

## RIGHTS OF THE UNITED STATES AND OF ITS NATIONALS IN IRAQ

*Convention, with schedules and protocol, signed at London January 9, 1930; exchanges of notes among Iraq, the United Kingdom, and the United States January 9, 1930*

*Senate advice and consent to ratification April 22, 1930*

*Ratified by the President of the United States April 28, 1930*

*Ratifications exchanged at London February 24, 1931*

*Entered into force February 24, 1931*

*Proclaimed by the President of the United States March 11, 1931*

*Terminated, with exception of article 7, October 3, 1932, upon admission of Iraq to the League of Nations and termination of special relations between the United Kingdom and Iraq; provisions of article 7 concerning commerce and navigation terminated June 19, 1940, in accordance with terms of article VI of treaty of December 3, 1938, between the United States and Iraq<sup>1</sup>*

47 Stat. 1817; Treaty Series 835

(i.) Whereas in virtue of the Treaty of Peace concluded with the Allied Powers and signed at Lausanne on the 24th day of July, 1923, and in virtue of the Treaty concluded with His Britannic Majesty and His Majesty the King of Iraq, signed at Angora on the 5th day of June, 1926, Turkey has renounced all rights and titles over the territory of Iraq; and

(ii.) Whereas by their decision of the 27th day of September, 1924, which is set forth in the first schedule hereto, the Council of the League of Nations agreed that, in so far as concerns Iraq, effect had been given to the provisions of article 22 of the Covenant of the League of Nations in the Treaty of Versailles<sup>2</sup> by the communication received by them from His Britannic Majesty's Government on that date; and

(iii.) Whereas the Treaty of Alliance referred to in the aforesaid decision of the Council of the League of Nations, and set forth in the second schedule hereto, entered into force on the 19th day of December, 1924; and

(iv.) Whereas, with the object of extending the duration of the aforesaid Treaty of Alliance, a new Treaty between His Britannic Majesty and His Majesty the King of Iraq was signed at Baghdad on the 13th day of Janu-

<sup>1</sup> TS 960, *post.*

<sup>2</sup> *Ante*, p. 55.

ary, 1926, as set forth in the third schedule hereto, and hereinafter referred to as the Treaty of 1926; and

(v.) Whereas on the 2nd day of March, 1926, a letter in the terms set forth in the fourth schedule hereto was addressed by His Britannic Majesty's Government to the League of Nations; and

(vi.) Whereas on the 11th day of March, 1926, the Council of the League of Nations recorded a resolution taking note of the Treaty of 1926; and

(vii.) Whereas the Treaty of 1926 entered into force on the 30th day of March, 1926; and

(viii.) Whereas the United States of America, by participating in the war against Germany, contributed to her defeat and the defeat of her Allies, and to the renunciation of the rights and titles of her Allies in the territory transferred by them, but has not ratified the Covenant of the League of Nations embodied in the Treaty of Versailles; and

(ix.) Whereas the United States of America recognises Iraq as an independent State; and

(x.) Whereas the President of the United States and His Britannic Majesty and His Majesty the King of Iraq desire to reach a definite understanding with respect to the rights of the United States and of its nationals in Iraq;

(xi.) The President of the United States of America of the one part and His Britannic Majesty and His Majesty the King of Iraq of the other part have decided to conclude a Convention to this effect, and have named as their plenipotentiaries:—

The President of the United States of America;

His Excellency General Charles G. Dawes, Ambassador Extraordinary and Plenipotentiary of the United States at London;

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India;

for Great Britain and Northern Ireland;

The Right Honourable Arthur Henderson, M.P., His Majesty's Principal Secretary of State for Foreign Affairs;

His Majesty the King of Iraq;

Ja'far Pasha El Askeri, C.M.G., His Majesty's Envoy Extraordinary and Minister Plenipotentiary at London;

who, after having communicated to each other their respective full powers, found in good and due form, have agreed as follows:

#### ARTICLE 1

Subject to the provisions of the present Convention, the United States consents to the régime established in virtue of the decisions of the Council of the League of Nations of the 27th day of September, 1924, and of the 11th day of March, 1926, the Treaty of Alliance (as defined in the said decision of the 27th day of September, 1924), and the Treaty of 1926, and

recognises the special relations existing between His Britannic Majesty and His Majesty the King of Iraq as defined in those instruments.

#### ARTICLE 2

The United States and its nationals shall have and enjoy all the rights and benefits secured under the terms of the aforesaid decisions and treaties to members of the League of Nations and their nationals, notwithstanding the fact that the United States is not a member of the League of Nations.

#### ARTICLE 3

Vested American property rights in Iraq shall be respected and in no way impaired.

#### ARTICLE 4

Subject to the provisions of any local laws for the maintenance of public order and public morals, and to any general educational requirements prescribed by law in Iraq, the nationals of the United States will be permitted freely to establish and maintain educational, philanthropic and religious institutions in Iraq, to receive voluntary applicants and to teach in the English language.

#### ARTICLE 5

Negotiations shall be entered into as soon as possible for the purpose of concluding an Extradition Treaty between the United States and Iraq in accordance with the usages prevailing among friendly States.<sup>3</sup>

#### ARTICLE 6

No modification of the special relations existing between His Britannic Majesty and His Majesty the King of Iraq, as defined in article 1 (other than the termination of such special relations as contemplated in article 7 of the present Convention) shall make any change in the rights of the United States as defined in this Convention, unless such change has been assented to by the Government of the United States.

#### ARTICLE 7

The present Convention shall be ratified in accordance with the respective constitutional methods of the High Contracting Parties. The ratifications shall be exchanged in London as soon as practicable. The present Convention shall take effect on the date of the exchange of ratifications, and shall cease to have effect on the termination of the special relations existing between His Britannic Majesty and His Majesty the King of Iraq in accordance with the Treaty of Alliance and the Treaty of 1926.

On the termination of the said special relations, negotiations shall be en-

<sup>3</sup> An extradition treaty between the United States and Iraq was signed at Baghdad June 7, 1934 (TS 907, *post*).

tered into between the United States and Iraq for the conclusion of a treaty in regard to their future relations and the rights of the nationals of each country in the territories of the other. Pending the conclusion of such an agreement, the nationals, vessels, goods and aircraft of the United States and all goods in transit across Iraq, originating in or destined for the United States, shall receive in Iraq the most-favoured-nation treatment; provided that the benefit of this provision cannot be claimed in respect of any matter in regard to which the nationals, vessels, goods and aircraft of Iraq, and all goods in transit across the United States, originating in or destined for Iraq, do not receive in the United States the most-favoured-nation treatment, it being understood that Iraq shall not be entitled to claim the treatment which is accorded by the United States to the commerce of Cuba under the provisions of the Commercial Convention concluded by the United States and Cuba on the 11th day of December, 1902,<sup>4</sup> or any other commercial convention which may hereafter be concluded by the United States with Cuba or to the commerce of the United States with any of its dependencies and the Panamá Canal Zone under existing or future laws, and that the United States shall not be entitled to claim any special treatment which may be accorded by Iraq to the nationals or commerce of neighbouring States exclusively.

In witness whereof, the undersigned have signed the present Convention, and have thereunto affixed their seals.

Done in triplicate in English and Arabic, of which, in case of divergence, the English text shall prevail, at London, this 9<sup>th</sup> day of January, 1930.

CHARLES G. DAWES	[SEAL]
ARTHUR HENDERSON	[SEAL]
JA'FAR EL ASKERI	[SEAL]

#### SCHEDULE I

DECISION OF THE COUNCIL OF THE LEAGUE OF NATIONS DATED THE 27TH DAY OF SEPTEMBER, 1924, RELATING TO THE APPLICATION TO IRAQ OF THE PRINCIPLES OF ARTICLE 22 OF THE COVENANT

The Council of the League of Nations,

Having regard to article 16 of the Treaty of Peace signed at Lausanne on the 24th July, 1923;

Having regard to article 22 of the Covenant of the League of Nations;

In view of the communication which has been made by the Government of His Britannic Majesty to the Council of the League of Nations on the 27th September, 1924, in the following terms:

"Whereas the territory of Iraq, which formerly constituted a part of the Turkish Empire passed into the occupation of the military forces of His Britannic Majesty in the course of the recent war, and

"Whereas it was intended by the Principal Allied Powers that the territory of Iraq should until such time as it might be able to stand alone be entrusted to a mandatory charged with the duty of rendering administrative advice and assistance to the population

<sup>4</sup> TS 427, *post*.

in accordance with the provisions of article 22 (paragraph 4) of the Covenant, and that this Mandate should be conferred on His Britannic Majesty; and

“Whereas His Britannic Majesty agreed to accept the Mandate for Iraq; and

“Whereas His Britannic Majesty has, in view of the rapid progress of Iraq, recognised an independent Government therein and has concluded with the King of Irak a treaty with Protocol and subsidiary agreements, as set forth in the Schedule hereto, and hereinafter referred to as the Treaty of Alliance; and

“Whereas the purpose of the said Treaty of Alliance is to ensure the complete observance and execution in Iraq of the principles which the acceptance of the Mandate was intended to secure;

“The Government of His Britannic Majesty is willing to agree as follows:

“I.

“So long as the Treaty of Alliance is in force, His Majesty's Government will assume, towards all Members of the League of Nations who accept the provisions of this arrangement and the benefits of the said Treaty, responsibility for the fulfilment by Iraq of the provisions of the said Treaty of Alliance.

“II.

“During the currency of the Treaty of Alliance, the Government of His Britannic Majesty, in consultation with His Majesty the King of Iraq, will take such steps as may be necessary for the conclusion of special extradition agreements on behalf of Iraq. Copies of all such agreements shall be communicated to the Council of the League.

“III.

“An annual report, to the satisfaction of the Council of the League, will be made to the Council as to the measures taken in Iraq during the year to carry out the provisions of the Treaty of Alliance. Copies of all laws and regulations promulgated in Iraq during the year will be attached to the said report.

“IV.

“No modifications of the terms of the Treaty of Alliance will be agreed to by His Britannic Majesty's Government without the consent of the Council of the League.

“V.

“If any dispute should arise between the Government of His Britannic Majesty and that of another Member of the League as to whether the provisions of the Treaty of Alliance or of the present decision are being fulfilled in Iraq, or as to their interpretation or application, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League.

“VI.

“In the event of Iraq being admitted to the League of Nations, the obligations hereby assumed by His Britannic Majesty's Government shall terminate.

“VII.

“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.”

Accepts the undertakings of the Government of His Britannic Majesty;  
and

Approves the terms of the above communication as giving effect to the provisions of article 22 of the Covenant; and

Decides that the privileges and immunities, including the benefits of consular jurisdiction and protection formerly enjoyed by capitulation or usage in the Ottoman Empire, will not be required for the protection of foreigners in Iraq so long as the Treaty of Alliance is in force.

The present instrument shall be deposited in original in the archives of the League of Nations, and certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

Done at Geneva, on the twenty-seventh day of September, one thousand nine hundred and twenty-four.

## SCHEDULE II

TREATY OF ALLIANCE BETWEEN GREAT BRITAIN AND IRAQ OF THE 10TH DAY OF OCTOBER, 1922; PROTOCOL OF THE 30TH DAY OF APRIL, 1923; AND SUBSIDIARY AGREEMENTS (BRITISH OFFICIALS, MILITARY, JUDICIAL AND FINANCIAL) OF THE 25TH DAY OF MARCH, 1924

### No. 1

*Treaty between His Britannic Majesty and His Majesty the King of Iraq*

His Britannic Majesty of the one part, and His Majesty the King of Iraq of the other part;

Whereas His Britannic Majesty has recognised Feisal Ibn Hussein as constitutional King of Iraq; and

Whereas His Majesty the King of Iraq considers that it is to the interests of Iraq and will conduce to its rapid advancement that he should conclude a treaty with His Britannic Majesty on the basis of alliance; and

Whereas His Britannic Majesty is satisfied that the relations between himself and His Majesty the King of Iraq can now be better defined by such a treaty of alliance than by any other means:

For this purpose the High Contracting Parties have appointed as their plenipotentiaries:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

Sir Percy Zachariah Cox, G.C.M.G., G.C.I.E., K.C.S.I., High Commissioner and Consul-General of His Britannic Majesty in Iraq;

His Majesty the King of Iraq:

His Highness Sir Saiyid 'Abd-ur-Rahman, G.B.E., Prime Minister and Naqib-al-Ashraf, Bagdad;

Who, having communicated their full powers, found in good and due order, have agreed as follows:

### ARTICLE 1

At the request of His Majesty the King of Iraq, His Britannic Majesty undertakes, subject to the provisions of this treaty, to provide the State of

Iraq with such advice and assistance as may be required during the period of the present treaty, without prejudice to her national sovereignty. His Britannic Majesty shall be represented in Iraq by a High Commissioner and Consul-General assisted by the necessary staff.

#### ARTICLE 2

His Majesty the King of Iraq undertakes that for the period of the present treaty no gazetted official of other than Iraq nationality shall be appointed in Iraq without the concurrence of His Britannic Majesty. A separate agreement shall regulate the numbers and conditions of employment of British officials so appointed in the Iraq Government.

