

N° 3217.

IRAK ET TURQUIE

Convention d'établissement. Signée
à Ankara, le 9 janvier 1932.

IRAQ AND TURKEY

Convention regarding Establishment.
Signed at Ankara, January 9, 1932.

TEXTE TURC. — TURKISH TEXT.

N° 3217. — IRAK ILE TÜRKİYE ARASINDA İKAMET MUKAVELESİ¹.
ANKARADA 1932 KANUNUSANISININ 9 da İMZALNAMIŞTIR.

*Textes officiels arabe, turc et français communiqués par le ministre des Affaires étrangères de l'Irak.
L'enregistrement de cette convention a eu lieu le 8 juillet 1933.*

Bir taraftan HAŞMETLÜ İRAK KRALI HAZRETLERİ ve diğer taraftan, TÜRKİYE CÜMHÜRİYETİ REİSİ HAZRETLERİ,

İki memleket arasında teyemmünen mevcut dostluk rabitalarını takviye ve Yüksek Âkitlerden her birinin tebasının ve şirketlerinin diğer taraf ülkesinde ikamet ve icrayı ticaret edebilmeleri şartlarını tesbit etmek ve kezaîlik kazaî umura ve malî tekâlîfe müteallik mesaili tanzim eylemek arzusu ile aynen mütehassis olarak bir İkamet Mukavelesi akdine karar vemişler ve Murahhasları olmak üzere :

İRAK KRALI HAZRETLERİ :

İrak Hükümeti Vüzera Meclisi Reisi ve Rafidein Yüksek nisanının ikinci sınıfının hamili Ferik NURİ ESSAİT Paşa Hazretlerini,

TÜRKİYE CÜMHÜRİYETİ REİSİ HAZRETLERİ :

İktisat Vekili ve Burdur Mebusu Mustafa SEREF Beyfendiği tayin buyurmuşlardır.

Müşarünileyhima, usulüne muvafık ve muteber görülen salâhiyetnamelerini yekdiğerine teblig ettikten sonra âtideki ahkamî kararlastırmışlardır :

Madde 1.

Her iki memleket tebaasına ve şirketlerine diğer memleket arazisinde tatbik edilecek ikamet ve meksüaram şartlarına ve kezaîlik malî tekâlîf ve kazaî salâhiyet dahil olduğu halde bilumum adlî mesaili müteallik hususlarda Irak Türkiyeye ve Türkiye İraka en ziyade mazhari müsaade üçüncü memlekete bahşedilmiş veya edilecek olan muameleyi aynen bahşedecektir.

İşbu Muahedenin hükümlerinden hiç biri iki memlekette her birinin ecnebilerin muhaceretine müteallik kavanin ve nizamati mevcudesi, yahut iki memlekette her birinin bu mahiyette kavanin ve nizamnameler neşretmek hakkı üzerinde her hangi bir tesiri haiz olduğu suretinde tefsir olunmayacaktır.

İrakin mücavir Arap Devletlerine passaport ve viza hususunda bahşettiği veya edeceği hususî müsaadelere gelince, Türkiye bunlardan en ziyade mazhari müsaade millet esasına istinaden istifadeyi ancak müteakabiliyet şartı ile talep edebilecektir.

¹ L'échange des ratifications a eu lieu à Bagdad, le 21 juin 1933.

N^o 3217. — CONVENTION ¹ D'ÉTABLISSEMENT ENTRE L'IRAK ET LA TURQUIE. SIGNÉE A ANKARA, LE 9 JANVIER 1932.

*Arabic, Turkish and French official texts communicated by the Minister for Foreign Affairs of Iraq.
The registration of this Convention took place July 8, 1933.*

SA MAJESTÉ LE ROI D'IRAK, d'une part, et LE PRÉSIDENT DE LA RÉPUBLIQUE TURQUE, d'autre part, également animés du désir de resserrer les liens d'amitié si heureusement existant entre les deux pays et de fixer les conditions dans lesquelles les ressortissants et les sociétés de chacune des deux Hautes Parties contractantes pourraient s'établir et exercer le commerce dans le territoire de l'autre Partie ainsi que de régler les questions ayant trait à la compétence judiciaire et aux charges fiscales, ont décidé de conclure à cet effet une convention d'établissement et ont désigné pour leurs plénipotentiaires respectifs :

SA MAJESTÉ LE ROI D'IRAK :

Son Excellence le général NURI ESSAID Pacha, président du Conseil des Ministres de l'Irak, II^e classe de l'Ordre de Rafidein ;

LE PRÉSIDENT DE LA RÉPUBLIQUE TURQUE :

Son Excellence Mustafa SEREF Beyfendi, ministre de l'Economie nationale, député de Burdur ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des dispositions suivantes :

Article premier.

En ce qui concerne les conditions d'établissement et de séjour qui seront applicables aux ressortissants et sociétés de chacun des deux pays sur le territoire de l'autre, ainsi qu'en matière de charges fiscales et de questions judiciaires, y compris celle de la compétence, l'Irak accordera à la Turquie et la Turquie accordera à l'Irak le même traitement que celui qui est accordé ou pourrait être accordé au pays tiers le plus favorisé.

