

Geneva, August 16th, 1932.

LEAGUE OF NATIONS

**REQUEST OF THE KINGDOM OF IRAQ FOR
ADMISSION TO THE LEAGUE OF NATIONS**

The Secretary-General has the honour to communicate to the Members of the League of Nations, for consideration :

1. A letter from the United Kingdom Secretary of State for Foreign Affairs, dated London, July 26th, 1932 ;
2. A letter from the Prime Minister of Iraq, dated Badgad, July 12th, 1932, relating to the request of Iraq for admission to the League of Nations ;
3. A memorandum from the Iraqi Government ;
4. A Declaration, made at Baghdad on May 30th, 1932, containing the guarantees given to the Council by the Iraqi Government.

In accordance with the proposal of the Government of the United Kingdom, the request of the Iraqi Government will be placed, in conformity with Rule 4, paragraph 3 of the Rules of Procedure of the Assembly, on the Supplementary List of items to the Agenda of the thirteenth Ordinary Session of the Assembly.

**1. LETTER, DATED JULY 26TH, 1932, FROM THE BRITISH UNDER-SECRETARY
OF STATE FOR FOREIGN AFFAIRS.**

London, July 26th, 1932.

To the Secretary-General.

By their resolution of January 28th, 1932, the Council of the League of Nations declared their intention to make the termination of the mandatory regime in Iraq subject to two conditions, one of which was the admission of that country to the League of Nations. In a report in connection with this question submitted to the Council on May 19th, the Council's rapporteur drew attention to the above-mentioned resolution, and pointed out that the termination of the mandatory regime in Iraq would not be effected until, *inter alia*, Iraq had been admitted to the League of Nations in accordance with the relevant provisions of the Covenant. M. Fotitch's report was approved by the Council in their resolution of the same day.

2. I am now directed by His Majesty's Principal Secretary of State for Foreign Affairs to transmit to you herewith in original a letter from the Prime Minister of Iraq, requesting that the Kingdom of Iraq may be admitted as a member of the League of Nations, in accordance with the terms of Article 1, paragraph 2, of the Covenant of the League of Nations, together with an explanatory memorandum which forms the enclosure in that letter, and a copy of the Declaration of Guarantees furnished to the Council, which is an enclosure to the memorandum.

The original of the Declaration of Guarantees was sent to you in Foreign Office letter No. E 3102/9/93 of June 27th.

3. Sir John Simon will be grateful to you if the request of the Iraqi Prime Minister may be placed on the Agenda of the next meeting of the Assembly of the League, and if that request may, in the meantime, be brought to the notice of States Members of the League of Nations in accordance with Nury Pasha's desire.

(Signed) G. W. RENDEL.

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2. LETTER, DATED JULY 12TH, 1932, FROM THE PRIME MINISTER OF IRAQ.

Baghdad, July 12th, 1932.

To the Secretary-General.

I have the honour to request that the Kingdom of Iraq may be admitted as a Member of the League of Nations, in accordance with the terms of Article 1, paragraph 2, of the Covenant of the League of Nations, and that this request may be placed on the Agenda of the next meeting of the Assembly of the League.

The Government of Iraq is prepared to accept the conditions laid down in Article 1, paragraph 2, of the Covenant, and to carry out all the obligations involved in membership of the League.

The Government of Iraq will send representatives empowered to give all necessary explanations to the Assembly. In the meantime I have the honour to enclose a memorandum giving information on the points which are usually considered by the Assembly in connection with the admission of new Members to the League.

It is requested that this application may be brought without delay to the knowledge of all States Members of the League.

(Signed) NOURY SA'ID,
Prime Minister of Iraq.

3. MEMORANDUM FROM THE IRAQI GOVERNMENT.

Baghdad, July 12th, 1932.

1. Iraq was one of the territories described in Article 22 of the Covenant as having reached a stage of development where their existence as independent nations could be provisionally recognised subject to the rendering of administrative advice and assistance by a mandatory until such time as they were able to stand alone.

The mandate for Iraq was entrusted to His Britannic Majesty by the principal Allied Powers in April, 1920; but the normal conception of a mandate proved to be inappropriate in the case of Iraq as implying a form of tutelage inconsistent with the large measure of independence which the Iraqi State had even then acquired. The relations between the United Kingdom and Iraq were accordingly placed upon a treaty basis in 1922, and that basis was approved by the Council of the League of Nations by their decision of September 27th, 1924, as giving effect to the provisions of Article 22 of the Covenant.

