

No. 2298

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
IRAQ**

Exchange of notes (with annex) constituting an agreement regarding the transfer to the Government of Iraq of certain property in the Port of Basra at present held by the Government of the United Kingdom. Bagdad, 22 May 1952

Official texts: English and Arabic.

Registered by the United Kingdom of Great Britain and Northern Ireland on 13 October 1953.

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
IRAK**

Échange de notes (avec annexe) constituant un accord relatif au transfert au Gouvernement de l'Irak de certains biens se trouvant dans le port de Bassora et actuellement en la possession du Gouvernement du Royaume-Uni. Bagdad, 22 mai 1952

Textes officiels anglais et arabe.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 13 octobre 1953.

No. 2298. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF IRAQ REGARDING THE TRANSFER TO THE GOVERNMENT OF IRAQ OF CERTAIN PROPERTY IN THE PORT OF BASRA AT PRESENT HELD BY THE GOVERNMENT OF THE UNITED KINGDOM. BAGDAD, 22 MAY 1952

I

Her Majesty's Ambassador at Bagdad to the Acting Iraqi Minister of Foreign Affairs

BRITISH EMBASSY

Bagdad, May 22, 1952

Your Excellency,

In accordance with instructions received from Her Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to inform your Excellency that Her Majesty's Government in the United Kingdom of Great Britain and Northern Ireland have had under consideration a proposal of the Royal Iraqi Government for the transfer to the Iraqi Government of certain property in the Port of Basra at present held by Her Majesty's Government, in consideration of the final settlement of the debt owing to Her Majesty's Government in respect of this property. Her Majesty's Government are prepared to agree to this proposal on the terms set out below, notwithstanding the fact that the conditions for the transfer of the Basra Port property laid down in paragraph 5 of the separate agreement on financial questions embodied in the Notes exchanged in London on 19th August, 1930,² which agreement was included in the instrument of ratification of the Treaty of Alliance signed at Bagdad on 30th June, 1930,³ have not yet been fulfilled.

The Royal Iraqi Government having paid the amount outstanding on the Basra Port debt, Her Majesty's Government will now undertake with the competent Iraqi authorities the necessary formalities for the re-registration in the name of the Royal Iraqi Government of all the Port properties included in the attached list and such other properties as may appear later to have been omitted from this list for one reason or another. These properties will not include those registered

¹ Came into force on 9 July 1952, in accordance with the terms of the said notes.

² League of Nations, *Treaty Series*, Vol. CXVIII, p. 231.

³ League of Nations, *Treaty Series*, Vol. CXXXII, p. 363.

in the name of the British Colonial Minister and his Secretary comprising the Indian Cemetery, serial No. 11/1, the Indian Crematorium, serial No. 11/2, land serial No. 10/2, and the cantonment, serial No. 10/1, registered *in tapu* in May 1926 and March 1930. The re-registration will take place on the understanding that—

- (a) The Royal Iraqi Government accept full responsibility for any claims and liabilities relating to the properties to be re-registered, which have already arisen or may arise in the future ;
- (b) the Royal Iraqi Government will meet any dues, charges and expenses incidental to the transfer and re-registration of the property.

If the Royal Iraqi Government agree with the foregoing, I have the honour to suggest that this present Note and your Excellency's reply in that sense shall be regarded as constituting an agreement between our two Governments, superseding the provisions of paragraph 5 of the separate financial agreement of 19th August, 1930,¹ and coming into force on the date on which the Royal Iraqi Government shall inform Her Majesty's Government in the United Kingdom that it has been ratified by the legislature of Iraq.

I avail, &c.

J. M. TROUTBECK

¹ League of Nations, *Treaty Series*, Vol. CXVIII, p. 231.

