

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 2349. — TREATY <sup>2</sup> OF ESTABLISHMENT, COMMERCE AND NAVIGATION BETWEEN THE PERSIAN EMPIRE AND SWEDEN. SIGNED AT TEHERAN, MAY 10, 1929.

*French official text communicated by the Swedish Minister for Foreign Affairs and the Permanent Delegate of Persia accredited to the League of Nations. The registration of this Treaty took place June 14, 1930.*

HIS MAJESTY THE KING OF SWEDEN, of the one part, and HIS MAJESTY THE SHAH OF PERSIA, of the other part, being equally desirous of regulating the conditions of the establishment of Swedish nationals in Persia and of Persian nationals in Sweden, and of promoting economic activity and commercial relations between the two countries, have resolved to conclude a Treaty of Establishment, Commerce and Navigation, and for that purpose have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF SWEDEN :

His Excellency M. Carl Gerhard von HEIDENSTAM, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at Teheran ;

HIS IMPERIAL MAJESTY THE SHAH OF PERSIA :

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

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

*Article I.*

The nationals of each of the two Contracting States shall be free to enter the territory of the other State, leave it at any time, travel, reside and establish themselves therein, on condition that they comply with the laws and regulations in force in the said territory. They shall enjoy therein to the fullest extent the protection of the laws and of the authorities of the territory for their persons, property, rights and interests, and shall not, in respect of the matters provided for in this Article, be treated less favourably than the nationals of the most favoured nation.

It shall, however, be understood that the foregoing provisions shall not in any way restrict the right of either of the Contracting States in certain cases to refuse authorisation to reside in the country to nationals of the other State on account of a legal sentence or in the interests of the internal or external safety of the State, or of public order, or for reasons of public welfare, public health or morality.

<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 Moscow, May 26, 1930.

*Article 2.*

The nationals of each of the two Contracting States, in the territory of the other State, shall have the right to acquire and possess movable and immovable property and to dispose of it by sale, gift, transfer, marriage contract, bequest or succession, or in any other manner, under the same conditions as the nationals of the most favoured nation. They shall also have the right to export property thus acquired, and shall not be subject in the above respect to taxes, dues, charges or restrictions other or higher than those applicable to the nationals of the most favoured nation.

*Article 3.*

With regard to the exercise of all kinds of trade and industry, the nationals of each of the two Contracting States shall enjoy, in the territory of the other, the same privileges, exemptions and favours of all kinds as those granted, or which may hereafter be granted, to the nationals of the most favoured nation. They shall also have the right, on the same conditions and to the same extent as the nationals of the most favoured nation, to engage in any trade or profession, the exercise of which is not at any time reserved to nationals, or which is not at any time the object of a State monopoly or concession.

*Article 4.*

The nationals of each of the two Contracting States shall not be subject in the territory of the other, either as regards their person, property, rights and interests, or as regards the exercise of any kind of trade or industry, to any charges, direct or indirect taxes or imposts, other or higher than those which are or may hereafter be imposed on the nationals of the most-favoured nation.

*Article 5.*

The nationals of each of the two Contracting States, shall enjoy, in the territory of the other State, the same treatment as nationals in everything that concerns the protection of their persons and property by the courts of justice and authorities.

In particular they shall have free access, without any hindrance whatsoever, to the courts of justice, and may appear before the courts as plaintiffs or defendants under the same conditions as nationals. Questions relating to *cautio judicatum solvi*, free legal aid and the communication of judicial and extra-judicial acts and to extradition shall be regulated by special conventions between the High Contracting Parties.

As regards their personal status Swedish nationals in Persia and Persian nationals in Sweden shall remain subject to the provisions of their national laws.

*Article 6.*

The dwellings and any other immovable property of either of the Contracting States in the territory of the other may not be subjected to domiciliary visits and searches, except under the conditions and forms prescribed by the laws, decrees and regulations applicable to nationals; similarly, any, books, papers or accounts found therein shall not be examined or inspected except under the above-mentioned conditions and forms.

*Article 7.*

The nationals of either of the Contracting States in the territory of the other may not be expropriated or deprived even temporarily of the enjoyment of their property, except under the conditions and on payment of the compensation prescribed by the local laws in respect of nationals.

