Députés constitue une émanation directe de la volonté du peuple libanais :

ARRÊTÉ

ART. 1^{er}. Sont abrogés l'arrêté n° 246/LR du 21 Septembre 1939,^(*) réglant, à titre provisoire, l'organisation et le fonctionnement des pouvoirs publics de la République Libanaise et l'arrêté 247/LR du 21 Septembre 1939 fixant la liste des emplois publics réservés à la nomination du Président de la République.

2. La Constitution de la République Libanaise promulguée le 23 Mai 1926 et modifiée par les lois constitutionnelles du 17 Octobre 1927 et du 8 mai 1929 est rétablie, avec les modifications qui y sont apportées par l'article 3 du présent arrêté.

Le rétablissement de la Constitution prendra effet du jour où la Chambre des députés, issue d'élections à intervenir dans le délai de trois mois, au maximum, à compter de la date du présent arrêté, aura procédé à l'élection du Président de la République dans les conditions fixées par les art. 49, 74 et 75 de cette Constitution.

3. Les modifications suivantes sont apportées à la Constitution de la République Libanaise promulguée le 23 mai 1926 et modifiée par les lois constitutionnelles du 17 octobre 1927 et du 8 mai 1929 :

L'article 24 est remplacé par les dispositions suivantes :

“ Art. 24.—La Chambre des Députés est composée de membres élus dont le nombre et le mode d'élection sont fixés par l'arrêté No 2/LR du 2 janvier 1934 modifié par l'arrêté No 95/LR du 4 mai 1934, l'arrêté No 279/LR du 3 décembre 1934, l'arrêté No 119/LR du 29 juillet 1937 et l'arrêté No 135/LR du 7 octobre 1937, dont les dispositions resteront en vigueur jusqu'à l'élaboration d'une nouvelle loi électorale par l'Assemblée ”.

L'Article 30 est remplacé par les dispositions suivantes :

“ Art. 30.—La Chambre des Députés est seule compétente pour juger la validité du mandat de ses membres. Aucun mandat ne peut être invalidé qu'à la majorité des deux tiers des voix de l'Assemblée entière ”.

L'article 41 est remplacé par les disposition suivantes :

“ Art 41.—En cas de vacance d'un siège de la Chambre, il sera pourvu à la vacance dans un délai de deux mois. Le

(*) Vol. CXLIII, page 562.

mandat du nouveau membre ne durera que jusqu'à l'expiration du mandat de celui qu'il remplace. Il ne sera par pourvu à la vacance si la chambre est à moins de six mois de l'expiration de ses pouvoirs".

L'article 42 est remplacé par les dispositions suivantes :

" Art. 42.—Les élections générales pour le renouvellement de l'Assemblée ont lieu dans les soixante jours qui précèdent l'expiration de leur mandat ".

4. A partir du jour où prendra effet le rétablissement de la Constitution prévu par l'article 2 du présent arrêté, la Constitution pourra, dans les conditions fixées par ses art. 76 et 77, être révisée, notamment en ce qui concerne le rétablissement, au sein de l'Assemblée composée de membres nommés.

ARRÊTÉ No. 130 F.C. regulating the Executive and Legal powers in the Lebanese Republic provisionally, pending the election of the President of the Republic.—Signed by General Catroux, March 18, 1943

ART. 1. A titre provisoire et jusqu'au jour où la Chambre des Députés aura procédé à l'élection du Président de la République Libanaise, dans les conditions fixées par les articles 49, 74 et 75 de la Constitution⁽¹⁾, le pouvoir exécutif, dans l'Etat de la République Libanaise, sera assuré par un Chef de l'Etat, Chef du Gouvernement, nommé par le Général Commandant en Chef au Levant, Délégué Général et Plénipotentiaire de la France Combattante au Levant.

2. Le Chef de l'Etat, Chef du Gouvernement est assisté de deux ministres d'Etat nommés par lui et responsables devant lui.

3. Le Chef de l'Etat, Chef du Gouvernement a qualité pour prendre, en Conseil des Ministres, des décrets ayant force de loi, sous les réserves formulées dans la proclamation de l'indépendance du Liban faite à Beyrouth le 26 novembre 1941 par le Général d'Armée G. Catroux, Commandant en Chef au Levant, Délégué Général et Plénipotentiaire de la France Libre au Levant.

4. Le Chef de l'Etat, Chef du Gouvernement a qualité pour convoquer les collèges électoraux dans les conditions fixées par l'article 8 de l'arrêté No 2/LR du 2 Janvier 1934⁽²⁾—concernant l'élection des Députés de la République Libanaise. Il devra procéder à cette opération dans un délai de trois mois au maximum à partir de la date du présent arrêté.

(1) Vol. CXXXVII, page 831.

(2) Vol. CXXXVII, page 537.