ANNEX

ENCLOSURE TO NO. I

List of Properties in the Port of Basra to be transferred to the Iraq Government

<i>Serial No.</i>	<i>Locality</i>	<i>Kind of Property</i>	<i>First Owner</i>	<i>Last Owner</i>	<i>Entry No.</i>	<i>Date</i>	<i>Register No.</i>	<i>Cost</i>	<i>Area</i>
3/11	Haritha ... Kut al Frangi								In view of telegram No. 1471 of the 7th April, 1926, received from the Director General of Tapu, the registration of this transaction has been suspended. This comment was made on the 8th April, 1926.
4/86	do.	Miri land ...		Re-registered for the first time in the name of the Iraq Government Treasury	29	Mar. 1937	224	D. 639/360	<i>Donum</i> 852 <i>Olg Metre</i> 12 <i>Decimetre</i> — —
55 ...	do. Jehaila	Date Garden (Freehold)	Messrs. Lynch Bross. ...	Iraq Government Treasury	2	Feb. 1923	57	Rs. 50150	8 — 1085 —
19 ...	Kut al Frangi	The piece of land adapted as a workshop consisting of 13 rooms on the upper storey and 18 rooms on the ground floor, 3 bungalows, a house consisting of 5	Mesopotamia — Persia Corporation Ltd.	" "	38	Jun. 1928	134	Rs. 65000	10 — 190 —

				rooms, a kitchen and bathroom on the ground floor. There are 53 palm trees, 3 Nabk trees and 3 mulberry trees. (Freehold)								
7	...	Haritha Kut al Frangi	House	Ubaid bin Mu-haisin ...	Civil Commis-sioner in Iraq	34	Jun. 1919	36	Rs. 1627	416 old arshuns.	
13	...	do.	"	...	Abbas, Maghamis, Jassim and Abdulla, sons of Tahir	" "	31	" "	36	Rs. 1335	751 " "	
6	...	do.	"	...	Salman bin Hamud	" "	37	" "	36	Rs. 2245	544 " "	
1	...	do.	Date Garden		Abdul Karim and Muhammad al Butairi and Selim Bakos	" "	59	May 1919	36	Nil	Area not mentioned.	
35	old	do.	"	"	...	Abbas, Maghamis and Abdulla, sons of Tahir, and Jassim bin Tahir, Aidan Abdul Latif, Muhammad Hassan and Muhammad Ali	" "	27	" "	36	Rs. 22501	1275 old arshuns and 61 old donums.
80	...	do.	"	"	...	Haj Hamad bin Muhammad al Ani	Treasury of the Iraqi Administration	29	Feb. 1921	41	Rs. 1140	3 old donums and 1415 Dhra'.
24	old	do.	"	"	...	Abdul Wahab, Muslim, Ali and Aidan, sons of Abdul Latif, in equal shares	Civil Commis-sioner in Iraq	43	May 1919	36	Rs. 570	1 donum and 837 Dhra'.
23	old	do.	"	"	...	Haj Muhsin, Haj Ali bin Aziz, Tahir Mushattat and Abdul Hus-sain al Haj Ali	Civil Commis-sioner in Iraq	42	May 1919	36	Rs. 1520	8 donums and 864 Dhra'

Serial No.	Locality	Kind of Property	First Owner	Last Owner	Entry No.	Date	Register No.	Cost	Area
No. 2298 21 old	Haritha Kut al Frangi	Date Garden	Darwish bin Yasin	Civil Commissioner in Iraq	41	May 1919	36	Rs. 140	4 donums and 290 Dhra'.
19 old	do.	" "	Haj Muhsin bin Hussain al Ashur	" "	36	" "	36	Rs. 1200	2 donums and 216 Dhra'.
36 old	do.	" "	Muhammad Agha Tabur Aghassi and Sulaiman al Shibli	" "	40	" "	36	Rs. 6219	10 donums and 1010 Dhra'.
63 old	do.	" "	Abbas, Maghamis and Abdulla, sons of Tahir and partners	" "	27	Jun. 1919	36	Rs. 22501	61 donums and 1275 Dhra'.
25 old	do.	" "	Muhammad Agha Tabur Aghassi and Sulaiman al Shibli	" "	51	May 1919	36	Not mentioned	28 donums and 494 Dhra'.
27 old	do.	" "	Jafar bin Ali ...	" "	25	" "	36	Rs. 1875	6 donums and 236 Dhra'.
26 old	do.	" "	Haj Hassun bin Agha Ali and Abdul Karim and Muhammad, sons of Abdul Rahman al Butairi	" "	27	" "	36	Rs. 14504	122 donums and 1509 Dhra'.
1/86	Kut al Frangi	A state-owned patch of Salt land (Unregistered).							
39 old	do.	Date Garden (Mulk)	Haj Kamad bin Muhammad al Ani	Treasury of the Iraqi Administration	28	Feb. 1921	41	Rs. 106562	368 old donums and 1356 old Dhra'.
88 old	do.	do.	do.	do.	29	" "	41	Rs. 1140	3 old donums and 1415 old Dhra'.
97 ...	do.	An un-registered piece of wasteland	Ibrahim bin Saleh	Civil Commissioner in Iraq	22	May 1919	36	Rs. 1068	2 old donums and 983 old Dhra'.
16 ...	do.	Date Garden (Mulk)	Written in the Main Register of 1924 as in the name of the Government Treasury.						
			Mansiya bint Farhan and Abdulla bin Allawi	Civil Commissioner in Iraq	23	May 1919	36	Rs. 2616	4 old donums and 1061 old Dhra'.