*Article 8.*

The nationals of each of the two Contracting States shall be exempt, in times of peace and war, in the territory of the other State, from all forced loans or national gifts and from all other contributions of any nature whatever which may be imposed for war requirements.

They shall also be exempt from any personal compulsory military service and from any tax or charge levied in lieu of the said service. In the matter of requisitions and any other analogous contributions for the needs of the armed forces, they shall not be treated in any respect less favourably than the nationals of the most favoured nation.

*Article 9.*

Joint stock companies and other companies having a commercial object and working for profit, including commercial, industrial, financial, transport and insurance companies, which have their place of business in the territory of one of the Contracting States, and are legally constituted and legally recognised as enjoying therein the nationality of that State shall also be recognised in the territory of the other State and shall have the right in that State of appearing before the courts either as plaintiffs or defendants. In all respects, and particularly as regards the right to carry on their operations, to acquire and possess movable or immovable property and to dispose of it, and also as regards taxation, they shall enjoy the same treatment as the companies of the most favoured nation.

In addition, the provisions of Articles 5-8 concerning the nationals of the two States shall also apply, by analogy, to the companies referred to in the present Article.

*Article 10.*

The Contracting States shall not establish or maintain prohibitions or restrictions on the importation into or exportation from each other's territory of the goods of the other State that would not be applied under the same conditions to the importation or exportation of similar goods in trade with any other country.

Prohibitions or restrictions established or maintained for the following reasons shall not, however, be considered as infringements of the principle of most-favoured-nation treatment.

- (a) Reasons of public order or of the internal or external safety of the State ;
- (b) Reasons of public health or in order to ensure the protection of animals or useful plants against diseases, noxious insects or parasites, or to prevent the degeneration or extinction of useful plants ;
- (c) Reasons concerning the exportation of arms, ammunition or war material ;
- (d) Concerning products which are or may hereafter be the object of a State monopoly or concession.

*Article 11.*

1. In respect of import duties and any other dues and taxes of any kind whatever imposed on the importation of goods, each of the two Contracting States undertakes to give simultaneously

and unconditionally to the natural or manufactured products of the other State the advantage of Customs duties, coefficients, surtaxes or any import dues whatever which are applied, or may hereafter be applied, in respect of similar products of the most favoured nation.

2. The two States shall also grant to each other most-favoured-nation treatment in respect of export duties and any other dues or taxes imposed on the exportation of goods.

3. They also guarantee each other most-favoured-nation treatment in respect of Customs treatment and formalities, drawbacks, the bonding of goods, their treatment in bonded warehouses, and of the dues or taxes applicable thereto, also in respect of the methods of testing and analysing goods, conditions of payment for dues and taxes, interpretation of tariffs and dispatch in bond of imported or exported goods or goods in transit.

#### *Article 12.*

In respect of certificates of origin, the two Contracting States agree to apply in their mutual trade the provisions of the International Convention<sup>1</sup> for the Simplification of Customs Formalities, signed at Geneva on November 3, 1923.

Certificates of origin, issued by a Customs authority or a Chamber of Commerce duly qualified for this purpose, shall not require to be legalised. Should they be issued by any other authority or institution, the Government of the country of destination may require that they be legalised by its competent diplomatic or consular representative at the place of dispatch. The said legalisation shall be effected free of cost.

The authorities of the country of destination may require a French translation of the certificates of origin.

#### *Article 13.*

Internal dues or taxes of any description whatever which are or may hereafter be imposed, in the territory of one of the Contracting States, for the benefit of the State, provinces, communes or corporations, on the manufacture, preparation, transport, purchase, sale or consumption of a product, may not, under any pretext, be applied in a more onerous manner to the products of the other State than to similar products of the most favoured nation.

#### *Article 14.*

In respect of manufacturers' or trade marks, the persons and companies carrying on trade or industry in Sweden shall enjoy in Persia the same protection as is or may hereafter be accorded to merchants and manufacturers established in Persia, provided they fulfil the formalities prescribed by the laws of the latter country.

