

N° 2696.

ÉTATS-UNIS D'AMÉRIQUE
ET GRANDE-BRETAGNE
ET IRLANDE DU NORD
ET IRAK

Convention concernant les droits des
États-Unis et de leurs ressortis-
sants en Irak, avec protocole,
signés à Londres, le 9 janvier
1930, et échange de notes y
relatif de la même date.

UNITED STATES OF AMERICA
AND GREAT BRITAIN
AND NORTHERN IRELAND
AND IRAK

Convention regarding the Rights of
the United States and of its
Nationals in Irak, with Protocol,
signed at London, January 9, 1930,
and Exchange of Notes relating
thereto of the same date.

No. 2696. — CONVENTION¹ BETWEEN HIS BRITANNIC MAJESTY AND HIS MAJESTY THE KING OF IRAQ AND THE PRESIDENT OF THE UNITED STATES OF AMERICA REGARDING THE RIGHTS OF THE UNITED STATES AND OF ITS NATIONALS IN IRAQ. SIGNED AT LONDON, JANUARY 9, 1930.

Textes officiels anglais et arabe communiqués par le secrétaire d'Etat aux Affaires étrangères de Sa Majesté en Grande-Bretagne. L'enregistrement de cette convention a eu lieu le 2 mai 1931. Cette convention a été transmise au Secrétariat par le "Department of State" du Gouvernement des Etats-Unis d'Amérique, le 11 juin 1931.

English and Arabic official texts communicated by His Majesty's Secretary of State for Foreign Affairs in Great Britain. The registration of this Convention took place May 2, 1931. This convention was transmitted to the Secretariat by the Department of State of the Government of the United States of America, June 11, 1931.

(i) Whereas in virtue of the Treaty of Peace² concluded with the Allied Powers and signed at Lausanne on the 24th day of July, 1923, and in virtue of the Treaty³ 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 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 afore-said 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 Treaty⁴ between His Britannic Majesty and His Majesty the King of Iraq was signed at Baghdad on the 13th day of January, 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

¹ L'échange des ratifications a eu lieu à Londres, le 24 février 1931.

² Vol. XXVIII, page 11, de ce recueil.

³ Vol. LXIV, page 379, de ce recueil.

⁴ Vol. XLVII, page 419, de ce recueil.

¹ The exchange of ratifications took place at London, February 24, 1931.

² Vol. XXVIII, page 11, of this Series.

³ Vol. LXIV, page 379, of this Series.

⁴ Vol. XLVII, page 419, of this Series.

(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.

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 entered 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 Convention¹ concluded by the United States and Cuba on the 11th day of December, 1902, 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 Panama 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 9th day of January, 1930.

(L. S.) Arthur HENDERSON.

(L. S.) JA'FAR EL ASKERI.

(L. S.) Charles G. DAWES.

¹ DE MARTENS, *Nouveau Recueil général de Traités*, deuxième série, tome XXXI, page 473.

¹ *British and Foreign State Papers*, Vol. 95, page 791.

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 authorised 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 Treaty¹ 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.

(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.

(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 thereto their seals.

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

(L. S.) Arthur HENDERSON.

(L. S.) JA'FAR EL ASKERI.

(L. S.) Charles G. DAWES.

EXCHANGE OF NOTES.

MR. HENDERSON TO GENERAL DAWES.

FOREIGN OFFICE, *January 9, 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, etc

A. HENDERSON.

¹ Vol. XXXV, page 13, de ce recueil.

¹ Vol. XXXV, page 13, of this Series.

GENERAL DAWES TO MR. HENDERSON.

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 honour 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, etc.

Charles G. DAWES.

JA'FAR PASHA TO GENERAL DAWES.

IRAQ LEGATION.

51, QUEEN'S GATE GARDENS, S. W. 7, *January 9, 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 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.

I have, etc.

JA'FAR EL ASKERI,
The Iraq Plenipotentiary.

GENERAL DAWES TO JA'FAR PASHA.

EMBASSY OF THE UNITED STATES
OF AMERICA.

LONDON, *January 9, 1930.*

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of your Excellency's note of to-day'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 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 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, etc.

Charles G. DAWES.

N° 2696.

TEXTE ARABE. — ARABIC TEXT.

