TANGIER: AN INTERNATIONAL CITY

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IT FALLS to Tangier, Morocco, once a fertile center for near-war news that made head lines to become the first really international city of the world. In a few months the new régime will be in control and the quaint hodge-podge of modern business and Moorish aristocracy and poverty that is called Tangier will be ruled by the Moors themselves and the French, Spanish, English and German² residents of the place. But that does not end the story. In 1912 France acquired Morocco as a protectorate, and Spain secured control of the slice along the coast, except Tangier. So the international city is in a Spanish preserve, which is in the territory of Morocco, which is in charge of France. The Moors, of course, constitute the largest element of Tangier's population, also the least important. The Spaniards outnumber the French, but France holds the strings of government down at Fez, where the sultan reigns but governs only by consent of France. Yet Tangier is an international city set at the center of all this maze, and those who know it best believe it will succeed.

The scheme was worked out at Madrid, the scene of the negotiations in 1880 that first brought Morocco on to the world stage as an international question, and the scene of the diplomatic settlement that divided the country between France and Spain after Germany was eliminated subsequent to the Agadir incident of 1911. Immediately after France and Spain settled their accounts the question of Tangier came up and the plans for the international government were not completed until July, 1913, while the new régime will not be in full operation for some time.

The negotiations at Madrid progressed in secret and were unique. Really four primary interests were represented in them, though the negotiators were but three in number. France represented both herself as the suzerain and Morocco as her protectorate, which, however, can have but an attenuated control over the vicinity of Tangier and over Tangier itself; Spain represented herself as the European country most interested from the point of view of her citizens and from her control over the immediate vicinity of the city; and, lastly, Great Britain represented Europe, including her own vital interest in protecting the Strait of Gibraltar, and

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² As a result of the declaration of war between France and Germany of August 3, 1914, German residents in the French protectorate of Morocco have been expelled. There is, however, no reason not to suppose that the arrangements explained in the article will be the permanent basis.

as the friend and adviser of France and Spain who had participated in all the negotiations relating to Morocco. German interests were constantly consulted.

Considering the present division of the rest of Morocco between France and Spain and the intention to make Tangier really an international city, the negotiations were unique from the diplomatic point of view. Even more broadly, they are more so from a legal point of view. Heretofore, the system of capitulations has governed foreigners in the so-called backward nations. The foreign communities at Peking and Constantinople, for instance, have well-defined extraterritorial rights; in Egypt the international court is too familiar to warrant description. Tangier, however, is to differ from these: its foreign and native populations are not to have generic rights and privileges to any greater extent than can be avoided. The Madrid negotiations, therefore, were designed to put forward an experiment in international law which will be watched with interest and may form a basis for governing analogous communities in other parts of the world.

From the very novelty of the problems encountered, not to speak of the difficulty of compromising the national interests affected, the Madrid negotiations were destined to be lengthy. The considerations above set forth are, of course, immediately understandable, but their working out into the definite articles of a municipal constitution offered the tedious problem. Fortunately the problem was not essentially a political one, its primary basis being to set up a municipal government that, while doing no violence to the Makhzen's control of the state, French control of the Makhzen and Spanish authority in the northern zone, should give essential justice to foreigner and Moor alike in the affairs of the city.

Nor did the problem arise solely from the Agadir incident that resulted in Morocco dropping out of the list of sovereign nations. Early in 1911, before Mulai Hafid's beleaguerment in, and the French relief of, Fez, the Makhzen, or Moorish government, worked out a project of municipal regulations for Tangier which became the basis of the Madrid negotiations, which encountered a problem different in character from the Makhzen's task only as subsequent events added new considerations. The fundamental idea of an internationalized city was then uppermost in the minds of the sherifian authorities and the diplomatic corps, who together were in control of the city.

Tangier is for practical purposes a neutral city, and steps will doubtless be taken by the European governments for its formal recognition as such. To begin with, the municipality, established by sherifian decree, includes the territory subject to the urban tax as levied under the Algeciras act, subject to extension, and this renders its domain the creation of the powers. This municipal domain is defined as public and private, the terms distinguishing character of use rather than ownership. The public municipi-

pal domain includes the public streets and places and the boundary walls of the city, with the exception of the fortresses and batteries which continue to belong to the Makhzen. In case Tangier is formally neutralized these will be dismantled. The Makhzen will continue to own its real property and buildings devoted to state services distinct from the municipality. The Tangier public domain is inalienable except that the municipal council may change its classification with the approval of the property acquired or given and accepted by the municipality under specified conditions, and of such property of the public domain as shall be declassified.