#### ARTICLE 3

His Majesty the King of Iraq agrees to frame an Organic Law for presentation to the Constituent Assembly of Iraq, and to give effect to the said law, which shall contain nothing contrary to the provisions of the present treaty and shall take account of the rights, wishes and interests of all populations inhabiting Iraq. This Organic Law shall ensure to all complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals. It shall provide that no discrimination of any kind shall be made between the inhabitants of Iraq on the ground of race, religion or language, and shall secure that the right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Government of Iraq may impose, shall not be denied or impaired. It shall prescribe the constitutional procedure, whether legislative or executive, by which decisions will be taken on all matters of importance, including those involving questions of fiscal, financial and military policy.

#### ARTICLE 4

Without prejudice to the provisions of articles 17 and 18 of this treaty, His Majesty the King of Iraq agrees to be guided by the advice of His Britannic Majesty tendered through the High Commissioner on all important matters affecting the international and financial obligations and interests of His Britannic Majesty for the whole period of this treaty. His Majesty the King of Iraq will fully consult the High Commissioner on what is conducive to a sound financial and fiscal policy, and will ensure the stability and good organisation of the finances of the Iraq Government so long as that Government is under financial obligations to the Government of His Britannic Majesty.

#### ARTICLE 5

His Majesty the King of Iraq shall have the right of representation in London and in such other capitals and places as may be agreed upon by the High Contracting Parties. Where His Majesty the King of Iraq is not represented,

he agrees to entrust the protection of Iraq nationals to His Britannic Majesty. His Majesty the King of Iraq shall himself issue exequaturs to representatives of foreign Powers in Iraq after His Britannic Majesty has agreed to their appointment.

#### ARTICLE 6

His Britannic Majesty undertakes to use his good offices to secure the admission of Iraq to membership of the League of Nations as soon as possible.

#### ARTICLE 7

His Britannic Majesty undertakes to provide such support and assistance to the armed forces of His Majesty the King of Iraq as may from time to time be agreed by the High Contracting Parties. A separate agreement regulating the extent and conditions of such support and assistance shall be concluded between the High Contracting Parties and communicated to the Council of the League of Nations.

#### ARTICLE 8

No territory in Iraq shall be ceded or leased or in any way placed under the control of any foreign Power; this shall not prevent His Majesty the King of Iraq from making such arrangements as may be necessary for the accommodation of foreign representatives and for the fulfilment of the provisions of the preceding article.

#### ARTICLE 9

His Majesty the King of Iraq undertakes that he will accept and give effect to such reasonable provisions as His Britannic Majesty may consider necessary in judicial matters to safeguard the interests of foreigners in consequence of the non-application of the immunities and privileges enjoyed by them under capitulation or usage. These provisions shall be embodied in a separate agreement, which shall be communicated to the Council of the League of Nations.

#### ARTICLE 10

The High Contracting Parties agree to conclude separate agreements to secure the execution of any treaties, agreements or undertakings which His Britannic Majesty is under obligation to see carried out in respect of Iraq. His Majesty the King of Iraq undertakes to bring in any legislation necessary to ensure the execution of these agreements. Such agreements shall be communicated to the Council of the League of Nations.

#### ARTICLE 11

There shall be no discrimination in Iraq against the nationals of any State, member of the League of Nations, or of any State to which His Britannic Majesty has agreed by treaty that the same rights should be ensured as it

would enjoy if it were a member of the said League (including companies incorporated under the laws of such State), as compared with British nationals or those of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Nor shall there be any discrimination in Iraq against goods originating in or destined for any of the said States. There shall be freedom of transit under equitable conditions across Iraq territory.

#### ARTICLE 12

No measure shall be taken in Iraq to obstruct or interfere with missionary enterprise or to discriminate against any missionary on the ground of his religious belief or nationality, provided that such enterprise is not prejudicial to public order and good government.

#### ARTICLE 13

His Majesty the King of Iraq undertakes to co-operate, in so far as social, religious and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

#### ARTICLE 14

His Majesty the King of Iraq undertakes to secure the enactment, within twelve months of the coming into force of this treaty, and to ensure the execution of a Law of Antiquities based on the rules annexed to article 421 of the Treaty of Peace signed at Sèvres on the 10th August, 1920. This law shall replace the former Ottoman Law of Antiquities, and shall ensure equality of treatment in the matter of archaeological research to the nationals of all States members of the League of Nations, and of any State to which His Britannic Majesty has agreed by treaty that the same rights should be ensured as it would enjoy if it were a member of the said League.

#### ARTICLE 15

A separate agreement shall regulate the financial relations between the High Contracting Parties. It shall provide, on the one hand, for the transfer by His Britannic Majesty's Government to the Government of Iraq of such works of public utility as may be agreed upon, and for the rendering by His Britannic Majesty's Government of such financial assistance as may from time to time be considered necessary for Iraq, and, on the other hand, for the progressive liquidation by the Government of Iraq of all liabilities thus incurred. Such agreement shall be communicated to the Council of the League of Nations.

## ARTICLE 16

So far as is consistent with his international obligations, His Britannic Majesty undertakes to place no obstacle in the way of the association of the State of Iraq for customs or other purposes with such neighbouring Arab States as may desire it.

## ARTICLE 17

Any difference that may arise between the High Contracting Parties as to the interpretation of the provisions of this treaty, shall be referred to the Permanent Court of International Justice provided for by article 14 of the Covenant of the League of Nations.<sup>5</sup> In such case, should there be any discrepancy between the English and Arabic texts of this treaty, the English shall be taken as the authoritative version.

## ARTICLE 18

This treaty shall come into force as soon as it has been ratified by the High Contracting Parties after its acceptance by the Constituent Assembly, and shall remain in force for twenty years, at the end of which period the situation shall be examined, and if the High Contracting Parties are of opinion that the treaty is no longer required it shall be terminated. Termination shall be subject to confirmation by the League of Nations unless before that date article 6 of this treaty has come into effect, in which case notice of termination shall be communicated to the Council of the League of Nations. Nothing shall prevent the High Contracting Parties from reviewing from time to time the provisions of this treaty, and those of the separate agreements arising out of articles 7, 10 and 15, with a view to any revision which may seem desirable in the circumstances then existing, and any modification which may be agreed upon by the High Contracting Parties shall be communicated to the Council of the League of Nations.

The ratifications shall be exchanged at Bagdad.

The present treaty has been drawn up in English and Arabic. One copy in each language will remain deposited in the archives of the Iraq Government, and one copy in each language in those of the Government of His Britannic Majesty.

In witness of which the respective plenipotentiaries have signed the present treaty and have affixed thereto their seals. Done at Bagdad in duplicate this tenth day of October, one thousand nine hundred and twenty-two of the Christian Era, corresponding with the nineteenth day of Sa'far, one thousand three hundred and forty-one, Hijrah.

P. Z. Cox,  
*His Britannic Majesty's High  
Commissioner in Iraq.*

'ABD-UR-RAHMAN,  
*Naqib-al-Ashraf of Bagdad and Prime  
Minister of the Iraq Government.*

<sup>5</sup> *Ante*, p. 52.

## No. 2

*Protocol to the Treaty of Alliance between Great Britain and Iraq  
of October 10, 1922*

We, the undersigned plenipotentiaries of His Britannic Majesty and of His Majesty the King of Iraq respectively, having been duly authorised, met together this 30th day of April, 1923, corresponding to the 14th Ramazan, 1341, in order to sign the following protocol to the Treaty of Alliance concluded between their Majesties aforesaid on the 10th October, 1922, corresponding to the 19th Sa'far, 1341, Hijrah, subject to ratification.

## PROTOCOL

It is understood between the High Contracting Parties that, notwithstanding the provisions of article 18, the present treaty shall 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.

In witness of which the respective plenipotentiaries have affixed their signatures thereto. Done at Bagdad in duplicate this 30th day of April, 1923, of the Christian era, corresponding with the 14th day of Ramazan, 1341, Hijrah.

P. Z. COX,  
*His Britannic Majesty's High  
Commissioner in Iraq.*

ABDUL MUHSIN-AL-SA'ADUN,  
*Prime Minister of the Iraq  
Government.*

## No. 3

*British Officials Agreement made under Article 2 of the Treaty of Alliance  
between Great Britain and Iraq of October 10, 1922*

We, the undersigned plenipotentiaries of His Britannic Majesty and of His Majesty the King of Iraq respectively, having been duly authorised, met together this 25th day of March, 1924, corresponding to the 19th day of Sha'ban, 1342, in order to sign the following agreement subsidiary to article 2 of the Treaty of Alliance concluded between their Majesties aforesaid on the 10th day of October, 1922, corresponding to the 19th day of Sa'far, 1341, Hijrah, subject to ratification.

## THE AGREEMENT

Whereas a treaty of alliance between His Britannic Majesty and his Majesty the King of Iraq was signed at Bagdad on the 10th day of October, 1922, corresponding with the 19th day of Sa'far, 1341, Hijrah, and a protocol to the said treaty was signed at Bagdad on the 30th day of April, 1923, corresponding with the 14th day of Ramazan, 1341, Hijrah; and

Whereas by article 2 of the said treaty His Majesty the King of Iraq undertakes that for the period of the same treaty no gazetted official of other than Iraq nationality shall be appointed in Iraq without the concurrence of His Britannic Majesty; and

Whereas by the same article it is provided that a separate agreement regulating the numbers and conditions of employment of British officials so appointed in the Iraq Government shall be concluded between the High Contracting Parties:

Now therefore it is agreed as follows:

#### ARTICLE 1

The Iraq Government agrees to appoint a British official approved by the High Commissioner as and when it may be requested to do so to any of the posts enumerated in schedule 1 hereto annexed.

#### ARTICLE 2

The Iraq Government agrees that any British official appointed to serve the Iraq Government in any of the posts reserved under article 1 of this agreement, or in any of the posts enumerated in schedule 2, shall be given a contract on the pay and grading prescribed for it in the said schedule and embodying the terms and conditions of service set forth in schedule 3, save and except that British officers seconded or appointed to serve under the Ministry of Defence of the Iraq Government shall be given contracts on the pay and grading prescribed in schedule 4, and embodying the terms and conditions of service prescribed in schedule 4.

#### ARTICLE 3

Subject to the provisions of article 2 of the Treaty of Alliance, nothing in this agreement shall prevent the Iraq Government from engaging British technical or scientific experts or British clerical and subordinate staff on special contracts.

#### ARTICLE 4

The Iraq Government undertakes that the obligations accepted by them under any contract of employment signed and issued in accordance with this agreement prior to the termination of the Treaty of Alliance, including the payment of contributions to the provident fund as prescribed in schedule 3 of this agreement, shall continue in force during the continuance of such contract and on its termination, notwithstanding the prior termination of the said Treaty of Alliance.

#### ARTICLE 5

For the purpose of contracts of employment entered into before the termination of the Treaty of Alliance, but continuing in force after such termination as provided in article 4 of this agreement, a revision of such clauses in schedules 3 and 4 of this agreement as contain a reference to His Britannic Majesty's High Commissioner or to the Disciplinary Board constituted under clause 17 of schedule 3 shall be undertaken in connexion with the negotiations for the conclusion of a fresh agreement between the High Contracting Parties provided for in the protocol to the Treaty of Alliance.

#### ARTICLE 6

All British officials appointed to posts in the Iraq Government under the terms of this agreement, shall be in the service of the Iraq Government and responsible to that Government and not to the High Commissioner.

#### SCHEDULE 1

Advisers to the Ministries of Interior, Finance, Justice, Defence and Communications and Works.

Directors or Inspectors-General of Irrigation, Public Works, Agriculture, Tapu, Surveys and Veterinary Services.

Director or Assistant Director of Audit, Inspectors-General of Police, Posts and Telegraphs, Health, Education, Customs and Excise.

President of Court of Appeal.

## SCHEDULE 2

## GRADE I

Advisers to Ministries of Interior, Finance, and Justice.

Pay.....Rs. 2,500—100—3,500, provided that these rates may be exceeded if the Iraq Government is unable to obtain suitable officials except on a higher rate of pay.

## GRADE II

- (i.) Adviser to the Ministry of Communications and Works.  
 President of the Court of Appeal.  
 Inspector-General of Posts and Telegraphs.  
 Inspector-General of Police.  
 Inspector-General of Health.  
 Inspector-General of Education.  
 Inspector-General of Customs and Excise.  
 Director of Irrigation.  
 Director of Public Works.  
 Director of Audit.  
 Director of Agriculture.  
 Assistant Adviser to the Ministry of the Interior.  
 Assistant Adviser to the Ministry of Finance.  
 Revenue Secretary to the Ministry of Finance.

Pay.....Rs. 1,800—100—2,800.

NOTE.—(i.) This post may be on special short-term contract ex-grade, or may be combined with the post of Director of Irrigation or Public Works, whichever of the two is senior. If so combined or on ordinary contract, the starting pay will be Rs. 2,200.