15	...	Kut al Frangi	Date Garden (Mulk)	Ladhidha bint Muhaisin	Civil Commissioner in Iraq	24	May 1919	36	Rs. 2625	6 old donums and 716 old Dhra'.
14	old	do.	do.	Ibrahim bin Saleh	" "	22	" "	36	Rs. 1068	2 old donums and 983 old Dhra'.
37	old	do.	do.	Hamad bin Khalid al Khedhaiyir	" "	29	Jun. 1919	36	Rs. 66685	728 old donums and 1316 old Dhra'.
56	...	do.	do.	Abdul Latif al Mandil and partners	" "	30	Sep. 1919	36	Rs. 83416	902 old donums.
89	...	do.	do.	Sulaiman bin Ibrahim al Khuza-mi and Zaidan bin Ibrahim al Dafaj	" "	26	May 1919	36	Rs. 2608	6 old donums and 578 old Dhra'.
90	...	do.	do.	Elias and Salim, sons of Bakos	" "	23	Mar. 1919	36	Rs. 2850	30 old donums and 791 old Dhra'.
91	...	do.	do	Haj Jauhar bin Abdulla	do.	22	Jun. 1919	36	Rs. 3240	5 old donums and 1153 old Dhra'.
93	...	do.	House ...	Hussain and Jafar, sons of Ali	do.	33	" "	36	Rs. 240	544 old Dhra'.
94	...	do.	" ...	Haj Abdul Nabi Muhammad	do.	36	" "	36	Rs. 1840	544 old Dhra'.
96	...	do.	" ...	Haj Muhsin and Haj Ali, sons of Abdul Aziz and Tahir Mushattat	do.	38	" "	36	Rs. 4000	1383 old Dhra'.
92	...	do.	" ...	Abdul Wahab, Ali, Aidan and Muslim, sons of Abdul Latif	do.	28	" "	36	Rs. 5380	20 old donums and 1242 old Dhra'.
3	...	do.	Date Garden	Abdul Kerim and Muhammad, sons of Abdul Rahman al Butairi	do.	58	May 1919	36	Not mentioned	Not mentioned.
4	...	do.	" "	Sulaiman bin Ibrahim al Khaza-mi and Zaidan bin Ibrahim al Dafaj	do.	26	" "	36	Rs. 2608	6 old donums and 578 old Dhra'.
5	...	do.	House ...	Haj Abdul Nabi bin Muhammad	do.	36	Jun. 1919	36	Rs. 1840	554 old Dhra'.

