AGREEMENT

REGARDING

BRITISH WAR CEMETERIES, ETC., IN IRAQ

WITH

EXCHANGE OF NOTES RELATING THERETO

BETWEEN

HE 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

Signed at Bagdad March 15, 1935

IN FORCE APRIL 25, 1936



J. O. PATENAUDE, I.S.O.
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

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t. O. PATENAIUM, 18.O.
THINTER TO THE RIMOS MOST EXCELLENT MAIRSTY
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AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED KINCHOLD BETWEEN THE GOVERNMENTS OF AUSTRALIA, KINGDOM, CANADA, THE COMMONWEALTH OF AUSTRALIA, NEW ZEALAND, THE UNION OF SOUTH AFRICA, AND OF INDIA AND THE GOVERNMENT OF IRAQ REGARDING BRITISH WAR CEMETERING. CEMETERIES, &C., IN IRAQ (WITH EXCHANGE OF NOTES)

Bagdad, March 15, 1935

The Governments of the United Kingdom of Great Britain and Northern Ireland, Canada, the Commonwealth of Australia, New Zealand, the Union of Australia, New Zealand, the Union of Iraq, on the South Africa and India, on the one hand, and the Government of Iraq, on the other hand, being and care of the graves Africa and India, on the one hand, and the Government of Iraq, on the graves of British soldier desirous of placing the permanence and care of the graves interred in Iraqi territory, 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 Graves Commission the Commission of the Commission War Graves Commission incorporated by Royal Charter granted by His Majesty King of Graves Commission incorporated by Royal Charter granted by His Majesty Royal Charter granted by Royal Charter gra The King of Great Britain, Ireland and the British Dominions beyond the Emperor of Letters and the British Dominions beyond the Seas, Emperor of Letters and the British Dominions beyond the British Dominions beyond the Republic of May, 1917.

King of Great Britain, Ireland and the British 1917.
The correct of India, on the twenty-first day of May, 1917. The expression "war cemeteries, graves and memorials" means the ceme-The expression "war cemeteries, graves and memorials" means the deries and graves in Iraqi territory containing the bodies of soldiers of the Empire fallow in the said territory containing the said territory containi British Empire fallen in the late War, and the memorials in the said territory commemorating and in the late war, and the memorials agreement. commemorating such soldiers, which are the subject of this agreement.

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

The Government of Iraq agree that the Commission shall be represented by a commission shall be represented below, which shall in Iraq by a committee, named and composed as stated below, which shall be competent to make the Commission, and within the limits be competent of Iraq agree that the Commission, which is the competent to perform in the name of the Commission, and within the limits powers because it, 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 Graves Committee shall be called "The Iraq Committee of the chief representative War Graves Committee shall be called "The Iraq Committee of the Imperior the time being in Iraq Majosty The King of Great Britain, Ireland the time being in Iraq Majosty The King of Great Britain, Ireland to the time being in Iraq Majosty The King of Great Britain, Ireland to the time being in Iraq Majosty The King of Great Britain (who shall be for the time being in Iraq of His Majesty The King of Great Britain, Ireland the British D in Iraq of His Majesty The King of India (who shall be and the British Dominions beyond the Seas, Emperor of India (who shall be in a second to the British Dominions beyond the Seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a second to the seas, Emperor of India (who shall be in a seas) (who shall be in a seas (who Chairman), and such six other persons as he may from time to time nominate agreement with the six other persons as he may from time to time nominate. in agreement with the Commission as members of the Committee.

The said with the Commission as members of the Committee.

The said Committee may, if considered necessary or desirable, be registing Iraq as a puristic person tered 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 Way The Government of fraq agree that the transfer in perpetuity of the 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 such lands which are now registered 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;

which is miri shall be made many, the Council of Ministers at their (e) in confirmation of the decision of the Council of Ministers at their least their confirmation of the decision of the Council of Ministers at their least their lea 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 exercise full control over the man and horticultural 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 be at liberty, should they Ministers of State, rules governing visite approval of the competent Ministers of State, rules governing visite approval of the competent familiary and the behaviour of the public in, or in relation to, the war ceme.

teries, graves and memorials; and

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

ARTICLE 7

In confirmation of the decision of the Council of Ministers at their meeting heid 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 all stone, marble or other building matchet, repair, replacement or upkeep of the 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, 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.

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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 si of the site of the said Memorial and the river, nor transfer any shati land which may 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:

F. H. HUMPHRYS (L.S.)

For the Government of Canada:

F. H. HUMPHRYS (L.S.)

For the Government of the Commonwealth of Australia:

F. H. HUMPHRYS (L.S.)

For the Government of New Zealand:

F. H. HUMPHRYS (L.S.)

For the Government of the Union of South Africa:

(L.S.) F. H. HUMPHRYS

For the Government of India:

F. H. HUMPHRYS (L.S.)

For the Government of Iraq:

(L.S.) NOURY SAID

¹The agreement came into force on April 25, 1936.



Exchange of Notes

No. 1

Sir F. Humphrys to Nuri Pasha

BRITISH EMBASSY, BAGDAD, March 15, 1935.

YOUR EXCELLENCY,

For the purposes of the agreement signed this day between the Iraqui Government of the one part, and His Majesty's Governments in the United Government of the one part, and this induction, New Zealand, the Union Kingdom, Canada, the Commonwealth of Australia, New Zealand, the Union Kingdom, Canada, the Commonwealth of India of the other relative to the Discontinuous Commonwealth of India of the other relative to the Discontinuous Commonwealth of India of the other relative to the Discontinuous Commonwealth of India of the Other relative to the Discontinuous Commonwealth of India of the Other relative to the Discontinuous Commonwealth of India of the Other relative to the Discontinuous Commonwealth of India of the Other relative to the Discontinuous Commonwealth of India of the Other relative to the Discontinuous Commonwealth of India of the Other relative to the Discontinuous Commonwealth of India of the Other relative to the Discontinuous Commonwealth of India of the Other relative to the Discontinuous Commonwealth of India of the Other relative to the Discontinuous Commonwealth of India of the Other relative to the Discontinuous Commonwealth of India of the Other relative to the Discontinuous Commonwealth of India of the Other relative to the Discontinuous Commonwealth of India of the Other relative to the Discontinuous Commonwealth of India of the Other relative to the Kingdom, Canada, the Commonweater of India of the other, relative to the British of South Africa and the Government of India of the other, relative to the British of South Africa and the Government of India Territory, it is understood War Cemeteries, Graves and Memorials in Iraqi Territory, it is understood war Cemeteries, Graves and Memorials in Guestion in the joint of the control of the c War Cemeteries, Graves and Memorials in question in the joint names 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 of His Majesty's Governments concernal War Graves Commission, and the registration in the name of the Imperial War Graves Commission, and that registration in the name of the Imperial 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 2. It is further understood that The take advantage of the final paragraph the agreement has been signed will not take advantage of the Iraqi Government of Article 3 without receiving the specific consent of the Iraqi Government.

I avail, &c.

F. H. HUMPHRYS

No. 2

Nuri Pasha to Sir F. Humphrys

MINISTRY FOR FOREIGN AFFAIRS, BAGDAD, IRAQ, March 15, 1935.

YOUR EXCELLENCY,

For the purposes of the agreement signed this day between the Irani Government of the one part, and His Majesty's Governments in the United Government of the one part, and this diagnostic, New Zealand, the Union 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 war Cemeteries, Graves and International Int of His Majesty's Governments concerned is to be regarded as equivalent to regis tration 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, &c.