Aucune disposition de cette convention ne saurait être interprétée comme ayant une influence quelconque sur les lois et les règlements existants dans chacun des deux pays concernant l'immigration des étrangers ou sur le droit de chacun des deux pays d'édicter des lois et règlements de cette nature.

Quant aux avantages spéciaux accordés ou qui seront accordés par l'Irak aux pays arabes limitrophes en ce qui concerne les passeports et les visas, la Turquie ne pourra en demander le bénéfice en invoquant la clause de la nation la plus favorisée, qu'à condition de réciprocité.

¹ The exchange of ratifications took place at Baghdad, June 21, 1933.

Emvali gayri menkuleye tasarruf hakkı hususunda Yüksek Akit Taraflar tebaası diğer Taraf ülkesinde iki memleketin meri kanunları ahkâmi dahilinde en ziyade müsaadeye mazhar millet muamelesinden müstefit olacaklardır.

Bu hükmün tatbiki tam mütekabiliyet şartına muallaktır.

Madde 2.

Arapçe, Türkçe ve Fransızca lisanlarında tanzim edilen işbu Mukavele tasdik edilecek ve tasdiknameler en yakın bir zamanda Bagdat'ta taati edilecektir.

Mukavele tasdiknamelerin taatisinden on beş gün sonra meriyete girecek ve bir sene vacibü-littiba olup Yüksek Âkit Taraflardan biri canibinden feshedilmezse zimmî bir surette meriyette kalacaktır.

Fesih takdirinde Mukavele hükümden iskat için Yüksek Âkitlerden birinin bu bapta arzusunun diğer Tarafa teblig ettiği tarihten itibaren daha üç ay meriyette kalacaktır.

Bu Mukavelenin tatbik ve tefsiri hakkında her hangi ihtilaf zuhurunda Fransızca metin müteber olacaktır.

Yukarıdaki ahkâmi tasdik etmek üzere Murahhaslar işbu Mukavelenameyi imza etmişler ve mühürlemişlerdir.

Ankarada bin dokuz yüz otuz iki senesi kânunusanisinin günü tanzim edilmiştir.

NURI AL SAID.

M. SEREF.

En ce qui concerne le droit de propriété immobilière, les ressortissants de chacune des Hautes Parties contractantes jouiront sur les territoires de l'autre du traitement de la nation la plus favorisée, sous réserve des dispositions des lois en vigueur dans les deux pays.

L'application de cette disposition est subordonnée à la condition de parfaite réciprocité.

Article 2.

La présente convention, rédigée en langues arabe, turque et française, sera ratifiée et les instruments de ratification seront échangés à Bagdad aussitôt que faire se pourra.

Elle entrera en vigueur quinze jours après l'échange des instruments de ratification et demeurera obligatoire pendant un an, avec tacite reconduction aussi longtemps qu'elle ne sera pas dénoncée par l'une des Hautes Parties contractantes.

En cas de dénonciation, elle demeurera encore en vigueur trois mois à partir du jour où l'une des Hautes Parties contractantes aura notifié à l'autre son intention d'en faire cesser les effets.

S'il s'élève un différend quelconque relatif à l'interprétation ou à l'application de la présente convention, le texte français fera foi.

En foi de quoi les plénipotentiaires ont signé la présente convention et y ont apposé leurs sceaux.

Fait à Ankara, le neuf janvier mil neuf cent trente-deux.

Nuri ESSAID.

M. SEREF.

N° 3217.

TEXTE ARABE. — ARABIC TEXT.

اتفاقية الإقامة بين العراق وتركيا

صاحب الجلالة ملك العراق

من الجهة الواحدة

وصاحب الفخامة رئيس الجمهورية التركية

من الجهة الأخرى

رغبة منها في توطيد العلاقات الودية السائدة
لحسن الحظ بين البلدين وتثبيت الشروط التي
بموجبها يتمكن رعايا وشركات كل من الطرفين
السامين المتعاقدين من الإقامة والتجارة في بلاد
الطرف الآخر وكذلك تنظيم الأمور المتعلقة
بالصلاحية القضائية والتكاليف المالية قد قررا
عقد اتفاقية إقامة لهذا الغرض وعينا مندوبين
مفوضين : —

عن صاحب الجلالة ملك العراق

صاحب الفخامة الفريق نوري باشا السعيد

رئيس مجلس وزراء العراق وحامل وسام الراشدين
من الدرجة الثانية .

وعن صاحب الفخامة رئيس الجمهورية التركية
صاحب المعالي مصطفى شرف بك وزير الاقتصاد
لحكومة الجمهورية التركية ونائب بوردور
الذين بعد ان قدم كل منهما اوراق تفويضه
الى الآخر ووجدها صحيحة ومطابقة للأصول
اتفقا على ما يأتي : —

المادة الأولى

يمنح العراق تركية وتمنح تركية العراق نفس
المعاملة الممنوحة او التي ستمنح الى البلاد الثالثة
الاكثر حظوة فيما يتعلق بشروط الإقامة او السكنى
المطبقة على رعايا وشركات كل من البلدين في
اراضي الطرف الآخر وكذلك فيما يتعلق بالتكاليف
المالية وجميع الشؤون القضائية بما فيها الصلاحية
لا يجوز تفسير منطوق هذه الاتفاقية بطريقة
تؤثر باي صورة كانت على القوانين والانظمة
المعمول بها في بلاد كل من الطرفين فيما يختص
بقبول هجرة الاجانب او على حق كل من البلدين
في وضع قوانين وانظمة في هذا الشأن .