## GRADE III

- Senior Administrative Inspectors.  
 Senior Finance Inspectors.  
 Senior Police Inspectors.  
 Deputy Inspector-General, C.I.D.
- (i.) Judges, Court of First Instance.  
 Secretary to the Ministry of Communications and Works.  
 Director of Tapu.  
 Director of Veterinary Services.  
 Superintending Engineers.
- (ii.) Health Specialists.  
 Directors of Hospitals and Institutes.  
 Chief Medical Officers in Mosul and Kirkuk.  
 Medical Officers of Health in Bagdad and Basrah.

Pay.....Rs. 1,500—75—1,800—100—2,300.

NOTE.—(i.) If appointed without knowledge of Arabic and local legal experience, to start at Rs. 1,350 and be on probation for two years.

(ii.) If allowed to take private practice, to start at Rs. 1,200, and, in the case of future appointments of Health Specialists, if they are allowed to take private practice, they may be placed in another Grade.

## GRADE IV (a)

- Collectors of Customs.  
 Director of Surveys.  
 Chief Agricultural Research Officer.  
 Chief Agricultural Inspector.  
 Executive Engineers, P.W.D.  
 Electrical Specialist.  
 Government Architect.

Executive Engineers, Irrigation.  
 Inspector of Posts.  
 Senior Executive Engineer, Telegraphs.  
 Inspectors of Education.  
 Qualified Medical Officers not in Grade III.

Pay.....Rs. 1,200—75—1,800.

GRADE IV (b)

- (i.) Junior Administrative Inspectors.  
 Junior Finance Inspectors.  
 Junior Police Inspectors (1st class).  
 Junior Executive Engineers, Telegraphs.  
 Agricultural Officers.
- (ii.) Deputy Collectors of Customs.  
 Assistant Director of Public Health (Personnel and Accounts Section).

Pay.....Rs. 900—50—1,200—75—1,800.

NOTE.—(i.) Increments of Rs. 75 throughout.  
 (ii.) Not to rise beyond Rs. 1,500 in this grade unless they pass a departmental test qualifying them for post of Collector and no such post is vacant.

GRADE V

Assistant Collectors of Customs.  
 Assistant Irrigation Officers.  
 Assistant Engineers, P.W.D.  
 Junior Police Inspectors (2nd class).  
 Survey Officers.  
 Other Officials in Departments of Posts and Telegraphs.  
 Veterinary Officers.  
 Superintendent of Medical Stores.

Pay.....Rs. 800—50—1,300.

*General Note*

(i.) An official already in the service of the Iraq Government, who is appointed to any post mentioned in this schedule and similar in grade to that in which he is serving at the time of such appointment, shall be placed in the grade prescribed for the post at such a point as will give him a total salary not less than the salary which he is drawing at the time of signing the new contract. In calculating such salary regard shall be had to the number of months which he has served towards the new increment due under his old contract.

(ii.) Junior Administrative Inspectors shall be placed at such a point in Grade IV as shall give them the salary nearest (either above or below) to their present salary plus Rs. 200, their position as regards increments being taken into account as above.

(iii.) In order to enable them to meet the extra expense which will be involved by the payment of rent, lighting and conservancy charges, married officers (other than Junior Administrative Inspectors) stationed in Bagdad, Basrah or Mosul, and drawing pay at the rate of less than Rs. 1,500 per mensem, shall be granted a personal allowance, to be absorbed in future increments, of Rs. 150 or such portion of Rs. 150 as shall together with their salary amount to Rs. 1,500 per mensem in all.

SCHEDULE 3

REGULATIONS RELATING TO THE SERVICE OF BRITISH OFFICIALS IN IRAQ

*Period of Service*

1.—(1.) Every official whom it is desired to employ in the Iraq Government will be required to enter into an agreement to serve the Iraq Government for a definite period, to be specified in his agreement, of five, ten or fifteen years.

(2.) Such period of service will commence on the date on which he embarks to take up his appointment, or in the case of an official already serving in Iraq, on a date to be

fixed in his contract, and shall not be considered to be interrupted by any local, sick or ordinary leave granted in accordance with these regulations.

(3.) Except in the case of officials who before the commencement of such period of service have served not less than one year in the Iraq Government and whose retention in the posts in which they are specialised has been asked for by the Iraq Government, the first year (or, in the case of officials referred to in Note (i) under Grade III in schedule 2, the first two years) of such period of service shall be probationary and the official's contract may be terminated at the end of the first or second year, as the case may be, by three months' notice in writing, and when such notice is given the High Commissioner shall be given an opportunity to give his opinion regarding the official concerned. On such termination of his contract, the official shall be entitled to any leave or leave gratuity which he has earned and a free passage to England for himself. He shall receive from the Provident Fund only the amount of such contributions as he had made thereto.

#### *Salary*

2.—(i.) The salary of an official, together with the increment to it, will be that provided for his office in schedule 2, provided that—

(a.) In the case of officials already serving under the Iraq Government and (b) in the case of new appointments of officials with special experience or qualifications, the initial salary of an official may be fixed by his contract at a point in the grade of his office higher than the initial salary of the grade.

#### *Half Salary during Voyage on Appointment*

(ii.) On being appointed an official will be entitled to half salary from the date of his embarkation to take up his new appointment to the date of his arrival in Iraq and to full salary from the date of his arrival in Iraq.

(iii.) For the purpose of this and the succeeding regulations the term "salary" means the salary attached to the office held by the official and does not include a personal allowance or other payment made to the official.

The term "emoluments" means and includes all payments made to an official including salary and allowances of every kind.

#### *Currency of Payment in Iraq*

3.—(1.) Subject to clause 16 of these regulations, emoluments paid in Iraq will be paid in rupees.

(2.) An official, on giving three months' notice, shall have the option of drawing one-third of his salary in London at the fixed conversion rate of Rs. 15 to £1, or in the event of the currency being altered at the par rate of exchange.

An official who shall have availed himself on this option may, by giving three months' notice, cancel the arrangement and draw his salary in rupees in Iraq.

#### *Passages of Officials*

4.—A.—(1.) An official will, on first appointment, be allowed a free first-class passage out to Iraq subject to his executing an agreement under which he will be bound to refund the cost thereof in the event of his relinquishing the appointment within three years from the date of his arrival in Iraq in order to take up other employment in Iraq, or within one year from the date of such arrival for any other reason than bodily or mental infirmity.

(2.) He will also, on the termination of his service, be allowed a free passage to England: provided that if the Government terminate his contract under clause 18 of these regulations for misconduct or insubordination, or the official himself terminates it for any reason other than bodily or mental infirmity, the allowance of this passage shall be at the discretion of the Disciplinary Board constituted under clause 17.

(3.) During the currency of his agreement an official will be further allowed a free passage from Iraq to England and back, once if his contract is for five years' service, twice if it is for ten years' service, and three times if it is for fifteen years' service.

(4.) The Government may provide the passage allowed under this regulation on any ship of a recognised line which carries first-class passengers between England and Iraq. If the official elects to proceed by a different route, he shall receive the actual cost of the passage chosen by him or the value of the passage chosen by Government, whichever is less.

*Wives of British Officials*

B.—(1.) The wife of an official already married at the commencement of his contract shall be allowed two free first-class single passages either way between England and Iraq when the contract of the official is for five years' service, three such passages when the contract is for ten years', and four such passages when it is for fifteen years' service.

(2.) When the official marries during the period of his contract, his wife shall be allowed two free single passages either way for the next five years remaining to be served by the official under his contract at the time of the marriage, and one free single passage either way for every subsequent five years remaining to be served. A period of less than five years shall not be taken into consideration in deciding to what free passage a wife may be entitled under these regulations.

(3.) Passages allowed to wives shall be provided under the same conditions as those allowed to officials under 4(A) of these regulations.

*Quarters*

5. In the case of an official occupying a house which is the property of the Government, an official who is occupying a house by himself shall pay rent at the rate of 8 per cent. of his salary, and an official who is sharing a house with another official shall pay rent at the rate of 4 per cent. of his salary provided that the payment made by the official or officials occupying the house shall in no case exceed a fair rent for the house calculated on the basis of the actual rents of privately-owned houses in the locality. Rent will be paid on the same principle by officials occupying houses which are not the property of the Government, provided that the payment made by the official or officials occupying the house shall in no case exceed the actual rent of the house. Should such payment be less than the rent of the house, then, in order to assist the official in paying the balance of the rent, the Government shall give such officials an allowance in aid as follows:

*In Basrah and Bagdad:*

Married officials not exceeding 12 per cent. of their salary.

Unmarried officials not exceeding 6 per cent. of their salary.

*In other stations:*

Married officials not exceeding 8 per cent. of their salary.

Unmarried officials not exceeding 4 per cent. of their salary.

These allowances in aid shall be subject to revision every year in accordance with the actual fluctuations of rents.

For the purposes of this clause the term "salary" shall be deemed to include personal allowance, if any.

*Equipment of Quarters*

6. The Government shall, if possible, equip all Government houses occupied by officials with such electric lights, fans and water as may be recommended by the Directorate of Health Services.

*Local Leave*

7. An official may at the discretion of the Government be allowed local leave not exceeding twenty-one days in each calendar year. Such leave shall not be cumulative, and shall not be combined with ordinary leave.

*Ordinary Leave*

8.—(i.) An official will earn ordinary leave at the rate of one day's leave for every five days of effective service. No leave other than local leave shall count as effective service.

(ii.) Ordinary leave shall be cumulative.

(iii.) Subject to the exigencies of the service, an official may be granted the ordinary leave due to him at any time he desires, and may claim the right to take the leave due to him if under a fifteen years' contract three times; if under a ten years' contract, twice; and if under a five years' contract, once.

(iv.) An official on the expiry of his service, or on the termination of his contract by the Government for any reason other than insubordination or misconduct, shall receive a gratuity in respect of ordinary leave which is due to him and which owing to the exigencies of the service he has been unable to take. This gratuity shall be calculated at the rate of one day's leave allowance for every day of leave due subject to maximum of nine months.

(v.) When on ordinary leave an official shall be entitled to full salary.

#### *Sick Leave*

9.—(i.) Short periods of absence from duty owing to sickness not exceeding ten consecutive days will be allowed in Iraq on full salary. Any absence extending beyond that period will be counted as sick leave.

(ii.) The aggregate amount of sick leave which an official may be allowed shall be as follows:—

If he is on a five years' contract . . . . .	1 year.
If he is on a ten years' contract . . . . .	2 years.
If he is on a fifteen years' contract . . . . .	3 years.

(iii.) If these aggregate amounts are exceeded the Government shall have the option of terminating the contract without compensation.

(iv.) On each occasion of taking sick leave an official shall receive full salary for a period up to six months and thereafter such leave as is due to him up to a further six months. If no leave or insufficient leave is due to him to cover the second six months he may complete the period by additional sick leave on half-pay. At the end of this period of twelve months the Government shall have the right to terminate without compensation the service of an official who is on a five years' contract, and in other cases, i.e., if the official is on more than five years' contract, a medical board shall assemble, and, if it is considered that the official is unlikely to be fit to return to duty within the limits laid down in sub-clause (2) above, Government shall have the right to terminate the contract without compensation.

(v.) Nothing in this clause shall in any way modify the obligations of the Iraq Government to pay an officer of the Imperial forces or Indian army on return from his employment until he is fit for duty in the Imperial or Indian establishment as the case may be, subject to the maximum period of sick leave with full pay of his substantive rank provided in the regulations of the service concerned.

#### *Medical Attendance*

10. In Iraq an official will be entitled to free medical treatment, but this privilege does not extend to his family.

#### *Compensation in case of Termination by Government*

11. In the case of an official whose services are terminated by Government other than for reasons stated in clauses 1, sub-clause (3), 9, 14 and 18, Government shall pay into the Provident Fund on his behalf, and he shall receive from that fund, in addition to the sum already due to him therefrom, a sum equal to the combined contributions of Government and the official which would have fallen due in respect of the balance of his contract.

#### *Special Compensation for Death, &c., due to Local Disturbances, &c.*

12. Special compensation, which shall not be less favourable in the case of an officer of the Imperial forces or Indian army than that to which he would be entitled under the regulations of his parent service, under rules to be laid down hereafter, will be granted in the case of death, injury or loss of property, &c., due to war or local disturbances, or in the case of permanent disability certified by a medical board to have arisen out of the special circumstances of his employment. In the case of loss of property, no compensation will be paid unless it can be reasonably shown that it was impossible to insure such property or that insurance could only have been effected at an exorbitant premium. In any case compensation will be paid only in respect of articles considered necessary and indispensable, and the Government will take no responsibility for the loss, theft, or destruction of valuables, such as jewellery, works of art, &c.

*Provident Fund*

13. A Provident Fund shall be instituted to which Government and the officials shall contribute as follows:—

(i.) Every official shall contribute to the Provident Fund monthly by the deduction from his salary bill of one-twelfth of his pay.

(ii.) The Government shall contribute monthly in respect of each official a sum equal to twice the official's contribution during the preceding month.

(iii.) Sums deducted on this account from the salary bills of officials, together with the sums due from Government, shall be transmitted monthly to such person or persons as may be appointed Treasurer of the fund by His Britannic Majesty's Government, and the fund will be administered by trustees approved, and in accordance with rules laid down by His Britannic Majesty's Government.

