

Appendix IV Anglo-Iraqi Treaty of Alliance, June 30 1930,

and notes exchanged embodying a separate financial agreement, 19 August 1930, with various explanatory notes, both published and unpublished¹

Treaty of alliance between His Majesty in respect of the United Kingdom and His Majesty the King of Iraq

Baghdad, 30 June 1930

(Ratifications exchanged at Baghdad, 26 January 1931)

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

And His Majesty the King of Iraq,

Whereas they desire to consolidate the friendship and to maintain and perpetuate the relations of good understanding between their respective countries; and

Whereas His Britannic Majesty undertook in the Treaty of Alliance signed at Baghdad on 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, that he would take into active consideration at successive intervals of four years the question whether it was possible for him to press for the admission of Iraq into the League of Nations; and

Whereas His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland informed the Iraq Government without qualification or proviso on the fourteenth day of September, one thousand nine hundred and twenty-nine that they were prepared to support the candidature of Iraq for admission to the League of Nations in the year one thousand nine hundred and thirty-two and announced to the Council of the League on the fourth day of November, one thousand nine hundred and twenty-nine, that this was their intention; and

Whereas the mandatory responsibilities accepted by His Britannic Majesty in respect of Iraq will automatically terminate upon the admission of Iraq to the League of Nations; and

Whereas His Britannic Majesty and His Majesty the King of Iraq consider that the relations which will subsist between them as independent Sovereigns should be defined by the conclusion of a Treaty of Alliance and Amity:

Have agreed to conclude a new treaty for this purpose on terms of complete freedom, equality and independence which will become operative upon the entry of Iraq into the League of Nations, and have appointed as their plenipotentiaries:

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

For Great Britain and Northern Ireland:

Lieutenant Colonel Sir Francis Henry Humphrys, Knight Grand Cross of the Royal Victorian Order, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Eminent Order of the Indian Empire, High Commissioner of His Britannic Majesty in Iraq: and

His Majesty the King of Iraq:

General Nuri Pasha al Sa'id, Order of the Nahda, Second Class, Order of the Istiqlal, Second Class, Companion of the Most Distinguished Service Order, Prime Minister of the Iraq Government and Minister for Foreign Affairs;

who, having communicated their full powers, found in due form, have agreed as follows.

Article 1

There shall be perpetual peace and friendship between His Britannic Majesty and His Majesty the King of Iraq.

There shall be established between the high contracting parties a close alliance in consecration of their friendship, their cordial understanding and their good relations, and there shall be full and frank consultation between them in all matters of foreign policy which may affect their common interests.

Each of the high contracting parties undertakes not to adopt in foreign countries an attitude which is inconsistent with the alliance or might create difficulties for the other party thereto.

Appendices

Article 2

Each high contracting party will be represented at the Court of the other high contracting party by a diplomatic representative duly accredited.

Article 3

Should any dispute between Iraq and a third State produce a situation which involves the risk of a rupture with that State, the high contracting parties will concert together with a view to the settlement of the said dispute by peaceful means in accordance with the provisions of the Covenant of the League of Nations and of any other international obligations which may be applicable to the case.

Article 4

Should, notwithstanding the provisions of article 3 above, either of the high contracting parties become engaged in war, the other high contracting party will, subject always to the provisions of article 9 below, immediately come to his aid in the capacity of an ally. In the event of an imminent menace of war the high contracting parties will immediately concert together the necessary measures of defence. The aid of His Majesty the King of Iraq in the event of war or the imminent menace of war will consist in furnishing to His Britannic Majesty on Iraq territory all facilities and assistance in his power, including the use of railways, rivers, ports, aerodromes and means of communication.

Article 5

It is understood between the high contracting parties that responsibility for the maintenance of internal order in Iraq and, subject to the provisions of article 4 above, for the defence of Iraq from external aggression rests with His Majesty the King of Iraq. Nevertheless, His Majesty the King of Iraq recognises that the permanent maintenance and protection in all circumstances of the essential communications of His Britannic Majesty is in the common interest of the high contracting parties. For this purpose and in order to facilitate the discharge of the obligations of His Britannic Majesty under article 4 above His Majesty the King of Iraq undertakes to grant to His Britannic Majesty for the duration of the alliance sites for air bases to be selected by His

Britannic Majesty at or in the vicinity of Basra and for an air base to be selected by His Britannic Majesty to the west of the Euphrates. His Majesty the King of Iraq further authorises His Britannic Majesty to maintain forces upon Iraq territory at the above localities in accordance with the provisions of the Annexure of this Treaty on the understanding that the presence of those forces shall not constitute in any manner an occupation and will in no way prejudice the sovereign rights of Iraq.

Article 6

The annexure hereto shall be regarded as an integral part of the present treaty.

Article 7

This treaty shall replace the Treaties of Alliance signed at Baghdad on the tenth day of October, one thousand nine hundred and twenty-two of the Christian era, corresponding to the nineteenth day of Safar, one thousand three hundred and forty-one, Hijrah, and on 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, and the subsidiary agreements thereto, which shall cease to have effect upon the entry into force of this treaty. It shall be executed in duplicate, in the English and Arabic languages, of which the former shall be regarded as the authoritative version.

