

BULLETINS N^{os} 9 and 10

APRIL 5, 1926

THE MOSUL QUESTION

by

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With 2 maps

PROBSTHAIN & CO.,
ORIENTAL BOOKSELLERS
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41 Gt. RUSSELL ST., LONDON, W.C.1.

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INTERNATIONAL AFFAIRS
PARIS, Inc.

This Number : One Dollar

TABLE OF CONTENTS

I. Sources cited	3
II. Description of the "contested" zone	5
III. Negotiations concerning Mosul	9
IV. After the decision of the League of Nations	29
V. Economic and political side of the question	38
VI. Dates in the constitutional history of Iraq (<i>Annex</i>) ..	41
Map I to face	9
Map II to face	15

THE MOSUL QUESTION

I

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The sources in this pamphlet will be indicated by Roman numerals in brackets. Thus (III, 273) means source No. III, p. 273.

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II

DESCRIPTION OF THE "CONTESTED" ZONE

Whereas the Turks declared that the point at issue in the so-called "Mosul question" was the future destiny of the vilayet of Mosul, the British contended that the question left unsolved by the Lausanne treaty was the fixation of a frontier between Turkey and Iraq (without particular reference to the limits of the vilayet of Mosul).

The Council of the League of Nations, at its session held in Brussels in September, 1924, established a "provisional" line of *status quo* (the "Brussels line") which did not coincide with the northern boundary of the vilayet of Mosul. In December, 1925, this "provisional" line was adopted as the final line of delimitation.

Speaking therefore of the "contested" territory, one may conventionally consider as such the stretch of land within the following limits : in the north, the "Brussels line"; in the south, the southern boundary of the vilayet of Mosul; in the west, the line separating the territories respectively under the French mandate (Syria) and the British mandate (Iraq); in the east, the Persian frontier.

This territory comprises about 87,890 square kilometres and has a population of over 800,000. Since the conference held in Constantinople in May-June, 1924, the British Government claimed a further extension of the Iraq territory towards the north, which would have given Iraq an additional area of some 3,500 square kilometres.

The "contested" territory is a zone of passage from the torrid alluvial plains of Mesopotamia to the high Armenian table land. The altitude of the southern edge of the vilayet of Mosul does not exceed 200 feet. Then the ground quickly rises towards the northeast. The crest of the hills commanding Dohuk, Agra and Rawanduz has peaks 1253-2273 feet high. Further to the north follows a depression of the divergent river-valleys: of Khabur and of the Greater Zab (some 500 feet above the sea-level). At last the country rises to the "Brussels line" drawn on the line of heights the altitudes of which vary considerably (e. g. 2320-853-1458 feet).

The highest range of mountains (over 4000 feet) towering in the midst of the country, occupied before the war by the Assyrian Christians, is left northeast of the Brussels line.

The "contested" territory is richly watered by the Tigris. This stream traverses the south-western part of the vilayet of Mosul. It has no tributaries on the right (southern) side but many considerable ones on the left side: Khabur (on which Zakhō is situated); Greater Zab coming from the north and draining numerous streams; Lesser Zab coming from

the east; then the shorter Adheim-su and, lastly, DIALA, very important for irrigation of the lands lying on its lower course and belonging to the Bagdad vilayet. The DIALA irrigation scheme would make 2,000,000 acres fit for cultivation of which 500,000 acres would be used for cotton growing. (XIII, 68 and XXXII, 23).

The "contested" territories are on the cross-roads of many waves of migrations and invasions. It has long been known that the population of the vilayet of Mosul from the ethnical point of view is extremely mixed, but a fact that has become prominent only lately is that the majority is formed by the Kurds — that "forgotten" people whose existence and national aspirations began to be recognized only after the war.

The racial composition of the population of the disputed territories has been very much contested between the Turks and the British. The following table shows the statistics of the Turkish census submitted at Lausanne in 1923 and those of the 'Iraq census in 1922-24.

Vilayet of Mosul

	Turkish census	'Iraq census
Kurds	263,830	494,007
Arabs	43,210	166,941
Turks	146,960	38,652
Christians {	31,000	61,336
Jews {		11,897
Yezidis	18,000	26,257
Total settled population	503,000	
Nomads	170,000	
Total	673,000	799,090

It has been shown by the Commission of Enquiry in 1925 that the line separating the two chief nationalities, the Kurds and the Arabs, can be traced on the spot.¹ As a complicating factor may be mentioned the composition of the *liwa* of Mosul where, according to the 'Iraq statistics, Arabs predominate: there are 119,500 Arabs as against 88,000 Kurds. But it must be remembered that, out of this total, 74,000 Arabs live in the city of Mosul and, evidently, the Arab majority exists only within the walls of the city. On the other hand, many of the towns situated along the ancient "high road" passing in the southern zone of the Mosul territory have a predominant Turkish population. Among these may be mentioned the towns of Tell-Afar, Arbil, Altun-Keupri, Kirkuk, Taze-Khurmatli, Taug, Tuz-Khurmatli, Kifri and Qara-tapa.²

Among the minorities³ actually living in 'Iraq are the Assyrian mountaineers (Nestorians). Their original homes were situated in the southern part of the former vilayet of Van (at present vilayet of Hekkari), that is, north of the disputed territory. During the war they rose in arms against the Turkish Government and after many hardships retreated over Urmia

1. Vide *infra*, p. 16.

2. Vide XIII, 38.

3. H. Charles Luké, *Mosul and its minorities*, London, 1925.

and Hamadan into 'Iraq where the British authorities took charge of them. These Assyrians (some 25,000, XIII, 82) do not belong to the population of the Mosul vilayet,¹ but the desire of the British Government was to settle them in the north in a compact community within the limits of the territory under the British mandate. This explains the reasons which moved the British Government to insist upon the extension of the 'Iraq territory beyond the limits of the vilayet of Mosul. "The warlike Assyrian people", says the British memorandum of August 10, 1924, "were willing to give their loyalty to 'Iraq and would constitute a valuable frontier community to the 'Iraq state."