(iv.) Every official, except officials on whose behalf the Government has paid or accepted liability for pension contribution up to the date of commencement of service under the new conditions, shall contribute to the fund in respect of service between the 11th November, 1920, and the date on which these conditions of service become applicable to him a sum equal to one-twelfth of his aggregate pay during such period.

(v.) Government shall contribute a like amount to that contributed by the official in respect of pre-contract service referred to in sub-clause (iv).

(vi.) In the case of officials who are lent or transferred to the Iraq Government by other Governments and who continue to qualify for the pension payable by their parent service on condition that their pension contributions continue to be paid, such pension contributions (except in so far as they are payable by the official himself under the rules of his parent service) shall continue to be paid by the Iraq Government.

The first five sub-clauses of this clause shall not apply in the case of such officials.

*Languages*

14. An official will be required to comply with the provisions of such regulations relating to language examinations as may be drawn up by a Disciplinary Board constituted under clause 17 of this schedule and approved by the High Commissioner. Such regulations may provide for the stoppage of promotion in the event of failure to pass an examination prescribed as compulsory, and may further provide for termination of the official's contract without compensation in the event of repeated failures.

*Travelling Allowances: Acting Allowances*

15. Traveling and transport allowances within Iraq and acting allowances shall be admissible in accordance with rules applicable to local officials.

*Currency*

16. In the event of the currency being altered, the rupee emoluments shall thereafter be payable in the new currency at the current rate of exchange except as provided in clause 3(2) of this schedule.

*Discipline*

17. Officials will, for the purposes of discipline, be under the supervision of a Board composed as follows:

PRESIDENT:

The Prime Minister.

MEMBERS:

A representative of his Excellency the High Commissioner, three Ministers and three senior British officials nominated by His Majesty the King.

The findings of the Board shall be subject to the approval of His Majesty the King. Before such approval is given, his Excellency the High Commissioner shall be given an opportunity of expressing his opinion on such findings.

*Termination for Insubordination, &c*

18. The Government has the right, subject to the approval of the Disciplinary Board as constituted under clause 17, to terminate without compensation the services of an official who has been guilty of misconduct and insubordination, and to receive back from the

Provident Fund the whole or part, as may be decided by the said Board, of the amount contributed by Government to his credit in the Provident Fund.

*Termination of Contract by Official*

19. An official will be entitled to terminate his contract during its currency by giving six months' notice in writing to the head of his Department, but should he do so it shall be put before the Disciplinary Board as constituted under clause 17 to decide in the circumstances whether he should receive his free passage home, any or all of the leave due to him, or more than half only of the amount standing to his credit in the Provident Fund at the time of his resignation.

20. In the case of any seconded officer of the Imperial forces or Indian army, if, on the termination of his contract otherwise than under clauses 18 and 19, he cannot be absorbed within the authorized establishment, the Iraq Government shall be liable for his pay and allowances at normal British rates for the period during which he is awaiting absorption.

*Arbitration*

21. If any question arises under the agreement entered into by an official whether as regards its interpretation or in any other respect, it shall be referred to the Disciplinary Board, whose decision, after the approval of His Majesty the King as provided in clause 17, shall be final.

SCHEDULE 4

REGULATIONS RELATING TO THE SERVICE OF BRITISH OFFICERS EMPLOYED UNDER THE  
MINISTRY OF DEFENCE OF THE IRAQ GOVERNMENT

*Period of Service*

1.—(1.) An officer will be required on appointment to enter into an agreement to serve the Iraq Government for a period of three years, extendable, if both parties agree and, in the case of an officer of the Imperial forces or Indian army, subject to the approval of His Britannic Majesty's Government or the Government of India, as the case may be, to five, seven and ten years by successive renewals.

(2.) Such period of service will commence on the date on which he embarks to take up his appointment, or in the case of an officer already serving in Iraq on a date to be fixed in his contract, and shall not be considered to be interrupted by any local, sick, or ordinary leave granted in accordance with these regulations.

*Salary*

2.—(1.) The salary of an officer together with the increment attached to it will be that provided for his office in the table of grades annexed to this schedule.

*Half Salary during Voyage on Appointment*

(2.) An officer proceeding to Iraq to take up an appointment under the Government of Iraq will be entitled to the full pay of his Iraq appointment from the date of arrival in Iraq and for the period from the date of embarkation to the date of his arrival in Iraq, (a) if an officer of the Imperial forces, to half-pay of his Iraq appointment or to his British regimental pay (without allowances) of his substantive rank, whichever is the greater; (b) if an officer of the Indian army, to half the pay of his Iraq appointment or to the pay of his substantive rank without staff pay if proceeding from India to Iraq, or if not so proceeding the British regimental pay of his substantive rank, whichever is the greater; (c) in all other cases to half the pay of his Iraq appointment.

*Currency of Payment in Iraq*

3.—(1.) Subject to clause 16 of these regulations, emoluments paid in Iraq will be paid in rupees.

(2.) An officer, on giving three months' notice, shall have the option of drawing one-third of his salary in London at the fixed conversion rate of Rs. 15 to £1, or, in the event of the currency being altered, at the par rate of exchange.

An officer who shall have availed himself of this option may, by giving three months' notice, cancel the arrangement and draw his salary in rupees in Iraq.

*Passages of Officers*

4.—A (1.) An officer will, on first appointment, be allowed a free first-class passage out to Iraq subject to his executing an agreement under which he will be bound to refund the cost thereof in the event of his relinquishing the appointment within three years from the date of his arrival in Iraq in order to take up other employment in Iraq, or within one year from date of such arrival for any other reason except bodily or mental infirmity.

(2.) He will also on the termination of his service be allowed a free first-class passage to England; provided that, if the Government terminates his service under clause 18 of these regulations for misconduct or insubordination, or if the officer terminates it for any other reason than bodily or mental infirmity, the allowance of this passage shall be at the discretion of the Government.

(3.) During the currency of his agreement an officer will be further allowed a free return first-class passage from Iraq to England and back, once on a three or five years' contract and once again if the contract is extended beyond five years.

If an officer who has already taken the free return passage or passages to England granted under this sub-clause or who is not entitled to any such free return passage, is sent to England on the ground of ill-health, a similar free return passage to England and back shall be granted to him.

(4.) The Government may provide the passage allowed under this regulation on any ship of a recognised line which carries first-class passengers between England and Iraq or on a British Government transport.

If the officer elects to proceed by a different route, line or class, or to a destination other than the United Kingdom, he shall receive the actual cost of the passage he takes or the value of the passage allowed under this regulation, whichever is the less.

*Wives of Officers*

B (1.) The wife of an officer already married at the commencement of his contract shall be allowed two free first-class single passages either way between England and Iraq if the officer's contract is for three or five years' service and one further single passage if the officer's contract is extended beyond five years.

(2.) When the officer marries during the period of his contract, the wife shall be allowed two free first-class single passages either way if and when the officer's contract is extended.

(3.) Passages allowed to wives shall be provided under the same conditions as those allowed to officers under 4A of these regulations.

*Quarters*

5. In the case of an officer occupying a house which is the property of the Government, rent will be charged on the following principle:

An officer who is occupying a house by himself shall pay rent at the rate of 8 per cent. of his salary and an officer who is sharing a house with another officer shall pay rent at the rate of 4 per cent. of his salary, provided that the payment made by the officer or officers occupying the house shall in no case exceed a fair rent for the house calculated on the basis of the actual rents of privately-owned houses in the locality. Rent will be paid on the same principle by officers occupying houses which are not the property of the Government, provided that the payment made by the officer or officers occupying the house shall in no case exceed the actual rent of the house. Should such payment be less than the rent of the house, then, in order to assist the officer in paying the balance of the rent, the Government shall give such officers an allowance in aid as follows:

In Basrah and Bagdad—

Married officers, not exceeding 12 per cent. of their salary.

Unmarried officers, not exceeding 6 per cent. of their salary.

In other stations—

Married officers, not exceeding 8 per cent. of their salary.

Unmarried officers, not exceeding 4 per cent. of their salary.

These allowances in aid shall be subject to revision every year in accordance with the actual fluctuations of rents.

*Equipment of Quarters*

6. The Government shall, if possible, equip all Government houses occupied by officers with such electric light, fans and water as may be recommended by the Directorate of Health Services.

*Local Leave*

7. An officer may, at the discretion of the Government, be allowed local leave not exceeding twenty-one days in each calendar year. Such leave shall not be cumulative and shall not be combined with ordinary leave. When on local leave an officer shall be entitled to full salary.

*Ordinary Leave*

8.—(1.) An officer shall earn one day's ordinary leave for each five days of effective service. No leave other than local leave shall count as effective service. The period spent on voyages other than on first appointment shall be reckoned as ordinary leave.

(2.) Ordinary leave shall be cumulative.

(3.) Subject to the exigencies of the service, an officer may be granted ordinary leave at any time and may claim the right to take such leave as may be due to him—

In a three years' contract—Once.

In a five years' contract—Once.

In a seven years' contract—Twice.

In a ten years' contract—Twice.

(4.) When on ordinary leave an officer shall be entitled to full salary.

(5.) An officer on the expiry of his period of service, or on the termination of his contract by the Government for any reason other than insubordination or misconduct, shall receive pay in lieu of any ordinary leave which is due to him and which owing to the exigencies of the service he has been unable to take. The amount so issued shall not in any case exceed nine months' salary.

9.—(1.) Short periods of absence from duty owing to sickness, not exceeding ten consecutive days, will be allowed in Iraq on full salary. Any such absence extending beyond that period will be counted as sick leave.

(2.) The aggregate amount of sick leave which an officer may be allowed on a three years' contract shall be eight months.

(3.) If this aggregate amount is exceeded the Government shall have the right of terminating the contract without further notice.

(4.) On each occasion of taking sick leave an officer shall receive full salary for a period up to four months and, thereafter, such leave as is due to him up to a further four months. If no leave or insufficient leave is due to him to cover the second four months he may complete the period by additional sick leave on half-pay.

At the end of this period of eight months the Government shall have the right to terminate his contract without further notice or compensation.

(5.) If his original contract or his contract as extended under clause 1 hereof exceeds three years, he shall come under the regulations as to sick leave laid down for civilian officials under clause 9 of schedule 3.

(6.) Nothing in this clause shall in any way modify the obligations of the Iraq Government to pay an officer of the Imperial forces or Indian army on return from his employment until he is fit for duty in the Imperial or Indian establishment, as the case may be, subject to the maximum period of sick leave with full pay of his substantive rank and allowances as ordinarily issuable as provided in the regulations of the service concerned.

*Medical Attendance*

10. In Iraq an officer will be entitled to free medical treatment, but this privilege shall not extend to his family.

*Termination of Contract by Government*

11. In cases other than those provided for in clauses 9, 14 and 18, the Government shall have the right to terminate an officer's contract on giving him three months' notice in writing. Such notice shall only be given with the consent of the senior British officer attached to the Ministry of Defence.

11A. Where an officer of the Imperial forces or Indian army cannot be absorbed within the authorised establishment on termination of his service under the Iraq Government, that Government shall be liable for his pay and allowances under the regulations of the service concerned for the period during which he is awaiting absorption.

*Special Compensation for Death, &c., due to Local Disturbances, &c.*

12. Special compensation, which shall not be less favourable in the case of an officer of the Imperial forces or Indian army than that to which he would be entitled under the regulations of his parent service, will be granted under rules to be laid down hereafter by agreement between the High Contracting Parties in the case of death, injury and loss of property, &c., due to war or local disturbances, or in the case of permanent disability certified by a medical board to have arisen out of the circumstances of his employment. In the case of loss of property, no compensation will be paid unless it can be reasonably shown that it was impossible to insure such property, or that insurance could only have been effected at an exorbitant premium. In any case compensation will be paid only in respect of articles considered necessary and indispensable and the Government will take no responsibility for the loss, theft or destruction of valuables, such as jewellery, works of art, &c.

*Gratuity*

13. On the expiry or termination of his contract, except under clauses 14 and 18, an officer shall be entitled in addition to any sums payable under clause 8(5) to a gratuity of one month's pay at the rate he is then drawing for every completed year of service, fractions of a year to be reckoned at the rate of one day's pay for twelve days' service.

In the case of officers who are lent or transferred to the Iraq Government by other Governments and who would continue to qualify for the pension payable by their parent service on condition that their pension contributions continue to be paid, such pension contributions (except in so far as they are payable by the officer himself under the rules of his parent service) shall continue to be paid by the Iraq Government.

Such officers will not be eligible for payment of a gratuity under this clause.

*Languages*

14. An officer will be required to comply with the provisions of such regulations relating to language examinations as may be drawn up by the Ministry of Defence and approved by the High Commissioner.

Such regulations may provide for the stoppage of promotion in the Iraq service in the event of failure to pass any examination prescribed as compulsory and may further provide for the termination of the officer's contract without compensation in the event of repeated failures.

*Travelling Allowances. Acting Allowances*

15. Travelling and transport allowances within Iraq and acting allowances shall be admissible in accordance with rules applicable to local officers.

