

No. 704.

**EMPIRE BRITANNIQUE, FRANCE, ITALIE,
JAPON, GRÈCE, &c., ET TURQUIE.**

**Convention relative à l'Établissement et à la Compétence
judiciaire, signée à Lausanne, le 24 juillet 1923.**

**BRITISH EMPIRE, FRANCE, ITALY, JAPAN,
GREECE, &c., AND TURKEY.**

**Convention respecting Conditions of Residence and
Business and Jurisdiction, signed at Lausanne,
July 24, 1923.**

Traduction.—Translation.*

No. 704.—Convention⁽¹⁾ respecting Conditions of Residence and Business and Jurisdiction, signed at Lausanne, July 24, 1923.

Official French text communicated by the French Delegation at the Fifth Assembly of the League of Nations. The registration of this Convention took place September 5, 1924.

THE BRITISH EMPIRE, FRANCE, ITALY, JAPAN, GREECE, ROUMANIA and the SERB-CROAT-SLOVENE STATE, of the one part.

And TURKEY, of the other part,

Being desirous of prescribing, in accordance with modern international law, the conditions under which nationals of the other Contracting Powers may settle in Turkey and Turkish nationals may settle in the territory of those Powers, as well as certain questions relating to jurisdiction.

Have decided to conclude a Convention to this effect, and have appointed as their Plenipotentiaries:—

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA :

The Right Honourable Sir Horace George Montagu Rumbold, Baronet, G.C.M.G., High Commissioner at Constantinople :

THE PRESIDENT OF THE FRENCH REPUBLIC :

General Maurice Pellé, Ambassador of France, High Commissioner of the Republic in the East, Grand Officer of the National Order of the Legion of Honour :

HIS MAJESTY THE KING OF ITALY :

The Honourable Marquis Camillo Garroni, Senator of the Kingdom, Ambassador of Italy, High Commissioner at Constantinople, Grand Cross of the Orders of Saints Maurice and Lazarus, and of the Crown of Italy :

M. Giulio Cesare Montagna, Envoy Extraordinary and Minister Plenipotentiary at Athens, Commander of the Order of Saints Maurice and Lazarus, Grand Officer of the Crown of Italy ;

* Communiquée par le Ministère des Affaires étrangères de Sa Majesté britannique.

* Communicated by His Britannic Majesty's Foreign Office.

(¹) The deposit of the instruments of ratification took place by Greece, February 11, 1924; by Turkey, March 31, 1924; by the British Empire, Italy and Japan, August 6, 1924.

HIS MAJESTY THE EMPEROR OF JAPAN :

Mr. Kentaro Otchiai, Jusammi, First Class of the Order of the Rising Sun, Ambassador Extraordinary and Plenipotentiary at Rome ;

HIS MAJESTY THE KING OF THE HELLENES :

M. Eleftherios K. Veniselos, formerly President of the Council of Ministers, Grand Cross of the Order of the Saviour ;

M. Demetrios Caclamano, Minister Plenipotentiary at London, Commander of the Order of the Saviour ;

HIS MAJESTY THE KING OF ROUMANIA :

M. Constantine I. Diamandy, Minister Plenipotentiary ;

M. Constantine Contzesco, Minister Plenipotentiary ;

HIS MAJESTY THE KING OF THE SERBS, THE CROATS AND THE SLOVENES :

Dr. Miloutine Yovanovitch, Envoy Extraordinary and Minister Plenipotentiary at Berne ;

THE GOVERNMENT OF THE GRAND NATIONAL ASSEMBLY OF TURKEY :

Ismet Pasha, Minister for Foreign Affairs, Deputy for Adrianople ;

Dr. Riza Nour Bey, Minister for Health and for Public Assistance, Deputy for Sinope ;

Hassan Bey, formerly Minister, Deputy for Trebizond ;

Who, having produced their full powers, found in good and due form, have agreed as follows :—

CHAPTER I.**CONDITIONS OF RESIDENCE AND BUSINESS.***Article 1.*

The application in Turkey of each of the provisions of this Chapter to nationals and corporations of the other Contracting Powers is expressly subject to complete reciprocity being accorded to Turkish nationals and corporations in the territories of the said Powers.

