

N° 2494.

**ÉTATS-UNIS D'AMÉRIQUE
ET PERSE**

Echanges de notes comportant un règlement provisoire des relations entre les deux pays. Téhéran, les 14 mai et 11 juillet 1928.

**UNITED STATES OF AMERICA
AND PERSIA**

Exchanges of Notes constituting a provisional Settlement of the Relations between the two Countries. Teheran, May 14 and July 11, 1928.

¹ TRADUCTION. — TRANSLATION.

No. 2494. — EXCHANGES OF NOTES BETWEEN THE PERSIAN GOVERNMENT AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA, CONSTITUTING A PROVISIONAL SETTLEMENT OF THE RELATIONS BETWEEN THE TWO COUNTRIES. TEHERAN, MAY 14 AND JULY 11, 1928.

French and English official texts communicated by the Permanent Delegate of Persia accredited to the League of Nations. The registration of this Exchange of Notes took place October 13, 1930.

I.

TEHERAN, May 14, 1928.

MONSIEUR LE MINISTRE,

I have the honour to inform you that my Government, animated by the sincere desire to terminate as soon as possible the negotiations now in progress with the Government of the United States in regard to the conclusion of a Treaty of Friendship, as well as Establishment, Consular, Commercial and Tariff Conventions, has instructed me to communicate to you in its name the following provisional stipulations :

1. After May 10, 1928, the diplomatic representation of the United States of America in Persian territory shall enjoy, on a basis of complete reciprocity, the privileges and immunities derived from generally recognised international law.

The Consular representatives of the United States of America in Persian territory, duly provided with an exequatur, will be permitted, on a basis of complete reciprocity, to reside in the districts where they have been formerly admitted.

They shall, on a basis of complete reciprocity, enjoy the honorary privileges and personal immunities in regard to jurisdiction and fiscal matters secured to them by generally recognised international law.

2. After May 10, 1928, the nationals of the United States of America in Persia shall, on a basis of complete reciprocity, be received and treated in accordance with the requirements and practices of generally recognised international law.

In respect to their persons and possessions, rights and interests, they shall enjoy the fullest protection of the laws and authorities of the country, and they shall not be treated, in regard to the above-mentioned subjects, in a manner less favourable than the nationals of any other foreign country.

In general, they shall enjoy in every respect the same treatment as nationals, without, however, being entitled to the treatment reserved alone to nationals to the exclusion of all foreigners.

Matters of personal status and family law will be dealt with in separate notes to be concluded and exchanged at the earliest possible date.

3. After May 10, 1928, and as long as the present stipulations remain in force, and on a basis of complete reciprocity, Persia will accord to merchandise produced or manufactured in the United

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.

States, its territories and possessions, upon entry into Persia, the benefits of the tariff accorded to the most favoured nation ; from which it follows that the treatment extended to the products of the United States should not be less favourable than the legal treatment granted to a third country.

In respect to the régime to be applied to the commerce of the United States of America in the matter of import, export and other duties and charges affecting commerce as well as in respect to transit, warehousing and the facilities accorded to commercial travellers' samples ; and also as regards facilities, tariffs and quantities in connection with the licensing or prohibitions of imports and exports, Persia shall accord to the United States, its territories and possessions, on a basis of complete reciprocity, a treatment not less advantageous than that accorded to the commerce of any other foreign State.

It is understood that no higher or other duties shall be imposed on the importation into or disposition in Persia of any article, the product or manufacture of the United States, its territories and possessions, than are or shall be payable on like articles, the products or manufacture of any other foreign country.

Similarly, and on a basis of complete reciprocity, no higher or other duties shall be imposed in Persia on the exportation of any articles to the United States, its territories and possessions, than are payable on the exportation of like articles to any other foreign country.

On a basis of complete reciprocity, any lowering of duty of any kind that may be accorded by Persia in favour of the merchandise of any other country will become immediately applicable without request and without compensation to the commerce of the United States, its territories and possessions with Persia.

Provided that this understanding does not relate to prohibitions or restrictions authorised by the laws and regulations in force in Persia, aiming at the protection of the food supply, sanitary administration in regard to human, animal or vegetable life, and the enforcement of police and revenue laws.

The stipulations in the present note shall become operative on this day's date and shall remain respectively in effect until the entry in force of the Treaty and Conventions referred to in the first paragraph of this note, or until thirty days after my Government shall have given notice of their termination to the Government of the United States, but should my Government be prevented by any legislative measure from carrying out its obligations, the present stipulations shall lapse.

I shall be glad to have your confirmation of the understanding thus reached.
I have the honour to be, etc.

(Signed) PAKREVAN.

His Excellency Mr. Hoffman Philip,
Minister of the United States of America,
Teheran.

TÉHÉRAN, le 14 mai 1928.

MONSIEUR LE GÉRANT,

J'ai l'honneur, au nom de mon gouvernement, d'accuser réception et de prendre acte du contenu de votre note de ce jour, établissant des dispositions provisoires relatives aux relations diplomatiques, consulaires, douanières et autres entre les États-Unis et la Perse.

Je saisis cette occasion pour vous renouveler, Monsieur le Gérant, l'assurance de ma haute considération.

(Signé) H. PHILIP.

Son Excellence
Mirza Fathollah Khan Pakrevan,
Gérant du Ministère des Affaires étrangères,
Téhéran.

II.

TEHERAN (Persia), May 14, 1928.