2. Subject only to the limitations imposed by the Anglo-Iraq Treaty of 1922, Iraq was organised as a fully self-governing kingdom, with the powers and attributes of an independent sovereign State. The guiding principle which inspired the Treaty of 1922 and subsequent treaties between the United Kingdom and Iraq, and the aim which the two Governments have from the first set before themselves, have been the establishment at the earliest possible date of a fully independent State, animated by the spirit of the Covenant and fit to assume not only the privileges but also the responsibilities involved in admission to the League of Nations.

3. With this end in view external mandatory control was progressively reduced and the Iraqi Government assumed year by year an increasing measure of responsibility, until the position was reached that Iraq was virtually governing itself, and the Government of the United Kingdom were satisfied that the country had no further need for the advice and assistance of a mandatory and, in the words of Article 22 of the Covenant, was "able to stand alone".

4. Their view that Iraq was fit for emancipation was duly communicated by the Government of the United Kingdom to the Council of the League of Nations. At their meeting in September, 1931, the Council, however, decided that before the mandatory regime in Iraq could be terminated that country must be shown to satisfy certain *de facto* conditions, of which the first three were:

(a) It must have a settled Government and an administration capable of maintaining the regular operation of essential Government services;

(b) It must be capable of maintaining its territorial integrity and political independence;

(c) It must be able to maintain the public peace throughout the whole territory.

5. The question whether these conditions, among others stipulated by the Council, were fulfilled in the case of Iraq, was subsequently made the subject of a searching examination by the Permanent Mandates Commission, and in the light of the favourable report submitted by that body, the Council, on January 28th, 1932, declared itself prepared in principle to pronounce the termination of the mandatory regime upon the admission of Iraq to the League of Nations, provided that Iraq should in the meantime have entered into undertakings of which were specified in the Council's decision.

6. These undertakings have been assumed by Iraq in a Declaration the text of which was approved by the Council in its Resolution of May 19th, 1932, and which has been signed and ratified by Iraq and deposited with the Secretary-General. The text of this Declaration is annexed to the present memorandum.

7. Upon the admission of Iraq to membership of the League of Nations, the Treaty of Alliance between Iraq and the United Kingdom dated June 30th, 1930, will enter into operation. At the request of the League Council, the Permanent Mandates Commission also examined this Instrument, and reported that the obligations entered into thereunder by Iraq towards the United Kingdom would not infringe the independence of the new State. The Council duly took note of this opinion at its meeting on January 28th, 1932.

8. It follows from the foregoing information that, upon the admission of Iraq to membership of the League, Article 22 of the Covenant will automatically cease to apply, all external control will be withdrawn and Iraq will be fully self-governing.

9. The kingdom of Iraq has already been formally recognised by the following Governments, who have either diplomatic or consular representatives in Iraq :

Belgium, the United Kingdom, Czechoslovakia, Denmark, Egypt, France, Germany, Greece, Hedjaz-Nejd, Italy, the Netherlands, Norway, Persia, Poland, Sweden, Turkey, and the United States of America.

The kingdom of Iraq has also concluded on its own behalf several treaties of settlement and friendship with foreign States, and acceded to the Pact of Paris for the Renunciation of War.

10. The form of government established in Iraq is a Constitutional Monarchy with Ministers responsible to a bi-cameral Parliament. Parliamentary government, in its present form, has been in existence in Iraq since November, 1925.

11. Iraq possesses well-defined frontiers with all limitrophe States. Certain doubts having arisen, however, regarding the precise definition and application of the frontier between Iraq and Syria, it was agreed to refer the matters in dispute to the Council of the League of Nations, and to accept the decision of that body as final.

12. The Declaration referred to in paragraph 6 above ensures the full observance of all international engagements assumed by the Iraqi Government or by the Government of the United Kingdom on behalf of Iraq.

13. The kingdom of Iraq possesses no naval forces. Its army (including a small air force) has a total strength of approximately 10,500 men. Its strength is not in excess of that required to maintain internal order and the necessary minimum defences. The army does not possess any of the more powerful modern weapons of attack.

The kingdom of Iraq is pledged by its adherence to the Pact of Paris never to resort to war as an instrument of national policy.

It is the intention of the Iraqi Government to accede as soon as possible to the Convention relating to the supervision of the international trade in arms and ammunition and in implements of war signed at Geneva on June 17th, 1925, and at the same time to assume in respect of Iraqi territory the same undertakings as those set forth in the first paragraph of Article 28 of that Convention.