*Currency*

16. In the event of the currency being altered the rupee emoluments shall thereafter be payable in the new currency at the current rate of exchange, except as provided in clause 3(2) of this schedule.

*Discipline*

17. Officers will for the purpose of discipline be under the senior British officer employed under the Ministry of Defence, who will himself for disciplinary purposes be under the High Commissioner.

*Termination for Insubordination, &c.*

18. The Government has the right, subject to the concurrence of the High Commissioner, to terminate without compensation the services of an officer who has been guilty of insubordination or misconduct.

*Termination of Contract by Officer*

19. An officer will be entitled to terminate his contract on giving three months' notice in writing to the Minister of Defence, but in that case he will not be entitled to a free passage

home unless he has completed at least eighteen months' service in the country since joining or since his last return from leave. He will be entitled to receive the gratuity due to him under clause 13, but not to any leave or gratuity in lieu of leave.

*Arbitration*

20. If any question arises under the agreement entered into by an officer, whether as regards its meaning or in any other respect, it shall be referred to the High Commissioner, whose decision shall be final.

GRADES

GRADE I

Adviser or Under-Secretary of State to the Ministry of Defence:—

	Rs.
Pay.....	2,500—100—3,500

GRADE II

Senior officers, whether in headquarters or liaison officers, with a rank not lower than that of Major, except in the case of officers already employed in such senior posts:—

	Rs.
Pay.....	1,500—75—1,800
	1,800—100—2,300

GRADE III

Junior (A'wan) officers:—

	Rs.
Pay.....	900—50—1,200
	1,200—75—1,800

REMARKS

If the officer under grade III holds the rank of Captain, his salary shall commence at Rs. 1,200, and if he holds the rank of full Lieutenant or has more than seven years' service to his credit, his salary shall commence at Rs. 1,000.

*General Note*

(i.) An officer already in the service of the Iraq Government who is appointed to any post mentioned in this schedule and similar in grade to that in which he is serving at the time of such appointment shall be placed in the grade prescribed for the post at such a point as will give him a total salary not less than the salary which he is drawing at the time of signing the new contract. In calculating such salary regard shall be had to the number of months which he has served towards the new increment due under his old contract.

(ii.) In order to enable them to meet the extra expense which will be involved by payment of rent, lighting and conservancy charges, married officers stationed in Bagdad, Basrah or Mosul, and drawing pay at the rate of less than Rs. 1,500 per mensem shall be granted a personal allowance, to be absorbed in future increments, of Rs. 150, or such portion of Rs. 150 as shall bring their salary up to Rs. 1,500 per mensem.

In witness of which the respective plenipotentiaries have affixed their signatures thereto. Done at Bagdad in duplicate this 25th day of March, 1924, of the Christian era, corresponding with the 19th day of Sha'ban, 1342, Hijrah.

H. DOBBS,  
*His Britannic Majesty's High  
Commissioner for Iraq.*

JA'FAR AL 'ASKARI,  
*Prime Minister of the Iraq  
Government.*

## No. 4

*Military Agreement made under Article 7 of the Treaty of Alliance between Great Britain and Iraq of October 10, 1922*

We, the undersigned plenipotentiaries of His Britannic Majesty and of His Majesty the King of Iraq respectively, having been duly authorised, met together this 25th day of March, 1924, corresponding to the 19th day of Sha'ban, 1342, in order to sign the following agreement subsidiary to article 7 of the treaty of alliance concluded between Their Majesties aforesaid on the 10th day of October, 1922, corresponding to the 19th day of Sa'far, 1341, Hijrah, subject to ratification.

## THE AGREEMENT

Whereas a treaty of alliance between His Britannic Majesty and His Majesty the King of Iraq was signed at Bagdad on the 10th day of October, 1922, corresponding with the 19th day of Sa'far, 1341, Hijrah, and a protocol to the same treaty was signed at Bagdad on the 30th day of April, 1923, corresponding with the 14th day of Ramazan, 1341, Hijrah; and

Whereas by article 7 of the said treaty His Britannic Majesty undertakes to provide such support and assistance to the armed forces of His Majesty the King of Iraq as may from time to time be agreed by the High Contracting Parties; and

Whereas by the same article it is provided that a separate agreement regulating the extent and conditions of such support and assistance shall be concluded between the High Contracting Parties and communicated to the Council of the League of Nations; and

Whereas by article 18 of the same treaty it is provided that nothing shall prevent the High Contracting Parties from reviewing from time to time the provisions of the separate agreement referred to above with a view to any revision which may seem desirable in the circumstances then existing, any modifications which may be agreed upon by the High Contracting Parties being communicated to the Council of the League of Nations:

Now therefore it is agreed as follows:

## ARTICLE 1

The two Governments hereby recognize the principle that the Government of Iraq shall at the earliest possible date, provided it shall not be later than four years from the date of the conclusion of this agreement, accept full responsibility both for the maintenance of internal order and for the defence of Iraq from external aggression. With this end in view, it is agreed that the material support and assistance now being rendered by His Britannic Majesty's Government to the Government of Iraq shall be progressively reduced with all possible expedition.

## ARTICLE 2

Such support and assistance as may for a time be provided by the Government of His Britannic Majesty shall take the form of the presence in Iraq either of an Imperial garrison or of local forces maintained by His Britannic Majesty's Government and of the granting of facilities in the following matters, the cost of which will be met by the Iraq Government:

1. Military and aeronautical instruction of Iraq officers in the United Kingdom so far as this may be possible.
2. The provision in sufficient quantities of arms, ammunition, equipment and aeroplanes of the latest available pattern for the Iraq army.
3. The provision of British officials whenever they may be required by the Iraq Government within the period of the Treaty.

Such support and assistance shall in no case take the form of a contribution by His Britannic Majesty's Government to the cost of the Iraq army or other local forces main-

tained and controlled by the Government of Iraq, and similarly the Government of Iraq shall not contribute to the cost of the Imperial garrison or forces maintained and controlled by His Britannic Majesty's Government.

#### ARTICLE 3

So long as the presence of an Imperial garrison or the maintenance of local forces under the control of His Britannic Majesty's Government is necessary in order to assist the Government of Iraq in attaining the full responsibility accepted in principle under article 1 of this agreement, the following provisions shall regulate the military relations to be maintained between the two Governments in Iraq.

#### ARTICLE 4

The Iraq Government undertake to devote not less than 25 percent. of the annual revenue of Iraq as defined in article 4 of the separate agreement regulating the financial relations between the two Governments, to the maintenance of the regular army and other local forces controlled by them, and in so far as their financial capacity permits, progressively to increase the strength of their permanent regular army of various arms in accordance with the programme prescribed in the schedule hereto annexed and to form a reserve army. The British Government shall equip the units of these forces, as and when they are completed, in accordance with the provisions of article 2 of this agreement.

#### ARTICLE 5

The strength and composition of the Imperial garrison and of the local forces under the control of His Britannic Majesty's Government shall be reviewed each year with a view to the progressive reduction provided for in article 3 of the financial agreement referred to in the preceding article.

#### ARTICLE 6

The Iraq army shall, subject to the provisions of the Iraq Constitutional Law, be commanded by His Majesty the King of Iraq. The Officer Commanding the British Forces in Iraq shall not intervene in matters relating to the Iraq army except as provided in articles 7 and 9 of this agreement.

#### ARTICLE 7

The Iraq Government undertake to grant the Officer Commanding the British Forces in Iraq authority to carry out such inspections of the Iraq army and other local forces as he may consider necessary in order that he may test their efficiency and to submit to His Majesty the King of Iraq, through the High Commissioner, his recommendations as to such steps as he considers necessary for their improvement, and they agree to give full consideration to the wishes of the High Commissioner regarding the movements and disposition of the Iraq army, and to provide such protection for aerodromes and landing grounds as the High Commissioner, at the instance of the Air Officer Commanding, may require. The Iraq Government shall not be entitled to assistance from His Britannic Majesty's Government as contemplated in article 8 should they fail to give effect to any recommendation of the High Commissioner regarding the movements and dispositions of the Iraq army given in virtue of this article.

#### ARTICLE 8

The Iraq army shall only be employed in the interests of Iraq and the two Governments hereby agree that neither Government shall undertake any military operations for the maintenance of internal order or for the defence of Iraq from external aggression without previous consultation and agreement with the other Government. The Iraq Government shall not be entitled to the assistance of any forces maintained or controlled by His Britannic Majesty's Government against or for the suppression of any external aggression or any civil disturbance or armed rising, which shall, in the opinion of the High Commissioner, have been provoked or occasioned by action taken or policy pursued by the Iraq Government contrary to the advice or express wishes of His Britannic Majesty's Government.

## ARTICLE 9

In the event of operations being undertaken in which forces maintained or controlled by His Britannic Majesty's Government are to take part, the command of the combined forces shall, subject to any special arrangement which may be accepted by both parties, be vested in a British military commander selected for the purpose.

## ARTICLE 10

The Iraq Government undertake to recognise and, if necessary, to secure by legislation or otherwise, the following powers and immunities for any armed forces maintained or controlled by His Britannic Majesty's Government in Iraq, such armed forces to be regarded as including civilian officials and Indian public followers attached to and inhabitants of Iraq serving with the air and military forces:

(a.) The right to require from the Iraq Government such action according to law as may be necessary in the detection and arrest of persons accused of offences committed against such armed forces or any members thereof and to secure the trial of persons so accused. It is understood that the right to secure the trial of such accused persons shall include the right to secure their trial by a British Judge of the Iraq Courts or by a Special Court composed of two British Judges of the Iraq Courts and one Iraqi Judge. Appeals either from the Ordinary Courts or from the Special Court shall lie to the Iraq Court of Appeal, which shall in such cases have a majority of British Judges. Trial before the Special Court shall only take place in circumstances which are certified in writing by the High Commissioner and the Air Officer Commanding to be of such exceptional urgency or importance as to render trial by the Ordinary Courts undesirable. Such certificate may specify the date and place of assembly of the Court in which event members of the Court shall proceed if necessary by air with such despatch as is needful for the Court to assemble at such date and place.

(b.) The right to exercise over all members of the said forces the control and jurisdiction provided by the British, Indian or other military law, to which the members of such forces are subject.

(c.) The right voluntarily to enlist inhabitants of Iraq under the Army and Air Force Acts or otherwise, it being understood that the Iraq Government undertakes for its part when called upon by the Air Officer Commanding or any person authorised by him in that behalf, to give all the assistance necessary to effect such enlistment and to remove as far as possible causes tending to prevent such enlistment.

(d.) Immunity from arrest, search, imprisonment or trial by the civil power in Iraq in respect of criminal offences for all enrolled and enlisted members of the said forces: provided that inhabitants of Iraq being members of such forces shall be ordinarily subject to the jurisdiction of the Iraq Courts and shall only enjoy such immunity in respect of acts certified by the High Commissioner or the Air Officer Commanding to be done in the performance of military or other official duties. Nothing in this sub-clause shall prevent the forcible detention by the civil power of any member of the said forces who has just committed, or is in the act of committing an offence which involves danger to life. If the member so arrested is not an inhabitant of Iraq, he shall be forthwith handed over to the Air Force or Military authorities.

(e.) Immunity from civil process in respect of any act done or omission or default made in good faith by any member of such forces when acting in performance of his military or official duties; the certificate of the High Commissioner or Air Officer Commanding that an act or omission or default was done or made in good faith in performance of such duties to be conclusive. The immunity provided by this sub-clause shall not debar persons who have incurred material damage on account of the said acts or omissions or defaults from claiming compensation otherwise than by civil process.

(f.) All such immunities and privileges in respect of civil process as are granted by the Air Force Act, the Army Act and the Indian Army Act to persons subject to such Acts, and immunity from imprisonment on the order of a Civil Court in respect of any civil action tried by such court.

## ARTICLE 11

The Iraq Government undertake to introduce legislation providing for the arrest and punishment of any person who is acting or conspiring in such a way as to endanger or obstruct the said armed forces or attempting or conspiring to cause mutiny or disaffection among the said forces, or to bring the said forces into hatred or contempt, and to take action according to law against any person who is certified by the High Commissioner to be to the best of his belief so acting, attempting or conspiring, and in the case of persons of other than Iraq nationality so acting, attempting or conspiring or being likely so to act, attempt or conspire, to take such preventive steps according to law as the High Commissioner may consider desirable and practicable.

## ARTICLE 12

The Iraq Government agree that, in the event of the said forces undertaking military operations in Iraq for the purpose of assisting the Iraq Government to repel external aggression or to suppress civil commotion, the King of Iraq will, on the request of the High Commissioner, proclaim martial law in all such parts of Iraq as may be affected by such aggression or commotion, and entrust its administration to the Air Officer Commanding or such other officer or officers as the Air Officer Commanding may appoint, and will further secure the passing of the necessary measure of indemnification for all acts done by the armed forces under martial law upon the subsequent re-establishment of civil government.

## ARTICLE 13

The Iraq Government undertake to provide every facility for the movement of His Britannic Majesty's forces (including the use of wireless telegraph and land-line telegraphic and telephonic services and the right to lay land-lines), and for the carriage and storage of fuel and supplies for such forces on the roads, railways and waterways and in the ports of Iraq.