Should one of these Powers refuse, in consequence of a provision in its law or for another reason, to accord reciprocity in respect of any such provision, its nationals and corporations will not be entitled to benefit by such provision in Turkey.

For the purposes of this Article each of the Dominions, colonies and countries under the protection or authority of the Contracting Powers will be considered as a separate contracting country.

SECTION I.

ENTRY AND RESIDENCE.

Article 2.

In Turkey the nationals of the other Contracting Powers will be received and treated, both as regards their persons and property, in accordance with ordinary international law. They will enjoy in Turkey the complete and constant protection of the local law and authorities for their persons, their property, rights and interests. Without prejudice to the provisions respecting immigration, they will have complete freedom to enter and establish themselves in Turkey, and may accordingly come, go and reside there, subject to compliance with the laws and regulations in force.

Article 3.

In Turkey the nationals of the other Contracting Powers will have the right to acquire, to possess and to dispose of all kinds of property both movable and immovable, subject to compliance with the local laws and regulations; they will in particular be able to dispose thereof by sale, exchange, gift, testamentary disposition, or in any other way, and to take possession by inheritance in accordance with the law, or under dispositions *inter vivos* or by will.

Article 4.

The admission in Turkey of nationals of the other Contracting Powers to the different forms of commerce, professions and industry, and reciprocally the admission, in the territories of the said Powers, of Turkish nationals to the different forms of commerce, professions and industry, will form the subject of separate conventions to be concluded between Turkey and the said Powers within twelve months from the coming into force of the present Convention.

It is understood that, pending the conclusion of the said Conventions, the *status quo* as on the 1st January, 1923, will be maintained, and that if any such Convention has not been concluded at the end of the said period of twelve months each of the Contracting Powers concerned will recover its freedom of action, subject to the rights acquired by individuals before the 1st January, 1923, being respected.

Article 5.

In Turkey, commercial, industrial and financial corporations, including transport and insurance corporations, which are regularly incorporated on the territory of any one of the other Contracting Powers, shall be recognised.

In all matters relating to their constitution, their legal capacity and their right to sue and be sued, they will be treated in accordance with their national law.

They will have the right to establish themselves in Turkish territory and to engage in all forms of commerce and industry in which nationals of the country where they were incorporated may engage, and which are not forbidden in Turkey to Turkish corporations. They will have the right freely to conduct their affairs in

Turkey, subject to compliance with the prescriptions relating to public order, and will enjoy in this respect the same rights as any similar Turkish corporation.

They will have the right to acquire, to possess and to dispose of all kinds of movable property, subject to compliance with the local laws and regulations. They will have a similar right as regards immovable property which is necessary for the operations of the corporation, provided, in this case, that the acquisition of such property does not constitute the object of the corporation's existence.

Article 6.

In Turkey the nationals of the other Contracting Powers will not be subject to the laws relating to military service. They will be exempt from any such service and from any obligation or payment which replaces such service.

Their property may not be expropriated or 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 7.

Turkey reserves the right to expel, in individual cases, nationals of the other Contracting Powers, either under the order of a Court or in accordance with the laws and regulations relating to public morality, public health or pauperism, or for reasons affecting the internal or external safety of the State. The other Contracting Powers agree to receive persons thus expelled, and their families, at any time.

The expulsion shall be carried out in conditions complying with the requirements of health and humanity.

SECTION II.

FISCAL CLAUSES.

Article 8.

Nationals of the Contracting Powers, other than Turkey, shall not be subjected to any charge, tax or impost of any kind or under any description whatsoever, other or higher than those which may be imposed on Turkish nationals, in respect of their stay or residence in Turkish territory, or in respect of the exercise of any form of commerce, profession, industry, enterprise or activity of whatever kind in Turkey which is open to them in accordance with the provisions of Article 4.

