

N° 3988.

**GRANDE-BRETAGNE
ET IRLANDE DU NORD
ET IRAK**

Accord concernant le transfert de la propriété des chemins de fer au Gouvernement de l'Irak, signé à Bagdad, le 31 mars 1936, et échange de notes y relatif de la même date.

**GREAT BRITAIN
AND NORTHERN IRELAND
AND IRAQ**

Agreement regarding the Transfer of the Ownership of the Railways to the 'Iraqi Government, signed at Baghdad, March 31st, 1936, and Exchange of Notes relating thereto of the same Date.

No. 3988. — AGREEMENT¹ BETWEEN GREAT BRITAIN AND NORTHERN IRELAND AND IRAQ REGARDING THE TRANSFER OF THE OWNERSHIP OF THE RAILWAYS TO THE 'IRAQI GOVERNMENT. SIGNED AT BAGHDAD, MARCH 31ST, 1936.

English and Arabic official texts communicated by the Head of the Permanent Delegation of Iraq to the League of Nations and by His Majesty's Secretary of State for Foreign Affairs in Great Britain. The registration of this Agreement took place November 2nd, 1936.

Textes officiels anglais et arabe communiqués par le chef de la délégation permanente de l'Irak près la Société des Nations et le secrétaire d'Etat aux Affaires étrangères de Sa Majesté en Grande-Bretagne. L'enregistrement de cet accord a eu lieu le 2 novembre 1936.

HIS MAJESTY THE KING OF 'IRAQ
and

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA ;

Being desirous of settling all questions outstanding between them relating to the railway system of 'Iraq ;

Have decided to conclude an Agreement for this purpose and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF 'IRAQ :

Nouri Pasha EL SA'ID, Minister for Foreign Affairs, Order of the Rafidain I Class Military ; and

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA :

FOR GREAT BRITAIN AND NORTHERN IRELAND :

Sir Archibald John Kerr Clark KERR, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, his Ambassador Extraordinary and Plenipotentiary at Baghdad ;

Who, having communicated their full powers, found in due form, have agreed as follows :

Article 1.

All rights possessed by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland in respect of the ownership of the railway system of 'Iraq (including all lands in the possession or control of the railway administration and reserve and renewal funds) shall be transferred to the 'Iraqi Government. The transfer shall take effect as soon as (1) His Majesty's Government shall have received from the 'Iraqi Government the sum of £400,000 sterling, which is payable twenty days after the entry into force of the present Agreement and (2) the Board of Management provided for in Article 2 has been duly constituted.

Article 2.

1. His Majesty the King of 'Iraq undertakes that for twenty years from the date of the transfer of the railways under Article 1 the management of the railways shall be entrusted to a Board of Management appointed by the 'Iraqi Government. The Board shall consist of five persons, namely,

¹ The exchange of ratifications took place at Baghdad, July 9th, 1936.

¹ L'échange des ratifications a eu lieu à Bagdad, le 9 juillet 1936.

a Minister of State (who shall be President), the General Manager, and three other persons appointed by the 'Iraqi Government, one of whom shall be a British subject.

2. The Board shall be constituted immediately on the entry into force of this Agreement and shall take over the management as from the date of the transfer of the railways.

Article 3.

The Board of Management referred to in Article 2 shall be constituted and invested by legislation with adequate powers to enable it effectively to control and administer the railways and shall continue for the period of twenty years to possess such powers. The Railway budget shall continue for the same period to be a budget annexed to the general budget.

Article 4.

For a period of twenty years from the date of the transfer of the railways under Article 1, the following posts in the railway shall be filled by British subjects on equitable conditions of service :

- (a) General Manager.
- (b) Inspector-General of Traffic.
- (c) Chief Engineer.
- (d) Assistant to the Chief Engineer.
- (e) Chief Mechanical Engineer.
- (f) Assistant to the Chief Mechanical Engineer.

His Majesty's Government in the United Kingdom will, if requested by the 'Iraqi Government, afford their assistance in the selection of suitable candidates for these posts.

Article 5.