Similarly, persons and companies carrying on trade or industry in Persia shall enjoy in Sweden, in respect of manufacturers' or trade marks, the same protection as is or shall hereafter be accorded to merchants and manufacturers established in Sweden, provided they fulfil the formalities prescribed by the laws of the latter country.

The provisions of the present Article may not, however, be relied upon by either of the Contracting States in order to claim protection for the above-mentioned marks more extensive or of longer duration than that granted in the country of origin.

#### *Article 15.*

The two Contracting States guarantee each other most-favoured-nation treatment in everything that concerns transit in their territories of persons, luggage, goods of all kinds, consignments and

<sup>1</sup> Vol. XXX, page 371 ; Vol. XXXV, page 324 ; Vol. XXXIX, page 208 ; Vol. XLV, page 140 ; Vol. L, page 161 ; Vol. LIV, page 398 ; Vol. LIX, page 365 ; Vol. LXIX, page 79 ; Vol. LXXXIII, page 391 ; Vol. LXXXVIII, page 319 ; and Vol. XCII, page 370, of this Series.

means of transport of all kinds. Prohibitions or restrictions established or maintained, in accordance with principles of general application, shall not, however, be considered as infringing the principle of most-favoured-nation treatment, if imposed :

- (1) For reasons of public order or of the internal or external safety of the State ;
- (2) For reasons of public health or in order to ensure the protection of animals or useful plants against diseases, noxious insects or parasites, or to prevent the degeneration or extinction of useful plants.

*Article 16.*

Merchants, manufacturers, and other industrials, nationals of either of the Contracting States, together with their commercial travellers, shall enjoy the same treatment in the territory of the other State, in everything that concerns their activities, particularly in the matter of taxation and Customs facilities accorded for samples, as the merchants, manufacturers, industrials and commercial travellers of the most favoured nation.

In case commercial travellers are required to produce an identity card by either of the Contracting States, the provisions of the International Convention for the Simplification of Customs Formalities, signed at Geneva on November 3, 1923, shall be applied in this respect. No visa of any consular authority shall, however, be required.

*Article 17.*

Swedish vessels and their cargoes shall enjoy in Persia, and Persian vessels and their cargoes shall enjoy in Sweden, the same treatment as the vessels and cargoes of the most favoured nation, whatever the place of departure and destination of the said vessels and whatever the origin and destination of their cargoes may be.

The coasting trade and the favours granted or which may hereafter be granted in either of the two countries to the national fisheries and their products shall be excepted from the provisions of the present Article.

The admission of war vessels of either of the High Contracting Parties into the waters of the other shall be excepted from the provisions of the present Convention and shall be regulated by the laws of that Party.

*Article 18.*

The nationality of vessels shall be recognised by both parties in accordance with documents and certificates issued for this purpose by the competent authorities of the respective States in accordance with the laws and regulations of each country.

Tonnage measurement certificates, and other documents relating to tonnage, issued by either of the Contracting States, shall be recognised by the other State in conformity with special arrangements which may be concluded between the two States.

*Article 19.*

If a vessel of either of the two Contracting States has stranded or been wrecked in the waters of the other State, the vessel and its cargo shall enjoy the same favours and immunities as are granted by the laws and regulations of the respective countries in similar circumstances to national vessels and their cargoes. Aid and assistance shall be rendered to the captain and crew in the same measure as to nationals, both as regards their persons and the vessel and cargo.

Goods saved from a stranded or wrecked vessel shall not be subject to any Customs duty unless they pass in for internal consumption.

*Article 20.*

The Contracting States grant to each other the right to appoint consular representatives in the capital and principal towns where such foreign agents are usually permitted to reside.

The consular representatives appointed by either of the Contracting States shall enjoy in the territory of the other State, on conditions of reciprocity, all the privileges, exemptions, immunities and rights which are or may hereafter be accorded to consular representatives of a third Power.

*Article 21.*

In so far as the provisions of the present Treaty refer to most-favoured-nation treatment, they shall not be applicable :

(a) To favours granted, or which may hereafter be granted, by either of the Contracting States to adjacent States with a view to facilitating frontier traffic ;

(b) To favours granted, or which may hereafter be granted, by Sweden to Denmark or Norway or to both these countries, so long as the same favours are not granted to any other State ;

(c) To obligations which either of the High Parties has contracted or may contract in virtue of a Customs union.

