

N° 4091.

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

Echange de notes comportant un accord concernant les relations commerciales entre la Palestine et l'Irak, avec annexe. Bagdad, le 14 décembre 1936.

**GREAT BRITAIN
AND NORTHERN IRELAND
AND IRAQ**

Exchange of Notes constituting an Agreement regarding Commercial Relations between Palestine and Irak, with Annex. Bagdad, December 14th, 1936.

No. 4091. — EXCHANGE OF NOTES¹ BETWEEN HIS MAJESTY'S GOVERNMENT IN THE UNITED KINGDOM AND THE GOVERNMENT OF IRAQ CONSTITUTING AN AGREEMENT REGARDING COMMERCIAL RELATIONS BETWEEN PALESTINE AND IRAQ. BAGDAD, DECEMBER 14TH, 1936.

English and Arabic official texts communicated by His Majesty's Secretary of State for Foreign Affairs in Great Britain. The registration of this Exchange of Notes took place April 7th, 1937.

Textes officiels anglais et arabe communiqués par le secrétaire d'Etat aux Affaires étrangères de Sa Majesté en Grande-Bretagne. L'enregistrement de cet échange de notes a eu lieu le 7 avril 1937.

I.

SIR A. CLARK KERR TO SAIYID NAJI-AL-ASIL.

BAGDAD, December 14th, 1936.

YOUR EXCELLENCY,

In accordance with instructions from His Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to inform you that, with a view to facilitating trade between Palestine and Iraq, His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland propose, in virtue of the provisions of Article 18 of the Mandate for Palestine, the conclusion of a Special Customs Agreement in the terms set out in the Annex to this note.

2. If the Government of Iraq agree to this proposal, the present note, with its Annex and Your Excellency's reply to that effect, will be regarded as constituting the formal Agreement between His Majesty's Government in the United Kingdom and the Government of Iraq with effect from the 14th February, 1937.

I avail, &c.

Archibald CLARK KERR.

ANNEX TO No. I.

1. (a) The Government of Palestine will in due course accord free zone facilities to the Government of Iraq within the Haifa Port, for goods consigned to or from Iraq or passing through Iraq in transit, the limits of such zone to be determined later on by agreement between the two Parties. The rights accorded to the Iraqi Government in the said zone shall, subject to the provisions of paragraphs (c) and (d) of this Article, be exercised by the latter in independence of the Palestinian authorities.

¹ Came into force February 14th, 1937.

¹ Entré en vigueur le 14 février 1937.

(b) The Iraqi Government shall have the right, if they deem it convenient, to appoint Customs officials of their own in the free zone, and such officials shall have the right to import directly free of Customs duty articles required by them for their personal consumption and the consumption of their families living with them.

(c) The Director of Customs, Palestine, or his deputy, shall have right of access at all times to the free zone, and he may, if he deems it necessary to do so, authorise the police to enter the said zone.

(d) Before the establishment of an Iraqi Free Zone within the Port of Haifa, regulations to govern the general administration of the free zone shall be drawn up by an agreement between the Customs Administrations of Palestine and Iraq.

(e) Until such time as free zone facilities have been provided, goods consigned to or from Iraq, or passing through Iraq in transit, shall be entitled to free storage in the port area for a period not exceeding twenty-eight days.

(f) Until such time as free zone facilities have been provided, the Government of Palestine are willing to place at the disposal of the Iraqi Government accommodation (sheds) for storage in the existing port.

2. (a) Subject to the provisions of paragraph (b) of this Article, the Government of Palestine agree, with effect from the date of entry into operation of the present Agreement, to reduce to the extent set out below the rates of Customs duty on the following commodities of Iraqi origin imported into Palestine by the Bagdad-Haifa land route :

Commodity	From	To.
Rice	1½ mils. per kg.	¾ mil. per kg.
Rice, unhusked	1 mil. per kg.	½ mil. per kg.
Dates, fresh	1 mil. per kg.	½ mil. per kg.
Dates, dried	5 mils. per kg.	½ mil. per kg.
Dates, compressed	1½ mils. per kg.	½ mil. per kg.

(b) The Palestine Government shall, however, be free to raise or lower the duty on rice on the understanding that Iraqi rice imported into Palestine by the Bagdad-Haifa land route shall be subject to 50 per cent. only of the general Palestine duty on rice in force at any time.

(c) Barley and ghee of Iraqi origin imported into Palestine by the Bagdad-Haifa land route shall be exempt from duty, subject, in the case of barley, to such temporary measures of general application as may be necessary to protect the Palestine crop, and subject, in the case of ghee (samneh), to any restrictions that may from time to time be applicable to samneh imported from Syria.