As from the date of the transfer of the railways, the provisions of paragraph 4 of the Notes¹ signed on the 19th day of August, 1930, on behalf of His Majesty's Government in the United Kingdom and the 'Iraqi Government and containing a separate agreement on financial questions concluded in connexion with the Treaty² of Alliance between the High Contracting Parties signed on the 30th June, 1930, shall cease to have effect and the 'Iraqi Government shall accept responsibility for all liabilities relating to the railways which may have already arisen or which may arise in the future. Provided that if any such liability, the subject matter whereof existed before the date of the transfer, does not come to light until after that date, His Majesty's Government in the United Kingdom shall, on being satisfied that that liability has been validly and finally established, refund to the 'Iraqi Government a sum equal to one-fifth of any irrecoverable disbursements which the 'Iraqi Government may have had to make in the discharge of any such liability.

Article 6.

The present Agreement shall be ratified and the ratifications shall be exchanged at Baghdad as soon as possible. It shall come into force on the date of exchange of ratifications.

In witness whereof the respective Plenipotentiaries have signed the present Agreement and have affixed thereto their seals.

Done at Baghdad in duplicate, in Arabic and English, of which, in the case of divergence, the English text shall prevail, this eighth day of Muharram, 1355, of the Hidjrah corresponding to the thirty-first day of March, 1936, of the Christian Era.

(L. S.) Nouri SA'ID.

(L. S.) Archibald Clark KERR.

Certified to be a true copy of the original :

T. Mushtag,

Acting Director-General of Foreign Affairs.

¹ Vol. CXVIII, page 231, of this Series.

² Vol. CXXXII, page 363, of this Series.

¹ Vol. CXVIII, page 231, de ce recueil.

² Vol. CXXXII, page 363, de ce recueil.

EXCHANGE OF NOTES.

I.

SIR A. CLARK KERR TO NURI PASHA.

BRITISH EMBASSY.

BAGHDAD, *March 31st*, 1936.

YOUR EXCELLENCY,

With regard to the Agreement we have signed to-day relative to the Iraqi Railways, I have the honour to request that you will be so good as to confirm that the following understanding has been reached respecting the personnel of the Railways :

(a) That for the period of 5 years from the date of the transfer the Inspector General of Traffic shall perform the executive duties of Traffic Manager.

(b) That for the period of 10 years from the date of the transfer a British subject shall be employed as Chief Auditor.

(c) That for the period of 5 years from the date of the transfer two British subjects shall be employed as District Engineers.

(d) That if the Iraqi Government should desire to engage the services of non-Iraqi personnel for the Iraqi Railways other than those specified in Article 4 of the said Agreement and in the two preceding sub-paragraphs they will normally engage British subjects, it being understood that the Iraqi Government are free to engage non-British personnel for posts for which suitable British subjects are not available.

I avail, etc.

Archibald Clark KERR.

His Excellency,
Nuri Pasha As-Sa'id,
Minister for Foreign Affairs,
Baghdad.

Authenticated copy.

Baghdad, 23rd July, 1936.

T. Mushtag,

For Acting Minister for Foreign Affairs.

¹ TRADUCTION. — TRANSLATION.

BAGHDAD, *March 31st*, 1936.

YOUR EXCELLENCY,

With regard to the Agreement which we have signed to-day relative to the Iraqi Railways, and with reference to Your Excellency's note of 31st March, 1936, I have the honour to confirm that the following understanding has been reached respecting the personnel of the Railways :

(a) That for the period of 5 years from the date of the transfer the Inspector General of Traffic shall perform the executive duties of Traffic Manager.

(b) That for the period of 10 years from the date of the transfer a British subject shall be employed as Chief Auditor.

(c) That for the period of 5 years from the date of the transfer two British subjects shall be employed as District Engineers.

(d) That if the Iraqi Government should desire to engage the services of non-Iraqi personnel for the Iraqi Railways other than those specified in Article 4 of the said Agreement and in the two preceding sub-paragraphs they will normally engage British subjects, it being understood that the Iraqi Government are free to engage non-British personnel for posts for which suitable British subjects are not available.

Noury SA'ID.

His Excellency

Sir Archibald John Kerr Clark Kerr, K.C.M.G.,
Ambassador Extraordinary and Plenipotentiary, British Embassy,
Baghdad.

Authenticated copy.

Baghdad, 23rd July, 1936.

T. Mushtag,

For Acting Minister for Foreign Affairs.

¹ Translation of the Iraqi Government.

¹ Traduction du Gouvernement de l'Irak.