

N° 3926.

**GRANDE-BRETAGNE
ET IRLANDE DU NORD, CANADA,
AUSTRALIE, NOUVELLE-ZÉLANDE,
UNION SUD-AFRICAINE ET INDE
ET IRAK**

Accord relatif aux cimetières de guerre britanniques, etc., en Irak, signé à Bagdad, le 15 mars 1935, et échange de notes y relatif de la même date.

**GREAT BRITAIN AND
NORTHERN IRELAND, CANADA,
AUSTRALIA, NEW ZEALAND,
UNION OF SOUTH AFRICA
AND INDIA AND IRAQ**

Agreement regarding British War Cemeteries, etc., in Irak, signed at Bagdad, March 15th, 1935, and Exchange of Notes relating thereto of the same Date.

No. 3926. — AGREEMENT¹ BETWEEN THE GOVERNMENTS OF THE UNITED KINGDOM, CANADA, THE COMMONWEALTH OF AUSTRALIA, NEW ZEALAND, THE UNION OF SOUTH AFRICA, AND OF INDIA AND THE GOVERNMENT OF IRAQ REGARDING BRITISH WAR CEMETERIES, ETC., IN IRAQ. SIGNED AT BAGDAD, MARCH 15TH, 1935.

English official text communicated by His Majesty's Secretary of State for Foreign Affairs in Great Britain, on behalf of His Majesty's Government in the United Kingdom, of His Majesty's Government in New Zealand and of the Government of India. The registration of this Agreement took place July 10th, 1936.

THE GOVERNMENTS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, CANADA, THE COMMONWEALTH OF AUSTRALIA, NEW ZEALAND, THE UNION OF SOUTH AFRICA AND INDIA, on the one hand, and THE GOVERNMENT OF IRAQ, on the other hand, being desirous of placing the permanence and care of the graves of British soldiers who fell in the late War and were interred in Iraqi territory, upon a firm and established basis, have agreed as follows :

Article 1.

In this Agreement the expression " the Commission " means the Imperial War Graves Commission incorporated by Royal Charter granted by His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, on the twenty-first day of May, 1917.

The expression " war cemeteries, graves and memorials " means the cemeteries and graves in Iraqi territory containing the bodies of soldiers of the British Empire fallen in the late War, and the memorials in the said territory commemorating such soldiers, which are the subject of this Agreement.

Article 2.

The Government of Iraq confirm and continue the recognition accorded to the Commission, as communicated to His Majesty's High Commissioner by note of the Prime Minister of Iraq dated the 11th/12th March, 1928, as the sole British authority charged with the duty of perpetually caring for the war cemeteries, graves and memorials. For the purpose of carrying out this duty the Government of Iraq recognise the right of the Commission to act in Iraq as an association possessing the civil rights of a juristic person.

¹ Came into force April 25th, 1936.

¹ TRADUCTION. — TRANSLATION.

N^o 3926. — ACCORD² ENTRE LES GOUVERNEMENTS DU ROYAUME-UNI, DU CANADA, DU COMMONWEALTH D'AUSTRALIE, DE LA NOUVELLE-ZÉLANDE, DE L'UNION SUD-AFRICAINE ET DE L'INDE, ET LE GOUVERNEMENT DE L'IRAK, RELATIF AUX CIMETIÈRES DE GUERRE BRITANNIQUES, ETC., EN IRAK. SIGNÉ A BAGDAD, LE 15 MARS 1935.

Texte officiel anglais communiqué par le secrétaire d'Etat aux Affaires étrangères de Sa Majesté en Grande-Bretagne, au nom du Gouvernement de Sa Majesté dans le Royaume-Uni, du Gouvernement de Sa Majesté en Nouvelle-Zélande et du Gouvernement de l'Inde. L'enregistrement de cet accord a eu lieu le 10 juillet 1936.