1. DECLARATION OF THE KINGDOM OF IRAQ, MADE AT BAGHDAD ON MAY 30TH, 1932, ON THE OCCASION OF THE TERMINATION OF THE MANDATORY REGIME IN IRAQ, AND CONTAINING THE GUARANTEES GIVEN TO THE COUNCIL BY THE IRAQI GOVERNMENT.

CHAPTER I.

Article 1.

Protection of Minorities. The stipulations contained in the present chapter are recognised as fundamental laws of Iraq, and no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action now or in the future prevail over them.

Article 2.

1. Full and complete protection of life and liberty will be assured to all inhabitants of Iraq without distinction of birth, nationality, language, race or religion.

2. All inhabitants of Iraq will be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals.

Article 3.

Ottoman subjects habitually resident in the territory of Iraq on August 6th, 1924, shall be deemed to have acquired on that date Iraqi nationality to the exclusion of Ottoman nationality in accordance with Article 30 of the Lausanne Peace Treaty and under the conditions laid down in the Iraqi Nationality Law of October 9th, 1924.

Article 4.

1. All Iraqi nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

2. The electoral system shall guarantee equitable representation to racial, religious and linguistic minorities in Iraq.

3. Differences of race, language or religion shall not prejudice any Iraqi national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions and honours, or the exercise of professions or industries.

4. No restriction will be imposed on the free use by any Iraqi national of any language, in private intercourse, in commerce, in religion, in the Press or in publications of any kind, or at public meetings.

5. Notwithstanding the establishment by the Iraqi Government of Arabic as the official language, and notwithstanding the special arrangements to be made by the Iraqi Government, under Article 9 of the present Declaration, regarding the use of the Kurdish and Turkish languages, adequate facilities will be given to all Iraqi nationals whose mother tongue is not the official language, for the use of their language, either orally or in writing, before the courts.

Article 5.

Iraqi nationals who belong to racial, religious or linguistic minorities will enjoy the same treatment and security in law and in fact as other Iraqi nationals. In particular, they shall have an equal right to maintain, manage and control at their own expense, or to establish in the future, charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

Article 6.

The Iraqi Government undertakes to take, as regards non-Moslem minorities, in so far as concerns their family law and personal status, measures permitting the settlement of these questions in accordance with the customs and usage of the communities to which those minorities belong.

The Iraqi Government will communicate to the Council of the League of Nations information regarding the manner in which these measures have been executed.

Article 7.

1. The Iraqi Government undertakes to grant full protection, facilities and authorisation to the churches, synagogues, cemeteries and other religious establishments, charitable works and pious foundations of minority religious communities existing in Iraq.

2. Each of these communities shall have the right of establishing councils, in important administrative districts, competent to administer pious foundations and charitable bequests. These councils shall be competent to deal with the collection of income derived therefrom, and the expenditure thereof in accordance with the wishes of the donor or with the custom in use among the community. These communities shall also undertake the supervision of the property of orphans, in accordance with law. The councils referred to above shall be under the supervision of the Government.

3. The Iraqi Government will not refuse, for the formation of new religious or charitable institutions, any of the necessary facilities which may be guaranteed to existing institutions of that nature.

Article 8.

1. In the public educational system in towns and districts in which are resident a considerable proportion of Iraqi nationals whose mother tongue is not the official language, the Iraqi Government will make provision for adequate facilities for ensuring that in the primary schools instruction shall be given to the children of such nationals through the medium of their own language; it being understood that this provision does not prevent the Iraqi Government from making the teaching of Arabic obligatory in the said schools.

2. In towns and districts where there is a considerable proportion of Iraqi nationals belonging to racial, religious or linguistic minorities, these minorities will be assured an equitable share in the enjoyment and application of sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious or charitable

Article 9.

1. Iraq undertakes that in the liwas of Mosul, Arbil, Kirkuk and Sulaimaniya, the official language, side by side with Arabic, shall be Kurdish in the qadhas in which the population is predominantly of Kurdish race.

In the qadhas of Kifri and Kirkuk, however, in the liwa of Kirkuk, where a considerable part of the population is of Turcoman race, the official language, side by side with Arabic, shall be either Kurdish or Turkish.

2. Iraq undertakes that in the said qadhas the officials shall, subject to justifiable exceptions, have a competent knowledge of Kurdish or Turkish as the case may be.

3. Although in these qadhas the criterion for the choice of officials will be, as in the rest of Iraq, efficiency and knowledge of the language, rather than race, Iraq undertakes that the officials shall, as hitherto, be selected, so far as possible, from among Iraqis from one or other of these qadhas.