## ARTICLE 14

The Iraq Government undertake to recognise and to secure by licence or legislation the right of His Britannic Majesty's forces to establish and work at the expense of His Britannic Majesty's Government a system of wireless telegraphs for the transmission and reception of external and internal messages on British Government service.

No payment either by way of charge or compensation for loss of traffic shall be made to the Iraq Government in respect of such messages.

His Britannic Majesty's Government undertake that no messages other than on British Government service shall be transmitted by the said system except by agreement with the Iraq Government, which agreement shall provide for compensation for loss of such traffic by the Iraq Government's Department of Posts and Telegraphs unless such messages are transmitted at the request of the Iraq Government, in which case His Britannic Majesty's Government shall be entitled to payment for the transmission of such messages.

Any compensation which may be due to the Iraq Government shall be in the form of a reduction of the debt due by the Iraq Government in respect of the telegraph system transferred to it by His Britannic Majesty's Government.

## ARTICLE 15

The Iraq Government undertake at all times on the request of the High Commissioner so to restrict the working and method of transmission of the wireless telegraph station at Basrah and so to define its wave-length as to obviate interference with British Government stations, and further undertake, in the event of an emergency arising, to hand over the said station on the request of the High Commissioner to His Britannic Majesty's forces for the transmission of messages on the service of His Britannic Majesty's Government, subject to the payment of compensation for the loss of other traffic.

Furthermore, the Iraq Government agree that the above undertakings shall hold good notwithstanding the disposal of the wireless telegraph station at Basrah by sale or otherwise and that, in the event of their deciding to discontinue the use of the station, three months'

notice of such intention shall be given to His Britannic Majesty's Government, who shall be given an opportunity of taking over the station before dismantlement, and of operating it for the remainder of the period of the treaty.

The terms of this article shall apply equally to any other permanent wireless telegraph installation which may be established by the Iraq Government during the period of this agreement.

## SCHEDULE

## PROGRAMME OF EXPANSION

- 1924-25. 1 Pack Battery.  
2 Battalions Infantry.  
1 Company Engineers.  
First Line Transport for all existing units.  
Expansion of Bagdad Training Centre, including initiation of a Cadets' College.
- 1925-26. Air Unit to be initiated as recommended by Air Headquarters, subject to satisfactory progress being made in the strength and efficiency of the local ground forces in Iraq.  
2 Pack Batteries.  
1 Cavalry Regiment.  
3 Infantry Battalions.  
2 Transport Companies.  
1 Field Ambulance.  
Ammunition Column.  
Formation of Infantry Training Depots.  
Formation of Artillery and Cavalry Depots.
- 1926-27. 2 Field Batteries.  
3 Infantry Battalions.  
1 Company Engineers.  
1 Skeleton Company Engineers.  
1 Signal Company.  
1 Field Ambulance.
- 1927-28. 1 Field Battery.  
1 Pack Battery.  
3 Infantry Battalions.  
2 Transport Companies.  
1 Field Ambulance.

In witness of which the respective plenipotentiaries have affixed their signatures thereto. Done at Bagdad in duplicate this 25th day of March, 1924, of the Christian era, corresponding with the 19th day of Sha'ban, 1342, Hijrah.

H. DOBBS,  
*His Britannic Majesty's High  
Commissioner for Iraq.*

JA'FAR AL 'ASKARI,  
*Prime Minister of the Iraq  
Government.*

## No. 5

*Judicial Agreement made under Article 9 of the Treaty of Alliance between  
Great Britain and Iraq of October 10, 1922*

We, the undersigned plenipotentiaries of His Britannic Majesty and of His Majesty the King of Iraq respectively, having been duly authorised, met together this 25th day of March, 1924, corresponding to the 19th day of Sha'ban, 1342, in order to sign the following agreement subsidiary to article 9 of the treaty of alliance concluded between Their Majesties aforesaid

on the 10th day of October, 1922, corresponding to the 19th day of Sa'far, 1341, Hijrah, subject to ratification.

#### THE AGREEMENT

WHEREAS a treaty of alliance between His Britannic Majesty and His Majesty the King of Iraq was signed at Bagdad on the 10th of October, 1922, corresponding with the 19th day of Sa'far, 1341, Hijrah, and a protocol to the same treaty was signed at Bagdad on the 30th day of April, 1923, corresponding with the 14th day of Ramazan, 1341, Hijrah; and

WHEREAS by article 9 of the said treaty His Majesty the King of Iraq undertakes that he will accept and give effect to such reasonable provisions as His Britannic Majesty may consider necessary in judicial matters to safeguard the interests of foreigners in consequence of the non-application of the immunities and privileges enjoyed by them under capitulation or usage, and that such provisions shall be embodied in a separate agreement which shall be communicated to the Council of the League of Nations:

NOW THEREFORE it is agreed as follows:

#### ARTICLE 1

The expression "foreigners" means the nationals of any European or American State which formerly benefited by capitulations in Turkey and did not renounce the same by an agreement signed before the 24th July, 1923, and of any Asiatic State which is now permanently represented on the Council of the League of Nations, and includes corporations constituted under the laws of such States, and religious or charitable bodies or institutions wholly or mainly composed of nationals of such States.

Nothing in this article shall prevent the conclusion by His Majesty the King of Iraq in agreement with His Britannic Majesty of a special convention with any State providing for the extension of the benefits of this agreement to nationals and persons enjoying the protection of that State or for the non-application of this agreement to nationals of that State.

#### ARTICLE 2

His Majesty the King of Iraq undertakes to employ British legal experts in the Courts and to grant them judicial powers under the laws of Iraq and that the procedure now observed in the Courts in regard to the investigation of offences and the trial of cases and other matters in which foreigners are concerned shall continue and be put into force by law, that is to say:

(a.) That foreigners accused of an offence (other than a contravention) which is within the jurisdiction of a Magistrate may claim to be tried by a British Magistrate.

(b.) That foreigners accused of an offence which is beyond the jurisdiction of a Magistrate may claim that the interrogation during the preliminary investigation shall be undertaken and that the orders as to their release on bail and as to their committal for trial shall be made by a British Magistrate.

(c.) That foreigners committed for trial may claim that their trial shall be held before a Court which includes at least one British Judge, who shall preside.

(d.) That in civil actions over 750 rupees in value, foreigners who are parties to the cause may claim that the final judgment in a Court of First Instance shall be given, and that appeals or applications for revisions shall be heard by a Court presided over by a British Judge and composed so as to include one British Judge in a Court of three or less than three, two British Judges in a Court of four or five, and three British Judges in a Court of more than five.

(e.) That in criminal cases foreigners may claim that their appeal or application for revision shall be heard by a Court presided over by a British Judge and composed as prescribed by the preceding paragraph, or if all the parties joining in such appeal or application are foreigners and agree to that course, by a British Judge sitting alone.

(f.) A foreigner who is a party to the proceedings and has not sufficient knowledge of Arabic to understand them may claim that all proceedings shall be translated in English and the Magistrate shall so order if he considers the claim to be well grounded.

(g.) That in the towns of Bagdad and Basrah and their environs and in all other places where a British Judge or Magistrate having jurisdiction for that purpose is available the house of a foreigner shall not be entered by any judicial or administrative authority except on a warrant issued by a British Judge or Magistrate.

Where no British Judge or Magistrate is available as above and in all cases where the police are by law allowed to enter houses without search warrant, the house of a foreigner shall not be entered without a report of such entry being immediately made to the nearest British Judge or Magistrate.

#### ARTICLE 3

His Majesty the King of Iraq undertakes that every law affecting the jurisdiction, constitution or procedure of Courts or the appointment and discharge of Judges shall, before being presented to the legislature, be submitted in draft to the High Commissioner for his views and advice on such of its provisions as concern the interests of foreigners.

#### ARTICLE 4

In matters relating to the personal status of foreigners or in other matters of a civil and commercial nature in which it is customary by international usage to apply the law of another country, such law shall be applied in manner to be prescribed by law. Without prejudice to the provisions of any law relating to the jurisdiction of religious courts, or to such powers of Consuls in regard to the administration of estates of their nationals as may be recognized under agreements concluded by the Government of Iraq, cases relating to the personal status of foreigners will be dealt with by the Civil Court, subject to the conditions of this agreement. In questions of marriage, divorce, maintenance, dowry, guardianship of infants and succession of movable property, the President of the Court hearing the case, or, in case of appeal or revision, the President of the Court of Appeal and Revision hearing the case may invite the Consul or representative of the Consulate of the foreigner concerned to sit as an expert for the purpose of advising upon the personal law concerned.

#### ARTICLE 5

His Majesty the King of Iraq agrees to submit beforehand to the High Commissioner for his concurrence the appointment of all British Presidents and members of Courts of Appeal and Revision as well as the termination of the appointment of any British Judge or Magistrate.

#### ARTICLE 6

The provisions of this agreement shall remain in force for the period of the treaty and shall cease to have effect after the expiration of that period.

IN WITNESS OF WHICH the respective plenipotentiaries have affixed their signatures thereto. Done at Bagdad in duplicate this 25th day of March, 1924, of the Christian era, corresponding with the 19th day of Sha'ban, 1342, Hijrah.

H. DOBBS,  
*His Britannic Majesty's High  
Commissioner for Iraq.*

JA'FAR AL 'ASKARI,  
*Prime Minister of the Iraq  
Government.*

#### No. 6

### *Financial Agreement made under Article 15 of the Treaty of Alliance between Great Britain and Iraq of October 10, 1922*

We, the undersigned plenipotentiaries of His Britannic Majesty and of His Majesty the King of Iraq respectively, having been duly authorised, met together this 25th day of March, 1924, corresponding to the 19th day of

Sha'ban, 1342, in order to sign the following agreement subsidiary to article 15 of the treaty of alliance concluded between Their Majesties aforesaid on the 10th day of October, 1922, corresponding to the 19th day of Sa'far, 1341, Hijrah, subject to ratification.

#### THE AGREEMENT

WHEREAS a treaty of alliance between His Britannic Majesty and His Majesty the King of Iraq was signed at Bagdad on the 10th day of October, 1922, corresponding with the 19th day of Sa'far, 1341, Hijrah, and a protocol to the same treaty was signed at Bagdad on the 30th day of April, 1923, corresponding with the 14th day of Ramazan, 1341, Hijrah; and

WHEREAS by article 15 of the said treaty it is provided that a separate agreement shall regulate the financial relations between the High Contracting Parties, which shall provide, on the one hand, for the transfer by His Britannic Majesty's Government to the Government of Iraq of such works of public utility as may be agreed upon, and for the rendering by His Britannic Majesty's Government of such financial assistance as may from time to time be considered necessary for Iraq, and, on the other hand, for the progressive liquidation by the Government of Iraq of all liabilities thus incurred, and that such agreement shall be communicated to the Council of the League of Nations; and

WHEREAS by article 4 of the same treaty His Majesty the King of Iraq undertakes that he will fully consult the High Commissioner on what is conducive to a sound financial and fiscal policy, and will ensure the stability and good organisation of the finances of the Iraq Government so long as that Government is under financial obligations to the Government of His Britannic Majesty; and

WHEREAS by article 18 of the same treaty it is provided that nothing shall prevent the High Contracting Parties from reviewing from time to time the provisions of the separate agreement referred to above with a view to any revision which may seem desirable in the circumstances then existing, any modifications which may be agreed upon by the High Contracting Parties being communicated to the Council of the League of Nations:

NOW THEREFORE it is agreed as follows:

#### ARTICLE 1

The two Governments hereby recognise the principle that the entire cost of the civil administration of Iraq shall be borne on Iraq revenues, and that the Government of Iraq shall, at the earliest possible date, accept full financial responsibility for the maintenance of internal order, and for the defence of Iraq from external aggression.

#### ARTICLE 2

Such financial assistance as may for a time be provided by the Government of His Britannic Majesty shall take the form of the maintenance in Iraq, at the expense of His Britannic Majesty's Government, of an Imperial garrison or of local forces controlled by His Britannic Majesty's Government, but shall in no case take the form of a contribution by His Britannic Majesty's Government to the cost of the Iraq army or local forces maintained and controlled by the Government of Iraq.

#### ARTICLE 3

The financial assistance to be provided for the aforesaid purposes shall be progressively reduced as His Britannic Majesty's Government may determine in each financial year, and shall in any case terminate within a period not exceeding four years from the date of the ratification of peace with Turkey.

#### ARTICLE 4

The Government of Iraq undertake to devote not less than 25 per cent. of the revenues of Iraq towards the cost of the defence and security of Iraq.

For the purpose of this article the revenue of Iraq shall be regarded as the gross receipts in all cases under each head of revenue service with the exception of the commercial

services, other than Posts, Telegraphs and Telephones, of which the net revenues shall be included.

ARTICLE 5

His Britannic Majesty's Government agree to the transfer to the Government of Iraq, and the Government of Iraq agree to accept the transfer, of the undermentioned works of public utility at the valuation shown against each of the works specified:

	Rs.
Irrigation . . . . .	62, 12, 040
Roads . . . . .	3, 20, 000
Bridges . . . . .	11, 17, 500
Posts, Telegraphs and Telephones . . . . .	17, 60, 000
Total . . . . .	94, 09, 540

ARTICLE 6

The Government of Iraq accept the liability to repay to His Britannic Majesty's Government the full value of the works specified in the preceding article, representing a total sum of Rs. 94,09,540.

