



Treaty Series No. 10 (1937)

Exchange of Notes

between His Majesty's Government in the United Kingdom
and the Government of Saudi Arabia

for the

Modification of the Treaty of Jedda of the 20th May, 1927

Mecca/Jedda, October 3, 1936

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

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EXCHANGE OF NOTES BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE GOVERNMENT OF SAUDI ARABIA FOR THE MODIFICATION OF THE TREATY OF JEDDA, MAY 20, 1927.

Mecca/Jedda, October 3, 1936.

No. 1.

(Translation.)

The Minister for Foreign Affairs to His Majesty's Minister at Jedda.

Your Excellency,
(After compliments.)

*Mecca, 17th Rajab, 1355
(October 3, 1936).*

WHEREAS the period of seven years specified in Article 8 of the Treaty of Jedda of the 18th Zul Qa'da, 1345, corresponding with the 20th May, 1927,⁽¹⁾ expired on the 8th Jumad ath-Thani, 1353, corresponding with the 17th September, 1934, and under this Article the operation of the said Treaty may be terminated on six months' notice being given by either party to the other party :

Our two Governments have for some time past been in negotiation with the object of placing their reciprocal relations on a more stable basis, and being animated by a common desire to consolidate still further the friendly relations happily existing between them have as a result of these negotiations, agreed, subject to certain stipulations which have been agreed upon, to modify the conditions in which the said Treaty may be terminated and also to modify certain of the provisions of that treaty and of the letters, annexed thereto, exchanged between His Majesty King Abdul Aziz and Sir Gilbert Clayton at the time of the conclusion of the treaty. I confirm hereinafter the stipulations agreed upon :—

1. Subject to what is set forth hereinafter in the following paragraphs, the two Governments have reciprocally agreed to abolish for a period of seven solar years from to-day's date their right to give six months' notice of their wish to terminate the said Treaty, as provided for in Article 8 thereof.

2. There shall be added at the end of Article 4 of the said Treaty relative to the disposal of the effects of deceased pilgrims :—

“ It is further agreed that the competent authorities of the Government of the Saudi Arab Kingdom may, at the request of His Majesty's Government in the United Kingdom conveyed through the diplomatic channel, sell such property or any part thereof and hand its value to the British Legation in Jedda, subject to the formalities and collection of the dues referred to in this Article.”

(¹) “ Treaty Series No. 25 (1927),” Cmd. 2951.

3. As regards the provision in Article 10 of the Treaty of Jedda, which reads, "but in case of divergence in the interpretation of any part of the Treaty, the English text shall prevail," the two Governments agree to its deletion from the Treaty, Article 10 of which shall consequently read as follows :—

"The present Treaty has been drawn up in Arabic and English. Both texts shall be of equal validity."

4. The Government of His Majesty the King of Saudi Arabia reserve their rights in the Aqaba-Ma'an area as set forth in the letter of His Majesty King Abdul Aziz, King of Saudi Arabia, to Sir Gilbert Clayton, dated the 19th Zul Qa'da, 1345, corresponding with the 21st May, 1927, in reply to the letter of Sir Gilbert Clayton of the 18th Zul Qa'da, 1345, corresponding with the 19th May, 1927.

5. It is agreed that His Majesty's Government in the United Kingdom renounce the right of manumission of slaves referred to in the letter of Sir Gilbert Clayton to His Majesty King Abdul Aziz, King of Saudi Arabia, dated the 19th May, 1927, corresponding with the 18th Zul Qa'da, 1345, and His Majesty's reply thereto of the 19th Zul Qa'da, 1345, and cease to exercise the said right as from to-day's date.

6. Notwithstanding what is contained in Sir Gilbert Clayton's letter to His Majesty King Abdul Aziz, King of Saudi Arabia, dated the 19th May, 1927, corresponding with the 18th Zul Qa'da, 1345, and His Majesty's reply thereto, the Saudi Arab Government agree that if they should wish to purchase arms, ammunition or war materials from manufacturers in the United Kingdom, the exportation thereof shall be subject to the regulations in force in the United Kingdom at the time of exportation.

7. It is agreed that the present note and your Excellency's reply thereto confirm the acceptance by our two Governments of the stipulations set forth therein, and together constitute a binding and reciprocal agreement between our two Governments which shall come into force from to-day's date.

FEISAL,
Minister for Foreign Affairs.

No. 2.

His Majesty's Minister at Jedda to the Minister for Foreign Affairs.

Your Royal Highness,
(After compliments.)

Jedda, October 3, 1936.