The nationals of the said Powers who are established abroad and who, while passing through Turkish territory undertake any business, shall not be subjected to any charge, tax or impost of any kind or under any description whatsoever other or higher than those to which Turkish nationals or foreigners established in Turkey are subjected in respect of an activity of the same kind and importance, in accordance with the fiscal provisions in force in the country.

The property, rights and interests in Turkish territory of the nationals of the said Powers shall not be subjected to any impost, tax or charge, direct or indirect, other or higher than those which may be imposed on the property, rights and interests of Turkish nationals, whether as regards the acquisition, possession or enjoyment of the said property, or as regards its transfer by grant, exchange or succession.

Article 9

Commercial, industrial or financial corporations, including transport and insurance corporations which are incorporated in accordance with the law of one of the other contracting countries, and which, in accordance with the provisions of Article 5, establish themselves in Turkey or carry on their affairs there, shall not be subjected to any impost, tax or charge, of any kind or under any description whatsoever, to which corporations of the same kind incorporated under Turkish law are not subjected.

The same provisions apply to associated companies, branches, agencies and other representatives of firms or companies of the said countries which, in accordance with the provisions of Article 5, are established or carry on their affairs in Turkey, it being understood that, when the control of these firms or companies is outside Turkey, the said associated companies, branches, agencies and representatives will only be taxed in proportion to the amount of the capital actually employed in Turkey, or in respect of the profits and revenues which they have actually earned there, these profits and revenues being used to determine the amount of capital employed if it is impossible to verify that capital.

Article 10.

If the Turkish Government establishes any exemptions from fiscal charges, of any kind or under any description whatsoever, these exemptions will be granted to the nationals or companies established in Turkey of the other contracting countries in the same way as to Turkish nationals or to companies established under Turkish law.

This provision cannot be used to support a claim to the benefit of exemptions from charges granted to undertakings established by the State or to concessionaires of a public utility service.

Article 11.

In respect of all matters referred to in Articles 8 to 10, provincial or local charges, imposts or taxes, leviable in Turkey on the nationals of the other contracting countries shall not be other or higher than those levied on Turkish nationals.

Article 12.

No forced loan or capital levy shall be imposed in Turkey, even in case of war, on nationals of other contracting countries established in Turkey or carrying on their affairs therein, or on their property, rights and interests situated in Turkish territory, or on corporations, associated companies, branches or agencies constituted under the law of one of the said countries and established in Turkey or carrying on their affairs therein.

Article 13.

The Capitulations having been abolished, Turkey will not grant to the nationals of foreign countries any treatment more favourable than that accorded to her own nationals, and will apply to her nationals and to the nationals of the other Contracting Parties the principle of equality of treatment as regards the matters referred to in this Section.

CHAPTER II:**JURISDICTION.***Article 14.*

In Turkey the nationals of the other Contracting Powers, and reciprocally Turkish nationals in the territories of the said Powers, will have free access to the courts of the country, and may sue and be sued in the same conditions in all respects as nationals of the country, subject to the provisions of Article 18.

Article 15.

Subject to the provisions of Article 16, all questions of jurisdiction shall, as between Turkey and the other Contracting Powers, be decided in accordance with the principles of international law.

Article 16.

In matters of personal status, *i.e.*, all questions relating to marriage, conjugal rights, divorce, judicial separation, dower, paternity affiliation, adoption, capacity, majority, guardianship, trusteeship and interdiction; in matters relating to succession to personalty, whether by will or on intestacy, and the distribution and winding up of estates; and family law in general, it is agreed between Turkey and the other Contracting Powers that, as regards non-Moslem nationals of such Powers in Turkey, the national tribunals or other competent national authorities established in the country of which the party whose personal status is in question will 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 Turkish courts to request and receive evidence respecting matters acknowledged above as being within the competence of the national tribunals or authorities of the parties concerned.