Administratively, the former vilayet of Mosul under the Turkish rule was divided into three *sanjaqs*: Mosul itself (comprising the districts (gazas) of: Mosul, Dohuk, Aqra, Sinjar, Zibar, Amadia and Zakhö), Kirkuk (districts: Kirkuk, Rawanduz, Rania, Kifri, Erbil, Keuy-Sanjaq), Sulaimania (districts: Sulaimania, Gulamber, Mamuret-ul-Hamid, Bazian, Shehri-Bazar). Under the British-and-'Iraq administration the territory has been divided into four *liwas*: Mosul (territories lying west of Greater Zab), Erbil (territories between the two Zabs), Kirkuk (territories on the Adheim-Su and the lower course of DIALA) and Sulaimania (between the Lesser Zab and the liwa of Kirkuk, — near the Persian frontier).

From an economic point of view the "disputed" territory may be divided into three zones:

1. *Uncultivated* lands mostly in the south on the outskirts of the Mesopotamian plain, and northwest of DIALA (cf. *supra* p. 6).

2. *Cultivated* lands in the zone stretching from northwest to southeast between Zakhö and Qara-tapa. Most important is the tract between Mosul and Erbil. Other patches of cultivated land are situated along the rivers and on the slopes of the mountains.

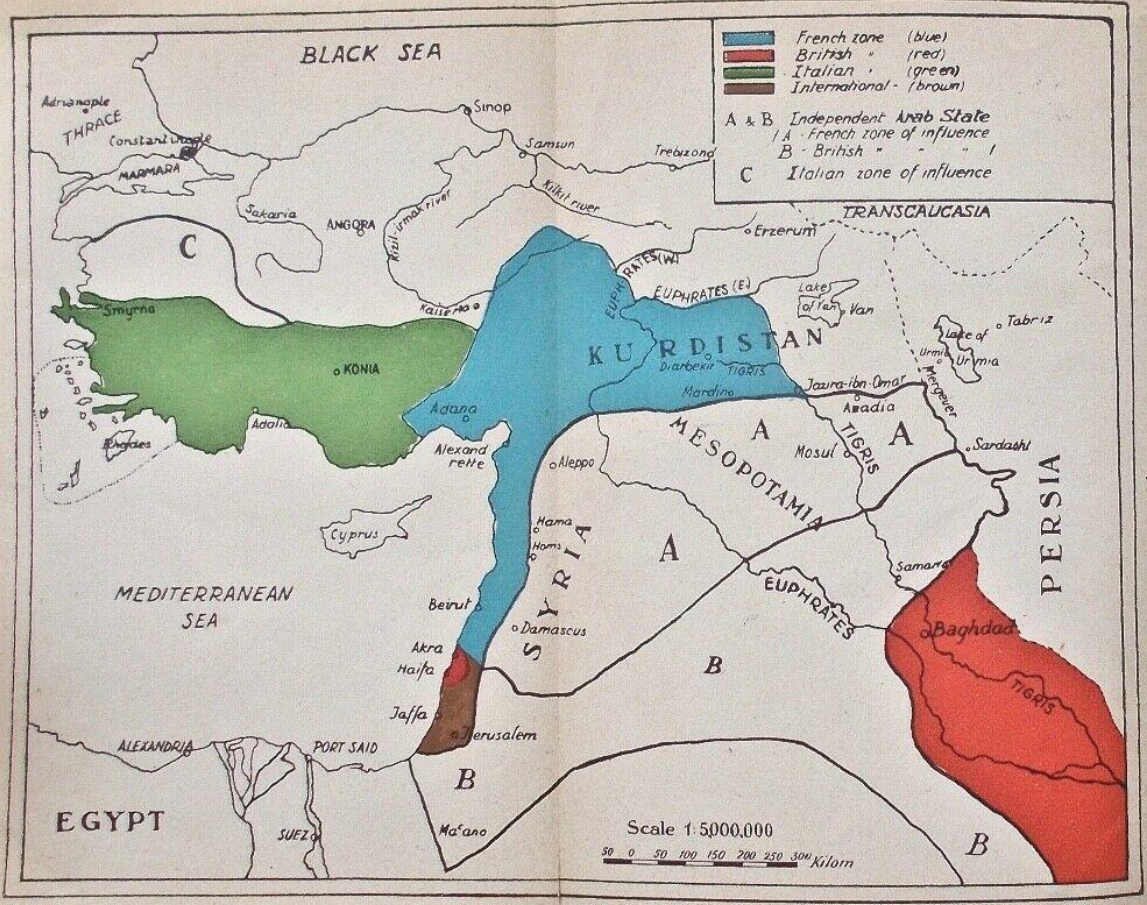
3. Pastures occupy all the northern part of the vilayet. In the south they form wedges between arid and cultivated land.

Forests (chiefly oak) are found in the north near Amadia, Aqra, and in the districts along the Persian frontier.

Of the mineral wealth of the terrace-land of Mosul, oil is the most important. The southern Mosul oil-zone passes near Kifri and Tuz-Khurmatli; the northern zone stretches between Kirkuk and Mosul. Further north around Al-qosh and Zakhö, the gypsiferous rocks seem to offer possibilities of oil. The best chances of important discoveries center round Kifri, Tuz-Khurmatli and Kirkuk — all three in the southwestern *liwa* of Kirkuk. A railway under construction between Bagdad and Mosul had nearly reached Kirkuk by March 1925.¹

1. In 1901 total number of Assyrian Christians (*Nestorians*) was estimated at 13,573 families. Besides 25,000 Assyrian refugees now in 'Iraq, another 20,000 are reported in the U. S. S. R. (XIII, 53 and 87). Their kindred Chaldean Christians (i.e. *Roman Catholics*) living in the former vilayets of Mosul and Diarbekir counted some 6,510 families in 1901.

2. See XIII, 69 and in general: Dr. Walter Schweert, *Die türkisch-irakischen Erdölverkommen*, Hamburg, 1919, Abhandlungen des Hamburgischen Kolonialinstituts, Band XXXX.



III

NEGOTIATIONS CONCERNING MOSUL

The following résumé of the Mosul question is chiefly concerned with the diplomatic and legal side of the negotiations conducted in 1920-1925. The Allied plans during the war.

By an exchange of notes between Sir Edward Grey and the French Ambassador in London, M. Paul Cambon, (May 9, 1916), five zones were created in the southern part of the Asiatic Turkey.