I HAVE the honour to acknowledge the receipt of Your Royal Highness's note of the 17th Rajab, 1355, corresponding with the 3rd October, 1936, in which you recall the fact that the period of seven years specified in Article 8 of the Treaty of Jedda of the 20th May, 1927, corresponding with the 18th Zul Qa'da, 1345, expired

on the 17th September, 1934, corresponding with the 8th Jumad ath-Thani, 1353, and that under the said Article the operation of the said Treaty may be terminated on six months' notice of such termination being given by either party to the other party. Your Royal Highness refers to the negotiations in which our two Governments have been engaged for some time past, with the object of placing their relations on a more stable basis, and to the fact that, animated by a common desire to consolidate still further the friendly relations happily existing between them, they have, as a result of those negotiations, agreed to modify the conditions under which the said Treaty may be terminated, and also certain of the provisions of the said Treaty and of the letters exchanged between His Majesty King Abdul Aziz and Sir Gilbert Clayton at the time of the conclusion of the Treaty, subject to certain stipulations which have been agreed upon and which are recited in Your Royal Highness's note under reference.

I have the honour to confirm, on behalf of His Majesty's Government in the United Kingdom, the agreement which has been reached and the stipulations to which it is subject, as follows :—

1. Subject to what is set forth in the following paragraphs, the two Governments have agreed reciprocally to renounce for a period of seven solar years from to-day's date, their right to give six months' notice of their wish to terminate the said Treaty, as provided in Article 8 thereof.

2. The following addition shall be made at the end of Article 4 of the said Treaty relative to the disposal of the property of deceased pilgrims :—

“ It is further agreed that the competent authorities of the Saudi Arabian Government may, at the request of His Majesty's Government in the United Kingdom, conveyed through the diplomatic channel, sell such property, or any part thereof, and hand the value thereof to the British Legation in Jeddah, subject to the formalities and collection of the dues mentioned in this Article.”

3. As regards the provision in Article 10 of the Treaty of Jeddah, which reads “ but in case of divergence in the interpretation of any part of the Treaty the English text shall prevail,” the two Governments agree to the deletion of this provision from the Treaty, Article 10 of which shall consequently read as follows :—

“ The present Treaty has been drawn up in English and Arabic. Both texts shall be of equal validity.”

4. His Majesty's Government in the United Kingdom take note of the reservation made in paragraph 4 of Your Royal Highness's note under reference, with regard to the Aqaba-Ma'an area, as set forth in the letter of His Majesty King Abdul Aziz, King of Saudi Arabia, to Sir Gilbert Clayton, dated the 19th Zul Qa'da, 1345, corresponding with the 21st May, 1927, in reply to Sir Gilbert

Clayton's letter of the 19th May, 1927, corresponding with the 18th Zul Qa'da, 1345. My Government, for their part, adhere to the position defined in the said letter of Sir Gilbert Clayton.

5. It is agreed that His Majesty's Government in the United Kingdom renounce the right of manumission of slaves referred to in the letters addressed by Sir Gilbert Clayton to His Majesty King Abdul Aziz, King of Saudi Arabia, on the 19th May, 1927, corresponding with the 18th Zul Qa'da, 1345, and His Majesty's reply thereto of the 19th Zul Qa'da, 1345, corresponding with the 21st May, 1927, and will cease to exercise the said right as from the date of this exchange of notes.

6. Notwithstanding what is contained in Sir Gilbert Clayton's letter to His Majesty King Abdul Aziz, King of Saudi Arabia, of the 19th May, 1927, corresponding with the 18th Zul Qa'da, 1345, and His Majesty's reply thereto, the Saudi Arab Government agree that if they should wish to purchase arms, ammunition or war materials from manufacturers in the United Kingdom, the exportation thereof shall be subject to the regulations in force in the United Kingdom at the time of exportation.

7. It is agreed that Your Royal Highness's note under reference and this reply confirm the acceptance by our two Governments of the stipulations set forth therein and together constitute a binding and reciprocal agreement between our two Governments, which shall come into force from to-day's date.

With highest respects,
R. W. BULLARD.

الرقم	_____
التاريخ	_____
الموافق	_____

(٤) تحتفظ حكومة صاحب الجلالة ملك المملكة العربية السعودية بحقها في منطقة العقبة ومعان كاجاء في كتاب حضرة صاحب الجلالة الملك عبدالعزيز ملك المملكة العربية السعودية الى السرجلبرت كلاتين بتاريخ ١٩ ذي القعدة سنة ١٣٤٥ الموافق ٢١ ميسو سنة ١٩٢٢ جوابا على كتاب السرجلبرت كلاتين بتاريخ ١٩ مايو ١٩٢٢ الموافق ١٨ ذي القعدة ١٣٤٥

(٥) لقد تم الاتفاق على أن تتنازل حكومة صاحب الجلالة البريطانية في المملكة المتحدة عن حق عتق الإرقاء المشار اليه في كتاب السرجلبرت كلاتين الى جلاله الملك عبدالعزيز ملك المملكة العربية السعودية المؤرخ في ١٨ ذي القعدة ١٣٤٥ الموافق ١٩ مايو ١٩٢٢ وجواب جلالته عليه بتاريخ ١٩ ذي القعدة ١٣٤٥ الموافق ٢١ ميسو ١٩٢٢ وتكسب عن استعمال الحق المشار اليه من تاريخ هذا اليوم .