معاهدة بين الولايات المتحدة الاميركية وبريطانيا العظمى والعراق

المقدمة

- (أ) لما كانت تركية قد تنازلت بمقتضى معاهدة الصلح المعقودة مع الدول المتحالفة الموقع فيها بلوزان في اليوم الرابع والعشرين من تموز سنة ١٩٢٣ وبمقتضى المعاهدة المعقودة مع صاحب الجلالة البريطانية وصاحب الجلالة ملك العراق الموقع فيها بانقرة في اليوم الخامس من حزيران سنة ١٩٢٦ عن جميع الحقوق والدعاوى في بلاد العراق .
- (ب) ولما كان مجلس جمعية الامم قد وافق بقراره المؤرخ في ٢٧ ايلول سنة ١٩٢٤ المثبت في الجدول الاول الملحق بهذا على ان احكام المادة ٢٢ من عهد جمعية الامم في معاهدة فرساي قد تم تنفيذها فيها يخص العراق بالبلاغ الذي تلقاه المجلس من حكومة صاحب الجلالة البريطانية في التاريخ المذكور .
- (ج) ولما كانت معاهدة التحالف المشار اليها في قرار مجلس جمعية الامم المتقدم الذكر المثبتة في الجدول الثاني الملحق بهذا قد دخلت في حيز التنفيذ في اليوم التاسع عشر من كانون الاول سنة ١٩٢٤ .
- (د) ولما كان بغية تمديد اجل دوام معاهدة التحالف الانفة الذكر قد وقع بينغداد في اليوم الثالث عشر من كانون ثاني سنة ١٩٢٦ في معاهدة جديدة بين صاحب الجلالة البريطانية وصاحب الجلالة ملك العراق وهي المعاهدة المثبتة في الجدول الثالث الملحق بهذا والمشار اليها فيما يلي بمعاهدة سنة ١٩٢٦ .
- (هـ) ولما كانت حكومة صاحب الجلالة البريطانية قد وجهت في اليوم الثاني من آذار سنة ١٩٢٦ الى جمعية الامم خطاها بالنص المثبت في الجدول الرابع الملحق بهذا .
- (و) ولما كان مجلس جمعية الامم قد دون في اليوم الحادي عشر من آذار سنة ١٩٢٦ قرارا مؤداه انه احاط علما بمعاهدة سنة ١٩٢٦ .

الولايات المتحدة وكوبا او بالمعاملة التي تعامل بها الولايات المتحدة تجارتها مع توابعها ومنطقة بناما وفقا للقوانين الحالية او المستقبلية . كما انه لا يحق للولايات المتحدة ان تطالب باية معاملة خاصة مما قد يعامل بها العراق رغما يا او تجارة الدول المجاورة وحدها دون غيرها . وللبمان قد وقع الموقعون بادناء في هذه المعاهدة وانبثوا اختتامهم عليها .
كتب عن ثلاث نسخ بالانكليزية والعربية وعند حصول خلاف يعتبر النص الانكليزي في لندن في اليم التاسع من شهر كانون الثاني سنة ١٩٣٠ .

التواقيع

آرثر هندرسن

جارلس ج . داوس

جعفر العسكري

Certified correct copy :

N. A. Oguein,

Chargé d'Affaires.

2nd September 1930.

بروتوكول ملحق بالمعاهدة بين العراق والولايات المتحدة الاميركية

لدى للتوقيع هذا اليوم في المعاهدة بين كل من صاحب الجلالة البريطانية وصاحب الجلالة ملك العراق من الجهة الواحدة ورئيس الولايات المتحدة الاميركية من الجهة الاخرى تم الاتفاق على ما يلي بين المندوبين الموقعين في ادناء المفوضين بذلك حسب الاصول " —
١ — من المفهوم لدى الفرقاء السامين المتعاقدين ان تعبير " ممارسة الصنائع على ما هو مستعمل في المادة الحادية عشرة من معاهدة التحالف الانكليزية — العراقية الممضاة في ١٠ تشرين الاول سنة ١٩٢٢ يشمل منح وتشغيل الامتيازات .
٢ — بالاشارة الى المادة الرابعة من المعاهدة الموقع فيها هذا اليوم من المفهوم لدى الفرقاء السامين المتعاقدين ان الحكومة العراقية لن تتدخل في الامور العائدة الى منهج