Serial No.	Locality	Kind of Property	First Owner	Last Owner	Entry No.	Date	Register No.	Cost	Area
	Kut al Frangi	House	Hussain and Jafar, sons of Ali	Civil Commissioner in Iraq	33	Jun. 1919	36	Rs. 240	544 Old Dhra'.
	do.	"	Muhammad bin Salman	do.	32	" "	36	Rs. 280	416 " "
12 ...	do.	"	Haj Muhyi bin Hussain	do.	35	" "	36	Rs. 268	272 " "
29 old	do.	Date Garden	Abdul Kerim bin Abdul Rahman al Butairi	do.	56	May 1919	36	Rs. 7500	40 old donums and 1920 old Dhra'.
17 old	do.	do.	do.	do.	55	" "	36	Rs. 60990	86 old donums and 1310 old Dhra'.
18 old	do.	3 Date Gardens	Saiyid Abdulla bin Saiyid Muhammad Ali	do.	37	" "	36	Rs. 950	1 old Donum and 975 old Dhra'.
					38			Rs. 4375	7 old Donums and 735 old Dhra'.
					39			Rs. 1175	2 old Donums and 8 old Dhra'.
84 old	do.	Piece of waste-land	Unregistered and has been entered within the limits of Serial No. 30.						
49 ...	do.	do.	"	"	"	"	"	"	
75 ...	do.	Date Garden	Mansiya bint Farhan and Abdulla bin Allawi.	Civil Commissioner in Iraq	23	May 1919	36	Rs. 2616	4 old Donums and 1061 old Dhra'.
76 ...	do.	do. ...	Muhammad bin Haj Hussain al Kenais.	do.	25	Mar. 1919	36	Rs. 995	8 old Donums and 790 old Dhra'.
77 ...	do.	do. ...	Abdul Kerim al Haj Abdul Rehman al Butairi	do.	56	May 1919	36	Nil	40 old Donums and 1920 old Dhra'.
61 ...	do.	do. ...	Heirs of Haj Ibrahim al Mandil	do.	29	Jun. 1919	36	Rs. 66685	728 old Donums and 1316 old Dhra'.
79 ...	do.	House	Ubaid bin Muhaisin	do.	34	" "	36	Rs. 1627	416 old Dhra'.
73 ...	do.	Date Garden	Muhammad bin Haj Hussain al Kenais	do.	6	Mar. 1919	36	Rs. 12629	38 old Donums and 735 old Dhra'.

74	...	Kut al Frangi	Date Garden	Haj Hassun bin Agha Ali and Muhammad and Abdul Kerim, sons of Abdul Rahman	Civil Commissioner in Iraq	27	May 1919	36	Rs. 14504	122 old Donums and 1509 old Dhra'.
78	...	do.	do.	Jafar bin Ali	do.	25	" "	36	Rs. 1875	6 old Donums and 236 old Dhra'.
86	old	do.	Salt lands ...	Unregistered and has been divided into three pieces.						
57	...	do.	Date Garden	Salman bin Nasir al Shibli	Civil Commissioner in Iraq	54	" "	36	Nil	44 old Donums and 1267 old Dhra'.
87	...	do.	do.	Ladhidha bint Mushin	do.	24	" "	36	Rs. 2625	6 old Donums and 716 old Dhra'.
64	...	do.	do.	Abbas, Maghamis and Abdulla, sons of Tahir and partners	do.	27	Jun. 1919	36	Rs. 22501	61 old Donums and 1275 old Dhra'.
65	...	do.	do.	Haj Muhsin, Haj Ali, sons of Aziz and Mahir Sheet and partners	do.	42	May 1919	36	Rs. 1520	8 old Donums and 864 old Dhra'.
66	...	do.	do.	Abdul Kerim and Muhammad, sons of Abdul Rahman	do.	55	May 1919	36	Rs. 60990	86 old Donums and 1310 old Dhra'.
82	...	do.	do.	Abdul Latif, Abdul Rahman and Ahmad, sons of Fahad Pasha	do.	41	Sep. 1919	36	Rs. 1835	13 old Donums and 1470 old Dhra'.
81	...	do.	do.	Salman bin Hamud	do.	45	May 1919	36	Rs. 8055	15 old Donums and 436 old Dhra'.
72	...	do.	do.	Muhammad bin Haj Hussain al Kenais	do.	26	Mar. 1919	36	Nil	13 old Donums and 107 old Dhra'.
71	...	do.	do.	Abdul Rahman bin Haj Khalaf al Hawaz	do.	7	" "	36	Rs. 19575	59 old Donums and 604 old Dhra'.
52	...	do.	Waste-land...	This serial number was cancelled and annexed to Serial No. 30.						
70	...	do.	House ...	Salman bin Hamud	Civil Commissioner in Iraq	37	Jun. 1919	36	Rs. 2240	544 old Dhra'.
69	...	do.	Date Garden	Abdul Kerim al Butairi and Selim Bakos	do.	59	May 1919	36	Nil	Area not mentioned.
68	...	do.	do.	Sulaiman bin Nazir al Shibli	do.	53	" "	36	Nil	27 old Donums and 436 old Dhra'.

