

N° 4044.

**ARABIE SAOUDIENNE
ET IRAK**

Traité de fraternité arabe et d'alliance.
Signé à Bagdad, le 2 avril 1936.

SAUDI ARABIA AND IRAQ

Treaty of Arab Brotherhood and
Alliance. Signed at Bagdad, April
2nd, 1936.

No. 4044. — TREATY¹ OF ARAB BROTHERHOOD AND ALLIANCE
BETWEEN THE KINGDOM OF SAUDI ARABIA AND 'IRAQ.
SIGNED AT BAGDAD, APRIL 2ND, 1936.

*English and Arabic official texts communicated
by the Permanent Delegate of Iraq to the
League of Nations. The registration of this
Treaty took place January 29th, 1937.*

*Textes officiels anglais et arabe communiqués par
le délégué permanent de l'Irak près la Société
des Nations. L'enregistrement de ce traité a eu
lieu le 29 janvier 1937.*

In the name of God the Merciful the Compassionate.

HIS MAJESTY THE KING OF 'IRAQ and

HIS MAJESTY THE KING OF SAUDI ARABIA,

In view of the ties of the Islamic faith and of racial unity which unite them ; desirous of safeguarding the integrity of their territories ; and having regard to the necessity which they feel for mutual co-operation and understanding in regard to matters affecting the interests of their Kingdoms ;

Have agreed to conclude a Treaty of Arab Brotherhood and Alliance, and

For this purpose have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF 'IRAQ :

His Excellency Nouri Pasha EL SAID, Minister for Foreign Affairs of the Kingdom of 'Iraq, Order of the Rafidain First Class Military ;

HIS MAJESTY THE KING OF SAUDI ARABIA :

His Excellency Shaikh Yusuf YASSIN, Private Secretary to His Majesty and Director of the Political Section of the Royal Diwan ;

Who, having reciprocally communicated their full powers found in due form, have entered into an Alliance and have concluded the following Treaty :

Article I.

(a) Each of the High Contracting Parties reciprocally undertakes not to enter with any third party into any understanding or agreement over any matter whatever of a nature prejudicial to the interests of the other High Contracting Party or to his country or its interests, or of a nature calculated to expose to danger or harm the safety or interests of his country.

(b) The two High Contracting Parties shall consult together when necessary with a view to furthering the objects set forth in the Preamble to this Treaty.

¹ The exchange of ratifications took place November 12th, 1936.

¹ L'échange des ratifications a eu lieu le 12 novembre 1936.

Article 2.

The High Contracting Parties undertake to settle any disputes arising between them by means of friendly negotiations and, in the event of the settlement of any such dispute by the said method proving difficult, to resort to the methods to be laid down in a Protocol to be annexed to this Treaty and to be agreed to as soon as possible after the exchange of ratifications of this Treaty.

Article 3.

Should any dispute between either High Contracting Party and a third State produce a situation involving a threat of war, in that case the High Contracting Parties shall jointly endeavour to settle such dispute by peaceful means in accordance with such international undertakings as may be applicable to the case.

Article 4.

(a) In the event of an act of aggression being committed against either High Contracting Party by a third State notwithstanding efforts exerted in accordance with the provisions of Article 3 above, and similarly in the event of the occurrence of a sudden act of aggression which does not leave time for the application of the provisions of Article 3 referred to above, the High Contracting Parties shall consult together regarding the measures which shall be taken with the object of concerting their efforts in a useful manner to repel the said aggression.

(b) The following shall be deemed acts of aggression :

(1) The declaration of war.

(2) The seizure by an armed force of a third State of territory belonging to either High Contracting Party, even without a declaration of war.

(3) An attack on the territory, vessels or aircraft of either High Contracting Party by the land, naval or air forces of a third State, even without a declaration of war.

(4) Direct or indirect support or assistance to the aggressor.

(c) The following shall not be deemed acts of aggression :

(1) The exercise of the right of legitimate defence, *i. e.* resisting any act of aggression as defined above.

(2) Action taken in enforcement of Article 16 of the Covenant of the League of Nations.

(3) Action taken in pursuance of a decision emanating from the League of Nations or the Council of the League of Nations or in enforcement of Clause 7 of Article 15 of the Covenant of the League of Nations, provided that in the last case action is directed against the State which was the first to attack.

(4) Assistance by a third State to another State attacked or whose territory is invaded by one of the High Contracting Parties contrary to the provisions of the Treaty¹ for the Renunciation of War, signed at Paris on the 27th August, 1928, to which both High Contracting Parties have adhered.