Article 8

The high contracting parties recognise that, upon the entry into force of this treaty, all responsibilities devolving under the treaties and agreements referred to in article 7 hereof upon His Britannic Majesty in respect of Iraq will, in so far as His Britannic Majesty is concerned, then automatically and completely come to an end, and that such responsibilities, in so far as they continue at all, will devolve upon His Majesty the King of Iraq alone.

It is also recognised that all responsibilities devolving upon His Britannic Majesty in respect of Iraq under any other international instrument, in so far as they continue at all, should similarly devolve

Appendices

upon His Majesty the King of Iraq alone, and the high contracting parties shall immediately take such steps as may be necessary to secure the transference to His Majesty the King of Iraq of these responsibilities.

Article 9

Nothing in the present treaty is intended to or shall in any way prejudice the rights and obligations which devolve, or may devolve, upon either of the high contracting parties under the Covenant of the League of Nations or the Treaty for the Renunciation of War signed at Paris on the twenty-seventh day of August, one thousand nine hundred and twenty-eight.

Article 10

Should any difference arise relative to the application or the interpretation of this treaty, and should the high contracting parties fail to settle such difference by direct negotiation, then it shall be dealt with in accordance with the provisions of the Covenant of the League of Nations.

Article 11

This treaty shall be ratified and ratifications shall be exchanged as soon as possible. Thereafter it shall come into force as soon as Iraq has been admitted to membership of the League of Nations.

The present treaty shall remain in force for a period of twenty-five years from the date of its coming into force. At any time after twenty years from the date of the coming into force of this treaty, the high contracting parties will, at the request of either of them, conclude a new treaty which shall provide for the continued maintenance and protection in all circumstances of the essential communications of His Britannic Majesty. In case of disagreement in this matter the difference will be submitted to the Council of the League of Nations.

In faith whereof the respective plenipotentiaries have signed the present treaty and have affixed thereto their seals.

Done at Baghdad in duplicate this thirtieth day of June, one thousand nine hundred and thirty, of the Christian era, corresponding to the fourth day of Safar, one thousand three hundred and forty-nine, Hijrah.

(L.S.) F. H. Humphrys

(L.S.) Noury Said

Annexure to Treaty of Alliance

1

The strength of the forces maintained in Iraq by His Britannic Majesty in accordance with the terms of article 5 of this treaty shall be determined by His Britannic Majesty from time to time after consultation with His Majesty the King of Iraq.

His Britannic Majesty shall maintain forces at Hinaidi for a period of five years after the entry into force of this treaty in order to enable His Majesty the King of Iraq to organise the necessary forces to replace them. By the expiration of that period the said forces of His Britannic Majesty to maintain forces at Mosul for a maximum period of five years from the entry into force of this treaty. Thereafter it shall be open to His Britannic Majesty to station his forces in the localities mentioned in article 5 of this treaty, and His Majesty the King of Iraq will grant to His Britannic Majesty for the duration of the alliance leases of the necessary sites for the accommodation of the forces of His Britannic Majesty in those localities.

2

Subject to any modifications which the two high contracting parties may agree to introduce in the future, the immunities and privileges in the jurisdictional and fiscal matters, including freedom from taxation, enjoyed by the British forces in Iraq will continue to extend to the forces of all arms as may be in Iraq in pursuance of the present treaty and its annexure or otherwise by agreement between the high contracting parties and the existing provisions of any local legislation affecting the armed forces of His Britannic Majesty in Iraq shall also continue. The Iraq Government will take the necessary steps to ensure that the altered conditions will not render the position of the British forces as regards immunities and privileges in any way less favourable than that enjoyed by them at the date of the entry into force of this treaty.

Appendices

3

His Majesty the King of Iraq agrees to provide all possible facilities for the movement, training and maintenance of the forces referred to in clause 1 above and to accord to those forces the same facilities for the use of wireless telegraphy as those enjoyed by them at the date of the entry into force of the present treaty.

4

His Britannic Majesty undertakes to grant whenever they may be required by His Majesty the King of Iraq all possible facilities in the following matters, the cost of which will be met by His Majesty the King of Iraq.

1 Naval, military and aeronautical instruction of Iraqi officers in the United Kingdom.

2 The provisions of arms, ammunition, equipment, ships and aeroplanes of the latest available pattern for the forces of His Majesty the King of Iraq.

3 The provision of British naval, military and air force officers to serve in an advisory capacity with the forces of His Majesty the King of Iraq.

5

In view of the desirability of identity in training and methods between the Iraq and British armies, His Majesty the King of Iraq undertakes that, should he deem it necessary to have recourse to foreign military instructors, these shall be chosen from amongst British subjects.

He further undertakes that any personnel of his forces that may be sent abroad for military training will be sent to military schools, colleges and training centres in the territories of His Britannic Majesty, provided that this shall not prevent him from sending to any other country such personnel as cannot be received in the said institutions and training centres.

