

B. LOIS ET DÉCRETS

LOI CONSTITUTIONNELLE DE LA RÉPUBLIQUE DU TCHAD DU 16 AVRIL 1962¹

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TITRE IV — Des pouvoirs législatifs et réglementaires

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Article 41

Les matières qui ne sont pas du domaine de la loi ont un caractère réglementaire et revêtent la forme soit de décrets, soit d'arrêtés, soit de décisions.

Les textes de forme législative intervenus en ces matières antérieurement à l'entrée en vigueur de la présente Constitution, peuvent être modifiés par décrets organiques.

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TITRE XIV — Les dispositions transitoires

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Article 86

Les autorités établies dans la République continueront d'exercer leurs fonctions et les institutions actuelles seront maintenues jusqu'à la mise en place des autorités et institutions nouvelles.

Article 87

La législation et la réglementation actuellement en vigueur au Tchad restent applicables, sauf intervention de textes nouveaux, en ce qu'elles ne sont pas contraires à la présente Constitution.

Union of Soviet Socialist Republics

*Transmitted by a note verbale dated 7 December 1963 of the Permanent Mission to the United Nations*²

A. DECLARATIONS

1. STATEMENT DATED 9 AUGUST 1956 OF THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE QUESTION OF SUEZ CANAL³

. . . Egypt took an entirely lawful and justified step when it assumed responsibility for ensuring the normal functioning of a canal passing through Egyptian territory and built by Egyptian labour. The fact that the Suez Canal had for several decades been in the hands, not of Egypt,

¹ Adoptée par l'Assemblée Nationale de la République du Tchad le 14 avril 1962. Promulguée par le Chef de l'Etat le 16 avril 1962 par un acte contresigné par les Ministres en exercice.

² Original Russian. Translation by the Secretariat of the United Nations.

³ Published by the Ministry of Foreign Affairs of the USSR in *The USSR and the Arab countries, 1917-1960*, Gospolitizdat, Moscow (1961), pp. 147-49.

but of a company in which British and French capital predominated and which used the Egyptian canal for its own enrichment and for interference in Egypt's domestic affairs cannot serve as an argument justifying the continuance of such an abnormal situation.

Account must be taken of the fact that relations created in the past by conquest and occupation are inappropriate to our time and conflict with the principles of co-operation between sovereign States enjoying equal rights, with the principles and purposes of the United Nations. Inasmuch as the Governments of the United Kingdom and France, and of the United States of America, accept the lofty principles of the United Nations and declare that they welcome the changes which have taken place in their relations with countries formerly in a state of colonial dependence, they should not impede the exercise by these countries of their sovereign rights. . . .

Arab countries whose territories are in the immediate vicinity of the Canal and which are vitally interested in a correct settlement of this question — Syria, Lebanon, Saudi Arabia, Jordan, Sudan, Libya, Yemen, Iraq, Morocco and Tunis — have not been invited to the Conference. It should be noted that most of the Arab countries are likewise successors of the former Ottoman Empire, which was a party to the 1888 Convention.¹

2. STATEMENT OF THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE LIQUIDATION OF THE INTERNATIONAL ADMINISTRATION IN TANGIER, 11 DECEMBER 1956²

In its statement of 9 October 1956³ on the convening of a conference of nine countries in October at Fedala (Morocco) concerning the

¹ "Convention destinée à garantir en tous temps et à toutes les Puissances le libre usage du canal maritime de Suez", signée à Constantinople le 29 octobre 1888 [De Martens, *Nouveau Recueil Général de Traités*, deuxième série, tome XV, p. 557].

² *Izvestia*, 11 December 1956.

³ The text of the statement (published in *Izvestia*, 9 October 1956) is as follows: "On the proposal of the Moroccan Government, there was convened on 8 October 1956 at Fedala (Morocco) a conference of the representatives of eight countries parties to the special Tangier Statute, including the representatives of France, Spain, the United Kingdom, the United States of America and Italy and representatives of the Moroccan Government. The conference was to complete the liquidation of the international administration in Tangier, and the reunification of Tangier with the Moroccan State.

"It will be remembered that, in the Paris Convention on the Tangier Statute of 1923 and in the Agreement of 1928, Tangier was declared an international zone with a régime of permanent neutrality. While remaining formally under the sovereignty of the Sultan of Morocco, Tangier was governed by an international administration consisting of the representatives of a number of countries. As the Government of a country which had signed the 1906 Act of Algeciras concerning Moroccan questions and on the basis of a decision of the Four-Power Paris Conference of 1945 on the question of Tangier, the Soviet Government had been invited to take part in the international administration of the Tangier Zone but had not exercised that right, since it did not wish to infringe the national sovereignty of Morocco.

"The Soviet Government welcomed the peaceful settlement of the Moroccan problem, culminating in the proclamation of Morocco's independence. It was natural that after the proclamation of the independence of French and Spanish Morocco the question of the country's unification should have arisen, and in

liquidation of the international administration in Tangier and the abolition of the international régime of the Tangier Zone, the Government of the Union of Soviet Socialist Republics welcomed the initiative of the Moroccan Government designed to achieve the reunion of Tangier and Morocco.

The Soviet Government — as the Government of a country which signed the 1906 Act of Algeiras,¹ participated in the Paris Conference of 1945, and is inspired by the lofty principles of the equal rights and self-determination of peoples and by appreciation of the Moroccan people's just desire for their country's independence and unification — states that the Soviet Union fully recognizes Morocco's sovereign rights in regard to Tangier and therefore considers that, so far as it is concerned, the international agreements on the Tangier régime have lost their force.

The Soviet Government is convinced that the abolition of the international régime in Tangier and the restoration of Morocco's sovereign rights in regard to Tangier will promote the strengthening of peace and friendship between peoples and the development of international co-operation based on the principle of equal rights and mutual respect for State sovereignty.