Serial No.	Locality	Kind of Property	First Owner	Last Owner	Entry No.	Date	Register No.	Cost	Area
60 ...	Kut al Frangi	House ...	Muhammad bin Sulaiman	Civil Commissioner in Iraq	32	Jun. 1919	36	Rs. 180	416 old Dhra'.
59 ...	do.	Date Garden	Elias and Selim Bakos	do.	24	Mar. 1919	36	Rs. 10642/5	40 old Donums and 614 old Dhra'.
58 ...	do.	do. ...	Hamad bin Khalid al Khedhaiyir	do.	30	Jun. 1919	36	Nil	75 old Donums and 1061 old Dhra'.
67 ...	do.	do. ...	Haj Muhyi bin Hussain al Ashur	do.	36	May 1919	36	Rs. 1200	2 old Donums and 216 old Dhra'.
62 ...	do.	do. ...	Muhammad bin Mansur; Abdul Latif, Abdul Hadi and Ahmed, sons of Fahad Pasha al Sadun	16 shares, out of which 12 are in the name of the Civil Commissioner in Iraq	5	Dec. 1919	36	Rs. 4308	10 old Donums and 1419 old Dhra'.
85 ...	do.	do. ...	Hassan Beg bin Ali Pasha al Zuheir	10800 shares, of which 3060 shares are in the name of the Civil Commissioner in Iraq	18	May 1920	36	Rs. 1744	7 old Donums and 274 old Dhra'.
95 ...	do.	House ...	Haj Muhsin bin Abdul Aziz and Haj Ali bin Abdul Aziz.	Civil Commissioner in Iraq	39	Jun. 1919	36	Rs. 2770	629 old Dhra'.
38 old	do.	Date Garden	Agha Jafar bin Abdul Nabi.	do.	37	Sep. 1919	36	Rs. 88013	122 old Donums and 877 old Dhra'.
84 ...	This serial number was cancelled and annexed to Serial No. 30.								
40 old	Kut al Frangi	Date Garden (two pieces)	Habib & Khaiyum and partners and Abdul Latif bin Fahad Pasha and partners	Civil Commissioner in Iraq	41	Sep. 1919	36	Rs. 1835	13 old Donums and 1470 old Dhra'.
					42			Rs. 1435	10 old Donums and 1419 old Dhra'.

II

[TRANSLATION¹ — TRADUCTION²]

Acting Iraqi Minister of Foreign Affairs to Her Majesty's Ambassador at Bagdad

MINISTRY OF FOREIGN AFFAIRS
POLITICAL DEPARTMENT, WESTERN SECTION

Bagdad, May 22, 1952

Your Excellency,

I have the honour to acknowledge receipt of your Note of to-day's date which reads as follows :—

[See note I]

2. I hereby inform your Excellency that the Royal Iraqi Government agree to undertake with Her Majesty's Government the necessary formalities for the re-registration in the name of the Royal Iraqi Government of the properties mentioned in your Note and will accordingly regard your Note and the present reply as constituting an Agreement between our two governments superseding the provisions of paragraph 5 of the separate financial agreement of 19th August, 1930, and coming into force on the date on which the Royal Iraqi Government shall inform Her Majesty's Government in the United Kingdom that it has been ratified by the legislature of Iraq.

Please accept, &c.

SHAKIR AL WADI

¹ Translation by the Government of the United Kingdom.

² Traduction du Gouvernement du Royaume-Uni.