

N° 2570.

BELGIQUE ET PERSE

Convention d'établissement. Signée
à Téhéran, le 9 mai 1929.

BELGIUM AND PERSIA

Convention concerning Conditions
of Residence. Signed at Teheran,
May 9, 1929.

¹ TRADUCTION. — TRANSLATION.

No. 2570. — CONVENTION² BETWEEN BELGIUM AND PERSIA CONCERNING CONDITIONS OF RESIDENCE. SIGNED AT TEHERAN, MAY 9, 1929.

French official text communicated by the Belgian Minister for Foreign Affairs and the Permanent Delegate of Persia accredited to the League of Nations. The registration of this Convention took place December 22, 1930.

HIS MAJESTY THE KING OF THE BELGIANS, of the one part, and HIS IMPERIAL MAJESTY THE SHAH OF PERSIA, of the other part, being desirous of laying down the conditions governing the establishment of Belgian subjects in Persia and of Persian subjects in Belgium, have decided to conclude for this purpose a Convention regarding establishment and have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE BELGIANS :

His Excellency M. Maurice CUVELIER, His Envoy Extraordinary and Minister Plenipotentiary in Persia ;

HIS IMPERIAL MAJESTY THE SHAH OF PERSIA :

His Excellency Mirza Mahomed Ali Khan FARZINE, Head of His Ministry of Foreign Affairs ;

Who, having communicated their full powers, found in good and due form, have agreed on the following Articles :

Article I.

The nationals of each of the High Contracting Parties shall, as regards their persons and their property, be admitted to and treated in the territory of the other in accordance with ordinary international law.

They shall enjoy therein the most constant protection afforded by the laws and territorial authorities for their persons and their property, rights and interests. They may enter the territory of the other Party, leave such territory and travel, remain and establish themselves therein, subject to compliance with the laws and regulations in force in the said territory.

Nevertheless, the foregoing provisions shall in no way affect the regulations which are or may in future be in force as regards passports, nor the right of each of the High Contracting Parties to take steps at any time to regulate or prohibit immigration into its territory, or to determine the conditions under which foreign workers in general may be admitted to exercise a trade therein, provided that these conditions do not constitute a measure of discrimination directed particularly against the nationals of the other Party.

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.

² The exchange of ratifications took place at Teheran, November 24, 1930.

Article 2.

Each of the High Contracting Parties reserves the right to expel, in individual cases, nationals of the other Party, either as a result of a legal judgment, or under police laws and regulations, or for reasons affecting the internal or external security of the State, of which, moreover, it shall be the sole judge.

The expulsion shall be carried out under conditions compatible with the requirements of health and humanity.

Article 3.

The nationals of either High Contracting Party shall, in the territory of the other and subject to compliance with the laws and regulations of the country, have the right to engage in any commerce, industry, trade or profession, excepting those which are or may in future be reserved exclusively for nationals of the country under the laws and regulations, or which are or may in future be the subject of a State monopoly or of a concession accorded by the State, and, also, hawking or any other itinerant trading.

They shall not be subject, in the territory of the other, to taxes, charges or imposts of any description whatsoever, other or higher than those imposed on nationals in identical circumstances, without prejudice to the provisions of Article 8 of the present Convention.

Nevertheless, nothing in this provision shall prevent the collection of any "residence" taxes or of any charges relating to the completion of police formalities, it being understood that the nationals of each of the contracting countries shall in this respect enjoy in the other country the treatment accorded to nationals of the most favoured nation.

Article 4.

Dwelling-houses and all other immovable property acquired, possessed or leased in conformity with the provisions of the present Convention by nationals of either High Contracting Party in the territory of the other, may not be subjected to domiciliary visits or searched except under the conditions and in the manner laid down in the laws, decrees and regulations applicable to nationals of the country. Similarly, books, papers or accounts contained therein may not be examined or inspected except under the conditions and in the manner mentioned above.

Article 5.

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

Accordingly they shall have free and unhindered access to the Courts and may sue and be sued under the same conditions as nationals of the country, subject to the provisions concerning security for costs and free legal aid. These latter questions shall be governed by the local law until they are regulated by a special convention between the Contracting Parties.

Article 6.

In matters of personal status, the Courts of each of the High Contracting Parties shall apply to the nationals of the other the national laws of these persons.

Article 7.

Nationals of each of the High Contracting Parties shall, subject to compliance with the laws and regulations in force in the territory of the other Party, have the right to acquire, possess and alienate in that territory all kinds of rights and of movable or immovable property which the laws and regulations of the country now allow or may in future allow the nationals of any third country to acquire, alienate or possess in the said territory.

They may not be expropriated nor deprived, even temporarily, of the enjoyment of such property except under the conditions and on payment of the indemnities laid down by local law in regard to nationals of the country.

Article 8.

Nationals of either High Contracting Party shall be exempt in the territory of the other from all military service, as well as from any compulsory service, excepting that which may be required for defence against a natural calamity.

They shall be exempt in the territory of the other Party from any forced loan and any other contribution which may be imposed for war requirements.

They shall only be liable, in time of peace and in time of war, to the military requisitions imposed by law on nationals of the country to the same extent and under the same conditions as the latter.

Article 9.

Commercial or industrial companies which are constituted in accordance with the laws of either High Contracting Party and which have their seat in its territory and are legally recognised therein as enjoying its nationality, shall have their legal existence and their capacity recognised in the territory of the other.

Provided that they comply with the laws and regulations in force in the territory of the other Party, they may establish themselves therein and engage in any business or industry in which nationals of the country where they were constituted may engage and which are not forbidden to companies of the same nature belonging to the most favoured nation.

In movable and immovable matters they shall have the same rights in the territory of the other Party as are granted by Article 7 to the subjects of their country of nationality.

As regards taxes, they will receive the same treatment as companies of the same nature belonging to the most favoured nation.

Nevertheless, it is understood that the provisions of the present Convention cannot be invoked to support a claim to the special privileges accorded in Persia to companies whose business conditions are regulated by special concessions.

On the other hand, companies of either High Contracting Party whose business conditions in the territory of the other are regulated by special concessions shall not have the right, in regard to points covered by the deed of concession, to claim advantages accorded in virtue of treaties and conventions in force or resulting from the most-favoured-nation system.

Article 10.

The benefits of the advantages which either Contracting Party has accorded or may in future accord to a third country in virtue of an economic union may not be claimed by the other Party by reason of the present Convention.

Article 11.

The present Convention shall not apply to Colonies or Territories under mandate of the Contracting Parties.

Article 12.

The present Convention shall be ratified as soon as possible and the exchange of ratifications shall take place at Teheran. It shall enter into force fifteen days after the exchange of the instruments of ratification and shall be valid for a period of five years. If not denounced six months before the expiry of this period of five years, it shall be prolonged by tacit agreement and shall only cease to be effective six months after either Contracting Party shall have notified the other of its intention to terminate it.

Article 13.

The present Convention is drawn up in duplicate.

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

Done at Teheran, May 9, 1929.

(Signed) M. CUVELIER.

(Signed) FARZINE.