He further undertakes that the armament and essential equipment of his forces shall not differ in type from those of the forces of His Britannic Majesty.

His Majesty the King of Iraq agrees to afford, when requested to do so by His Britannic Majesty, all possible facilities for the movement of the forces of His Britannic Majesty of all arms in transit across Iraq and for the transport and storage of all supplies and equipment that may be required by these forces during their passage across Iraq. These facilities shall cover the use of the roads, railways, waterways, ports and aerodromes of Iraq, and His Britannic Majesty's ships shall have general permission to visit the Shatt-al-Arab on the understanding that His Majesty the King of Iraq is given prior notification of visits to Iraq ports.

(Initialled) F. H. H.
N. S.

Published notes exchanged

I

His Majesty's High Commissioner in Iraq to the Iraqi Prime Minister and Minister for Foreign Affairs

Baghdad, June 30, 1930

Sir,

I have the honour to inform you, with regard to article 2 of the treaty which we have signed to-day, that it is intended that His Britannic Majesty's diplomatic representative at the Court of His Majesty the King of Iraq shall have the status of ambassador.

I have &c.

F. H. Humphrys

The Iraqi Prime Minister and Minister for Foreign Affairs to His Majesty's High Commissioner in Iraq

Baghdad, June 30, 1930

Sir,

In reply to your note of to-day's date I have the honour to inform you that the Iraq Government, anxious to mark the satisfaction which

Appendices

the appointment of His Britannic Majesty's representative as the first ambassador in Iraq affords them, intend that his precedence in relation to the representatives of other Powers shall extend to his successors. The Iraq Government also intend that the diplomatic representative of His Majesty the King of Iraq at the Court of St James shall have the status of Minister Plenipotentiary during the currency of this treaty.

I have, &c.

Noury Said

II

His Majesty's High Commissioner in Iraq to the Iraqi Prime Minister and Minister for Foreign Affairs.

Baghdad, June 30, 1930

Sir,

In connexion with the treaty signed by us to-day I have the honour to place on record that it has been agreed that all outstanding financial questions, such as those relating to the Iraq Railways and the port of Basra and those which it is necessary to settle for the purpose of the operation of the treaty and of its annexure, shall form the subject of a separate agreement which shall be concluded as soon as possible and which shall be deemed an integral part of the present treaty and shall be ratified simultaneously therewith.

I have, &c.

F. H. Humphrys

III

The Iraqi Prime Minister and Minister for Foreign Affairs to His Majesty's High Commissioner in Iraq

Baghdad, June 30, 1930

Sir,

In connexion with the treaty signed by us to-day I have the honour to inform your Excellency that, in view of the close friendship and alliance between our two countries, the Iraq Government will normally engage British subjects when in need of the services of foreign officials. Such officials will be selected after consultation between our two Governments. It is understood that this shall not prejudice the freedom of the Iraq Government to engage non-British foreign officials for posts for which suitable British subjects are not available.

I have also the honour to inform your Excellency that nothing in the treaty which we have signed to-day shall affect the validity of the contracts concluded and in existence between the Iraq Government and British officials.

I have, &c.

Noury Said

His Majesty's High Commissioner in Iraq to the Iraqi Prime Minister and Minister for Foreign Affairs

Baghdad, June 30, 1930

Sir,

I have the honour to acknowledge the receipt of your Excellency's note of to-day's date regarding the engagement of foreign officials, and to confirm the statement therein recorded of the understanding which we have reached.

I have, &c.

F. H. Humphrys

IV

The Iraqi Prime Minister and Minister for Foreign Affairs to His Majesty's High Commissioner in Iraq

Baghdad, June 30, 1930

Sir,

I have the honour to inform your Excellency that it is the intention of the Iraq Government, in view of their desire to improve the efficiency of their land and air forces, to ask for a British Advisory Military Mission, the numbers of which shall be decided before the treaty comes into force and the conditions of service of which shall be similar to those of the existing military mission.

I have, &c.

Noury Said

His Majesty's High Commissioner in Iraq to the Iraqi Prime Minister and Minister for Foreign Affairs

Baghdad, June 30, 1930

Sir,

I have the honour to acknowledge the receipt of your note of to-

Appendices

day's date on the subject of the British Advisory Military Mission which the Iraq Government intend to invite to Iraq.

I have, &c.

F. H. Humphrys

Notes exchanged with the Iraqi Prime Minister embodying the separate agreement on financial questions referred to in the second exchange of notes appended to the Anglo-Iraqi Treaty of 30 June 1930

I

His Majesty's High Commissioner in Iraq to the Iraqi Prime Minister and Minister for Foreign Affairs

London, August 19, 1930

Sir,

With reference to our conversation in London, I have the honour to propose that the following provisions shall be considered as embodying the separate agreement on all financial questions referred to in the second exchange of notes between your Excellency and myself at the time of the signature of the Treaty of Alliance on the 30th June, 1930.