ARRÊTÉ No. 131/F.C. appointing a provisional Chief of State and Head of Government of the Lebanese Republic pending the election of a President.—Signed by General Catroux, March 18, 1943

ART. UNIQUE. A titre provisoire et jusqu'au jour où la Chambre des Députés aura procédé à l'élection du Président de la République Libanaise dans les conditions fixées pour les articles 49, 74 et 75 de la Constitution,⁽¹⁾ M. le Docteur Ayoub Tabet exercera les pouvoirs de Chef de l'Etat, Chef du Gouvernement de la République Libanaise tels qu'ils sont définis par l'arrêté No 130/FC du 18 mars 1943.

(1) Vol. CXXVII, page 831.

DECREE No. 1/A.T. nominating Ministers of State for the Lebanese Republic.—March 18, 1943

Le Chef de l'Etat et du Gouvernement.

Vu l'arrêté No 131/F.C. du 18 Mars 1943.

Vu l'arrêté No 129/F.C. du 18 Mars 1943 rétablissant l'application de la Constitution et modifiant certaines dispositions de la Constitution libanaise,

Vu l'arrêté No 130/F.C. du 18 Mars 1943 notamment son article 2,

DECRETE :

ART. 1^{er}.—L'Emir Khaled Chéhab est nommé Ministre des Finances, de l'Education Nationale, du Commerce et de l'Industrie, des Postes et Télégraphes et de l'Agriculture.

2. M. Jaouad Boulos est nommé Ministre des Travaux Publics de l'Hygiene et de l'Assistance Publique et des Affaires Etrangères,

3. Les Ministères de l'Intérieur, de la Justice et du Ravitaillement sont assurés par le Chef de l'Etat, Chef du Gouvernement.

ARRÊTÉ No. 147/F.C. amending Article 2 of Arrêté 129/F.C. of March 18, 1943 re-establishing the Lebanese Constitution —signed by General Catroux, March 25, 1943⁽¹⁾

LE Général d'Armée Catroux a rendu le 25 mars l'arrêté suivant :

ART. 1^{er}. L'article 2 de l'arrêté No. 129/F.C. du 18 mars 1943⁽²⁾ rétablissant au Liban l'application de la Constitution

(1) Text from " *La Syrie et l'Orient* " of March 26, 1943.

(2) Page 293.

et modifiant certaines dispositions de cette Constitution est rectifiée de la façon suivante :

2. La Constitution de la République Libanaise promulguée le 23 mai 1926⁽³⁾ et modifiée par les lois constitutionnelles du 17 octobre 1927⁽⁴⁾ et du 8 mai 1929 est rétablie, avec les modifications qui y sont apportées par l'article 3 du présent arrêté.

Le rétablissement de la Constitution prendra effet du jour où la Chambre des Députés, issue d'élections à intervenir et effectuées dans les conditions fixées par l'arrêté du Haut-Commissaire No. 2/LR du 2 janvier 1934⁽⁵⁾ complété et modifié par les arrêtés No. 95/LR du 4 mai 1934, No. 279/LR du 3 décembre 1934, No. 119/LR du 29 juillet 1937 et No. 135/LR du 7 octobre 1937, aura procédé à l'élection du Président de la République conformément aux dispositions des articles 49, 74 et 75 de la Constitution.

“La convocation des collèges électoraux en vue de ces élections devra être effectuée dans un délai de 3 mois au maximum à partir de la date du présent arrêté”.

2. Le Secrétaire Général est chargé de l'exécution du présent arrêté qui, vu l'urgence et conformément aux dispositions de l'article 3 de l'arrêté 96/S du 14 avril 1925, entrera en vigueur par voie d'affichage à la porte de la Délégation Générale.

⁽³⁾ Vol. CXXVII, page 831.

⁽⁴⁾ Vol. CXXX, page 930.

⁽⁵⁾ Vol. CXXXVII, page 537.

ARRÊTÉ No. 312/F.C. fixing the number of Deputies to be elected to the Lebanese Parliament.—Beyrouth, July 31, 1943

JEAN Helleu, Ambassadeur de France, Délégué Général et Plénipotentiaire de France au Levant,

Vu les décrets du Chef des Français Libres en date du 24 juin 1941,⁽¹⁾

Vu le décret du Comité Français de la Libération Nationale en date du 7 juin 1943,

Vu la proclamation de l'indépendance du Liban, faite à Beyrouth le 26 novembre 1941, par le Général d'Armée Catroux,

⁽¹⁾ Vol. CXLIV, page 761.

Commandant en Chef, Délégué Général et Plénipotentiaire de la France Libre au Levant,

Vu l'arrêté No. 129/F.C. du 18 mars 1943⁽²⁾ rétablissant au Liban l'application de la Constitution et modifiant certaines dispositions de cette Constitution,

Considérant que le Parlement libanais aura toute qualité pour déterminer à l'avenir les modalités de la représentation nationale et qu'il importe, en attendant, de fixer sur une base équitable et à titre transitoire ces modalités en vue de la prochaine consultation électorale,

Arrêté :

ART. 1^{er}. La Chambre des Députés, appelée à assurer le rétablissement de la Constitution Libanaise, comprendra 55 membres.