Article 5.

In the event of the outbreak of disturbances or disorders in the territory of one of the High Contracting Parties each of them undertakes reciprocally as follows :

(1) To take all possible measures :

(a) To make it impossible for the insurgents to utilise his territory against the interests of the other High Contracting Party, and

¹ Vol. XCIV, page 57 ; Vol. CXXXIV, page 411 ; Vol. CLII, page 298 ; and Vol. CLX, page 354, of this Series.

¹ Vol. XCIV, page 57 ; vol. CXXXIV, page 411 ; vol. CLII, page 298 ; et vol. CLX, page 354, de ce recueil.

(b) To prevent his subjects from taking part in the disturbances or disorders or from helping or encouraging the insurgents, and

(c) To prevent any kind of help being given to the insurgents either directly from his own territory or otherwise.

(2) In the event of insurgents from the territory of one of the High Contracting Parties taking refuge in the territory of the other High Contracting Party, the latter shall immediately disarm them and remove them to an area from which it shall be impossible for them to do any harm to the country of the other High Contracting Party until such time as the two High Contracting Parties shall have reached a decision regarding their future.

(3) If circumstances should necessitate the adoption of joint measures to suppress disturbances or disorders the two High Contracting Parties shall consult with each other concerning the policy of co-operation which shall be followed for this purpose.

Article 6.

Having regard to the Islamic brotherhood and Arab unity which unite the Kingdom of the Yaman to the High Contracting Parties they shall both endeavour to secure the accession of the Government of the Yaman to this Treaty. Any other independent Arab State shall on request be permitted to accede to this Treaty.

Article 7.

The two High Contracting Parties will co-operate with a view to unifying the Islamic and Arab culture and the military systems of their two countries by means of the exchange of educational and military missions to study the systems followed in their respective countries and as far as possible to co-ordinate these systems and to seek to obtain reciprocal benefit from their respective educational and military institutions and the training and instruction which is available in them. The number of persons to compose each mission shall be determined by discussion between the High Contracting Parties from time to time.

Article 8.

The Diplomatic and Consular Representatives of either High Contracting Party may if requested undertake the representation of the interests of the other High Contracting Party in foreign countries where such other Party has no representatives; provided that this shall not in any way affect the freedom of such other Party to appoint separate representatives of his own should he so desire.

Article 9.

It is agreed by the High Contracting Parties that there is nothing in the present Treaty to prejudice the rights and undertakings of the Government of 'Iraq under the Covenant of the League of Nations and the Treaty¹ of Alliance concluded between 'Iraq and Great Britain on 30th June, 1930. The High Contracting Parties further agree to carry out the provisions of Article 17 of the Covenant of the League of Nations, and to observe the principles of the Treaty for the Renunciation of War, signed at Paris on the 27th August, 1928, to which both High Contracting Parties have adhered.

Article 10.

If one of the High Contracting Parties commits an act of aggression against another State, the other High Contracting Party may denounce this Treaty without previous warning. This denunciation shall not affect the friendship which links their two countries and shall not affect the Treaties and Conventions mentioned in Article 11 of this Treaty.

¹ Vol. CXXXII, page 363, of this Series.

¹ Vol. CXXXII, page 363, de ce recueil.

Article 11.

All provisions of the following treaties concluded between the two Kingdoms which do not conflict with the provisions of the present Treaty shall remain in force until they are amended or cancelled by other treaties :

1. Treaty of Mohammerah dated 7 Ramadhan 1340 of the Hijra corresponding to 5 May 1922 of the Christian era.
2. Uqair Protocol No. 1 dated 12 Rabi-al-Thani 1341 of the Hijra corresponding to 2 December 1922 of the Christian era.
3. Uqair Protocol No. 2 dated 12 Rabi-al-Thani 1341 of the Hijra corresponding to 2 December 1922 of the Christian era.
4. Bahra Agreement dated 14 Rabi-al-Thani 1344 of the Hijra corresponding to 1 November 1925 of the Christian era.
5. Treaty of Friendship and Bon Voisinage and the Protocol of Arbitration dated 20 The-Al-Qada 1349 of the Hijra corresponding to 7 April 1931 of the Christian era.
6. Extradition Treaty dated 21 The-Al-Qada 1349 of the Hijra corresponding to 8 April 1931 of the Christian era.

Article 12.

The High Contracting Parties undertake within one year from the date of coming into force of the present Treaty to start negotiations for the conclusion of agreements on the following subjects :

1. Residence, Passports and Laissez-Passer.
2. Economic, Financial and Customs Affairs.
3. Organisation of means of communication.