اما عن المساعدات الخاصة التي منحها او
سيمنحها العراق للبلاد العربية المجاورة بشأن
جوازات السفر والسمات فلا تستطيع تركيا المطالبة
بالاستفادة منها استناداً الى اساس اكثر الأمم
حظوة الا بشرط المقابلة بالمثل.

وفما يخص حقوق التصرف في الأموال غير
المنقولة يتمتع رعايا كل من الطرفين الساميين
المتعاقدين بمعاملة اكثر الأمم حظوة في بلاد الطرف
الآخر بشرط عدم الاخلال بأحكام القوانين
النافذة في البلدين .

ويشترط المعاملة المتقابلة التامة في تطبيق هذا
الحكم.

المادة الثانية

تبرم هذه الاتفاقية المحررة باللغات العربية
والتركية والفرنسية ويتم تبادل وناثق الأبرام في
بغداد بأسرع ما يمكن .

وتصبح نافذة بعد خمسة عشر يوماً من تبادل
وئاثق الأبرام وتبقى معمولاً بها مدة سنة واحدة
على ان تكون قابلة للتجديد ضمناً ما لم يبطلها
احد الطرفين الساميين المتعاقدين. وفي حالة الابطال
تبقى معمولاً بها مدة ثلاثة اشهر من تاريخ اشعار
احد الطرفين الساميين المتعاقدين للطرف الآخر
بعزمه على ابطال احكامها .

وفي حالة اي اختلاف كان في تفسير او تطبيق
هذه الاتفاقية يعول على النص الفرنسي .

وتأبيراً لذلك قد وقع المندوبان المفوضان
على هذه الاتفاقية وختماها .

كتبت في آنقرة في اليوم التاسع من كانون
الثاني سنة الف وتسعمائة واثنين وثلاثين .

نوري السعيد

م. شرف

¹ TRADUCTION. — TRANSLATION.

No. 3217. — CONVENTION REGARDING ESTABLISHMENT BETWEEN IRAQ AND TURKEY. SIGNED AT ANKARA, JANUARY 9, 1932.

HIS MAJESTY THE KING OF IRAQ, of the one part, and THE PRESIDENT OF THE TURKISH REPUBLIC, of the other part, being equally desirous of strengthening the relations of friendship which happily exist between the two countries and of determining the conditions under which the nationals and companies of each of the two High Contracting Parties may establish themselves and carry on trade in the territory of the other Party, and also of regulating questions concerning judicial jurisdiction and fiscal charges, have decided to conclude an Establishment Convention for this purpose and have appointed as their respective Plenipotentiaries :

HIS MAJESTY THE KING OF IRAQ :

His Excellency General NURI ESSAID Pasha, President of the Council of Ministers of Iraq, Order of Rafidein, Second Class ;

THE PRESIDENT OF THE TURKISH REPUBLIC :

His Excellency Mustafa SEREF Beyfendi, Minister for National Economy, Deputy for Burdur ;

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

Article I.

As regards the conditions in which the nationals and companies of each of the two countries may establish themselves and reside in the territory of the other and as regards fiscal charges and judicial questions, including that of jurisdiction, Iraq shall accord to Turkey and Turkey shall accord to Iraq the same treatment as is or may be accorded to the most favoured third country.

None of the provisions of this Convention shall be interpreted as having any effect whatever upon the existing laws and regulations in either of the two countries regarding the immigration of foreigners or upon the right of either country to enact laws and regulations of such a nature.

As regards the special advantages which are or may hereafter be granted by Iraq to the adjacent Arab countries in the matter of passports and visas, Turkey shall not be entitled to claim the same advantages on the ground of the most-favoured-nation clause except on condition of reciprocity.

As regards immovable property rights, the nationals of each of the High Contracting Parties shall, subject to the laws in force in the two countries, enjoy most-favoured-nation treatment on the territories of the other.

This provision shall be subject to complete reciprocity.

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.

Article 2.

The present Convention, which is drawn up in Arabic, Turkish and French, shall be ratified and the instruments of ratification shall be exchanged at Baghdad as soon as possible.

It shall come into force fifteen days after the exchange of the instruments of ratification, shall remain binding for one year, and shall be prolonged by tacit agreement until it is denounced by one of the High Contracting Parties.

Should it be denounced, it shall remain in force three months as from the date on which either of the High Contracting Parties shall have notified the other of its intention to terminate it.

In the event of there being any difference of opinion as to the interpretation or application of the present Convention, the French text shall be regarded as authentic.

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

Done at Ankara, January the ninth, one thousand nine hundred and thirty-two.

NURI ESSAID.

M. SEREF.