(٦) بصرف النظر عما جاء في كتاب السرجلبرت كلاتين الى جلاله الملك عبدالعزيز ملك المملكة العربية السعودية بتاريخ ١٩ مايو ١٩٢٢ الموافق ١٨ ذي القعدة ١٣٤٥ - وجواب جلالته عليه بتاريخ ١٩ ذي القعدة ١٣٤٥ الموافق ٢١ مايو ١٩٢٢ فإن حكومة المملكة العربية السعودية توافق على أنها اذا رغبت في شراء اسلحة أو ذخائر أو أدوات حربية من أصحاب المصانع في المملكة المتحدة فإن تصديرها يكون بمقتضى الانظمة المعمول بهامس المملكة المتحدة وقت التصدير .

(٧) من المتفرغ عليه أن المذكورة العالية وجواب سعادتم عليها يشبان قببول حكومتينا للاحكام الواردة فيها ويشكلان معا اتفاقا ملزما متقابلا بين حكومتينا يكون مساري المفعل من تاريخ هذا اليوم .

وتفضلوا بقبول فائق الاحترام

وصل

وزير الخارجية

الرقم ٤٧/١/٦
التاريخ بموجب ١٣٥٥
الموافق ١٠ أكتوبر ١٩٣٦

بإصاحب السعادة

بالنظر الى أن مدة السبع سنوات المقررة في المادة الثامنة من معاهدة جدة المؤرخة في ١٨ دى القعدة ١٣٤٥ الموافق ٢٠ مايو ١٩٢٧ قد انتهت في ٨ جمادى الثانية سنة ١٣٥٣ الموافق ١٧ سبتمبر ١٩٣٤ وأنه بموجب المادة المذكورة يمكن انهاء حكم المعاهدة المذكورة بأخطار لمدة ستة اشهر يعطى من قبل احد الفريقين الى الفريق الاخر فأحكومتينا شرعنا منذ مدة في المفاوضات لاجل وضع صلاتيهما المتقابلة على اسارائيت وما أنهما يشعرا ن برغبة مشتركة لزيادة تثبيت الصداقة القائمة لحسن الحفظ بينهما فأنتهما بنتيجة تلك المفاوضات اتفقتا على تعديل الشرط الذى بموجبيه يصح انهاء المعاهدة المذكورة كما اتفقتا على تعديل بعض احكام معينة فيها وفى الكتب المتبادلة بين جلالة الملك عبدالعزيز والسر جيلبرت كلاتين الملحقه بها وقت عقد ها . وأتى اتبنت فيما يلى ماتم الاتفاق عليه من الاحكام -

(١) مع مراعاة ما هو موضح فيما يلى من الفقرات فقد اتفقت الحكومتان اتفقا متقابلا على أن تلغى لمدة سبع سنوات شمسية - من تاريخ هذا اليوم - حقهما فى اعطاء انذار لمدة ستة اشهر عن رغبتهما فى انهاء المعاهدة المذكورة كما هو منصوص عليه فى المادة الثامنة منها .

(٢) يزداد فى اخر المادة الرابعة من المعاهدة المذكورة الخاصة بتصرف ممتلكات الحجاج المتوفين ما يأتى - (كما أنه قد اتفق على أنه يجوز للسلطات المختصة فى حكومة المملكة العربية السعودية - بناء على طلب يقدم بالطرز السياسية من حكومة صاحب الجلالة البريطانية فى المملكة المتحدة - أن تقوم ببيع تلك الممتلكات أو أى جزء منها وتسليم قيمتها للمفوضية البريطانية فى جدة مع مراعاة المعاملات واستيفاء الرسوم المشار اليها فى هذه المادة) .

(٣) ان النثر الوارد فى المادة العاشرة من معاهدة جدة القائل (اما اذا وقع اختلاف فى تفسير ار قسم منها فيرجى الى النثر الانجليزى) قد اتفقت الحكومتان على رفعه وازالته من المعاهدة وبناء على ذلك تصبح المادة العاشرة منها كما يأتى . ولدت هذه المعاهدة باللغتين العربية والانجليزية وللنصين قيمة واحدة) .

حصرة صاحب السعادة أئندوب فوق العادة
والوزير المعوض للحكومة البريطانية المحترم
حدة