1. A "brown" zone comprising Palestine with Jerusalem and Jaffa, — where an international administration was to be established.¹
2. A British zone: Basra, Bagdad, Khanikin — where Great Britain was free to establish such administration or control as she might consider suitable.
3. A French zone comprising the Syrian coast (Beirut, Antiochia, Alexandretta), Cilicia (Mersina, Adana), and the country between Cilicia and the Upper Tigris (Marash, Aintab, Urfa, Diabekir). Here France disposed of the same rights as England under paragraph 2.

4 and 5. On the intermediate stretch of land, between the British and the French zones, the two Governments were ready to recognize and protect an independent Arab State or a confederation of Arab States. The territory was divided into two "spheres of influence" in which England and France respectively had a priority to loans and enterprises and could furnish the staff of foreign councillors and employees. The French sphere of influence (A) comprised Damascus, Aleppo and Mosul, and on the east joined the Persian frontier. The British sphere of influence (B) occupied the Syrian desert, Tekrit, and the territory along the Persian frontier between the zone (A) and Khanikin (I and II).

In this way the Mosul territory was detached from Iraq proper and entrusted to France. This wedge of territory was, in all evidence, destined to separate the conflicting interests of Great Britain (in the south) and Russia (in the north), and thereby diminish the eventual frictions between them. Documents from diplomatic archives of the Imperial Russian Government show that at first Russia did not favor the appearance in the immediate neighborhood of her future frontiers of a new political factor represented by France (M. Sazonov's memorandum of February 29, 1916, II, 160). But finally by the note of April 26, 1916, Russia agreed to the project elaborated by M. Picot and Sir Mark Sykes², on condition that the region of Kurdistan situated south of Van and Bitlis should be included in Russia. Its limits were defined as follows: "the region between Mush, Seert, the Tigris, Jazira-ibn-Omar, and the line of peaks commanding over Amadia and Mergaver".

¹ The ports of Akra and Haifa, situated in this zone were to be ceded to Great Britain.
² It was this latter's intention to "create a French buffer in the Middle East between Russian and British territory". See an authoritative statement by the experts of the Foreign Office in Shane Leslie's, *Mark Sykes, His Life and Letters*, p. 150.

Map I.

After the Armistice.

After the Russian revolution broke out, the allied scheme collapsed and was gradually replaced by the present delimitation of the territories respectively under the French and the British mandates. M. Clemenceau accepted in principle Mr. Lloyd George's plan of leaving Mosul out of the French zone in exchange for the promise to allow a 25% participation in the Mesopotamian oil. This latter arrangement was finally arrived at in the San Remo agreement of April 25, 1920, signed by Mr. Lloyd George and Prof. J. Cadman on the English side, and by M. Millerand and M. Berthelot on the French side (III). On December 23, 1923, the decision taken by the Supreme Council in San Remo with regard to the distribution of the Oriental mandates between Great Britain and France¹ was completed by the direct agreement of the two Governments, represented by Vicount Hardinge and M. Leygues. A frontier line was established separating British mandates in Mesopotamia and Palestine from the French ones in Syria and Lebanon: in the north it followed the Tigris from Jazira-ibn-Omar downwards to the frontier of the former vilayets of Diarbekir and Mosul, and then inclined to the south following this latter frontier. In this way the vilayet of Mosul was left to the east outside of the French mandate (IV).

It was mentioned in the armistice provisions, signed on October 30, 1918, between Admiral Calthorpe, on behalf of the Allies, and the Turks that military operations were to be suspended on October 31. The Turks hoped to keep the positions actually occupied at that date, which included the greater part of the Mosul vilayet. The British, on their part, alleged that articles 7 and 16 of the armistice respectively enabled them to occupy points of strategic importance and mentioned the surrender of the Turkish garrisons in "Mesopotamia".

In an official letter dated November 2, General Marshal requested the Turks to surrender the territory of "Iraq", as described in a German military report published in 1917. Notwithstanding the Turkish protests the British flag was hoisted in Mosul on November 8, 1918, and the occupation subsequently spread over the whole area. But "General Marshal's line" did not include the districts lying northeast of Mosul (e. g. Rawanduz).

During the war the declared object of the Allies was the creation of an Arab state in Mesopotamia, but towards 1919 it was heard that some British representatives on the spot were pointing out the necessity of creating a Kurdish state as well. At that time many Kurdish districts were already included in the British administration.

Treaty of Sèvres.

On August 10, 1920, the Allies signed with the Ottoman representatives the ephemeral Treaty of Sèvres. The document is now interesting only as marking a further stage in negotiations.

1. The proceedings of the meeting have never been published.

Article 27 of the Treaty of Sèvres and the annexed map (V) indicate the northern boundary of Mesopotamia as following more or less the limits of the vilayet of Mosul. It must be remembered that the boundary was really the one between Mesopotamia and *Armenia* which, according to the Treaty of Sèvres, was to form an independent state. On the other hand, articles 62-64 provide for a local autonomy of the Kurdish areas in Turkey east of the Euphrates, and, in case the Kurds living there should notify within a year their desire to separate from Turkey, the latter must renounce its rights over those areas. Moreover, adds the treaty, "no objection will be raised by the Principal Allied Powers to the voluntary adhesion to such an independent Kurdish State of the Kurds inhabiting that part of Kurdistan which has hitherto been included in the Mosul Vilayet" (art. 64).

'Iraq — an Arab State.

The Ottoman Government, having signed this treaty, was soon eclipsed by the new power that had arisen in Angora. The subsequent years were occupied by the struggle in Asia Minor in which Greece was to play the rôle of the Allies' mandatory. At the same time, among many difficulties, Great Britain was consolidating her position in Mesopotamia which finally took the form of an Arab kingdom ('Iraq) under the sovereignty of King Faisal.¹

The occupation authorities twice consulted the population by means of a kind of referendum. The text of the "plebiscite" of 1919 seems to convey clearly the idea that at that time a great uncertainty prevailed with regard to the Kurdish element of the population. The questions submitted to the representatives of the population were the following: —