*Article 22.*

The present Treaty shall be ratified by both parties according to the constitutional provisions of each of the High Contracting Parties and the exchange of ratifications shall take place as soon as possible.

It shall come into effect fifteen days after the exchange of ratifications and shall remain in force for five years. If neither of the two Contracting States notifies the other State, six months before the expiry of this period, of its intention to terminate the treaty, it shall be prolonged by tacit agreement, and shall only cease to have effect six months after the date of its denunciation by either of the States.

In witness whereof the respective Plenipotentiaries have signed the present Treaty and have thereunto affixed their seals.

TEHERAN, *May the tenth, one thousand nine hundred and twenty-nine.*

(Signed) Carl G. VON HEIDENSTAM.

(Signed) M. FARZINE.

## FINAL PROTOCOL.

At the moment of signing the present Treaty of Establishment, Commerce and Navigation, the Plenipotentiaries of the two Contracting States have further agreed on the following provisions which shall form part of the Treaty.

*Ad Article 1.*

The provisions of Article 1 shall not affect the provisions which are or may at any time be in force in either of the two countries regarding passports, nor the provisions which have been or may hereafter be issued by the Contracting States regarding the right of foreigners to obtain employment in their respective territories. Moreover, no provision of the Treaty of Establishment, Commerce and Navigation shall preclude either of the High Contracting Parties from taking measures at any time for regulating or prohibiting immigration into its territory, provided they do not constitute a discriminating measure particularly directed against all the nationals of the other State.

*Ad Articles 4 and 9.*

The provisions of the present Treaty regarding most-favoured-nation treatment may not be relied upon by either of the Contracting States to claim the advantage of treatment applied in fiscal matters in the relations of the other Contracting State with a third State, with a view to avoiding double taxation in pursuance of a special convention for the purpose of allocating the right of taxation on certain taxable matters.

*Ad Article 9.*

It is understood that the provisions of the present Treaty shall not give the right to claim special privileges granted in Persia to companies whose conditions of work are regulated by special concessions.

On the other hand, the companies of either of the High Contracting Parties, whose conditions of work in the territory of the other are regulated by special concessions, shall not be entitled, in respect of points provided for in the deed of concession, to claim advantages granted in virtue of treaties and conventions in force or derived from the most-favoured-nation clause.

*Ad Article 20.*

The consular representatives appointed by either of the High Contracting Parties in the territory of the other may not exercise their functions before receiving the exequatur from the Government of the other High Party in the form adopted by the latter.

The Government of each of the High Contracting Parties reserves the right to withdraw the exequatur by previously notifying its motives through diplomatic channels, without being obliged in any case to justify them or to subordinate its decision to the agreement of the other party.

Done at Teheran, May the tenth, one thousand nine hundred and twenty-nine.

(Signed) Carl G. VON HEIDENSTAM.

(Signed) M. FARZINE.

<sup>1</sup> TRADUCTION. — TRANSLATION.

## DECLARATION

*Communicated by the Swedish Minister for Foreign Affairs, December 8, 1930.*

MOSCOW, May 26, 1930.

The undersigned, having met this day to exchange, as Plenipotentiaries, the instruments of ratification of the Treaty of Establishment, Commerce and Navigation between the Persian Empire and the Kingdom of Sweden, concluded at Teheran on May 10, 1929, have agreed :

(I) That the heading of the second paragraph of the final Protocol should read " Ad Articles 4 and 9 " and not " Ad Articles 3 and 9 " ;

(II) That the words " les habitations ainsi que tout autre immeuble de l'un des Etats Contractants sur le territoire de l'autre " in Article 6 of the said Treaty cover also dwellings and any other immovable property owned or occupied by nationals of either of the Contracting States.

*(Signed)* ALIGOLIKHAN ANSARI,  
*Ambassador Extraordinary and  
Plenipotentiary of Persia at Moscow.*

*(Signed)* CARL G. VON HEIDENSTAM,  
*Envoy Extraordinary and Minister  
Plenipotentiary of Sweden at Teheran.*

---

<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.