By way of exception to the first paragraph of this Article, the Turkish courts will also have jurisdiction in the matters referred to therein, if all the parties to the case submit in writing to the jurisdiction of the said courts. In such case the Turkish courts will apply the national law of the parties.

Article 17.

The Turkish Government declares that the Turkish courts will ensure to foreigners in Turkey, both as regards person and property, protection in accordance with international law and the principles and methods generally adopted in other countries.

Article 18.

All questions relating to security for costs, execution of judgments, service of judicial and extra-judicial documents, commissions rogatoires, orders for the payment of costs and expenses, free judicial assistance and imprisonment for debt are left to be regulated between Turkey and the other Contracting Powers by separate conventions between the States concerned.

CHAPTER III.**FINAL PROVISIONS.***Article 19.*

The Contracting Powers reserve the right of declaring, at the time of the coming into force of the present Convention, that its provisions do not apply to all or any of their Dominions enjoying responsible government, or their colonies, protectorates, possessions or territories beyond the sea subject to their sovereignty or authority, and in this case Turkey will be released from her obligations under the present Convention to the said Dominions, colonies, protectorates, possessions and territories.

The said Powers may, however, adhere subsequently in the name of every Dominion enjoying responsible government, colony, protectorate, possession or territory in respect of which they have, in accordance with the terms of the present Convention, made a declaration of exclusion.

Article 20.

The present Convention is concluded for a period of seven years from its coming into force.

If the Convention is not denounced by one of the High Contracting Parties at least one year before the expiry of the said period, it will remain in force until denounced. Such denunciation will take effect a year after notice of it is given.

In the event of the Convention being denounced by any one of the Contracting Powers other than Turkey, the denunciation will only take effect as between such Power and Turkey.

Turkey will be entitled to denounce the Convention either as regards all the other Contracting Powers, or as regards only one of them; in the latter event, the Convention will remain in force as regards the rest.

Article 21.

The present Convention shall be ratified.
The ratifications shall be deposited at Paris as soon as possible.

It shall enter into force in the same way as the Treaty of Peace signed this day.

In faith whereof the above-named Plenipotentiaries have signed the present Convention.

Done at Lausanne, the 24th July, 1923, in a single copy which will be deposited in the archives of the Government of the French Republic, who will transmit a certified copy to each of the Signatory Powers.

(L.S.)	HORACE RUMBOLD.
(L.S.)	PELLÉ.
(L.S.)	GARRONI.
(L.S.)	G. C. MONTAGNA.
(L.S.)	K. OTCHIAI.
(L.S.)	E. K. VENISÉLOS.
(L.S.)	D. CACLAMANOS.
(L.S.)	CONST. DIAMANDY.
(L.S.)	CONST. CONTZESCO.
()
(L.S.)	M. ISMET.
(L.S.)	DR. RIZA NOUR.
(L.S.)	HASSAN.

At the deposit of the instruments of ratification by His Britannic Majesty of the agreements signed at Lausanne, the representative of the British Government deposited a declaration under which the provisions of the Convention respecting the conditions of residence and business and jurisdiction, signed at Lausanne, July 24, 1923, shall not be deemed to apply to any of His Britannic Majesty's Dominions which possess a responsible Government, colonies, possessions, protectorates or territories under His Britannic Majesty's sovereignty or authority mentioned below :—

Canada.
Union of South Africa.
Mandated Territory of South-West Africa.
Irish Free State.
Bahamas.
Gibraltar.
Sierra Leone.
Fiji.
Gilbert and Ellis Islands.

British Protectorate of Solomon Islands, and other islands
under the jurisdiction of the High Commissioner of
Western Pacific.

Tonga.

Basutoland.

Bechuanaland Protectorate.

Swaziland.

Northern Rhodesia.

Anglo-Egyptian Sudan.

Straits Settlements.

Mandated Territory of Nauru.