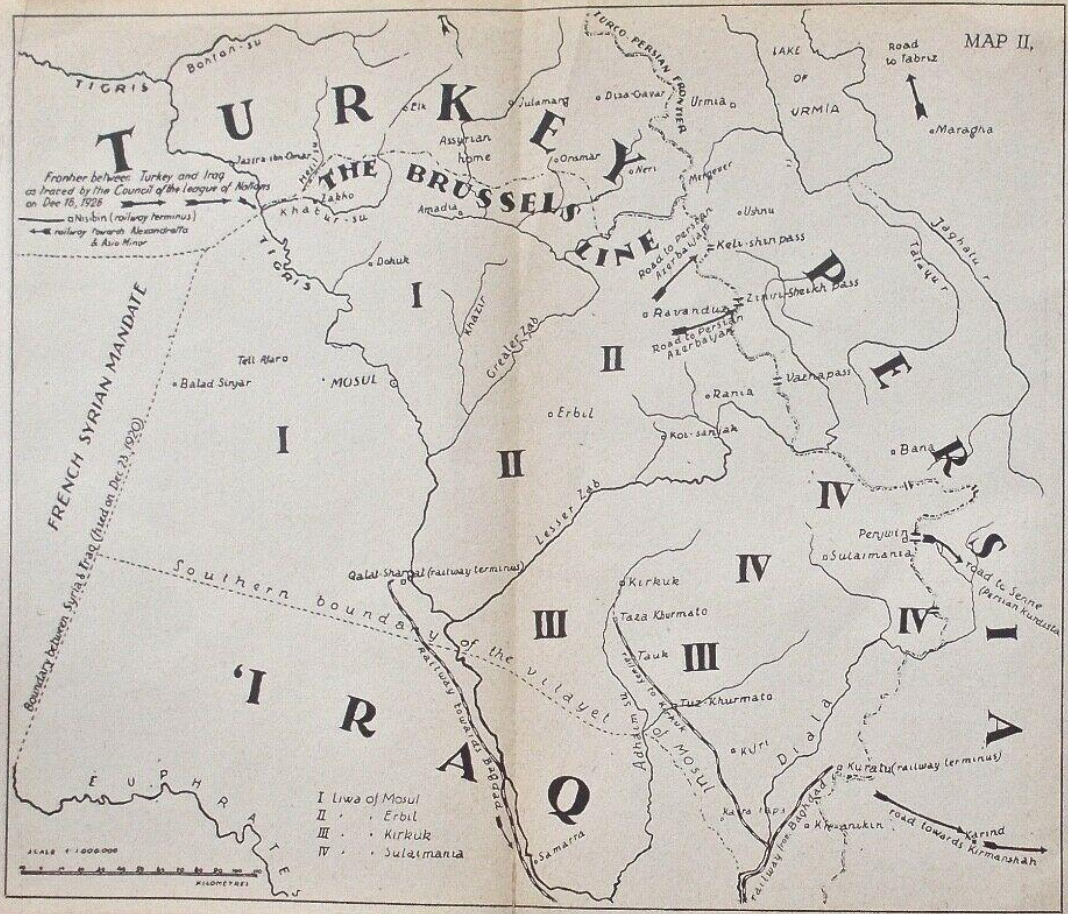
- "1. Whether they were in favor of a single Arab state under British tutelage extending from the northern boundary of the Mosul vilayet to the Persian Gulf.
- "2. If so, whether they consider that the new state should be placed under an Arab Emir.
- "3. In that case whom would they suggest."

One sees that the whole conception of the Mesopotamian territories was that of an *Arab State* in conformity with the view point of the previous declarations concerning the war aims, and the impression is only corroborated by the refusal of the Sulaimania Kurds to participate in the vote of 1922 (*infra*, p. 42).

Treaty of Lausanne.

When, after the Greek collapse in Asia Minor, negotiations began in Lausanne on November 22, 1922, the frontier line between Turkey and the Syrian territory under French mandate had already been established by the article 8 of a separate agreement signed by M. Franklin Bouillon in Angora on October 20, 1921², but the whole extent of the frontier between Mesopotamia ('Iraq) and Turkey had to be defined, as the Sèvres plan had no binding force on the new government of Angora.

1. See the events in 'Iraq *infra*, p. 42.
2. See VIII and IX.



produced a map on which were marked the limits of the zones which were respectively under Turkish and British occupation in July, 1923. British northern and Turkish southern lines did not coincide; between them was found a zone which Lord Parmoor considered as a *terra nullius*. Then there was on the map a third line (blue) which was traced north of the southern limit of Turkish occupation (i. e. within the Turkish zone) and represented the final frontier which Great Britain was requesting for Iraq. For the time being, the question was about the intermediate zone ("terra nullius") where, according to the British, Turkish authorities undertook some movements.

Fethi Bey repeated that his Government had never admitted any contest regarding the territories outside the limits of the Mosul vilayet. In his opinion eventual absence of Turkish troops in a zone belonging to the Hakkari vilayet did not weaken Turkish rights to that Turkish territory. The British "ultimatum" of October 9, 1924, consequently had no *locus standi*. On the other hand the British were wrong in modifying the *status quo* in Sulaimania.

Thereupon Lord Parmoor confirmed the previous explanations concerning the effective occupation of the Mosul vilayet by the British.

The "Brussels line"

On October 21 Mr. Branting read his report prepared in collaboration with his two colleagues of Spain and Uruguay: "It seemed to us possible", he said, "to propose a line very little different from the data respectively presented by the two parties and suitable to put an end to the uncertainty from which the actual difficulties have sprung." Mr. Branting laid a particular stress on the fact that the question at issue was "exclusively to settle a provisional situation in order to maintain order and peace pending the period of expectation." Such a proposal was in no way to prejudice the final settlement regarding the procedure to be adopted.

Mr. Branting communicated then a detailed description of the line which afterwards became known under the name of the "Brussels line".¹ It evidently made away with the notion of the zone described as "no man's land" and the British representative, Sir Cecil Hurst, forthwith gave an interpretation to Mr. Branting's report as giving to the parties the power of "integral administrative control up to the line itself".

After occasional explanation of details both parties engaged themselves to respect the "Brussels line", and the Council unanimously adopted Mr. Branting's resolution.

Commission of Enquiry and its report.

On November 17 the Secretary General of the League of Nations informed Ismet Pasha that the special "Commission" appointed by the Council had just begun its work. It was composed of Count Teleki, former Hungarian Prime Minister, Mr. af Wirsén, Swedish Minister in Bucarest, and Mr. Paulis, a colonel in the reserve of the Belgian Army.

¹ The line was elaborated by Mr. Branting with the aid of a Belgian cartographer (XII, 266).