It is understood that the agreement constituted by this note and by your Excellency's reply thereto shall be included in the instruments of ratification of the Treaty of Alliance and shall become operative on the exchange of ratifications.

1 The Government of the United Kingdom of Great Britain and Northern Ireland shall transfer to the Iraq Government, within the period stipulated in clause 1 of the annexure of the Treaty of Alliance signed on the 30th June, 1930, the aerodromes and encampments at Hinaidi and Mosul at present occupied by the forces of His Britannic Majesty, and the Iraq Government shall accept the transfer thereof (less two 'A' type steel hangers and the ice plants at Hinaidi and Mosul, to be removed by the Government of the United Kingdom) at one-third of the cost price certified as correct by the Air Ministry of the Government of the United Kingdom, of the permanent buildings, plant and structures thereon, no account being taken of the mud buildings which shall be transferred to the Iraq Government free of cost. The Iraq Government shall pay this sum to the Government of the United Kingdom not later than the date upon which the aforesaid transfer is completed.

During the maximum period stipulated in clause 1 of the annexure to the Treaty of Alliance the forces of His Britannic Majesty shall remain in undisturbed occupation of their present stations of Hinaidi and Mosul and at Shaiba and in the use of their existing emergency landing grounds, and the Government of the United Kingdom shall not be called upon to pay higher rental charges in respect thereof than those at present paid.

2 If upon the withdrawal of the forces of His Britannic Majesty from Hinaidi and Mosul in accordance with clause 1 of the annexure to the Treaty of Alliance the Government of the United Kingdom should decide to establish a British air base in the neighbourhood of Habbaniya, then the Iraq Government shall take all possible steps, at no cost to either Government, to arrange for the construction of a railway to connect such air base with the railway system of Iraq.

3 The leases of the sites for air bases to be granted to His Britannic Majesty, in accordance with the provisions of article 5 of the Treaty of Alliance, shall, in so far as such sites are on waste Government land, be free of all rental charges; and, in so far as they are on non-Government land, every facility shall be given for their acquisition on reasonable terms, such acquisition being effected by the Iraq Government at the request and at the cost of the Government of the United Kingdom. The leased lands bases remain in the occupation of the forces of His Britannic Majesty in accordance with the provisions of the aforesaid Treaty of Alliance or of any extension thereof. On the final termination of the leases of the said sites, or of any one of them, the Iraq Government shall either themselves take over the buildings and permanent structures thereon at a fair valuation, having regard to the use to which they have been put, or shall afford such facilities as may reasonably be necessary to enable the Government of the United Kingdom to dispose thereof to the best advantage.

After the expiry of the maximum period stipulated in clause 1 of the annexure to the Treaty of Alliance and so long as the said Treaty of Alliance remains in force the Government of the United Kingdom shall not be called upon to pay any charges in respect of the use of any of the existing emergency landing grounds in Iraq.

4 The following arrangements for the disposal and administration of the Iraq railway system shall be carried into effect as soon as possible and, in any case, within a maximum period of one year from the entry into force of the Treaty of Alliance:

- (a) Legal ownership of the railway system shall be transferred by the Government of the United Kingdom to the Iraq Government

and registered in the name of the Iraq Government, and simultaneously with such transfer full beneficial ownership shall be vested, by lease or otherwise and a nominal rent and on terms satisfactory to the Government of the United Kingdom, in a special body or corporation having legal personality, to be constituted by a special statute of the Iraq Legislature, the terms of which shall have been agreed by both Governments.

- (b) The above-mentioned corporation shall be wholly responsible for the administration and management of the Iraq railway system, and, subject to such limitations as may be imposed in the statute referred to above, shall have sole and exclusive authority to raise new capital by public issue or private loan and to dispose of the revenues of that system.
- (c) The capital of the said corporation shall comprise:
 - (1) Rs 275 lakhs of preferred stock, bearing interest at 6 per cent, such interest being non-cumulative for a period of twenty years from the date of the transfer of the ownership of the system and thereafter cumulative, to be allotted to the Government of the United Kingdom, of which Rs 25 lakhs represents the capitalised value of the debt of the railways to the Government of the United Kingdom on liquidation account;
 - (2) Rs 45-85 lakhs of similar preferred stock, to be allotted to the Iraq Government, being an amount equal to the loans which the Iraq Government have made to the railways on which interest charges have been waived; and
 - (3) Rs 250 lakhs of deferred stock also to be allotted to the Iraq Government.

The Iraq Government shall have the option to buy at any time at par the stock allotted to the Government of the United Kingdom.

- (d) The board of the corporation shall consist of five directors, of whom two shall be appointed by the Government of the United Kingdom and two by the Iraq Government, and the fifth, who shall be the chairman, shall be appointed by both Governments in agreement. The first chairman shall be the present Director of the Iraq Railways.
- (e) The corporation shall be responsible for raising loan capital required for the reconditioning and development of the Iraq railway system, and neither Government shall be under any

obligation to guarantee such loan capital either in respect of interest or of capital.