- الغديرس كجدول اوقات الدروس والنظام والادارة الداخلية الصرفة في المدارس التي يؤسسها او يقوم بنفقتها في العراق الرعايا الاميركيون .
- (٣) — من المفهوم انه عند دخول المعاهدة الممضاة هذا اليوم في حيز التنفيذ وفي اثناء مدة دوام العلاقات الخاصة الكائنة بين صاحب الجلالة البريطانية وصاحب الجلالة ملك العراق المحددة في المادة الاولى من المعاهدة المذكورة سيكون حكم نظام الانتهاكات الاجنبية في العراق موقفا في ما يخص حقوق الولايات المتحدة ورعاياها ويجرى التمتع بالحقوق المذكورة وفقا لقرار مجلس عصبة الامم المؤرخ في ٢٧ ايلول سنة ١٩٢٤ .
- ٤ — من المفهوم ان المادة الثالثة من المعاهدة الموقع فيها هذا اليوم لا تحظر على حكومة العراق استملاك الاملاك الاميركية لا محمل المقاصد العامة وفقا لقوانين الاستملاك الاعتيادية الشاملة التطببق على ان يدير مقادما التعويض عنها تعويضا عادلا ومعقولا .
- يعتبر هذا البروتوكول تسما متقما للمعاهدة الموقع فيها هذا اليوم ويبرم في عين الوقت الذي تبرم فيه المعاهدة المذكورة .
- وللبيان وقع المفوضون المختصون في هذا البروتوكول واثبتوا فيه اختتامهم .
- كتب بلندن عن ثلاث نسخ في اليوم التاسع من شهر كانون الثاني سنة ١٩٣٠

التواقيع

آرثر هندرسن

جارلس ج . داوس

جعفر العسكري

Certified correct copy :

N. A. Oguein,
Chargé d'Affaires.

2nd September 1930.

¹ TRADUCTION. --- TRANSLATION.

N^o 2696. — CONVENTION ENTRE SA MAJESTÉ BRITANNIQUE ET SA MAJESTÉ LE ROI DE L'IRAK, ET LE PRÉSIDENT DES ÉTATS-UNIS D'AMÉRIQUE, CONCERNANT LES DROITS DES ÉTATS-UNIS ET DE LEURS RESSORTISSANTS EN IRAK. SIGNÉE A LONDRES, LE 9 JANVIER 1930.

I. Attendu qu'en vertu du Traité de paix conclu avec les Puissances alliées et signé à Lausanne le 24 juillet 1923 et en vertu du traité conclu avec Sa Majesté britannique et Sa Majesté le Roi de l'Irak et signé à Angora le 5 juin 1926, la Turquie a renoncé à tous ses droits et titres sur le territoire de l'Irak ;

II. Attendu que, par sa résolution du 27 septembre 1924, figurant en annexe I à la présente convention, le Conseil de la Société des Nations a reconnu qu'en ce qui concerne l'Irak, la communication reçue par lui à cette date, du Gouvernement de Sa Majesté britannique, donnait effet aux dispositions de l'article 22 du Pacte de la Société des Nations contenu dans le Traité de Versailles ;

III. Attendu que le traité d'alliance mentionné dans la résolution précitée du Conseil de la Société des Nations et figurant en annexe II à la présente convention est entré en vigueur le 19 décembre 1924 ;

IV. Attendu qu'en vue de prolonger la durée du traité d'alliance précité, Sa Majesté britannique et Sa Majesté le Roi de l'Irak, ont signé à Bagdad, le 13 janvier 1926, un nouveau traité, figurant en annexe III à la présente convention et ci-après désigné sous le nom de Traité de 1926 ;

V. Attendu que le 2 mars 1926, une lettre reproduite à l'annexe IV à la présente convention a été adressée à la Société des Nations par le Gouvernement de Sa Majesté britannique ;

VI. Attendu que, le 11 mars 1926, le Conseil de la Société des Nations a adopté une résolution prenant acte du Traité de 1926 ;

VII. Attendu que le Traité de 1926 est entré en vigueur le 30 mars 1926 ;

VIII. Attendu que les Etats-Unis d'Amérique, en prenant part à la guerre contre l'Allemagne, ont contribué à sa défaite et à celle de ses alliés, ainsi qu'à la renonciation aux droits et titres desdits alliés sur le territoire transféré par ceux-ci, mais n'ont pas ratifié le Pacte de la Société des Nations qui fait partie du Traité de Versailles ;

IX. Attendu que les Etats-Unis d'Amérique reconnaissent l'Irak comme un Etat indépendant ;

X. Attendu que le président des Etats-Unis, Sa Majesté britannique et Sa Majesté le Roi de l'Irak désirent aboutir à une entente définitive en ce qui concerne les droits des Etats-Unis et leurs ressortissants en Irak ;

XI. LE PRÉSIDENT DES ETATS-UNIS D'AMÉRIQUE, d'une part, et SA MAJESTÉ BRITANNIQUE et SA MAJESTÉ LE ROI DE L'IRAK d'autre part, ont décidé de conclure une convention à cet effet et ont désigné pour leurs plénipotentiaires :

LE PRÉSIDENT DES ETATS-UNIS D'AMÉRIQUE :

Son Excellence le Général Charles G. DAWES, ambassadeur extraordinaire et plénipotentiaire des Etats-Unis à Londres ;

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.