

N° 1706.

---

**SUISSE ET TURQUIE**

Convention d'établissement, avec protocole additionnel. Signés à Angora, le 7 août 1927.

---

**SWITZERLAND AND TURKEY**

Convention respecting Conditions of Residence and Business, with Additional Protocol. Signed at Angora, August 7, 1927.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 1706. — CONVENTION <sup>2</sup> BETWEEN SWITZERLAND AND THE TURKISH REPUBLIC RESPECTING CONDITIONS OF RESIDENCE AND BUSINESS. SIGNED AT ANGORA, AUGUST 7, 1927.

*French official text communicated by the Swiss Federal Council. The registration of this Convention took place May 14, 1928.*

THE SWISS FEDERAL COUNCIL, of the one part, and THE PRESIDENT OF THE TURKISH REPUBLIC of the other part, being desirous of determining the conditions under which Swiss nationals may establish themselves in Turkey and Turkish nationals in Switzerland, have decided to conclude a Convention respecting conditions of residence and business and have appointed for this purpose as their respective Plenipotentiaries :

THE SWISS FEDERAL COUNCIL :

M. Henri MARTIN, Swiss Chargé d'Affaires in Turkey ;

THE PRESIDENT OF THE TURKISH REPUBLIC :

Ali DJENANI Bey, former Minister of Commerce, Deputy for Ghazi Aintab ;  
Ali CHEVKI Bey, Under-Secretary of State in the Ministry of Foreign Affairs ;

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

*Article 1.*

Nationals of each of the Contracting Parties shall have the right to establish themselves and reside and come, go and move about freely in the territory of the other Party, subject to compliance with the laws and regulations which are or may be in force in that country and without prejudice to the provisions respecting immigration.

With regard to any charges or taxes to which they are liable in respect of residence or establishment, the nationals of the two Parties shall enjoy the same treatment as the best-treated foreigners.

*Article 2.*

Subject to compliance with the local laws and regulations, 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 — except for cases provided for in their respective laws — to the same extent as the nationals of the most favoured nation. They shall be able

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

<sup>2</sup> The exchange of ratifications took place at Berne, April 28, 1928.

on the same conditions to dispose thereof freely by sale, purchase, gift, transfer, exchange, marriage settlement, testament or in any other way and to take possession by inheritance in accordance with the law or under dispositions *inter vivos* or by will.

In none of the above-mentioned cases shall they be subject to any taxes, charges or imposts of any description whatever other or higher than those which are or shall be established in the case of nationals.

*Article 3.*

Nationals of each of the Contracting Parties shall have the right in the territory of the other Party and on the same footing as that Party's nationals to engage in any kind of industry or commerce and to follow any trade or profession excepting hawking or any other itinerant trade and with the exception of trades and professions which, in virtue of laws or regulations, are or may be exclusively reserved for nationals of the country.

In this respect they shall not be required to pay any impost, tax or charge of any nature whatever other or higher than those demanded of nationals.

*Article 4.*

Nationals of each of the Contracting Parties shall, in time of peace and in time of war, be exempt in the territory of the other Party from every form of military service and from any contribution in money or in kind which replaces personal military service. They shall also be exempt from all forced loans.

With the exception of military contributions and requisitions levied in time of peace and in time of war upon nationals of the country, which charges shall be applied to them upon the same conditions as to nationals and in return for the compensation provided for under the respective laws, they shall not be liable to any contribution other than those which constitute a tax or impost established by law for the benefit of the State or of its administrative departments.

Nationals of each of the Contracting Parties shall also be exempt from any compulsory judicial or administrative office or function.

*Article 5.*

Nationals of each of the Contracting Parties may not have their movable or immovable property in the territory of the other Party expropriated, nor may the use of it be 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 6.*

Nationals of each of the Contracting Parties shall enjoy in the territory of the other Party on the same footing as nationals of the country the fullest protection of the laws, tribunals and other authorities in respect of their persons and property.

The regulations relating to security for costs and to free judicial assistance shall be governed by local legislation until these questions are settled by a special convention to be concluded between the Contracting Parties.

*Article 7.*

Subject to the stipulations of Article 1, paragraph 2, of the present Convention, the nationals of each of the Contracting Parties shall in no case be liable to imposts, dues or taxes of any kind whatever other or higher than those which may be imposed upon nationals of the country.

As regards exemptions from fiscal charges of any kind or any description whatsoever other than those which may be granted to undertakings established by the State or to concessionaires of a public utility service, each of the Contracting Parties undertakes to extend the benefit of such exemptions to the nationals and companies of the other Party on the same conditions as to the nationals and companies of the most favoured nation.