In the original scheme the officials were to consist of a president, an administrative commission and a municipal council. A president of the municipality and an assembly are now sufficient as a result of political rivalry among the interests of the powers dying with the passing of the Agadir incident into history. In 1911 it was contemplated that the president of the municipality would be named and revoked by the Makhzen, but chosen from the Moorish members of the municipal council. Such Moorish control would now defeat the international idea of the government and the president is to be elected by the assembly and preside at its sessions. His duties in general are those of a municipal executive and among many other tasks he is to present the annual budget to the assembly and issue highway and police regulations.

The assembly is the popular elective body, composed of 24 Moroccan members and 11 foreigners, representatives of the powers. The *amin* El Mustafad and the Mothasseb, Moorish territorial officers, are *ex-officio* members. The other Moorish members, one of whom may be a Jew, must not enjoy foreign protection. In the earlier scheme they had to fulfill the conditions necessary for a foreigner to be enfranchised, though they were to be appointed by the Makhzen. The foreign assemblymen are to be elected by enfranchised foreigners voting irrespective of nationality. The foreign assemblymen must be qualified as voters and not more than four of the same nationality can be elected. The assembly is renewable every three years. One vacancy, either among the Moors or foreigners, must remain unfilled, but when two vacancies have occurred, a complementary election may be held, if the plan of 1911 has been followed in the last form of Tangier's charter, the full text of which is not yet to hand.

The assembly is the legislative body of the international city, with the usual powers of such a body. Originally it was planned to have a much more complicated arrangement and to have an administrative commission above the assembly. It was to consist of the president and three vice-presidents nominated by the Makhzen from the members of the assembly, one of whom was to be a Moor and one a foreigner; the Mothasseb, the *amin* El Mustafad, a technical delegate from the sherifian

department of public works and a medical man designated by the assembly. The commission was to be constituted within 15 days from the time of the first sitting of a new assembly, meet fortnightly in secret, and its chief duty was to name all heads of municipal services. No municipal employee may be dismissed without its decision. It was to draw up the police, hygiene and sanitary regulations which the president should promulgate as executive; decide on highway and other public service changes or extensions, which decisions were executory within two months unless countermanded by the financial authorities within that time. Necessary temporary measures could be taken.

All of these attributes now fall to the assembly, which is much freer from Makhzen control than the old commission, but which yet must observe many considerations due to the complicated French, Spanish and strictly international elements which must be satisfied. France being paramount in Morocco and Spain being the territorial neighbor of the Tangier internationalized zone, it is natural that police control should be divided. Under the Algeciras act the police control at Tangier was mixed, French officers being in charge of the urban police and the Spanish organizing and directing the force in the vicinity of the city. No distinction between urban and extraurban police longer exists. The distinction now is between military police, which are headed by a Spaniard, and the civil police, who are under the control of a Frenchman. France as representing the sultan naturally has a great interest in the administration of the city, which being Moslem is based in its native aspects upon Koranic laws. But Spain has the bulk of the foreign population, and Great Britain is greatly interested in Tangier's commerce. Moreover, Britain acts in a way as a mandatory of the other powers. So provision has been made for distributing administrative officers so that France shall have 33 per cent of the appointments, Spain 29 per cent and Great Britain 18 per cent, the discretion of the president and assembly being trusted with the other 20 per cent.

All Moslems, of course, will be tried before their own *kadi*, appointed by the sultan at the recommendation of the powers. But litigation may arise between a Moslem and foreigner, or more rarely between two foreigners. So a mixed court is provided along the lines of the international court in Egypt. It is to consist of two Frenchmen, one of whom will preside, two Spaniards, two Englishmen and one German. To make up for a Frenchman presiding, a Spaniard is to be public prosecutor.