The regulations at present in force (which apply to goods imported from Syria) respecting the importation into Palestine of butter, samneh, artificial butter (margarine) or artificial samneh are reproduced below for the information of the Iraqi Government :

“(1) (a) The importation into Palestine of butter, samneh, artificial butter (margarine) or artificial samneh which do not conform to the specification set out below shall be prohibited.

“ ‘ Butter ’ shall mean the substance generally known as butter made exclusively from cream or milk or both, with or without the addition of salt, and containing not more than 16 per cent. of water and not more than 8 per cent. of salt.

“ ‘ Samneh ’ shall mean the substance generally known as samneh and shall contain no fat other than the fat of milk.

“ ‘ Artificial butter (margarine) ’ shall mean any article of food, whether mixed with butter or not, which resembles butter but is not genuine butter as defined above. Artificial butter (margarine) shall contain not more than 10 per cent. of butter fat.

“ ‘ Artificial samneh ’ shall mean any article of food, whether mixed with samneh or not, which resembles samneh but is not genuine samneh as defined above ; artificial samneh shall contain not more than 10 per cent. of butter fat.

“(2) (b) Every consignment of imported butter, samneh, artificial butter (margarine) and artificial samneh shall be accompanied by an invoice giving the true description

and origin of the goods, and the packages or containers shall bear a marking indicative of the true nature of the contents thereof."

(d) The Government of Palestine will not, during the period of the present Agreement, alter the duty at present imposed on the following imports without giving the Iraqi Government six months' notice of their intention to do so :

Name of Import	Present Duty
Animals (live)	Free.
Eggs	20 mils. per 100 eggs.
Eggs (without shell)	12 per cent. <i>ad valorem</i> .
Fish (fresh)	5 mils. per kg.
Hides, raw and dried	Free.
Tanned hides	30 mils. per kg.
Meat (frozen and chilled)	Free.
Chickens (live)	Free.
Chickens (frozen)	12 per cent. <i>ad valorem</i> .
Linseed	Free.
Cotton, raw	Free.
Ground-nuts, decorticated	Free.
Ground-nuts, unshelled	2.5 mils. per kg.
Wool, raw	Free.

3. Transport undertakings using the Bagdad-Haifa land route shall be entitled in Palestine to the following exemptions or privileges subject to observing the conditions specified in relation thereto :

(a) Exemption from import duty of motor vehicles and tyres and tubes imported direct to Palestine by the company or withdrawn from Customs on a delivery order in its name, provided that such motor vehicles and tyres and tubes are not used for local transport in or between Palestine and Transjordan.

(b) Exemption from import duty of petrol, provided that the company obtains its requirements from stocks in bond and the motor vehicle tanks are filled under Customs supervision and sealed by a Customs officer. The seals must be inspected at the frontier at the Palestine Customs Office and found intact. Similarly, on the inward journey, the tanks shall be sealed at the frontier at the Palestine Customs Office and inspected at the bonded store and found intact.

(c) Reduced licence fees under the Road Transport Ordinance as indicated hereunder :

(i) Public vehicles :

Not exceeding seven persons including the driver : 200 mils.

Exceeding seven persons including the driver : 500 mils.

For every seat over seven : 50 mils.

(ii) Commercial vehicles with four wheels, not including tractors for haulage :

(1) Where the carrying capacity does not exceed 1,000 kg. : 500 mils.

(2) Where the carrying capacity exceeds 1,000 kg. but does not exceed 1,500 kg. : £P. 1.

(3) Where the carrying capacity exceeds 1,500 kg. : £P. 2.

(iii) Commercial vehicles with six wheels : £P. 3.

(iv) Tractors used for haulage : £P. 1.

(d) In respect of goods imported and exported in transit, by whatsoever enterprise, a special rate of wharfage dues, viz., 5 mils. per package weighing not more than 150 kg. gross, provided all packages are suitably marked as in transit and are subject to check in such a manner as the Director of Customs may think fit.

4. (a) The Iraqi Government will continue to maintain the road between Bagdad and Ramadi and the desert road up to the frontier of Transjordan in a manner adequate to meet transport requirements.

(b) The Government of Palestine, in co-operation with the Government of Transjordan, will undertake the repair of the Jisr-al-Majami-Irbid-Mafrak section and arrange for it to be maintained in a manner adequate to meet transport requirements, and will take all practical steps to arrange for the maintenance of the roads to be constructed through the lava zone east of Mafrak up to the frontier of Transjordan.

5. The present Agreement shall remain in force for an experimental period of three years from the date of its entry into force. The question of its renewal for a further period shall be examined six months before the expiry of the experimental period, when the question of concluding a trade agreement between Palestine and Iraq shall be simultaneously considered. In default of any arrangement to the contrary, this Agreement shall lapse at the end of the said period of three years.

II.

¹ TRADUCTION. — TRANSLATION.

SAIYID NAJI-AL-ASIL TO SIR A. CLARK KERR.