Map II.

The Council adopted the resolution referring to the Permanent Court the two questions mentioned above (XIV, 1382).

General Laidoner to report on the status quo.

Before the session was over the British Government on September 21 requested the Council to despatch to the locality of the Brussels line a representative instructed "to investigate as far as possible, the charges which have already been made by the two Governments, British and Turkish, and to report immediately to the Council in the event of any similar occurrence in the future." The Turks having also advocated steps to prevent the spread of alarming news concerning local incidents, the Council, on September 24, decided to "send to the spot a representative of the League of Nations instructed to keep the Council informed of the situation in the locality of the provisional line fixed at Brussels on the 29th October, 1924."

On September 28, General F. Laidoner (Estonia) was appointed to this function with two assistants (from Czechoslovakia and Spain) and two secretaries.

As the Turkish Government finally refused to admit a representative of the Council to the area north of the Brussels line General Laidoner's and his assistants' investigation was necessarily limited to the 'Iraq side of the provisional frontier.

In his report drafted on November 23, General Laidoner admits that this circumstance "complicated [his] work considerably, and made it difficult for [him] to carry it out in the spirit of the first paragraph of the Council's resolution."¹

On October 26, General Laidoner's party arrived in Bagdad. The journey on the frontier (near Zakho) lasted from the 6th to the 13th November. The conclusions as stated in the report are the following:—

1. "I found that the *provisional frontier*,² as fixed at Brussels, is *not a natural frontier*; certain parts of it, indeed, are *purely fictitious*, and can readily be crossed. Accordingly, as the frontier question is at present unsettled, and as it is so easy to cross the provisional line at various points, tribal and village chiefs naturally find circumstances very favorable to brigandage. Although *no attack of serious importance* has occurred, it is essential to realise that disturbances will always be possible until the frontier question has been finally settled..."

2. Occupation of certain villages by Turkish military posts and patrols was in some part accounted for by the *inaccuracies of the map*. At all events there were "no longer any Turkish posts south of the Brussels line."

3. As regards the overflying of the Brussels line by the British, General Laidoner thought he was not in a position to express a formal view on account of the impossibility of carrying out an investigation on the Turkish side.

¹. That is to investigate the mutual charges of the two Governments.
². The italics as used in this summary were not in the original.

4. The presence in Zakho of some 3,000 deported Christians was fully confirmed. They mostly came from the villages in the zone between the Brussels line and that claimed by the British Government further to the north. Among the refugees there was a very small group of Moslems. Summarizing a special report prepared by his assistants and his own impressions, General Laidoner confirms that the population was disarmed, that deportations *en masse* have actually taken place and that the military of the 62nd Turkish regiment committed on the inhabitants "atrocious acts of violence, going as far as massacre". It was discovered that relatives of some of the families having taken refuge in 'Iraq were kept in Turkish concentration camps. Having confirmed the miserable condition of the refugees, General Laidoner adds also that "in order to ascertain the real causes of these deportations it would be necessary in the first place to hear the explanations of the Turkish authorities¹ and then to make an enquiry in the localities where the evacuated villages are situated, which I have not been able to do". (XVI)

The above-mentioned "special report" was drafted by General Laidoner's assistants (XVII) and is based exclusively on the declarations of the deported Christians, people whose total lack of culture is regretted by the investigators. A curious item in the document is the statement that these Christian populations "have not been generally speaking maltreated by the Kurds" "who even tried to protect them against oppressions."²

Permanent Court's Advisory Opinion.

In pursuance of the Council's Resolution of September 19, 1925, the Secretary General addressed, on September 23, to the Permanent Court of International Justice a request for an advisory opinion on the two preliminary questions with regard to the procedure to be followed in the Mosul contest.

The Council had requested both parties to be at the disposal of the Court, but only Great Britain sent a representative to the Hague. On October 8 the Turkish Government cabled to the Court to the effect that article 3 of the Lausanne treaty excludes any possibility of arbitration and that, therefore they will not send representatives to The Hague. They, nevertheless, forwarded to the Court certain written replies to the questions and distributed (unofficially) among the judges a printed consultation on the matter by Prof. G. Gidel (Paris) (XV-bis, 7, 287, 325). In the circumstances given this consultation was not considered by the court. The latter published its opinion on November 21 (XV).

In the first part of this document the Court retraced the events which led up to the reference of the case to the Court; then followed a detailed examination of the two questions.³

¹. The chief complaints on the Turkish side seemed connected with the Nestorian (Assyrian) question. Tevrik Kushi Bey at the meeting of September 21, 1925, spoke bitterly of "the attitude of the Nestorians who still remain in arms in the neighborhood of the Brussels line and who constitute in that district an element of trouble and disorder... The Nestorians still continue to work against their own country under the orders of a foreign Government, and when they fear punishment for their treacherous acts towards their own country they hurriedly take refuge on the other side of the Brussels line..."

². Cf. similar statements made by the Commission of Enquiry: "Of all the Moslem races, the Kurds live on most friendly terms with the Christians" (XIII, 47); the Nestorian Christians too (the Assyrians) "seem to have had fairly good relations with the Kurds" (XIII, 53).

³. Cf. also *The Monthly Summary of the League of Nations*, vol. V, No. 11 (November 1925).

included therein. Such a course was declined by Mr. Unden who also refused to indicate the article of the Covenant which he thereby invoked; he thought that such an indication was a preliminary question submitted for the opinion of the Council.

The Chairman (M. Scialoja) suggested the application for the proposed vote of the rule provided in the Covenant for the regulation of questions of procedure. Munir Bey objected to it saying that the rôle of the Council under the Lausanne treaty was not a question of procedure. This suggestion not having been accepted, Munir Bey made a declaration insisting on the fact that approval of the parties to the case was an essential and indispensable condition for a "recommendation" made by the Council to be regarded as a "decision". So it was understood by the Grand National Assembly when it ratified the treaty of Lausanne. The powers of the Turkish representatives "do not enable them to settle the question by arbitration or to defend their case before an arbitrator."

The Chairman said that he first thought that the Council might vote by a simple majority according to the definition of questions of procedure laid down in the Covenant. But in the present case the Council might follow a stricter rule, in accordance with article 15 of the Covenant which contemplated a unanimous vote but without reckoning the votes of the interested states.