- (f) Any loan capital raised by the corporation for the reconditioning or development of the Iraq railway system shall rank before the stock allotted to the two Governments in accordance with clause (c) above.
- (g) The Iraq Government, as owners of the equity of the system, shall accept ultimate responsibility for any liabilities relating thereto, not devolving upon the corporation, that may subsequently come to light, and in consideration thereof the Government of the United Kingdom shall transfer to the Iraq Government an amount of preferred stock of a nominal value equal to the amount of any irrecoverable disbursements that the Iraq Government may have to make in the discharge of any of the aforesaid liabilities, the validity of which may have been established to the satisfaction of the Government of the United Kingdom.
- (h) In anticipation of the transfer of the railway system and the establishment of the corporation, the Iraq Government shall forthwith grant three-year contracts, on 'treaty' conditions, to such British railway officials as may be recommended therefor by the Director of the Iraq Railways, and shall not terminate any such contracts when granted except with the agreement of the Government of the United Kingdom. The question of granting these officials contracts of longer duration shall be left for the decision of the corporation when constituted.

5 The property in the port of Basra at present held by the Government of the United Kingdom shall be transferred to the Iraqi Government and the port shall be administered by a Port Trust. For this purpose legislation in terms agreed with the Government of the United Kingdom shall be enacted in Iraq for the establishment of a Port Trust having legal personality, and such legislation shall not be amended, except by agreement with the Government of the United Kingdom, so long as any part of the debt owing to the Government of the United Kingdom in respect of the port is still outstanding.

Upon the enactment of the above legislation and the establishment of the Port Trust, the property in the port shall be transferred to the Iraq Government, in whose name it will then be registered, and, simultaneously with such transfer, full beneficial ownership shall be conferred, by lease, concession or other appropriate instrument, the terms of which shall be subject to the approval of the Government of the United

Appendices

Kingdom, upon the Port Trust for the period during which any part of the debt owing to the Government of the United Kingdom in respect of the port remains outstanding.

I have, &c.

F. H. Humphrys

II

The Iraqi Prime Minister and Minister for Foreign Affairs to His Majesty's High Commissioner in Iraq

London, August 19, 1930

Sir,

I have the honour to acknowledge the receipt of your note of to-day's date setting out the provisions to be considered as embodying the separate agreement on all financial questions referred to in the second exchange of notes between your Excellency and myself at the time of signature of the Treaty of Alliance on the 30th June, 1930, and to confirm that your note accurately sets out the agreement at which we have arrived.

I have, &c.

Noury Said

Unpublished notes (arranged in chronological order)

(a)

The Iraqi Prime Minister and Minister for Foreign Affairs to His Majesty's High Commissioner in Iraq

Baghdad, June 30, 1930

Sir,

With regard to the second paragraph of article 8 of the treaty, I have the honour to request that the Iraq Government may be furnished in due course with a complete list of the international instruments therein referred to in order that they may be acquired with the texts of these instruments before the treaty is presented by them to Parliament for ratification.

I have, &c.

Noury Said

(b)

The Iraqi Prime Minister and Minister for Foreign Affairs to His Majesty's High Commissioner in Iraq

Baghdad, June 30, 1930

Sir,

I have the honour to inform you, with reference to clause 4 of the annexure to the treaty which we have signed to-day, that, when the time comes to bring that clause into effect, the Iraq Government will be prepared to agree to the following arrangements for the special guards referred to therein. I do not anticipate that any legislation will be necessary in order to ensure the smooth working of this arrangement, but if there is any point upon which it is found in practice that the existing law is insufficient for this purpose, the necessary legislation will be passed without delay:

- (a) The force will consist of not more than 1,250 men, exclusive of British personnel.
- (b) Service in the force will be voluntary, and such service will exempt any member of the force from the provisions of any law for compulsory service.
- (c) The force will be under the command of a British commanding officer and the requisite number of subordinate British and Iraqi officers, all of whom will hold the commission of His Majesty the King of Iraq. It will also include such British warrant and non-commissioned officers as may be necessary, who shall have the powers normally pertaining to their ranks. The commanding officer will have the power to make rules regarding recruitment, administration, nature of arms, equipment and clothing, method of training, rates of pay and conditions of service.
- (d) With regard to discipline, the force, with the exception of the British personnel, will be subject to Iraq military law. The commanding officer and the subordinate British officers will be granted the necessary summary powers, and the commanding officer will have full discretion as to the convening and composition of courts-martial. The sentences of courts-martial of which the commanding officer is not a member will be confirmed by him. In cases in which the commanding officer is himself a member of the court or in which the sentence imposed by the court exceeds one year's imprisonment, confirmation of the sentence will be made by the Minister of Defence.