LES GOUVERNEMENTS DU ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD, DU CANADA, DU COMMONWEALTH D'AUSTRALIE, DE LA NOUVELLE-ZÉLANDE, DE L'UNION SUD-AFRICAINE ET DE L'INDE, d'une part, et LE GOUVERNEMENT DE L'IRAK, d'autre part, désirant fonder sur une base ferme et régulière la conservation et l'entretien des sépultures des soldats britanniques tombés au cours de la dernière guerre et enterrés sur le territoire de l'Irak, sont convenus de ce qui suit :

Article premier.

Dans le présent accord, l'expression « la commission » signifie la Commission impériale des sépultures de guerre qui a obtenu la personnalité civile par Charte royale accordée par Sa Majesté le Roi de Grande-Bretagne et d'Irlande et des Dominions britanniques au delà des mers, Empereur des Indes, le 21 mai 1917.

L'expression « cimetières, sépultures et monuments de guerre » désigne les cimetières et sépultures en territoire irakien contenant les corps des soldats de l'Empire britannique tombés durant la dernière guerre, et les monuments élevés sur le même territoire à la mémoire de ces soldats, qui constituent l'objet du présent accord.

Article 2.

Le Gouvernement de l'Irak confirme et maintient l'acte récongnitif en faveur de la commission et communiqué au haut commissaire de Sa Majesté par une note du premier ministre d'Irak datée du 11/12 mars 1928, la considérant comme la seule autorité britannique perpétuellement chargée de l'entretien des cimetières, sépultures et monuments de guerre. En vue d'assurer l'exercice de cette fonction, le Gouvernement de l'Irak reconnaît à la commission le droit d'agir en Irak comme association douée de la personnalité civile.

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.

² Entré en vigueur le 25 avril 1936.

Article 3.

The Government of Iraq agree that the Commission shall be represented in Iraq by a Committee named and composed as stated below, which shall be competent to perform in the name of the Commission, and within the limits of the powers which the Commission shall from time to time delegate to it, all civil acts necessary to enable it to fulfil its object.

The said Committee shall be called "The Iraq Committee of the Imperial War Graves Commission", and shall be composed of the chief representative for the time being in Iraq of His Majesty The King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India (who shall be Chairman), and such six other persons as he may from time to time nominate in agreement with the Commission as members of the Committee.

The said Committee may, if considered necessary or desirable, be registered in Iraq as an association possessing the civil rights of a juristic person under the title above mentioned.

Article 4.

The Government of Iraq agree that the lands now occupied by the war cemeteries, graves and memorials shall become the property in perpetuity of the Commission, and for that purpose :

(a) Such lands which are now registered otherwise than in the name of the Commission shall forthwith be registered in the name of the Commission ;

(b) Such lands which are the property of the Government of Iraq shall be registered in the name of the Commission ;

(c) Such lands which are the property of private owners shall, in default of acquisition by private agreement, be expropriated by the Government of Iraq at the request and cost of the Commission, and shall be registered in the name of the Commission ;

(d) Any portion of the lands referred to in the preceding sub-paragraphs which is miri shall be made mulk ;

(e) In confirmation of the decision of the Council of Ministers at their meeting held on the 2nd February, 1924, approved by His Majesty the King of Iraq, no fees or stamp duties shall be charged in respect of any registration under this Article.

Article 5.

The lands occupied by the war cemeteries, graves and memorials shall not, while in the ownership of the Commission for the objects contemplated in this Agreement, be subject to any State or local taxation.

Article 6.

The Government of Iraq agree that the Commission shall :

(a) Exercise full control over the war cemeteries, graves and memorials, including the enclosing, laying out, construction and horticultural treatment of the same ;

(b) Be at liberty, should they think fit, to prepare and submit for the approval of the competent Ministers of State, rules governing visits to, and the behaviour of the public in, or in relation to, the war cemeteries, graves and memorials ; and

(c) Be afforded by the Government of Iraq (but without expense to that Government) all possible facilities for obtaining a sufficient water supply for the proper irrigation and horticultural upkeep of the war cemeteries, graves and memorials.