BAGDAD, *December 14th, 1936.*

YOUR EXCELLENCY,

With reference to your note of today's date, I have the honour to inform you that, with a view to facilitating trade between Iraq and Palestine, the Government of Iraq agree to the conclusion of a Special Customs Agreement in accordance with Article 18 of the Mandate for Palestine in the terms set out in the Annex to this note.

2. In accordance with the proposal in paragraph 2 of Your Excellency's note, I have the honour to inform you that the present exchange of Your Excellency's note referred to with this my note will be regarded as constituting a formal Agreement between the Government of Iraq and His Majesty's Government in the United Kingdom with effect from the 14th February, 1937.

I avail, &c.

NAJI-AL-ASIL.

ANNEX TO No. 2.

[*As in Annex to No. I.*]

¹ Traduction du Foreign Office de Sa Majesté britannique.

¹ Translation of His Britannic Majesty's Foreign Office.

N° 4091.

TEXTE ARABE. — ARABIC TEXT

بغداد في ١٤ كانون الاول ١٩٣٦

الرقم : س / ١٣ / ٢

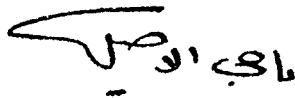
يا صاحب الفخامة :

بالاشارة الى مذكرتكم المؤرخة بتاريخ اليوم اتشرف
 ياعلامكم بان حكومة العراق توافق بقصد تسهيل التجارة بين
 العراق وفلسطين على عقد اتفاق كمركي خاص وفق المادة الـ ١٨
 من صك الانتداب على فلسطين بالشروط الواردة في الملحق
 بهذه المذكرة .

٢٠٢ - وبحسب الاقتراح الوارد في الفقرة الـ ٢ من مذكرة
 فخامتكم اتشرف بان احيطكم علما بان التبادل الحالي لمذكرة
 فخامتكم المشار اليها مع مذكرتي هذه سيعتبر بمثابة اتفاساق
 رسمي بين حكومة العراق وحكومة صاحب الجلالة في المملكة
 المتحدة اعتبارا من ١٤ شباط سنة ١٩٣٧ .

انتبهز هذه الفرصة لاعرب لفخامتكم عن فائق تقديري

واحترامي



صاحب الفخامة

السراشيبالد جون كار كلارك كار

كي . سي . ام . جي .

السفير فوق العادة والمفوض لصاحب الجلالة البريطانية

بغداد -

¹ TRADUCTION. — TRANSLATION.

N^o 4091. — ÉCHANGE DE NOTES ENTRE LE GOUVERNEMENT DE SA MAJESTÉ DANS LE ROYAUME-UNI ET LE GOUVERNEMENT DE L'IRAK COMPORTANT UN ACCORD CONCERNANT LES RELATIONS COMMERCIALES ENTRE LA PALESTINE ET L'IRAK. BAGDAD, LE 14 DÉCEMBRE 1936.

I.

SIR A. CLARK KERR A SAIYID NAJI-AL-ASIL.

BAGDAD, le 14 décembre 1936.

EXCELLENCE,

D'ordre du principal secrétaire d'Etat de Sa Majesté aux Affaires étrangères, j'ai l'honneur de porter à votre connaissance que le Gouvernement de Sa Majesté dans le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord, pour faciliter les échanges commerciaux entre la Palestine et l'Irak, propose, conformément aux dispositions de l'article 18 du mandat sur la Palestine, de conclure un accord douanier spécial et conçu dans les termes énoncés dans l'annexe à la présente note.

2. Si le Gouvernement de l'Irak accepte cette proposition, la présente note, avec son annexe, et la réponse de Votre Excellence à cet effet, seront considérées comme constituant l'accord officiel entre le Gouvernement de Sa Majesté dans le Royaume-Uni et le Gouvernement de l'Irak, qui prendra effet à partir du 14 février 1937.

Veuillez agréer, etc.

Archibald CLARK KERR.

ANNEXE AD N^o I.

1. a) Le Gouvernement de la Palestine accordera au Gouvernement de l'Irak, en temps opportun, une zone franche dans le port de Haïfa pour les marchandises à destination ou en provenance de l'Irak ou traversant l'Irak en transit ; les limites de cette zone seront fixées ultérieurement, par voie d'accord entre les deux Parties. Les droits concédés au Gouvernement de l'Irak dans ladite zone seront exercés par celui-ci en dehors de tout contrôle de la part des autorités palestiniennes, sous réserve des dispositions prévues aux paragraphes c) et d) du présent article.

b) Le Gouvernement de l'Irak aura le droit, s'il le juge opportun, de désigner dans la zone franche des fonctionnaires appartenant à son propre service des douanes, et ceux-ci seront autorisés à importer directement, en franchise de droits de douane, les articles nécessaires à leur consommation personnelle ou à celle de leurs familles habitant avec eux.

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.