Appendices

- (e) The primary duty of the force will be the protection of such air bases in Iraq as may, with the consent of the Iraq Government, be occupied by the forces of His Britannic Majesty, and this duty will include the task of safeguarding the material and stores of His Britannic Majesty's forces in Iraq wherever they may be. For the purpose of carrying out these duties, the sole executive responsibility for which will rest with the commanding officer, the force will be placed at the entire disposal of the Air Officer Commanding.
- (f) It is understood that from time to time it may be necessary, in order that the above duties may be properly performed, that members of the force should receive orders from officers of His Britannic Majesty's forces. Such orders will normally be conveyed to the force through its own officers, but the Iraq Government raise no objection in cases of necessity to such orders being given direct, and will take steps to ensure that in this case all members of the force shall be under an obligation to obey such orders, and that they shall enjoy the same immunities as if the orders had been given by an officer of the forces of His Majesty the King of Iraq. It is understood that any power of command over Iraqi forces which may be given to officers of His Britannic Majesty's forces will only be exercised in relation to the special forces.
- (g) The entire cost of the force will be met by His Majesty's Government in Great Britain.

I have, &c.

Noury Said

(c)

His Majesty's High Commissioner in Iraq to the Iraqi Prime Minister and Minister for Foreign Affairs

Colonial Office,

Downing Street, July 15, 1930

Sir,

I am instructed to inform your Excellency that the forces which His Britannic Majesty is authorised to maintain in Iraq in accordance with the terms of article 5 of the treaty shall comprise Royal Air Force units, together with ancillary services.

I am also instructed to inform your Excellency that, whereas it is

provided in clause 4 of the annexure of the treaty that the protection of the air bases to be occupied by the forces of His Britannic Majesty in Iraq shall be undertaken by special guards from the forces of His Majesty the King of Iraq, yet it is understood that His Britannic Majesty is authorised in time of emergency, in case the special guards should, after consultation between the two high contracting parties, be considered inadequate for the defence of His Britannic Majesty's air bases in Iraq, to reinforce such guards temporarily by his own land forces.

I am also instructed to inform your Excellency that the expression 'in transit across Iraq' used in clause 7 of the annexure of the treaty means transit from any place west of the Euphrates to the Persian Gulf, or in the opposite direction.

I have, &c.

F. H. Humphrys

(d)

His Majesty's High Commissioner in Iraq to the Iraqi Prime Minister and Minister for Foreign Affairs

London, August 19, 1930

Sir,

With reference to paragraph 4 (e) of my letter of to-day's date, I am authorised to place it on record that, while both Governments anticipate that the corporation, which will be responsible for the administration and management of the Iraq railway system, will be able to raise loan capital for the reconditioning and development of the system without a Government guarantee, in the unlikely event of the corporation failing to do so, it is understood that the question of the future administration and management of the Iraq railway system will call for further discussion between the two Governments.

I have, &c.

F. H. Humphrys

(f)

His Majesty's High Commissioner in Iraq to the Iraqi Prime Minister and Minister for Foreign Affairs

London, August 19, 1930

Sir,

In the course of our conversations on the subject of the immunity

Appendices

from taxation enjoyed by the Shaikhs of Mohammerah and Koweit in respect of their date gardens in Iraq, your Excellency and I discussed the method of dealing with this matter in the list of international obligations devolving upon Iraq under article 8 of the Treaty of Alliance signed on the 30th June, 1930, which I have undertaken to communicate to your Excellency before the Iraq Parliament is invited to approve of the ratification of the treaty. As I have informed your Excellency, His Majesty's Government in the United Kingdom approve of your proposal that the Iraq Government should open private negotiations with the shaikhs for the purchase of their properties in Iraq.

It is possible, however, that these negotiations may not have reached finality before the time comes for me to communicate the above list to the Iraq Government. In such event, His Majesty's Government propose to insert mention of the obligation towards the shaikhs in the list, but at the same time to append a footnote to the effect that private negotiations are proceeding with a view to the liquidation of this obligation, and that, if these are unsuccessful, the question will need to be discussed further between the two Governments.

I shall be glad to learn from your Excellency that this procedure will be acceptable to the Iraq Government.

I have, &c.

F. H. Humphrys

(g)

The Iraqi Prime Minister and Minister for Foreign Affairs to His Majesty's High Commissioner in Iraq

London, August 19, 1930

Sir,

I have the honour to acknowledge the receipt of your Excellency's letter of to-day's date, relative to the method of dealing, in the list of international obligations devolving upon Iraq under article 8 of the Treaty of Alliance signed on the 30th June, 1930, with the question of the immunity from taxaton enjoyed by the Sheikhs of Mohammerah and Koweit in respect of their date gardens in Iraq.

I have the honour to inform your Excellency in reply that the procedure indicated in the second paragraph of your letter is acceptable to the Iraq Government.

I have, &c.

Noury Said

(h)

**His Majesty's High Commissioner in Iraq to the Iraqi Prime Minister and
Minister for Foreign Affairs**

Baghdad, October 18, 1930

(No. PO 237) (Confidential)

My dear Prime Minister,

Will you please refer to your Excellency's letter dated the 30th June, 1930 addressed to me on the occasion of the signature of the new Anglo-Iraq Treaty, asking to be furnished in due course with a complete list of the international instruments referred to in the second paragraph of article 8 of the treaty.