2. La répartition des sièges de la Chambre des Députés à élire sera la suivante :

A—District de Beyrouth :

Sunnites	...	...	...	...	3
Chiïtes	...	...	...	...	1
Arméniens Orthodoxes	...	...	...	...	2
Greco-Orthodoxes	...	...	...	...	1
Maronites	...	...	...	...	1
Rites minoritaires	...	...	...	...	1

B—District du Mont Liban :

Maronites	...	...	...	...	10
Druzes	...	...	...	...	3
Sunnites	...	...	...	...	1
Chiïtes	...	...	...	...	1
Greco-Orthodoxes	...	...	...	...	1
Greco-Catholiques	...	...	...	...	1

C—District du Liban Nord :

Maronites	...	...	...	...	5
Sunnites	...	...	...	...	5
Greco-Orthodoxes	...	...	...	...	2

D—District du Liban Sud :

Chiïtes	...	...	...	...	6
Sunnites	...	...	...	...	1
Maronites	...	...	...	...	1
Greco-Catholiques	...	...	...	...	1
Greco-Orthodoxes	...	...	...	...	1

(2) Page 293.

E—District de la Békaa :

Chiïtes	...	...	...	...	2
Sunnites	...	...	...	...	1
Maronites	...	...	...	...	1
Greco-Catholiques	...	...	...	...	1
Greco-Orthodoxes	...	...	...	...	1
Druzes	...	...	...	...	1

3. Il sera procédé à un recensement général de la population libanaise. Ce recensement devra être terminé dans un délai ne dépassant pas deux ans à dater du présent arrêté.

4. Le Secrétaire Général est chargé de l'exécution du présent arrêté qui, vu l'urgence, et conformément aux dispositions de l'article 3 de l'arrêté No. 96/S du 14 avril 1925, entrera en vigueur par voie d'affichage à la porte de la Délégation Générale.

Beyrouth, le 31 juillet 1943.

Le Délégué Général et Plénipotentiaire,

J. HELLEU.

[and three other signatures]

**DECREE amending Article 5 of the Constitution of the Republic of Lebanon, concerning the national flag.—
Beyrouth, December 7, 1943⁽¹⁾**

(Translation)

ARTICLE 5 of the Lebanese Constitution⁽²⁾ is amended as follows:—

“The flag of the Republic of Lebanon is composed of horizontal bands of red, white and red, with a green cedar in the centre of the white band. The white band is equal in width to the two red bands combined. The Cedar occupies one-third of the total length of the white band, and its root touches the lower and its summit the upper red band”.

BISHARA KHALIL EL-KHOURY.

⁽¹⁾ Published in the Official Gazette of the Lebanese Republic, December 8, 1943.

⁽²⁾ Vol. CXXVII, page 831.

**TREATY of Amity between Lithuania and Mexico.—
Washington, May 31, 1938**

[Ratifications exchanged at Washington, August 29, 1939]

LA République de Lithuanie, d'une part, et

La République des Etats-Unis Mexicains, d'autre part, animées de désir d'établir entre elles et de consolider des liens de sincère amitié et également pénétrées de la conviction

que ces rapports, une fois établis, contribueront à augmenter la prospérité et le bien-être de leurs Nations respectives ont résolu de conclure un Traité d'amitié et ont, à cet effet, nommé pour leurs Plénipotentiaires, savoir :

[Here follow the names]

Lesquels après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, ont convenu des dispositions suivantes :

ART. 1. Il y aura paix inviolable et amitié sincère et perpétuelle entre la République de Lithuanie et la République des Etats-Unis Mexicains ainsi qu'entre les citoyens des deux Parties.

2. Les Hautes Parties Contractantes son d'accord pour établir les relations diplomatiques et consulaires entre les deux Etats conformément aux principes du Droit des Gens. Elles conviennent que les Représentants diplomatiques et consulaires de chacune d'Elles recevront à charge de réciprocité dans le territoire de l'autre, le traitement consacré par les principes généraux du Droit International Public Général et qu'ils jouiront, dans le pays de leur résidence, des droits, privilèges, immunités et exemptions accordées aux Représentants diplomatiques et consulaires de la Nations la plus favorisée.

3. Les Hautes Parties Contractantes s'engagent à soumettre à la conciliation et à l'arbitrage toutes contestations de quelque nature qu'elles soient au sujet desquelles les Parties se contesteraient réciproquement un droit et qui n'auraient pu être réglées à l'amiable par les procédés diplomatiques ordinaires. Il est entendu que les contestations ci-dessus visées comprennent notamment :

- (a) L'interprétation d'un Traité ;
- (b) Tout point de droit international ;
- (c) La réalité de tout fait qui, s'il était établi, constituerait la violation d'un engagement international ;
- (d) La nature ou l'entendu de la réparation due pour la rupture d'un engagement international.

4. Le présent Traité sera ratifié et les ratifications seront échangées à Washington, D.C., le plus tôt que faire se pourra. Il entrera en vigueur trente jours après l'échange des ratifications.