

N° 892.

GRANDE-BRETAGNE
ET IRAK

Accord militaire conclu en exécution
de l'article VII du Traité entre la
Grande-Bretagne et l'Irak, signé à
Bagdad, le 25 mars 1924.

GREAT BRITAIN
AND 'IRAQ

Military Agreement made under
Article VII of the Anglo-'Iraq
Treaty, signed at Baghdad, March
25, 1924.

No. 892. — MILITARY AGREEMENT¹ MADE UNDER ARTICLE VII OF THE ANGLO-‘IRAQ TREATY², SIGNED AT BAGHDAD, MARCH 25, 1924.

English and Arabic official texts communicated by His Britannic Majesty's Foreign Office. The registration of this Agreement took place June 15, 1925.

WE, the undersigned Plenipotentiaries of HIS BRITANNIC MAJESTY and of HIS MAJESTY the KING OF ‘IRAQ respectively, having been duly authorised, met together this 25th day of March, 1924, corresponding to the 19th day of Sha‘ban, 1342, in order to sign the following Agreement subsidiary to Article VII of the Treaty of Alliance concluded between Their Majesties aforesaid on the 10th day of October, 1922, corresponding to the 19th day of Sa‘far, 1341, Hijrah, subject to ratification.

THE AGREEMENT.

Whereas a Treaty of Alliance between His Britannic Majesty and His Majesty the King of ‘Iraq was signed at Baghdad on the 10th day of October, 1922, corresponding with the 19th day of Sa‘far, 1341 Hijrah, and a Protocol to the same Treaty was signed at Baghdad on the 30th day of April, 1923, corresponding with the 14th day of Ramazan, 1341 Hijrah ; and

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

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

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

Now therefore it is agreed as follows :

Article I.

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

¹ The exchange of ratifications took place at Baghdad, December 19, 1924.

² Page 13 of this Volume.

Article II.

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

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

Such support and assistance shall in no case take the form of a contribution by His Britannic Majesty's Government to the cost of the 'Iraq Army or other local forces maintained and controlled by the Government of 'Iraq and similarly the Government of 'Iraq shall not contribute to the cost of the Imperial garrison of forces maintained and controlled by His Britannic Majesty's Government.

Article III.

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

Article IV.

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

Article V.

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

Article VI.

The 'Iraq Army shall, subject to the provisions of the 'Iraq Constitutional Law, be commanded by His Majesty the King of 'Iraq. The Officer Commanding the British Forces in 'Iraq shall not intervene in matters relating to the 'Iraq Army except as provided in Articles VII and IX of this Agreement.

Article VII.

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

Article VIII.

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

Article IX.

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

Article X.

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

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

- if necessary by air with such despatch as is needful for the Court to assemble at such date and place.
- (b) The right to exercise over all members of the said forces the control and jurisdiction provided by the British, Indian or other Military Law, to which the members of such forces are subject.
 - (c) The right voluntarily to enlist inhabitants of 'Iraq under the Army and Air Force Acts or otherwise, it being understood that the 'Iraq Government undertakes for its part, when called upon by the Air Officer Commanding or any person authorised by him in that behalf, to give all the assistance necessary to effect such enlistment and to remove as far as possible causes tending to prevent such enlistment.
 - (d) Immunity from arrest, search, imprisonment or trial by the Civil Power in 'Iraq in respect of criminal offences for all enrolled and enlisted members of the said forces; provided that inhabitants of 'Iraq being members of such forces shall be ordinarily subject to the jurisdiction of the 'Iraq Courts and shall only enjoy such immunity in respect of acts certified by the High Commissioner or the Air Officer Commanding to be done in the performance of military or other official duties. Nothing in this sub-clause shall prevent the forcible detention by the Civil Power of any member of the said forces who has just committed, or is in the act of committing, an offence which involves danger to life. If the member so arrested is not an inhabitant of 'Iraq, he shall be forthwith handed over to the Air Force or Military authorities.
 - (e) Immunity from civil process in respect of any act done or omission or default made in good faith by any member of such forces when acting in performance of his military or official duties; the certificate of the High Commissioner or Air Officer Commanding that an act or omission or default was done or made in good faith in performance of such duties to be conclusive. The immunity provided by this sub-clause shall not debar persons who have incurred material damage on account of the said acts or omissions or defaults from claiming compensation otherwise than by civil process.
 - (f) All such immunities and privileges in respect of civil process as are granted by the Air Force Act, the Army Act, and the Indian Army Act to persons subject to such Acts, and immunity from imprisonment on the order of a Civil Court in respect of any civil action tried by such court.