I have now received from His Britannic Majesty's Government a list of these instruments, of which I enclose a copy for your Excellency's information. His Britannic Majesty's Government desire me to explain that, although an exhaustive examination has been made of the various international instruments to which His Majesty's Government is a party, and which involves them in some degree of responsibility in respect of Iraq, it is possible, although unlikely, that the present list may not prove to be exhaustive, and that instruments which would properly fall within the category envisaged in the second paragraph of article 8 may later be found to have been overlooked.

I should also explain that only those instruments have been included in the accompanying list which might be held to involve a continuing obligation on the part of His Majesty's Government after the entry of Iraq into the League of Nations, and thus to call for the process of substitution contemplated in the second paragraph of article 8, and that no instruments have been included creating obligations of such a character that they must, in so far as the responsibility of His Majesty's Government is concerned, terminate automatically upon the termination of the mandatory regime.

With regard to item 1 on the accompanying list, I would invite your Excellency's attention to the notes exchanged between your Excellency and myself on the 19th August on the subject of the immunity from taxation enjoyed by the Sheikhs of Mohammerah and Koweit in respect of their date gardens in Iraq.

Yours sincerely,

F. H. Humphrys

Appendices

List of International instruments referred to in the second paragraph of Article 8 of the Anglo-Iraq Treaty of June 30, 1930

- 1 Undertaking entered into with the Sheikhs of Koweit and Mohamerah in 1914 in respect of their date gardens in Iraq.*
- 2 The San Remo Oil Agreement, the 25th April, 1920
- 3 The Anglo-French Boundary Convention, the 23rd December, 1920
- 4 The Treaty Settlement of Lausanne, the 24th July, 1923
- 5 The Treaty of Angara, the 5th June, 1926

(i)

His Majesty's High Commissioner in Iraq to the Iraqi Prime Minister and Minister for Foreign Affairs

Baghdad, November 7, 1930

(No. PO 256)

My dear Prime Minister,

Your Excellency recently asked me for an explanation of certain points in the Anglo-Iraq Treaty, which we signed on the 30th June, that seemed to your Excellency liable to misinterpretation.

The first point was the reference to 'common interests' in article 1. Your Excellency enquired whether this term was intended to cover economic and commercial as well as political and military interests. I am to explain that article 1 provides for full and frank consultation between the high contracting parties in regard to all matters which:

- (a) Fall within the sphere of foreign policy; and
- (b) Affect the common interests of the high contracting parties.

While it is impossible to say that no commercial or economic matter could in any circumstances be of such a character and importance as to fall within the scope of this article (since, to take an extreme example, such matters might conceivably lead to a situation involving a rupture such as is contemplated in article 3), I am authorised to give you an assurance that matters which are purely economic or commercial would fall outside it.

Your Excellency's second enquiry was whether, although it was not specifically stated in article 3, His Britannic Majesty's Government

* Private negotiations are proceeding with a view to the liquidation of this commitment, if these are unsuccessful, the question will need to be discussed further between the two Governments.

would, in fact, concert with the Iraq Government in the event of a risk of a rupture arising between Great Britain and one of Iraq's neighbours. I am authorised to give you an assurance in the affirmative and to explain that this assurance is implicit in article 1 of the treaty.

Your Excellency further enquired whether the words 'essential communications' occurring in article 5 referred only to air communications. I am authorised to reply that this term is held by my Government to refer to air communications over Iraq and to sea and air communications at the head of the Persian Gulf and in the Shatt-al-Arab.

Finally, your Excellency enquired as to the number of the special guards to be provided by His Majesty the King of Iraq for the protection of air bases under clause 4 of the annexure to the treaty. In reply, I would refer you to your letter dated the 30th June, 1930, on the subject of these special guards in which it was stated that the Iraqi subjects would consist of not more than 1,250 men.

I hope that your Excellency will find these explanations satisfactory.

Yours sincerely,

F. H. Humphrys

(j)

His Majesty's High Commissioner in Iraq to the Iraqi Prime Minister and Minister for Foreign Affairs

Baghdad, January 26, 1931

(No. PO 18) (Confidential)

My dear Prime Minister,

Last November your Excellency asked me verbally for certain explanations of points connected with the Anglo-Iraq Treaty signed on the 30th June last which your Excellency regarded as doubtful. I am now in a position to explain the points in question.

Your Excellency first enquired whether any expenditure that might be incurred by His Majesty the King of Iraq in providing the facilities referred to in the last sentence of article 4 of the treaty would be defrayed by His Britannic Majesty's Government. I am authorised to reply that it appears to His Britannic Majesty's Government that the incidence of cost in each case where the question arises must depend upon the circumstances existing at the time. These circumstances might render it equitable in certain cases that the Iraq Government should bear the whole or part of this expenditure as their contribution to a joint campaign undertaken on behalf of Iraq. In these cases the

Appendices

final decision would be a matter for arrangements between the two Governments at the time. In general, however, His Britannic Majesty's Government consider that if the facilities in question are provided solely in the interests of His Britannic Majesty's Government, any additional expenditure necessarily incurred by the Iraq Government in carrying out the terms of the article should be repaid to them; but His Britannic Majesty's Government would not expect to be asked to pay for the use of existing facilities when the use of such facilities by British forces would not involve the Iraq Government in additional expenditure.