It was quite impossible to leave the entire government to the elective assembly, in view of the complicated interests involved in Tangier's public works, which were built or are being built under the provisions of the Algeciras act. So a committee composed of 11 representatives of the powers and one of the sultan was established to insure the international character of the administration and to protect all national in-

terests. Under ordinary circumstances it is likely that this committee will be somewhat ornamental.

One of the pleasant things about the international city is the luck it has had with its debt. France absorbed Morocco very largely by the process of insisting on improvements that were valid as improvements, but not wanted by the country, loaning money to carry them through and then working into the administration to protect the investment. Before Agadir the whole Moroccan customs were mortgaged to France and collected by Frenchmen. To give Tangier a fair start as an international city, she freed the city's resources from all monetary claims that it was possible to relinquish. She exacted no pound of flesh. All strictly legal claims,—a share in the war indemnity, for instance,—were canceled. Tangier starts its financial life with far less indebtedness and financial disadvantage than had been expected. France has even given up a legitimate claim to supervise the city's finances in the interest of the sultan, and the city thereby becomes financially autonomous. She and Spain have retained only the right to exact special permission if Tangier should wish to levy special duties on imports or should desire to alienate Makhzen lands. As the bulk of Tangier imports are destined for the Spanish or French zones beyond, the reasonableness of the first stipulation should be apparent. As Makhzen lands are subject to Moslem, which is to say Koranic, law, the necessity of guarding native susceptibilities explains the second stipulation.

It is, however, the foreign electoral rights that are most interesting in this international city. Electors must be 25 years of age; not have been convicted under a penalty involving loss or diminution of civil rights under national law; have resided at Tangier at least two years; and be owners or occupiers of a house or apartment of which the rental value has been fixed by the administration of the urban tax at a sum of at least 120 *pesetas hassani* (\$24) per month. "Officials of the Moroccan state, consulates, posts and telegraphs and of the public services of the Makhzen who are not Moorish subjects," said the earlier document, "are not restricted to the conditions of residence fixed in the preceding article for the exercise of electoral rights. But they must prove, except in the case where they live in the building where they perform their duties, that they are owners or occupiers at Tangier within the conditions specified in that article."

Every year the voting list is to be revised by a special commission composed of each nationality. The list will be posted two weeks and decisions on objections or observations concerning it must be made within a month. A committee made up of existing officials will prepare the first list.

Nineteen articles are devoted to the conduct of elections, the details being devoid of special interest. The voting booth is to be open of a

Sunday from 10 a. m. to 3 p. m. at the office of the municipal assembly, the officials in charge being representatives of the foreign nationalities in the assembly. Casting of the ballot must be in person. It is provided that no one is elected in the first instance unless he has obtained "1, the absolute majority of the votes cast; 2, a number of votes equal to one sixth of that of the electors registered. If several candidates obtain the same number of votes, the election goes to the oldest."

These provisions appear impossible of execution until one recalls that voting is to be on national candidates, and then they indicate that diversity of national representation would certainly result from them. If a second balloting is to be held the next Sunday, a relative majority rules.

"Every elector has the right of arguing the total or partial nullity of the electoral operations. . . . The municipal council determines as a court of last resort on the said claims in the first sessional court held after the elections." That provision should go far toward satisfying many foreign susceptibilities.

Since Tangier first came into the realm of international politics it has had a hard time. Throughout the period from 1901 to 1911 when the Moroccan question assumed the character of a European war cloud, Tangier as the headquarters of the Moorish department of foreign affairs and the residence of the foreign diplomats was the center of Moroccan affairs, and Moroccan affairs often engrossed the whole world. The diplomatic battles that were fought out at the Kasbah or in the pleasant villas that were the homes of the ministers from Europe were noteworthy and would make a book in the telling. But they are past, and it speaks well for European diplomacy that the old battlefield of the diplomat is now become a real city of the nations, the object of the creation being frankly the good of the municipality and the prosperity of its people.

THE VALUE OF MUNICIPAL EXHIBITS

BY LENT D. UPSON¹

"GET the Hook,"—three words of no special significance, yet when placed upon a chart above a six-cent hook for which the city of New York paid 60 cents, did more to stimulate public concern in methods of government than would 100 municipal reports, replete with questionable statistics. With this feature at the first municipal exhibit, held in New York City in 1908, was begun a new method of making municipal government a concrete reality to the man on the street.

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