

N° 822.

AUTRICHE ET TURQUIE

Convention concernant les conditions d'établissement des ressortissants autrichiens en Turquie et des ressortissants turcs en Autriche, avec Procès-verbal annexé, signée à Constantinople, le 28 janvier 1924.

AUSTRIA AND TURKEY

Convention respecting Conditions of Residence of Austrian Nationals in Turkey and of Turkish Nationals in Austria, with Procès-Verbal annexed thereto, signed at Constantinople, January 28, 1924.

¹ TRADUCTION. — TRANSLATION.

No. 822. — CONVENTION ² BETWEEN AUSTRIA AND TURKEY RESPECTING CONDITIONS OF RESIDENCE OF AUSTRIAN NATIONALS IN TURKEY AND OF TURKISH NATIONALS IN AUSTRIA, SIGNED AT CONSTANTINOPLE, JANUARY 28, 1924.

French official text communicated by the Representative of the Austrian Federal Government accredited to the League of Nations. The registration of this Convention took place February 9, 1925.

AUSTRIA, of the one part, and TURKEY, of the other part, being desirous of determining the conditions under which Austrian nationals may establish themselves in Turkey and Turkish nationals in Austria,

Have decided to conclude a Convention and have appointed for this purpose as their Plenipotentiaries :

THE FEDERAL PRESIDENT OF THE AUSTRIAN REPUBLIC :

Herr August KRAL, Envoy Extraordinary and Minister Plenipotentiary at Sofia ;

THE PRESIDENT OF THE TURKISH REPUBLIC :

Dr. ADNAN BEY, Delegate of the Ministry of Foreign Affairs at Constantinople and Deputy for Constantinople in the Grand National Assembly of Turkey,

who, having communicated their full powers, found in good and due form, have agreed as follows :

Article 1.

The nationals of each of the Contracting Parties shall have the right to establish themselves and to stay in the territory of the other and may accordingly come, go and move about freely, subject to compliance with the laws and regulations in force in the country.

Article 2.

It is agreed that the provisions of the present Convention, which do not deal with immigration, do not affect the right of each of the Contracting Parties to authorise or prohibit at will immigration into its country.

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place at Angora, October 23, 1924.

Article 3.

The nationals of each of the Contracting Parties shall have the same right as nationals of the country to engage in any kind of industry and trade and to follow any trade or profession whatsoever in the territory of the other Party, with the exception of those reserved for nationals alone in virtue of the respective laws and regulations, and, in the case of Turkey, also in virtue of long-established custom (lightermen, coasters, etc).

The nationals of each of the Contracting Parties shall not be required to pay any charge, tax or impost of any kind whatsoever other or higher than those imposed upon the nationals of the country, in respect of their stay or residence in the territory of the other Party, or in respect of the exercise in that territory of any form of commerce, industry, trade or profession.

The nationals of each of the Contracting Parties shall not be subject in the territory of the other to any charge, tax or impost, direct or indirect, other or higher than those which may be imposed on nationals of the country, in respect of their persons, property, rights and interests, or the acquisition, possession and enjoyment of such property, nor in respect of the transfer of such property by grant, exchange or succession.

Article 4.

Should one of the Contracting Parties expel, in individual cases, nationals of the other Contracting Party, either under the order of a court or in accordance with the laws and regulations relating to public morality, public health or mendicancy or for other reasons affecting the internal or external safety of the State, the other Contracting Party undertakes to receive persons thus expelled, who shall be transported as far as the frontier at the cost of the Party which expels them.

Article 5.

Subject to reciprocity, the nationals of each of the Contracting Parties shall have the right to acquire, possess and dispose of all kinds of property, both movable and immovable, in the territory of the other Party, with the exception of rural property, provided they comply with the national laws and regulations. They shall be able to dispose thereof by sale, exchange, gift, testament or by any other disposition, and to take possession by inheritance in accordance with the law or under disposition *inter vivos* or by will.

In all the above-mentioned cases they shall be subject to no charges, taxes or imposts of any description whatever other or higher than those which are or shall be established in the case of nationals.

Article 6.

The nationals of one of the Contracting Parties shall not be subject to any military service in the territory of the other Party nor to any obligation or payment which replaces such service.