Your Excellency's second enquiry was whether the phrase 'sites for air bases . . . at or in the vicinity of Basra', occurring in article 5, was correctly translated into Arabic by the dual, i.e. 'sites for two air bases'. I am authorised to reply that the phrase in question contemplates a combined land and sea base at, or in the immediate vicinity of, Basra and a land base near Basra probably at Shaibah.

Finally, your Excellency asked for an assurance that, as it was impossible to guarantee that the list of international instruments covered by article 8 communicated to the Iraq Government was complete, no responsibilities would devolve upon the Iraq Government in respect of any secret agreement concluded between His Britannic Majesty's Government and a third party. I am authorised to reply on this point that His Britannic Majesty's Government have not entered into any secret agreements in respect of Iraq, and that consequently any international instruments that are covered by article 8, but are not included in the list communicated to the Iraq Government, will not include any secret agreements between His Britannic Majesty's Government and a third party.

I hope that your Excellency will find these explanations satisfactory.

Yours sincerely,

F. H. Humphrys

(k)

The Iraqi Prime Minister and Minister for Foreign Affairs to His Majesty's High Commissioner in Iraq

Baghdad, January 29/February 1, 1931

(No. 456) (Confidential)

Dear Sir Francis,

1 I have received your letter No. PO 18 dated 26th January, 1931,

concerning the elucidation of certain points in the Anglo-Iraq Treaty signed on the 30th June last.

2 The Iraq Government regret that they are unable to concur in the contents of your Excellency's above-mentioned letter in regard to expenditure on the affording of the facilities dealt with in the last sentence of article 4 of the treaty. Right from the commencement of the negotiations for the conclusion of the treaty and until I received your Excellency's letter under reply, I always heard from your Excellency that the expenses of the British Army (? Forces) in the event of a combined expedition would be borne by the British Government. The Iraq Government cannot contemplate a condition arising of a nature leading to concertion of efforts for combined defence in the interest of Iraq alone, but, on the other hand, believe that any combined defence undertaken, whatever the motive, will also be in the interest of the British Government. Had there been no agreement over this fundamental principle, i.e. community of interests between the two parties and 'the existence of' (sic) co-operation for the defence of common interests, the treaty would not have been concluded in its present form, in particular article 4 with which we are now dealing. A point which arrests the attention is that previous treaties did not place on the shoulder of Iraq any such financial obligations; and as the present treaty is (? intended to be) more advantageous to Iraq than the former treaties, it should be less likely to contain provisions which involve Iraq in obligations of this nature. Moreover, it is a common international principle that, when two allied Governments undertake a combined expedition, each Government bears the expenses of her own forces. I shall be very grateful if your Excellency will be so kind as to lay the foregoing considerations before His Britannic Majesty's Government for a reconsideration of the matter, and I also request that you will at the same time point out to them that no Iraq Government can concur in the explanations set forth in your Excellency's letter because they (i.e., the explanations) place on the shoulder of Iraq indefinite financial obligations.

3 The Iraq Government have taken note of the explanation set forth in your Excellency's letter in regard to the location of the two air bases dealt with in article 5 and to the International Agreements dealt with in article 8.

Yours sincerely,

Nuri-al-Said

(l)

His Majesty's High Commissioner in Iraq to the Iraqi Prime Minister and Minister for Foreign Affairs

Baghdad, November 23, 1931

(No. PO 157) (Confidential)

My dear Prime Minister,

With reference to your Excellency's confidential letter No. 456 of the 1st February last, in which your Excellency asked for a further explanation of the views of His Majesty's Government regarding the incidence of cost of the facilities dealt with in the last sentence of article 4 of the treaty of the 30th June, 1930. I have discussed the matter in London, and am now authorised to reply that His Majesty's Government in the United Kingdom would be prepared to indemnify the Iraqi Government against any additional expenditure necessarily incurred by them in the provision of the facilities mentioned in article 4, but would not expect to be asked to pay in respect of the movement or accommodation of the forces of the Iraqi Government, nor would His Majesty's Government expect to be asked to pay for the use of existing facilities when the use of such facilities by the British forces would involve the Iraqi Government in no additional expenditure.

I trust that your Excellency will find this explanation satisfactory.

Yours, &c.

F. H. Humphrys

(m)

The Iraqi Prime Minister and Minister for Foreign Affairs to His Majesty's High Commissioner in Iraq

Baghdad, November 30/December 1, 1931

(No. 4464) (Confidential)

Dear Sir Francis,

The Iraqi Government have noted the contents of your Excellency's letter No. PO 157 dated the 23rd November, 1931, concerning the cost of the facilities dealt with in the last sentence of article 4 of the treaty of the 30th June, 1930, and they find the explanations given therein satisfactory.

Please accept, &c.

Yours, &c.

Nuri-al-Sa'id