ARTICLE 7

The sum of Rs. 94,09,540 shall constitute a debt to be repaid by means of a terminable annuity, calculated so as to repay the capital sum, with interest at 5 per cent. per annum, within twenty years from the conclusion of this agreement.

The Government of Iraq further agree that, if from any cause the whole or part of the annuity payable in any year shall remain unpaid at the close of that year, the amount so outstanding shall be added to the total debt and converted into an annuity terminable within twenty years from the conclusion of this agreement, with interest at 5 per cent. per annum. The annuity payments required under this article shall be a first charge on the general revenues of Iraq, and no prior charge shall be set up without the consent of His Britannic Majesty's Government.

ARTICLE 8

His Britannic Majesty's Government hereby transfer to the Government of Iraq as from the 1st day of April, 1923, and for a period not exceeding four years from the ratification of the Treaty of Alliance, the management and administration of the Iraq railway system, which shall remain the property of His Britannic Majesty's Government, and the Government of Iraq hereby accept the responsibility for administering and managing the said system. So long as the railways are administered and managed by the Iraq Government, all receipts of the Iraq railways will be kept separate from the general revenues of Iraq and will be used solely for meeting (a) current expenditures of the railway, and (b) in so far as there may be any surplus of receipts over such current expenditure, the cost of further capital works undertaken with the approval of the High Commissioner, or the payment of interest on money borrowed for the purpose of such capital works. So long as the railways are administered or managed by the Government of Iraq, His Britannic Majesty's Government will do everything in their power to obtain for that Government any advice or assistance which they may require, the cost of such advice or assistance being charged as a part of the current expenses of the railways. His Britannic Majesty's Government will not sell the railways to any private purchaser within the period of four years from the ratification of the treaty except with the concurrence of the Iraq Government, which shall not be unreasonably withheld, and the Iraq Government shall not within the same period lease the railways to any private lessee without the concurrence of His Britannic Majesty's Government. In the event of the Government of Iraq desiring within the said period to acquire the ownership of the railways, whether for the purpose of selling or leasing them to any private purchaser or lessee or otherwise, His Britannic Majesty's Government shall state the terms upon which they will be prepared to transfer such ownership, and the transfer shall be made upon terms to be mutually agreed. In default of agreement as to such terms, the matter shall be referred to three arbitrators, of whom one shall be appointed by His Britannic Majesty's Government and one by the Government of Iraq. The third arbitrator shall be chosen by the other two arbitrators by agreement, or failing such agree-

ment, by the President of the Permanent Court of International Justice. The arbitrators shall take into consideration the expenses incurred by His Britannic Majesty's Government in the construction, equipment and maintenance of the railways, and the past, actual and prospective value of the railways to the Government and people of Iraq, and shall decide what payment ought to be made by the Government of Iraq to His Britannic Majesty's Government for the transfer of ownership, and in what manner and at what dates, having regard to the general financial resources and liabilities of Iraq, such payment ought to be made. His Britannic Majesty's Government and the Government of Iraq undertake to accept and to give effect to the decision of the arbitrators.

His Britannic Majesty's Government and the Government of Iraq agree that on the expiry of the period of four years from the ratification of the Treaty of Alliance, the ownership of the railway system shall in default of prior sale or transfer be forthwith transferred to the Iraq Government on terms to be mutually agreed, or failing such agreement, to be decided by arbitration as hereinbefore provided.

#### ARTICLE 9

The Government of Iraq agree not to dispose by sale or in any other manner of any of the works specified in articles 5, 6, 7 and 8 without the prior consent of His Britannic Majesty's Government, until such time as repayment of the value of all the said works has been completed. Should any of the said works be so disposed of with the concurrence of His Britannic Majesty's Government, the outstanding debt to His Britannic Majesty's Government in respect of the work or works so disposed of shall simultaneously be liquidated by the Iraq Government. The negotiations for such disposal shall be conducted by the High Commissioner, and shall be subject to the approval of His Britannic Majesty's Government.

#### ARTICLE 10

His Britannic Majesty's Government and the Government of Iraq agree that the Port of Basrah shall be transferred to a Port Trust, and that the conditions of this transfer shall be dealt with separately, and shall include the following:

1. Port receipts and expenditure shall be excluded from Iraq General Accounts, and a Port Trust shall be set up with the authority of the Iraq Government, and subject to the approval of His Britannic Majesty's Government, to administer the port.

2. The valuation of Rs. 72,19,000 shall be treated as a debt of the Port Trust to His Britannic Majesty's Government. The terms and conditions on which the Port Trust shall operate shall be subject to the approval of His Britannic Majesty's Government, and shall be dealt with by separate arrangement in consultation with the Government of Iraq, who hereby agree to facilitate the negotiations for the establishment of the Port Trust, and to secure the position in Iraq of the said Port Trust by such legislation as may be necessary.

#### ARTICLE 11

1. The Government of Iraq agree that all lands and buildings, the property of the Iraq Government now in the occupation of His Britannic Majesty's Government for military and other purposes, shall remain in the undisturbed occupation of His Britannic Majesty's Government until such time as they are no longer required: provided that after the termination of the Anglo-Iraq Treaty and subject to the provisions of any further treaty or agreement which may be concluded in pursuance of the protocol to the said treaty, His Britannic Majesty's Government shall not retain such land or buildings for a period longer than may be reasonably necessary for the sale or disposal of any buildings or works, the property of His Britannic Majesty's Government, situate thereon.

2. The Iraq Government agree to transfer to his Britannic Majesty's Government, free of charge, waste Government land required for military and other purposes by His Britannic Majesty's Government, and such land as well as the buildings thereon, or to be erected thereon, shall remain the property of His Britannic Majesty's Government for so long as such land and buildings are required by His Britannic Majesty's Government, provided that after the termination of the Anglo-Iraq Treaty, and subject to the provisions of any further treaty or agreement which may be concluded in pursuance of the protocol to the said treaty, His Britannic Majesty's Government shall not require the transfer of any

further waste Government land for military purposes, and shall not retain any such land already so transferred for military purposes for a period longer than may be reasonably necessary for the disposal of such land and the buildings thereon as provided in sub-clause 5 of this article.

3. Privately-owned land or buildings required at any time before the termination of the Anglo-Iraq Treaty by His Britannic Majesty's Government for military and other purposes shall at the request of His Britannic Majesty's Government be acquired or leased by the Iraq Government under such Expropriation Law as may from time to time be in force, and the Iraq Government shall receive the purchase price or rental from His Britannic Majesty's Government. The Iraq Government agree to promulgate such legislation as may be necessary for the compulsory acquisition or leasing of any privately-owned land or buildings required by His Britannic Majesty's Government for military and other purposes, and any such legislation shall, in the case of land compulsorily leased on behalf of His Britannic Majesty's Government, empower His Britannic Majesty's Government on or before the expiration of such lease to remove any works or buildings erected on such land by His Britannic Majesty's Government, and shall further provide that, where the land or building is to be acquired or leased on behalf of His Britannic Majesty's Government, a representative of His Britannic Majesty's Government to be selected by the High Commissioner shall serve in any Assessment Board constituted under such laws. As regards privately-owned land of which ownership is acquired under this sub-clause by His Britannic Majesty's Government for military purposes, the Iraq Government shall have the right, at the termination of the treaty, to purchase by agreement or arbitration the land and the buildings thereon. As regards privately-owned land of which the leasehold is obtained under this sub-clause by His Britannic Majesty's Government for military purposes, the period of the lease shall be for the period of the treaty, but shall be extended after the termination of the treaty at the request of His Britannic Majesty's Government for such time as may be reasonably necessary to enable His Britannic Majesty's Government to dispose of the buildings thereon.

4. The Iraq Government shall place no obstacle in the way of His Britannic Majesty's Government purchasing by agreement privately-owned land or buildings.

5. His Britannic Majesty's Government shall have full power to sell land acquired by them prior to the conclusion of this agreement, and to be acquired under paragraphs 3 and 4 of this article, together with the buildings thereon, and to appropriate for their own use the proceeds of such sale, if at any time such land is no longer required by His Britannic Majesty's Government. His Britannic Majesty's Government shall have full power to dispose of land, together with the buildings thereon, transferred to them under paragraph 2 of this article, subject to payment to the Government of Iraq of the sale or rental value of the site, such value to be determined, where possible, by reference to the market value of similar land in the neighbourhood or by agreement between the two Governments.

#### ARTICLE 12

The Iraq Government undertake that, notwithstanding the termination of the treaty of alliance, the financial obligations accepted by them in articles 5-11 of this agreement shall continue in force until repayment of all sums due by them to His Britannic Majesty's Government under this agreement has been completed, and shall be faithfully fulfilled. They further agree that until the completion of such repayment no prior charge on the general revenues of Iraq shall be created in order to secure a loan or for any similar purpose without the prior consent of His Britannic Majesty's Government. Such consent shall not be withheld if His Britannic Majesty's Government are satisfied that the object for which such prior charge is to be created is one which will tend to secure the sound financial development of Iraq, and will not impair the capacity of the Iraq Government to discharge their liabilities to His Britannic Majesty's Government.

#### ARTICLE 13

The ordinary expenses of civil government and administration and the salaries and expenses of the High Commissioner and his staff will be borne entirely by the Government of Iraq. His Britannic Majesty's Government will invite Parliament to make a contribution

amounting to half of the expenditure approved by the Secretary of State upon salaries and other expenses of the High Commissioner and his staff. The Government of Iraq will provide quarters for the accommodation of members of the staff of the High Commissioner, subject to the payment of reasonable rent by the officers concerned.

#### ARTICLE 14

1. The Government of Iraq agree that the following articles shall be exempt from customs duties on import or export:

- (a.) All articles for the personal use of the High Commissioner.
- (b.) All articles for the official use of the High Commissioner and his staff and of the Imperial and other forces or services maintained in Iraq at the expense of His Britannic Majesty's Government, all articles imported by or consigned to the Navy, Army and Air Force Institute or any other official canteen for His Britannic Majesty's forces, and all personal effects introduced on arrival in Iraq by members of the High Commissioner's staff and of such forces or services: provided that if any articles imported or introduced under this exemption are disposed of to other parties than those entitled to this exemption, the customs duty then in force shall be paid by the person, service, force or institute making such disposal.
- (c.) All imported articles addressed to individual members or recognised messes of His Britannic Majesty's forces on production of a certificate that they are for the use of the individual or mess concerned.
- (d.) All articles exported by members of His Britannic Majesty's forces on production of a certificate that they are not exported for sale.

2. Duty shall be paid on all articles not imported directly by the authorities, forces and services detailed above, but the Iraq Government agree to grant a rebate of the duty so paid on production of a certificate from a competent authority that the articles on which duty has been paid have been delivered to and received for the official use of the High Commissioner and his staff and of the Imperial and other forces maintained in Iraq at the expense of his Britannic Majesty's Government.

#### ARTICLE 15

The Government of Iraq agree not to levy any tax on the forces or services of His Britannic Majesty's Government in respect of offices, buildings, land or premises occupied by such forces or services for official purposes.

#### ARTICLE 16

The Government of Iraq undertake to provide for the due payment of all sums which may be payable to officials of British nationality in the employment of the Iraq Government in accordance with the provisions of the terms of the contracts of those officials, and this undertaking shall continue in force during the continuance and on the termination of such contracts.

#### ARTICLE 17

The Government of Iraq recognise their liability to meet as they fall due all sums or charges in respect of the Ottoman Public Debt which may be assigned to the Government of Iraq under the Treaty of Peace with Turkey.

#### ARTICLE 18

The forces and services of His Britannic Majesty's Government, including the Navy, Army and Air Force Institute or any other official canteen of His Britannic Majesty's forces, shall pay at most-favoured rates for all services rendered by Departments of the Iraq Government.

#### ARTICLE 19

His Britannic Majesty's Government agree to contribute towards the cost of upkeep and maintenance of roads and bridges used for traffic by His Britannic Majesty's forces. The expenses incurred by His Britannic Majesty's Government on public roads and bridges shall be taken into account in assessing such contribution.

In witness of which the respective plenipotentiaries have affixed their signatures thereto. Done at Bagdad in duplicate this 25th day of March, 1924, of the Christian era, corresponding with the 19th day of Sha'ban, 1342, Hijrah.