The Government of the Union of Soviet Socialist Republics wishes the Moroccan people every success in the development of its country's revival and prosperity.

3. MEMORANDUM DATED 26 SEPTEMBER 1961 OF THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES²

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It is, however, important to ensure that this independence should not be fictitious and that the newly independent States should not, directly or indirectly, remain the vassals of the former metropolitan countries. On this point, too, the United Nations must express itself clearly and forcefully and must demand the unconditional revocation of all agreements, including secret agreements, concluded with colonies and Trust Territories and designed to restrict the sovereignty of the future independent States. All instruments designed to ensure the union of colonies or Trust Territories with the administering countries, in

particular the question of Tangier's reunification with Morocco and of a change in the existing régime in the Tangier Zone.

"The Soviet Union, appreciating the just national aspirations of the Moroccan people and warmly sympathizing with the cause of the independence and unification of the Moroccan State, welcomes the Moroccan Government's initiative for the reuniting of Tangier with Morocco. It expresses the hope that the conference convened at Fedala will not impede the speedy and genuine uniting of Tangier with Morocco, will end the régime of so-called international administration in the Zone, which has infringed the rights of the Moroccan people, and will promote the final settlement of the Tangier question on the basis of complete respect for Morocco's sovereign rights in regard to Tangier."

¹ De Martens, *Nouveau Recueil Général de Traités*, deuxième série, tome XXXIV, p. 238.

² Published by the Ministry of Foreign Affairs of the USSR in *The USSR and the countries of Africa, 1946-1962*, Gospolitizdat, Moscow (1963) vol. II, p. 423.

whatever form, must also be unconditionally revoked. No ways in which colonial territories might be seized and retained, including pretended union with the metropolitan territory, should be permitted.

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4. STATEMENT OF THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE LIQUIDATION OF THE COLONIAL RULE OVER WEST IRIAN, 9 FEBRUARY 1962¹

. . .

The Netherlands Government has suggested the idea of according the so-called right of self-determination to the population of West Irian. Yet it is common knowledge that the people of West Irian determined its future together with the whole Indonesian people on that historic day, 17 August 1945, when throughout the territory of the former Netherlands East Indies the independent Republic of Indonesia was proclaimed. To whatever manœuvres Netherlands ruling circles may resort, the Netherlands will have to vacate the Indonesian territory occupied by it.

The Soviet Government proceeds from the unchallengeable position that West Irian is an inalienable part of the Republic of Indonesia. Now as before, the Soviet Union supports the lawful demand of the Indonesian people and its Government that West Irian should be reunited with Indonesia without delay and that Netherlands colonial rule over this part of Indonesian territory should be liquidated. The Soviet people deems it its duty to support all peoples fighting for removal of the colonial yoke and for consolidation of their national independence. It fully understands and sincerely sympathizes with the just struggle of the Indonesian people for the liberation of West Irian.

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B. DIPLOMATIC CORRESPONDENCE

LETTER DATED 26 JULY 1943 FROM I. M. MAISKY, AMBASSADOR OF THE USSR TO THE UNITED KINGDOM, TO NAHAS PASHA, MINISTER FOR FOREIGN AFFAIRS OF EGYPT²

[Repudiation of agreements, capitulations and special privileges benefiting the Czarist Government]

Sir,

I have informed the Soviet Government of the contents of your letter of 6 July 1943.³

As regards recognition of Egypt's new international status deriving

¹ *Izvestia*, 9 February 1962.

² Published by the Ministry of Foreign Affairs of the USSR in *The USSR and the Arab Countries, 1917-1960*, Gospolitizdat, Moscow, 1961, pp. 81-82.

³ The letter of 6 July 1943 from Nahas Pasha, Minister for Foreign Affairs of Egypt, to I. M. Maisky, Ambassador of the USSR to the United Kingdom, read:

"In connexion with this renewal of diplomatic relations, the Egyptian Government deems it necessary to recall that the Montreux Convention not only abolished the capitulations but recognized for Egypt a new international status with which the old agreements concluded by the Czarist State, and the old capitulation privileges relating more particularly to the Mixed

from the Montreux Convention of 8 May 1937, and the fate of the old capitulation privileges relating particularly to the Mixed Courts, the Health Board and the *Caisse de la Dette*, the Soviet Government — as pointed out in your note — in the very first days of its life, and on the principle of equal rights for all nations, spontaneously repudiated, once and for all, any agreements, capitulations, special privileges etc. benefiting the Czarist Government which were incompatible with the principle of equal rights.

This repudiation naturally applied, and continues to apply, in the case of Egypt.

United Kingdom of Great Britain and Northern Ireland

Transmitted by a letter dated 26 February 1965 from the Permanent Representative of the United Kingdom to the United Nations

A. TREATIES

I. Texts

(a) Multilateral instruments

1. FINAL DECLARATION OF THE INTERNATIONAL CONFERENCE IN TANGIER. SIGNED AT TANGIER ON 29 OCTOBER 1956¹

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Have agreed to recognize the abolition of the international régime of the Tangier Zone and hereby declared abrogated, in so far as they have participated therein, all acts, agreements and conventions concerning the said régime.

. . .

Courts, the Health Board and the *Caisse de la Dette*, are incompatible. It will be readily understood that this stipulation, which has been accepted by all States, should likewise be accepted by the Soviet Government, which from its inception has proclaimed the principle of the abolition of capitulations wherever they existed.”

¹ United Nations, *Treaty Series*, vol. 263, p. 165. Came into force on 29 October 1956, the date of signature. The Declaration is signed by the Governments of Belgium, Spain, the United States of America, France, Italy, Morocco, the Netherlands, Portugal and the United Kingdom of Great Britain and Northern Ireland.