Article 13.

This Treaty shall come into force from the date of the exchange of ratifications.

Article 14.

The present Treaty shall remain in force for a period of ten years from the date of its coming into force and it shall be deemed to have been renewed for a further period of ten years, unless notice of desire to terminate it shall have been given by either High Contracting Party to the other one year prior to the date of expiry of its period.

Done at Bagdad on the tenth day of Muharram-Al-Haram in the year one thousand three hundred and fifty-five of the Hijra corresponding to the second day of April in the year one thousand nine hundred and thirty-six of the Christian era.

(Signed) Nouri EL SAID.

(Signed) Yusuf YASSIN.

Authenticated copy,
Bagdad, 3rd January, 1937.

(Signed) T. Mushtaq.
For Director-General,
Ministry for Foreign Affairs.

تبقى هذه المعاهدة مرعية لمدة عشر سنوات منذ تاريخ تنفيذها وتعتبر مجددة لمدة عشر سنوات
اخرى اذا لم يخبر احد الفريقين المتعاقدين الساميين الفريق المتعاقد السامي الآخر برغبته في انائها
قبل سنة من تاريخ انتهاء اجلها .

كُتبت في بغداد في اليوم العاشر من شهر محرم الحرام العام الخامس والخمسين بعد الثلاث مئة
والالف هجرية الموافق لليوم الثاني من شهر نيسان العام السادس والثلاثين بعد التسع مئة والالف
ميلادية .

نوري السعيد

يوسف ياسين

Authenticated copy.

Bagdad, December 28th, 1936.



*For Director-General,
Ministry for Foreign Affairs.*

¹ TRADUCTION. — TRANSLATION.

N^o 4044. — TRAITÉ DE FRATERNITÉ ARABE ET D'ALLIANCE
ENTRE LE ROYAUME DE L'ARABIE SAOUDIENNE ET L'IRAK.
SIGNÉ A BAGDAD, LE 2 AVRIL 1936.

Au nom du Dieu clément et miséricordieux,
SA MAJESTÉ LE ROI DE L'IRAK et
SA MAJESTÉ LE ROI DE L'ARABIE SAOUDIENNE,
Vu les liens de la foi islamique et de l'unité de race qui les unissent ; désireux de sauvegarder l'intégrité de leurs territoires et tenant compte de la nécessité d'une coopération et d'une entente mutuelle dans les affaires concernant les intérêts de leurs royaumes respectifs ;

Ont décidé de conclure un traité de fraternité arabe et d'alliance, et
Ont désigné à cet effet pour leurs plénipotentiaires :

SA MAJESTÉ LE ROI DE L'IRAK :

Son Excellence Nouri Pacha EL SAÏD, ministre des Affaires étrangères du Royaume de l'Irak, décoré de l'Ordre Rafidain de première classe, au titre militaire ;

SA MAJESTÉ LE ROI DE L'ARABIE SAOUDIENNE :

Son Excellence le Cheik Yusuf YASSIN, secrétaire privé de Sa Majesté et directeur de la Section politique du Divan royal ;

Lesquels, après s'être communiqué réciproquement leurs pleins pouvoirs reconnus en bonne et due forme, ont contracté une alliance et conclu le traité suivant :

Article premier.

a) Chacune des Hautes Parties contractantes s'engage envers l'autre à ne pas contracter avec une Partie tierce un accord ou une entente, quelqu'en soit l'objet, qui soit de nature à porter préjudice à l'autre Haute Partie contractante ou à son pays ou aux intérêts de son pays ou qui soit de nature à mettre en danger ou à exposer à un préjudice la sécurité ou les intérêts de son pays.

b) Les deux Hautes Parties contractantes se consulteront, toutes les fois qu'il sera nécessaire, en vue d'assurer la réalisation des objets énoncés au préambule du présent traité.

Article 2.

Les Hautes Parties contractantes s'engagent à régler par la voie de négociations amicales tout différend qui pourrait surgir entre elles et, au cas où le règlement par ladite voie s'avérerait difficile, à recourir à la procédure à fixer dans un protocole qui sera annexé au présent traité et qui sera établi le plus tôt possible après l'échange des instruments de ratification du présent traité.

Article 3.

Au cas où un différend entre l'une des Hautes Parties contractantes et un Etat tiers créerait une situation comportant une menace de guerre, les Hautes Parties contractantes s'efforceront

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.