Article XI.

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

Article XII.

The 'Iraq Government agree that, in the event of the said forces undertaking military operations in 'Iraq for the purpose of assisting the 'Iraq Government to repel external aggression or to suppress civil commotion, the King of 'Iraq will, on the request of the High Commissioner, proclaim martial law in all such parts of 'Iraq as may be affected by such aggression or commotion, and entrust

its administration to the Air Officer Commanding or such other officer or officers as the Air Officer Commanding may appoint, and will further secure the passing of the necessary measure of indemnification for all acts done by the armed forces under martial law upon the subsequent re-establishment of civil government.

Article XIII.

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

Article XIV.

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

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

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

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

Article XV.

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

Furthermore, the 'Iraq Government agree that the above undertakings shall hold good notwithstanding the disposal of the Wireless Telegraph Station at Basrah by sale or otherwise and that, in the event of their deciding to discontinue the use of the station, three months' notice of such intention shall be given to His Britannic Majesty's Government, who shall be given an opportunity of taking over the station before dismantlement, and of operating it for the remainder of the period of the Treaty.

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

SCHEDULE.

PROGRAMME OF EXPANSION.

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

In witness of which the respective Plenipotentiaries have affixed their signatures thereto. Done at Baghdad, in duplicate, this twenty-fifth day of March, one thousand nine hundred and twentyfour of the Christian Era, corresponding with the nineteenth day of Sha'ban, one thousand three hundred and forty-two, Hijrah.

H. DOBBS,

His Britannic Majesty's High Commissioner for 'Iraq.

JA'FAR AL 'ASKARI,

Prime Minister of the 'Iraq Government.

¹ TRADUCTION — TRANSLATION.

No. 892. — ACCORD MILITAIRE CONCLU EN EXÉCUTION DE L'ARTICLE VII DU TRAITÉ ENTRE LA GRANDE-BRETAGNE ET L'IRAK, SIGNÉ A BAGDAD, LE 25 MARS 1924.

Les soussignés, Plénipotentiaires de Sa Majesté Britannique et de Sa Majesté le Roi d'Irak respectivement, dûment autorisés à cet effet, se sont rencontrés ce 25^e jour de mars 1924, correspondant au 19^e jour de Sha'ban 1342, pour signer la Convention ci-après, qui complète l'article VII du Traité d'alliance conclu entre Leurs Majestés sus-dénommées, le 10^e jour d'octobre 1922, correspondant au 19^e jour de Sa'far 1341 de l'Hégire, sous réserve de ratification.

ACCORD.

Considérant qu'un Traité d'alliance entre Sa Majesté Britannique et Sa Majesté le Roi d'Irak a été signé à Bagdad, le 10^e jour d'octobre 1922, correspondant au 19^e jour de Sa'far 1341 de l'Hégire, et qu'un Protocole dudit Traité a été signé à Bagdad, le 30^{me} jour d'avril 1923, correspondant au 14^e jour de Ramadan 1341 de l'Hégire,

Considérant qu'aux termes de l'article VII dudit Traité, Sa Majesté Britannique s'engage à fournir aux forces armées de Sa Majesté le Roi d'Irak l'aide et l'assistance dont les Hautes Parties contractantes pourront de temps à autre convenir,

Considérant qu'aux termes du même article, il est prévu qu'un accord particulier, destiné à déterminer dans quelle mesure et dans quelles conditions seront fournies cette aide et cette assistance, devra être conclu entre les Hautes Parties contractantes et communiqué au Conseil de la Société des Nations ;

Considérant que l'article XVIII du même Traité prévoit que rien n'empêchera les Hautes Parties contractantes d'examiner de temps à autre les dispositions de l'accord spécial particulier mentionné ci-dessus afin que toute révision qui pourrait sembler opportune vu les circonstances et toute modification dont il pourrait être convenu par les Hautes Parties contractantes soient communiquées au Conseil de la Société des Nations ;

Il est convenu ce qui suit :

Article I.

Les deux Gouvernements reconnaissent en principe, par le présent Accord, que le Gouvernement de l'Irak devra, dans le plus bref délai, et au plus tard quatre ans après la date de la conclusion du présent Accord, prendre la pleine responsabilité du maintien de l'ordre intérieur et de la défense de l'Irak contre toute agression étrangère. A cet effet, il est convenu que l'aide matérielle et l'assistance que rend actuellement le Gouvernement de Sa Majesté Britannique au Gouvernement de l'Irak, feront l'objet d'une réduction progressive aussi prompte que possible.

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.