They shall be exempt from all forced loans. They shall also be exempt from any other pecuniary contribution raised for purposes of war and not imposed by law on nationals of the country.

Article 7.

Commercial and industrial joint stock or other companies, which have their headquarters in the territory of one of the Contracting Parties and which are there incorporated in virtue of the laws of that country, may bring or defend actions in court, subject to compliance with the laws and regulations of that country.

The admission of such companies to commerce or industry in the territory of the other Contracting Party is subject to the laws and regulations which are or shall be in force in that territory.

The said companies established in conformity with paragraph 2 above shall not be required to pay in respect of their commercial or industrial business in the territory of the other Party any imposts, taxes or charges other or higher than those imposed upon national companies.

Subject to reciprocity and to compliance with the laws of the country, the latter companies may acquire all kinds of movable and immovable property which is necessary for the operations of the company, provided in this case that the acquisition of such property does not constitute the object of the company's existence.

Article 8.

The nationals of each of the Contracting Parties may not have their property in the territory of the other Party expropriated, nor the use of it denied to them even temporarily, except for reasons of public interest recognised by law as such and in return for fair compensation to be paid in advance. No expropriation may take place without public notice being previously given.

Article 9.

Nationals of each of the Contracting Parties shall enjoy in the territory of the other Party the same treatment as nationals of the country, as regards legal and judicial protection of their persons and property.

Accordingly, they shall have free and unhindered access to the courts and may sue or be sued on the same conditions as nationals of the country, subject to the regulations relating to security for costs and to free judicial assistance, which shall be governed by local legislation until these questions are settled by a special convention to be concluded between the two Parties.

Article 10.

In matters of personal status, *i. e.* all questions relating to marriage, community of goods between married persons, divorce, judicial separation, dower, paternity, affiliation, adoption, capacity, majority, guardianship, trusteeship and interdiction; in matters of succession of personalty whether by will or on intestacy, and the distribution and winding up of societies, and family law in general, as regards the nationals of the Contracting Parties, the national tribunals or other national authorities established in the country to which the said nationals belong shall alone have jurisdiction.

The present stipulation does not affect the special attributions of Consuls in matters of status in accordance with international law or special agreements which may be concluded, nor the right of the courts of the respective countries to request and receive evidence respecting matters acknowledged above as being within the competence of the national tribunals or other national authorities of the persons concerned.

Article 11.

The two Contracting Parties grant each other reciprocally the right to appoint regular consular officials (Consuls-General, Consuls and Vice-Consuls) in commercial centres of their country where similar officials of another State are admitted.

Subject to complete reciprocity, such consular officials shall receive, in the territories of both Parties, the treatment recognised by the principles of general international law.

Article 12.

The present Convention shall enter into force one month after the date of the exchange of ratifications, and shall remain in force for one year. Unless the Convention is denounced by one or other of the High Contracting Parties at least six months before the expiration of this period of one year, it shall remain in force until it is denounced, such denunciation not taking effect until after the expiration of six months.

It shall be ratified, and the ratifications shall be exchanged at Angora as soon as possible.

In faith whereof the respective Plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done in duplicate, at Constantinople, on January 28, 1924.

(L.S.) (Signed) KRAL.

(L.S.) (Signed) DR. ADNAN.

PROCÈS-VERBAL.

On proceeding to sign the Convention regarding conditions of residence and business between Austria and Turkey, the undersigned Plenipotentiaries have agreed upon the following explanations :

(1) By the term " forced loan " in Article 6 is understood any pecuniary imposition exacted on condition of subsequent repayment.

(2) The expression " joint stock or other companies " in Article 7 also includes financial and insurance companies.

(3) Immovable property which the companies of either of the Contracting Parties may acquire in the territory of the other Party in conformity with Article 7, paragraph 4, shall not belong to the class of property excepted in virtue of Article 5, paragraph 1.

(4) The exception laid down in Article 5, paragraph 1, does not affect the right to property legally acquired by nationals of the Contracting Parties before the conclusion of the above-mentioned Convention.

Done in duplicate, at Constantinople, on January 28, 1924.

(L.S.) (Signed) KRAL.

(L.S.) (Signed) D^r ADNAN.