Mr. Unden's report in favor of accepting the advisory opinion of the Hague Court was unanimously adopted, the representative of Turkey voting against the report.

Munir Bey repeated that, in Turkish opinion, the vote which had just been taken was not a decision of the Council but merely a recommendation of which he would inform the Grand National Assembly of Turkey. In face of an arbitration the powers of the Turkish Delegation ceased to be valid.

The decision of the League.

The Council finally rid itself of the Mosul dispute, in its immediate aspects, on December 16. The head of the Turkish Delegation sent a letter which ran in part as follows :

"I should add that as all the proposals which I have previously made with the object of reaching an agreement and of facilitating the rôle of mediator and conciliator which we have always recognized the Council to possess, have had no result, and as the Council has decided not to carry out this rôle I find myself obliged to inform you that these proposals are now *ipso facto* null and void.

"I desire further to declare that the sovereign rights of a state over a territory can only come to an end with its consent, and that, therefore, our sovereign rights over the whole of the vilayet of Mosul remain intact."

The President regretted the absence of the Turkish delegates but said that this fact could not prevent the Council from fulfilling the duty assigned to it in virtue of article 3 of the treaty of Lausanne.

Mr. Unden's final report.

Mr. Unden then read his report (XX), mentioning the stages through which the question has passed :

"At every stage the Council has given both parties an opportunity to make suggestions or proposals which could be used as a basis for negotiation and agreement. After receiving and adopting the opinion of the Court and before reaching its decision it felt bound to do so once again. None of the suggestions offered by either side of the Committee seemed to it to constitute a starting point for further mediation with a view to friendly settlement... The Council has not thought fit itself to formulate proposals; such proposals should have been made by the parties themselves with a view to a compromise, and even so the Council could not act as mediator if the divergence between the proposals were so wide as to exclude all hope of conciliation. Moreover, the Council was bound to maintain its absolute right to take a decision — a right of which it would avail itself if necessary. In the absence, therefore, of conditions making it possible to reach a friendly solution, the Council finds itself obliged to use the power conferred on it by the Treaty." By article 16 of the Lausanne treaty Turkey renounced "all rights and title whatsoever over or respecting the territories situated outside the frontiers laid down in the present treaty and the islands other than those over which her sovereignty is recognized by the said treaty, the future of these territories and islands being settled or to be settled by the parties concerned." The Hague Court stated that "this renunciation is suspended until the frontier has been determined, but it will become effective, in the absence of some other solution, in virtue of the binding decision." (XV, 22).

The decision of the Council "can not be based on a more solid foundation than that provided by the report of the Commission of Enquiry."

The members of the Committee (Messrs. Unden, Quinones de Leon and Guani) arrived at the conclusion that two solutions were possible :

1. the allocation to Iraq of all the territory south of the so-called Brussels line;
2. the partition of the disputed territory by a line for the most part following the course of the Lesser Zab."

In view of the special responsibilities of the Council in so important a matter the "members of the Committee thought that they would benefit by consulting the opinion of their colleagues." Then the first of the solutions suggested above "appeared the best adapted to solve the problem submitted to the Council". The final frontier between Iraq and Turkey would accordingly be fixed "on the line of demarcation established for the purpose of maintaining the *status quo* by the Council's resolution adopted at Brussels on October 29, 1924."²

The Committee following the recommendation of the Commission of Enquiry suggested to the Council that an essential condition of the decision offered was a prolongation during 25 years of the present régime in Iraq, as established by the Anglo - Iraq treaty of alliance. "If that condition be not executed, the decision will not become definitive."

The Committee took the view that the "continuation of this régime should at once" be assured by the conclusion of a new treaty between the

1. The following states were represented in 1922 at the Council, besides Sweden, Spain and Uruguay: Great Britain, France, Italy, Japan, Belgium, Brazil and Czechoslovakia.

2. This decision does not take into account the criticisms of the Brussels line by Gen. Laidoner.

3. Cf. article VII of the undertaking of the British Government, approved by the Council of the League of Nations on Sept. 27, 1924, which reads as follows: "On the conclusion of the period for which the Treaty of Alliance has been concluded the Council of the League of Nations shall, if Iraq has not been admitted to the League, be invited to decide what further measures are required to give effect to article 22 of the Covenant."

British Government and 'Iraq'. The British representative whose opinion was asked for by the Committee replied that he saw "no difficulty in submitting within six months a new treaty continuing the mandatory responsibility for 25 years, or until such earlier date as 'Iraq is, in the opinion of the Council, qualified for admission to the membership of the League.

The resolution proposed by the Committee of Three.

The Committee, therefore, proposed to the Council the following final resolution :

"The Council,
"Having regard to articles 3 and 16 of the Treaty of Peace signed at Lausanne on July 24th, 1923,

"In view of the conclusions of the report of the Commission of Enquiry,
"Adopting the reasons and proposals contained in the report of the Committee of the Council,

"Decides :

"1) The frontier between Turkey and 'Iraq shall be fixed as follows :
(Follows the description of the line totally identical with that of the "Brussels line").

Map II.

"2) The British Government is invited to submit to the Council a new Treaty with 'Iraq, ensuring the continuance for 25 years of the mandatory régime defined by the Treaty of Alliance between Great Britain and 'Iraq and by the British Government's undertaking approved by the Council on September 27th, 1924, unless 'Iraq is, in conformity with article 1 of the Covenant, admitted as a Member of the League before the expiration of this period.

As soon as, within a period of six months from the present date, the execution of this stipulation has been brought to the knowledge of the Council, the Council shall declare that the present decision has become definitive and shall indicate the measures required to insure the delimitation on the ground of the frontier line.

"3) The British Government, as Mandatory Power, is invited to lay before the Council the administrative measures which will be taken with a view to securing for the Kurdish populations mentioned in the report of the Commission of Enquiry the guarantees regarding local administration recommended by the Commission in its final conclusions.

"4) The British Government, as Mandatory Power, is invited to act, as far as possible, in accordance with the other suggestions of the Commission of Enquiry as regards measures likely to ensure pacification and to afford equal protection to all the elements of the population, and also as regards the commercial measures indicated in the special recommendations of the Commission's report."

This resolution was unanimously adopted by the Council and formed its "decision" in virtue of article 3 of the treaty of Lausanne.