H. DOBBS,  
*His Britannic Majesty's High  
Commissioner for Iraq.*

JA'FAR AL 'ASKARI,  
*Prime Minister of the Iraq  
Government.*

### SCHEDULE III

#### ANGLO-IRAQ TREATY OF THE 13TH DAY OF JANUARY, 1926

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, of the one part; and His Majesty the King of Iraq, of the other part:

Anxious to give full effect to the stipulations in the decision of the Council of the League of Nations dated the 16th day of December, 1925, fixing the frontier between Turkey and Iraq in pursuance of article 3 of the Peace Treaty signed at Lausanne on the 24th day of July, 1923, to the effect that the relations between the high contracting parties now defined by the Treaty of Alliance and by the undertaking of His Britannic Majesty's Government approved by the Council of the League of Nations on the 27th day of September, 1924, should be continued for a period of twenty-five years, unless Iraq is, in conformity with article 1 of the Covenant of the League of Nations, admitted as a member of the League before the expiration of that period:

Bearing in mind the intention which the high contracting parties have mutually expressed in the protocol of the 30th day of April, 1923, to conclude a fresh agreement regulating subsequent relations between them:

Have decided by means of a new treaty to ensure due fulfilment of the said stipulations and have for this purpose named as their plenipotentiaries:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, Bernard Henry Bourdillon, Esquire, C.M.G., Acting High Commissioner of His Britannic Majesty in Iraq;

His Majesty the King of Iraq, Abdul Muhsin Beg al-Sa'dun, Prime Minister of the Iraq Government and Minister for Foreign Affairs;

Who, having communicated their full powers, found in good and due form, have agreed as follows:

#### ARTICLE 1

The provisions contained in article 18 of the treaty between the high contracting parties signed at Bagdad on the 10th day of October, 1922, of the Christian Era, corresponding with the 19th day of Safar, 1340, Hijrah, and

in the protocol signed on the 30th day of April, 1923, of the Christian Era, corresponding with the 14th day of Ramazan, 1341, Hijrah, in so far as they relate to the duration of the said treaty are hereby abrogated, and the said treaty shall remain in force for a period of twenty-five years from the 16th day of December, 1925, unless before the expiration of that period Iraq shall have become a member of the League of Nations.

The various agreements between the high contracting parties subsidiary to the said treaty of the 10th day of October, 1922, shall, in so far as their duration is made dependent on that of the said treaty, likewise remain in force for the period laid down in the present treaty, but in other respects their provisions shall not be affected.

#### ARTICLE 2

The high contracting parties agree, immediately after the ratification of the present treaty and its approval by the Council of the League of Nations, to continue active consideration of the questions which have already been under discussion between them in regard to the revision of the agreements arising out of articles 7 and 15 of the treaty of October 10th, 1922.

#### ARTICLE 3

Without prejudice to the provisions of article 6 of the treaty of October 10th, 1922, in regard to the admission of Iraq into the League of Nations or the provisions of article 18 of the said treaty which permit the revision at any time, subject to the consent of the Council of the League of Nations, of the provisions of the said treaty or of certain of the agreements subsidiary thereto, His Britannic Majesty undertakes that, at the time when the treaty of October 10th, 1922, would have expired under the protocol of April 30th, 1923, and at subsequent successive intervals of four years until the expiry of the period of twenty-five years mentioned in the present treaty or until the admission of Iraq into the League of Nations, he will take into active consideration the following two questions, namely:

(1.) The question whether it is possible for him to press for the admission of Iraq into the League of Nations.

(2.) If it is not so possible, the question of the amendment, on account of the progress made by the Kingdom of Iraq or for any other reason, of the agreements referred to in article 18 of the treaty of October 10th, 1922.

The present treaty, in English and Arabic, of which in case of divergence the English text will prevail, shall be ratified and ratifications shall be exchanged as soon as possible.

In witness whereof the above-named plenipotentiaries have signed the present treaty and have affixed thereunto their seals.

Done at Bagdad the Thirteenth day of January, one thousand nine hundred and twenty-six of the Christian Era, corresponding to the Twenty-eighth

day of Jamadi-al-Ukhra, one thousand three hundred and forty-four, Hijrah, in three copies, of which one shall be deposited in the archives of the League of Nations at Geneva and one shall be retained by each of the high contracting parties.

B. H. BOURDILLON, <i>His Britannic Majesty's Acting High Commissioner in Iraq.</i>	[SEAL]	ABDUL MUHSIN AL-SA'DUN, <i>Prime Minister of the Iraq Government and Minister for Foreign Affairs.</i>	[SEAL]
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#### SCHEDULE IV

LETTER FROM HIS BRITANNIC MAJESTY'S GOVERNMENT TO THE SECRETARY-  
GENERAL OF THE LEAGUE OF NATIONS, OF THE 2ND DAY OF MARCH, 1926

FOREIGN OFFICE, *March 2, 1926.*

SIR,

In compliance with the invitation conveyed in article 2 of the decision recorded by the Council of the League of Nations on the 16th December, 1925, I am directed by Secretary Sir Austen Chamberlain to transmit to you herewith, for submission to the Council, the text of a new treaty between Great Britain and Iraq which was signed at Bagdad on the 13th January, 1926.

2. By a decision dated the 27th September, 1924, the Council accepted the terms of the Treaty of Alliance between Great Britain and Iraq supplemented by certain undertakings given by His Majesty's Government, as giving effect, in respect of Iraq, to the provisions of article 22 of the Covenant of the League of Nations. By article 2 of their decision of December last the Council made the further condition that the régime established by the aforesaid Treaty of Alliance and undertakings should be continued for a specified period. The requisite extension of the duration of the Treaty of Alliance is provided for by article 1 of the new treaty. In submitting this treaty to the Council, His Majesty's Government declare that so long as it remains in force they will regard as binding the undertakings given by them to the Council in September 1924, and will continue to act in conformity therewith.

3. His Majesty's Government are thus in a position to inform the Council that the stipulations of article 2 of the decision of December 1925 have been fulfilled, and that the necessary steps have been taken to ensure the continuance for twenty-five years of the present régime as approved by the Council in September 1924, unless Iraq is, in conformity with article 1 of the Covenant, admitted as a Member of the League before the expiration of that period.

4. Provision for periodical review of the question of the admission of Iraq to the League of Nations is made in article 3 of the new treaty.

5. By article 4 of their undertakings, approved by the Council in September 1924, His Majesty's Government engaged that they would agree to no

modification of the Treaty of Alliance without the consent of the Council of the League. They hereby give a similar undertaking in regard to the treaty of the 13th January, 1926. This undertaking will apply to any proposals that may be made, as a result of the discussions contemplated in articles 2 and 3 of the new treaty, for the revision or amendment of the agreements subsidiary to the treaty of the 10th October, 1922.

6. In the light of these explanations, His Majesty's Government request that the Council may now be moved to take action, as contemplated in article 2 of their decision of December last, to declare that their decision in regard to the Turco-Iraq frontier has become definitive.

7. The treaty of the 13th January, 1926, has now been approved by the British House of Commons and by the Chamber of Deputies and Senate of Iraq.

8. With reference to article 3 of the Council's decision of December last, I am to enclose, for the information of the Council, a memorandum dealing with the administration of the Kurdish districts in Iraq.

I am, &c.

LANCELOT OLIPHANT

#### PROTOCOL

On the signature this day of the Convention between His Britannic Majesty and His Majesty the King of Iraq, respectively, of the one part, and the President of the United States of America of the other part, the undersigned Plenipotentiaries, duly authorized thereto, have agreed as follows:

(1.) It is understood by the High Contracting Parties that the term "exercise of industries" as employed in article XI of the Anglo-Iraq Treaty of Alliance signed the 10th October, 1922, covers the granting and operation of concessions.

(2.) With reference to article 4 of the Convention signed this day, it is understood by the High Contracting Parties that the Iraq Government will not interfere in matters concerning the curriculum, such as the time-table, discipline and purely internal administration in schools established or maintained by nationals of the United States of America in Iraq.<sup>6</sup>

(3.) It is understood that upon the entry into force of the Convention signed this day and during the period of the special relations existing between His Britannic Majesty and His Majesty the King of Iraq, defined in article I of the said Convention, there will be a suspension of the capitulatory régime in Iraq so far as the rights of the United States and its nationals are concerned, and that such rights will be exercised in conformity with the decision of the Council of the League of Nations dated the 27th September, 1924.

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<sup>6</sup> For an exchange of notes between the United States and Iraq relating to art. 2, see p. 1038.

(4.) It is understood that article 3 of the Convention signed this day does not prohibit the Iraq Government from expropriating American property for public purposes under normal expropriation laws of general application, and subject to the previous provision for just and reasonable compensation.

The present Protocol shall be deemed an integral part of the Convention signed this day and shall be ratified at the same time as that Convention.

In witness whereof, the respective Plenipotentiaries have signed the present Protocol and have affixed there to their seals.

Done in triplicate in English and Arabic, of which, in case of divergence, the English text shall prevail, at London, this 9<sup>th</sup> day of January, 1930.

CHARLES G. DAWES [SEAL]  
ARTHUR HENDERSON [SEAL]  
JA'FAR EL ASKERI [SEAL]

#### EXCHANGES OF NOTES

*The British Secretary of State for Foreign Affairs to the American Ambassador*

FOREIGN OFFICE, S.W.1.

9th January, 1930.

YOUR EXCELLENCY,

On the signature this day of the Convention between His Britannic Majesty and His Majesty the King of Iraq respectively of the one part, and the President of the United States of America of the other part, I have the honour to inform Your Excellency that His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland agree to furnish to the Government of the United States a duplicate of the Annual Report to be made in accordance with the terms of the Decision of the Council of the League of Nations on the 27th day of September 1924.

I have the honour to be, with the highest consideration,

Your Excellency's obedient Servant,

ARTHUR HENDERSON

HIS EXCELLENCY

GENERAL CHARLES G. DAWES, C.B.,  
etc., etc., etc.

*The American Ambassador to the British Secretary of State for Foreign Affairs*

No. 372.

EMBASSY OF THE UNITED STATES OF AMERICA

LONDON, January 9, 1930.

SIR:

On the signature this day of the Convention between the President of the United States of America of the one part, and His Britannic Majesty and His Majesty the King of Iraq of the other part, I have the honor to take note of

your declaration that His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland agree to furnish the United States Government with a duplicate of the Annual Report to be made in accordance with the terms of the Decision of the Council of the League of Nations on the 27th day of September, 1924.

I have the honor to be,  
 With the highest consideration, Sir,  
 Your most obedient, humble servant,

CHARLES G. DAWES

THE RIGHT HON<sup>BLE</sup>  
 ARTHUR HENDERSON, P.C.,  
 etc., etc., etc.,  
*The Foreign Office.*

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*The Minister of Iraq at London to the American Ambassador*

IRAQ LEGATION 51, QUEEN'S GATE GARDENS, S. W. 7.  
*January, 9th., 1930.*

YOUR EXCELLENCY,

I have the honour to bring to your notice a point connected with Article 2 of the Protocol attached to the Tripartite Convention between the United States of America, The United Kingdom and Iraq. Article 2 of the Protocol provides that the Government of Iraq shall not interfere in matters concerning the curriculum, such as the time-tables, discipline and purely internal administration in schools established or maintained by nationals of the United States of America in Iraq. The Iraq Government interpret this Article as not preventing the enforcement on the said schools of Article 28 of the Public Instruction Law of 1929 the translation of which runs:

It is obligatory to teach the Arabic language and the history and geography of Iraq and the history of the Arabs in accordance with the programme of the Ministry of Education in all non-technical private schools both primary and secondary. The hours devoted to the Arabic language must not be less than five hours a week in primary classes and three hours a week in secondary classes.

I have therefore been instructed by my Government to inform Your Excellency that the Iraq Government consider that Article 2 of the said Protocol shall not override the provisions of Article 28 of the above mentioned Law.

I have the honour to be, Sir  
 Your obedient servant,

JA'FAR EL ASKERI  
*The Iraq Plenipotentiary*

HIS EXCELLENCY,  
 THE UNITED STATES PLENIPOTENTIARY

*The American Ambassador to the Minister of Iraq at London*

EMBASSY OF THE UNITED STATES OF AMERICA

LONDON, *January 9, 1930.*

YOUR EXCELLENCY:

I have the honor to acknowledge the receipt of Your Excellency's note of today's date, which reads as follows:

"I have the honour to bring to your notice a point connected with Article 2 of the Protocol attached to the Tripartite Convention between the United States of America, the United Kingdom and Iraq. Article 2 of the Protocol provides that the Government of Iraq shall not interfere in matters concerning the curriculum, such as the time-tables, discipline and purely internal administration in schools established or maintained by nationals of the United States of America in Iraq. The Iraq Government interprets this Article as not preventing the enforcement on the said schools of Article 28 of the Public Instruction Law of 1929, the translation of which runs:

It is obligatory to teach the Arabic language and the history and geography of Iraq and the history of the Arabs in accordance with the programme of the Ministry of Education in all non-technical private schools, both primary and secondary. The hours devoted to the Arabic language must be not less than five hours a week in primary classes and three hours a week in secondary classes.

"I have therefore been instructed by my Government to, inform Your Excellency that the Iraq Government consider that Article 2 of the said Protocol shall not override the provisions of Article 28 of the above mentioned Law."

In taking note of this communication I avail myself of this opportunity to renew to Your Excellency the assurance of my high consideration.

I have the honor to be, Excellency,

Your most obedient servant,

CHARLES G. DAWES.

HIS EXCELLENCY

JA'FAR PASHA EL-ASKERI, C.M.G.,

etc., etc., etc.,

*The Legation of Iraq,*

London.