*Article 8.*

Nationals of each of the Contracting Parties who, without being permanently established in the country, undertake business during their residence in the territory of the other Party, shall not by reason of that fact be subjected to any impost, tax or charge of any kind whatever other or higher than those to which nationals of the country are liable in respect of a business of the same nature or importance.

Each of the Contracting Parties declares its willingness, subject to reciprocity, to grant a free visa to indigent nationals of the other Party who wish to leave the territory of that Party, on condition that their indigence is certified by the competent diplomatic or consular Representative.

*Article 9.*

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 pauperism, or for reasons affecting the internal or external safety of the State, the expulsion shall be carried out in conditions compatible with the requirements of health and humanity.

*Article 10.*

Commercial, industrial and financial corporations, including transport and insurance companies, which are regularly incorporated in conformity with the laws of one of the Contracting Parties and have their headquarters in its territory, shall be legally recognised in the other country, provided that they do not pursue an aim which is either illicit or contrary to public morals, and their capacity and right to sue and sued shall be determined by the laws of their country of origin.

They shall have the right to establish themselves in the territory of the other Party and to engage in business there, provided they conform to the laws or regulations which are or may be in force.

Subject to compliance with the laws of the country, they shall have the right in the territory of the other Party to acquire all kinds of movable and immovable property which is necessary for their operations, provided in this case that the acquisition of such property does not constitute the object of the company's existence.

They shall have free access to the Courts and may sue and be sued on the same conditions as nationals of the country.

They shall not be subject to any taxes, contributions or, generally, to any charges other or higher than those imposed upon national corporations. They shall be exempt from all forced loans.

With the exception of military contributions and requisitions levied in time of peace and in time of war upon nationals of the country, which charges shall be levied upon them upon the same conditions as on national companies and in return for the compensation provided for under the respective laws, they shall not be liable to any contribution other than those which constitute a tax or impost established under existing laws and regulations for the benefit of the State or of its administrative departments.

The associated companies, branches, agencies and other representatives of firms or companies regularly incorporated in the territory of the other Party shall only be taxed in proportion to the

amount of the capital actually employed by the said associated companies, branches, agencies and other representatives, or in respect of the profits and revenues which may serve to determine the amount of capital employed, if it is impossible to ascertain the amount of that capital.

*Article 11.*

It is agreed that neither of the Contracting Parties may invoke the benefit of the most-favoured-nation clause provided for in the present Convention in order to claim on behalf of its nationals and companies any rights other or more extensive than those which it grants to the nationals and companies of the other Contracting Party.

*Article 12.*

The present Convention shall enter into force one month after the date of the exchange of ratifications, and shall remain in operation for two years.

Unless denounced by one or other of the Contracting Parties at least six months before the expiration of the said period of two years, it shall remain in force until it is denounced, and such denunciation shall not take effect until after the expiration of six months.

*Article 13.*

The present Convention shall be ratified together with its Additional Protocol, which constitutes an integral part thereof, and the ratifications shall be exchanged at Berne as soon as possible.

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

*(Signed)* Henri MARTIN.

*(Signed)* Ali DJENANI.

*(Signed)* A. CHEVKI.

ADDITIONAL PROTOCOL.

(1) On proceeding to sign the Convention on Residence and Business concluded this day, the undersigned, being duly authorised for the purpose, agree that, as regards urban and rural immovable property acquired under any title and possessed in any form whatever by Swiss nationals or corporations of Swiss nationality at the time of the coming into force of the present Convention, the Government of the Turkish Republic shall take the necessary steps to allow bona-fide owners to obtain, without payment of fresh transfer duties and as provided by the Temporary Clause in Article 4 of the Provisional Law of 5 Djémaziul-ewel 1331 of the Hegira (March 30th, 1329/1913) on the Possession of Immovable Property, deliverance of title-deeds duly established in their name as against all other deeds relating to such property which may have been established in the name of a third party as intermediary, whatever the nationality of that party.

(2) Swiss nationals and corporations having acquired immovable property in their own name under cover of another nationality, shall have the right to have their title-deeds corrected by the insertion of their real nationality.

(3) The property rights of Swiss nationals and corporations already possessing immovable property under their real nationality are confirmed by the present Protocol.

(4) Similarly, the title-deeds relating to urban and rural immovable property to which Swiss nationals are entitled by inheritance shall be handed over to them on payment of the transfer duties.

(5) The foregoing provisions shall not apply to property inscribed in the name of exchangeable persons or absentees (« *mutegaib* ») under Turkish law.

(6) The formalities to be accomplished for the above purposes by the real Swiss owners of the aforementioned property must be initiated within six months from the entry into force of the present Convention and its Additional Protocol.

ANGORA, August 7, 1927.

(Signed) Henri MARTIN.

(Signed) Ali DJENANI.

(Signed) A. CHEVKI.