The representative of the British Government accepted all the suggestions of the decision and said he presumed that the obligation to observe the *status quo* on the frontier remained of full effect for both parties. The President, in the name of his colleagues, read a resolution "urging the two parties which have laid the question before [the Council] to reach a friendly agreement in order to put an end to the regrettable state of tension existing between them owing to the dispute for which a solution has just been found."

Thereupon Sir Austen Chamberlain, British principal Secretary of State for Foreign Affairs, read the following statement on behalf of his Government :

"The British Government have no wish to take up a rigid or uncompromising attitude towards Turkey. If they have pressed for a decision by the Council, it is only because they believed that until the Council has pronounced upon the question submitted to it by the treaty of Lausanne, it was impossible to find a common basis on which to found the discussion of our agreement with the Turkish Government. The British Government most earnestly desire to live on terms of peace and amity with the Turkish Government. The Council having given its decision, His Majesty's Government will gladly lead itself to conversations with the Government of the Republic of Turkey in order to see whether, while taking due account of the Council's decision, it may not be possible to render the relations between our two countries easier and safer. With this object in view the British Government is ready to take into consideration any proposal made by the Turkish Government which is compatible with their duty as mandatory to protect the interests of the people of 'Iraq."

IV

AFTER THE DECISION OF THE LEAGUE OF NATIONS.

British Government Declaration on December 21, 1925.

On December 21, the following motion was presented to the House of Commons by the British Government (XXI) :

"That this House approves the action taken by the representatives of His Majesty's Government at Geneva in accepting the award of the Council of the League of Nations on the 'Iraq boundary."

Before the debate took place the Labor opposition (65 present out of 147) requested the Prime Minister that the motion should not be immediately pressed to a division. When this request was rejected the Labor members left the House and thus took no part in the decision.

In the written statement read by the Prime Minister two principal objections made against the acceptance of the award were analysed :

1. that in so doing certain pledges which had been given by the Government have been broken,
2. that the award would involve the assumption for a very long time of unnecessary, costly, and dangerous commitments.

With regard to the first criticism Mr. Baldwin quoted his declaration in the House of Commons on May 3, 1923 :

"Both parties being equally anxious that the commitments and responsibilities of His Majesty's Government in respect of 'Iraq should be terminated as soon as possible, it is considered that the period of the Treaty in its present form can conveniently be shortened... It is understood... that the present Treaty should terminate upon 'Iraq becoming a member of the League of Nations and in any case not later than four years from the ratification of peace with Turkey. Nothing in this Protocol shall prevent a fresh agreement from being concluded with a view to regulate the subsequent relations between the High Contracting Parties and negotiations for that object shall be entered into between them before the expiration of the above period."

The Prime Minister then stated that "the Protocol which brings the existing Treaty to an end in 1928 definitely pledges us to endeavor before 1928 to replace it by another treaty for the future... If 'Iraq was not admitted to membership of the League of Nations by August, 1928, then the British Government was pledged to the League after 1928 until such

1. This statement merely reproduced the declaration made by Sir Percy Cox in Bagdad.

1920-21	£32,000,000
1921-22	£23,000,000
1922-23	£ 8,000,000
1923-24	£ 6,000,000
1924-25	£ 4,750,000
1925-26	£ 4,000,000

Of the present estimate half the expenditure is actual expenditure on 'Iraq; the other £2,000,000 represents expenditure upon Air force. 'Iraq itself pays the whole cost of the civil administration, and of the whole of the force of 7,000 police and an army of 8,000 men.¹

Mr. Amery further stated that "no interest of any sort directly concerned with oil has influenced the policy of any British Government... The contract between the Turkish Petroleum Company and the 'Iraq Government is a more favourable contract to a Government than any oil contract I know of elsewhere."

After the Armistice "we occupied Mosul itself, and the rest of what was Mesopotamia up to what was the natural frontier of 'Iraq... The present frontiers substantially were accepted by Turkey in the Treaty of Sévres."

Mr. Amery reminded the House that the Labor Cabinet had it publicly announced in Bagdad in July 1924 that it did not intend to abandon its support of the frontier claim which had been brought forward on behalf of 'Iraq in Constantinople. In his declaration of September 3, 1925, Mr. Amery made it clear that according to his belief 'Iraq would be ready for admission to the League of Nations long before the limit of 25 years, which was mentioned "not as a probable or certain period of the termination of our responsibilities but as a maximum period."

"In one sense we are free to reject [the award] coupled with the condition that there may be some other award which the League can give. What I do say is that any other award would be disastrous for 'Iraq and this country and the refusal of its conditions would be going back directly upon the whole policy which every Government has pursued in this country since the War."²

As concerns the future defense of 'Iraq as mentioned by Mr. Baldwin, Mr. Amery stated that

"under the terms of the Military Agreement attached to the present Treaty we are, undoubtedly, directly bound as allies to assist in the defence of 'Iraq against external aggression up to August 1928... If 'Iraq were a perfect and independent State, a member of the League of Nations, we should have a certain obligation to prevent its territory from being wantonly violated... The obligation which we have is one in which the League of Nations is associated with us, and associated with us in a particular sense in respect of a violation of the decision which the League of Nations has come to in regard to the boundaries." On the other hand the speaker was thinking that the League of Nations is concerned not with the problem of defence against some hypothetical attack but with "certain general principles of administration which the League wishes to see preserved in any territory in which it takes specific mandatory interest."³

The House divided: ayes, 239; noes, 4, and the motion was approved.

1. XXI, 2160.
2. XXII, 2149.
3. XXII, 2150-1.

Debate in the House of Lords.

The debate on the Mosul question took place in the House of Lords also on December 21.

Lord Parmoor, former British representative in Geneva for the Labor Cabinet, considered it a mistake to accept a mandate which might endure for 25 years. The frontier line could not be satisfactorily settled unless there was a friendly agreement between Turkey and Britain. Until the conditions were far more clearly ascertained it was radically unsound to acquiesce in a mandatory responsibility for such a long term.

Viscount Cecil said that in the case of any aggression directed against the boundary fixed by the League of Nations the responsibility of the latter, as the authority directly challenged and affronted, would obviously be the primary and dominant one. There was a great deal to be said for the view that the British ought never to have gone to Mesopotamia, but they did go there.