Article 10.

The stipulations of the foregoing articles of this Declaration, so far as they affect persons belonging to racial, religious or linguistic minorities, are declared to constitute obligations of international concern and will be placed under the guarantee of the League of Nations. No modification will be made in them without the assent of a majority of the Council of the League of Nations.

Any Member of the League represented on the Council shall have the right to bring to the attention of the Council any infraction or danger of infraction of any of these stipulations, and the Council may thereupon take such measures and give such directions as it may deem proper and effective in the circumstances.

Any difference of opinion as to questions of law or fact arising out of these articles between Iraq and any Member of the League represented on the Council shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. Any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

CHAPTER II.

Article 11.

Most-favoured-nation Clause.

1. Subject to reciprocity, Iraq undertakes to grant to Members of the League most-favoured-nation treatment for a period of ten years from the date of its admission to membership of the League of Nations.

Nevertheless, should measures taken by any Member of the League of Nations, whether such measures are in force at the above-mentioned date or are taken during the period contemplated in the preceding paragraph, be of such a nature as to disturb to the detriment of Iraq the balance of trade between Iraq and the Member of the League of Nations in question, by seriously affecting the chief exports of Iraq, the latter, in view of its special situation, reserves to itself the right to request the Member of the League of Nations concerned to open negotiations immediately for the purpose of restoring the balance.

Should an agreement not be reached by negotiation within three months from its request, Iraq declares that it will consider itself as freed, *vis-à-vis* of the Member of the League in question, from the obligation laid down in the first sub-paragraph above.

2. The undertaking contained in paragraph 1 above shall not apply to any advantages which are, or may in the future be, accorded by Iraq to any adjacent country in order to facilitate frontier traffic, or to those resulting from a Customs union concluded by Iraq. Nor shall the undertaking apply to any special advantages in Customs matters which Iraq may grant to goods the produce or manufacture of Turkey or of any country whose territory was in 1914 wholly included in the Ottoman Empire in Asia.

Article 12.

Judicial Organisation.

A uniform system of justice shall be applicable to all, Iraqis and foreigners alike. It shall be such as effectively to ensure the protection and full exercise of their rights both to foreigners and to nationals.

The judicial system at present in force, and based on Articles 2, 3 and 4 of the Agreement between the Mandatory Power and Iraq, signed on March 4th, 1931, shall be maintained for a period of 10 years from the date of the admission of Iraq to membership of the League of Nations.

Appointments to the posts reserved for foreign jurists by Article 2 of the said Agreement shall be made by the Iraqi Government. Their holders shall be foreigners and selected

Article 13.

International Conventions. Iraq considers itself bound by all the international agreement and conventions, both general and special, to which it has become party, whether by its own action or by that of the Mandatory Power acting on its behalf. Subject to any right of denunciation provided for therein, such agreements and convention shall be respected by Iraq throughout the period for which they were concluded.

Article 14.

Acquired Rights and Financial Obligations. Iraq, taking note of the resolution of the Council of the League of Nations of September 15th 1925 :

1. Declares that all rights of whatever nature acquired before the termination of the mandatory regime by individuals, associations or juridical persons shall be respected.
2. Undertakes to respect and fulfil all financial obligations of whatever nature assumed on Iraq's behalf by the Mandatory Power during the period of the Mandate.

Article 15.

Freedom of Conscience. Subject to such measures as may be essential for the maintenance of public order and morality, Iraq undertakes to ensure and guarantee throughout its territory freedom of conscience and worship and the free exercise of the religious, educational and medical activities of religious missions of all denominations, whatever the nationality of those missions or of their members.

Article 16.

Final Clause. The provisions of the present chapter constitute obligations of international concern. Any Member of the League of Nations may call the attention of the Council to any infraction of these provisions. They may not be modified except by agreement between Iraq and the Council of the League of Nations acting by a majority vote.

Any difference of opinion which may arise between Iraq and any Member of the League of Nations represented on the Council, with regard to the interpretation or the execution of the said provisions, shall, by an application by such Member, be submitted for decision to the Permanent Court of International Justice.

The undersigned, duly authorised, accepts on behalf of Iraq, subject to ratification, the above provisions, being the declaration provided for by the resolution of the Council of the League of Nations of May 19th, 1932.

DONE at Baghdad on this thirtieth day of May 1932

in a single copy which shall be deposited in the archives of the Secretariat of the League of Nations.

(Signed) NOURY SA'ID,

Prime Minister of Iraq.