Article 7.

In confirmation of the decision of the Council of Ministers at their meeting held on the 2nd February, 1924, approved by His Majesty the King of Iraq, all stone, marble or other building

material, tools, appliances and stores required by the Commission in the construction, repair, replacement or upkeep of the war cemeteries, graves and memorials shall, on production of certificates from the Commission's duly authorised representative, be admitted into Iraq free of all Customs duties or dues.

Article 8.

The Commission shall appoint the custodians to whom shall be entrusted the care and maintenance of the war cemeteries, graves and memorials, and such custodians may be persons of British nationality.

The Government of Iraq shall recognise such custodians and shall give them every assistance necessary for the safeguard and protection of the war cemeteries, graves and memorials.

Article 9.

With regard to the Memorial to the "Missing" at Basra, the Government of Iraq undertake that they will not transfer any land between the boundary of the site of the said Memorial and the river, nor transfer any shati land which may appear, except by lease for agricultural purposes.

Article 10.

This Agreement shall come into force on the day of publication in the *Official Gazette* of the necessary enabling law.

In witness whereof the undersigned duly authorised thereto have signed the present Agreement and affixed thereto their seals.

Done at Bagdad in duplicate on the 15th day of March, 1935.

For the Government of the United Kingdom of Great Britain
and Northern Ireland :

(L. S.) F. H. HUMPHRYS.

For the Government of Canada :

(L. S.) F. H. HUMPHRYS.

For the Government of the Commonwealth of Australia :

(L. S.) F. H. HUMPHRYS.

For the Government of New Zealand :

(L. S.) F. H. HUMPHRYS.

For the Government of the Union of South Africa :

(L. S.) F. H. HUMPHRYS.

For the Government of India :

(L. S.) F. H. HUMPHRYS.

For the Government of Iraq :

(L. S.) Noury SAID.

EXCHANGE OF NOTES.

I.

SIR F. HUMPHRYS TO NURI PASHA.

BRITISH EMBASSY.

BAGDAD, *March 15th*, 1935.

YOUR EXCELLENCY,

For the purposes of the Agreement signed this day between the Iraqi Government of the one part, and His Majesty's Governments in the United Kingdom, Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa and the Government of India of the other, relative to the British War Cemeteries, Graves and Memorials in Iraqi Territory, it is understood that the registration of the immovable properties in question in the joint names of His Majesty's Governments concerned is to be regarded as equivalent to registration in the name of the Imperial War Graves Commission, and that the registrations already effected in the name of the Secretary of the Imperial War Graves Commission will be amended accordingly.

2. It is further understood that His Majesty's Governments on whose behalf the Agreement has been signed will not take advantage of the final paragraph of Article 3 without receiving the specific consent of the Iraqi Government.

I avail, etc.

F. H. HUMPHRYS.

II.

NURI PASHA TO SIR F. HUMPHRYS.

MINISTRY FOR FOREIGN AFFAIRS.

BAGDAD, IRAQ, *March 15th*, 1935.

YOUR EXCELLENCY,

For the purposes of the Agreement signed this day between the Iraqi Government of the one part, and His Majesty's Governments in the United Kingdom, Canada, the Commonwealth of Australia, New Zealand, the Union of South Africa and the Government of India of the other, relative to the British War Cemeteries, Graves and Memorials in Iraqi Territory, it is understood that the registration of the immovable properties in question in the joint names of His Majesty's Governments concerned is to be regarded as equivalent to registration in the name of the Imperial War Graves Commission, and that the registrations already effected in the name of the Secretary of the Imperial War Graves Commission will be amended accordingly.

2. It is further understood that His Majesty's Governments on whose behalf the Agreement has been signed will not take advantage of the final paragraph of Article 3 without receiving the specific consent of the Iraqi Government.

I avail, etc.

Noury SAID.