Lord Parmoor concluded saying that the mandatory period of 25 years was not a matter submitted to the arbitral decision of the Council of the League of Nations. The longer the British obligation remained the more difficult it would be to leave 'Iraq at any future time.

Anglo-Turkish Negotiations.

Immediately after the debate in the Parliament the Turkish Ambassador was received by Mr. Baldwin. A second meeting took place on January 5, in the course of which Farid-Bey submitted the Turkish proposals.¹ In the middle of January Sir R. Lindsay, the British Ambassador in Turkey, visited Angora with the declared object of sounding the views of the Turkish Government with regard to Mosul.

Debate at the Grand National Assembly.

After Tevîq Rushdi Bey's return a debate took place in Angora at the Grand Assembly on January 10, 1926. The Turkish Minister declared that Turkey's principal object was that a boundary acceptable to both parties should be traced in the contested zone. He added that Turkey's rights to the vilayet of Mosul remained undiminished. The Assembly considered the question as being in suspense and, in view of the negotiations going on, passed to other business.

Anglo-'Iraq Treaty of January 13, 1926.

Mr. Amery had declared that the new treaty with 'Iraq could be submitted to the League before six months. In fact, the treaty was signed at Bagdad on January 13, 1926. (XXXIV).

In the preamble of this instrument the two parties, "anxious to give full effect to the stipulations in the decision of the Council of the League of Nations" of December 16, 1925, declared their decision "by means of a new Treaty to ensure due fulfilment of the said stipulations."

1. According to a correspondent of the *Sunday Express* (Jan. 9, 1926) Turkey, considering the decision of Dec. 16, as null and void, refused to give up her claims on Mosul in exchange for a loan, but was willing to negotiate a *modus vivendi* with Great Britain.

all the oil. Pipe-lines were to be necessary and a British company should have the construction of the pipe-lines. A port or two ports would be required, and a British company should have the concession for the ports. Five other ports and the concession for, I think,3,000 kilometres of railway were offered... The reply of His Majesty's Government was that they were trustees for Iraq, and that as mandatories and trustees they could not bargain away the rights and interests of Iraq and her people in exchange for concessions to British capitalists...¹

Subsequent to the debate, Mr. MacDonald's amendment was rejected by 265 as against 116 votes and the Government's motion accepted by 260 as against 116 votes.

V

ECONOMIC AND POLITICAL SIDE OF THE QUESTION

It remains now to mention briefly the economic and political factors which more or less invisibly underlie the outward diplomatic strife of which the consecutive phases have been outlined above.

1. Mosul is important as a base of supplies of cereals and other agricultural commodities for Bagdad, and Iraq in general, but political frontiers are not an absolute hindrance to the development of trade which follows geographical and economic necessities. Various commercial agreements between Turkey and Iraq could obviate the difficulties in this respect.

Much more important is the *oil question* "which has been left in the background during the negotiations between the two Governments" (XIII, 68). The Turkish Petroleum Company was founded on October 23, 1912, with participation of the Deutsche Bank (25%), the Royal Dutch Shell Company (25%) and the National Bank of Turkey (50%). The share of the latter was ceded, just before the war, to the Anglo-Persian Company. On June 28, 1914, the Turkish Government agreed to the concession applied for by the Turkish Petroleum Company. By virtue of the agreement signed at San Remo on April 24, 1920, (III), France secured for herself 25% of the net output of the Mesopotamian oil or eventually a share of 25% in the company that might develop the Mesopotamian oilfields, that is the share that formerly belonged to the Germans. Later on it became known that, as an outcome of the negocia-

1. XIII, 68. As a matter of fact by March 1925 an oil concession on the whole of Iraq, with the exception of Basra, was already granted by the Iraq Government to the so-called "Turkish Petroleum Company". See *infra*, p. 39.

tions between the United States and Great Britain¹ the American group (The Standard Oil Company of New York, the Standard Oil Company of New Jersey, The Mexican Petroleum Company, the Gulf Refining Company and the Sinclair Consolidated Oil Company) obtained a participation of 20-25% in the Company. Under the pressure of the British Government the Anglo-Persian Company agreed to cede these Companies 25% out of its own share of 50%.

At the annual meeting of the Anglo-Persian Company in November 1925 the Chairman, Sir Charles Greenway, stated that the composition of the Turkish Petroleum Company was as follows: 47½% in possession of the Anglo-Persian, 22½% in that of the Royal Shell, and 5% in that of Mr. C. S. Gulbenkian (as a bonus for the latter's services rendered in 1914). This declaration provoked much discussion, and Mr. W. C. Teagle, Chairman of the Standard Oil Company, cabled to Europe saying that it was inexact that the Americans had retired from the Turkish Petroleum Company.²

The Turkish Petroleum Company had been actively pushing its negotiations with the Iraq Government and the concession was actually granted by the latter on March 14, 1925 while the Commission of Enquiry deputed by the League of Nations was still in Mosul. It is known (XIII, 68) that the concession in question is to cover the whole of the Kingdom of Iraq, except the vilayet of Basra. The concessionnaires will have the right to select 192 square miles divided into 24 rectangular areas of 8 square miles each. With the exception of these 192 square miles, the remainder of the zone covered by the concession is to be open to companies and individuals of all nationalities. The Government of Iraq has allotted a period of three years for a full survey of the country and for the selection of the 24 initial areas. This period began on September 14, 1925.

After that all the geological information obtained will have to be placed at the disposal of applicants for concessions, and one year afterwards any individual or company may request that the concession for any area be included in those which are originally put up to auction.

It is evident that the choice given to the Turkish Petroleum Company will ensure the best areas for it. Moreover, the combined shares of the Royal Dutch Company and the Anglo-Persian Company guarantee a majority to British interests. The chairman of the company will be English.

The inclusion of Mosul in the Kingdom of Iraq under the British mandate permits the Company to extend its rights to the principal areas situated near Kirkuk and to benefit by the powerful support of the man-

1. For a review of this correspondence see W. R. Batsell, "The United States and the System of Mandates" in *International Conciliation*, October 1925, No. 213.

2. See W. Mastner, "Erdölpolitik und Mossulentscheidung", *Wirtschaftsdienst* (Hamburg), No. 49, December 4, 1925 (see also No. 18, May 1, 1925), and the monthly *Petroleum*, Berlin, Jan. 10, 1926, No. 2, p. xvi.