EXCELLENCY

I have the honor to inform you that my Government, animated by the sincere desire to terminate as soon as possible the negotiations now in progress with the Imperial Government of Persia in regard to the conclusion of a Treaty of Friendship, as well as Establishment, Consular, Commercial and Tariff Conventions between the United States of America and Persia, has instructed me to communicate to the Imperial Government of Persia in its name the following provisional stipulations :

1. After May 10, 1928, the diplomatic representation of Persia in the United States, its territories and possessions, shall enjoy, on a basis of complete reciprocity, the privileges and immunities derived from generally recognized international law.

The Consular representatives of Persia, duly provided with exequatur, will be permitted to reside in the United States, its territories and possessions, in the districts where they have been formerly admitted

They shall, on a basis of complete reciprocity, enjoy the honorary privileges and personal immunities in regard to jurisdiction and fiscal matters secured to them by generally recognized international law.

2. After May 10, 1928, Persian nationals in the United States, its territories and possessions, shall, on a basis of complete reciprocity, be received and treated in accordance with the requirements and practices of generally recognized international law.

In respect to their persons and possessions, rights and interests, they shall enjoy the fullest protection of the laws and authorities of the Country, and they shall not be treated, in regard to the above mentioned subjects, in a manner less favorable than the nationals of any other foreign country.

In general, they shall enjoy in every respect the same treatment as the national of the Country, without, however, being entitled to the treatment reserved alone to nationals to the exclusion of all foreigners.

Matters of personal status and family law will be dealt with in separate notes to be concluded and exchanged at the earliest possible date.

3. After May 10, 1928, and as long as the present stipulations remain in force, and on a basis of complete reciprocity, the United States will accord to merchandise produced or manufactured in Persia upon entry into the United States, its territories and possessions, the benefits of the tariff accorded to the most favored nation ; from which it follows that the treatment extended to the products of Persia should not be less favorable than that granted to a third country.

In respect to the regime to be applied to the Commerce of Persia in the matter of import, export, and other duties and charges affecting commerce as well as in respect to transit, warehousing and the facilities accorded commercial travellers' samples ; and also as regards commodities, tariffs and quantities in connection with the licensing or prohibitions of imports and exports, the United States shall accord to Persia, on a basis of complete reciprocity, a treatment not less advantageous than that accorded to the commerce of any other country.

It is understood that no higher or other duties shall be imposed on the importation into or disposition in the United States, its territories or possessions, of any article, the product or manufacture of Persia, than are or shall be payable on like articles, the product or manufacture of any foreign country ; similarly, and on a basis of complete reciprocity, no higher or other duties shall be imposed in the United States, its territories or possessions, on the exportation of any articles to Persia than are payable on the exportation of like articles to any foreign country.

On a basis of complete reciprocity, any lowering of duty of any kind that may be accorded by the United States in favour of the merchandise of any other country will become immediately applicable without request and without compensation to the commerce of Persia with the United States, its territories and possessions.

Provided that this understanding does not relate to :

1. The-treatment which the United States accords or may hereafter accord to the commerce of Cuba, or any of the territories or possessions of the United States or the Panama Canal Zone, or to the treatment which is or may hereafter be accorded to the commerce of the United States with any of its territories or possessions, or to the commerce of its territories or possessions with one another;

2. Prohibitions or restrictions authorised by the law and regulations in force in the United States, its territories or possessions, aiming at the protection of the food supply, sanitary administration in regard to human, animal or vegetable life, and the enforcement of police and revenue laws.

The present stipulations shall become operative on the day of signature, and shall remain respectively in effect until the entry in force of the Treaty and Conventions referred to in the first paragraph of this note, or until thirty days after notice of their termination shall have been given by the Government of the United States to the Imperial Government of Persia, but should the Government of the United States be prevented by future action of its legislature from carrying out the terms of these stipulations the obligations thereof shall thereupon lapse.

I shall be glad to have your confirmation of the understanding thus reached.

I avail myself of this opportunity to renew to your Excellency the assurance of my highest consideration.

H. PHILIP.

His Excellency

Mirza Fathollah Khan Pakrevan,
Acting Minister for Foreign Affairs,
Teheran.

TÉHÉRAN, le 14 mai 1928.

MONSIEUR LE MINISTRE,

J'ai l'honneur, au nom de mon gouvernement, de vous accuser réception et de prendre acte du contenu de votre note de ce jour, précisant les dispositions provisoires relatives aux relations diplomatiques, consulaires, douanières et autres entre la Perse et les Etats-Unis d'Amérique.

Veillez agréer, Monsieur le Ministre, l'assurance de ma haute considération.

Son Excellence

Monsieur Hoffman Philip
Ministre des Etats-Unis d'Amérique
à Téhéran.

PAKREVAN.

III.

TÉHÉRAN, le 14 mai 1928.

MONSIEUR LE GÉRANT,

Il me serait très agréable de recevoir de Votre Excellence une assurance de la part du Gouvernement impérial que les missionnaires américains en Perse seront autorisés à remplir comme par le passé leurs œuvres de bienfaisance et d'instruction.

Je saisis cette occasion pour vous renouveler, Monsieur le Gérant, les assurances de ma haute considération.

(Signé) H. PHILIP.

Son Excellence

Mirza Fathollah Khan Pakrevan,
Gérant du Ministère des Affaires étrangères
Téhéran.

Toutefois, cet accord ne s'applique pas :

1. Au traitement que les Etats-Unis accordent ou pourront ultérieurement accorder au commerce de Cuba, de tout territoire ou de toute possession des Etats-Unis, ou de la zone du canal de Panama ; au traitement qui est ou qui serait ultérieurement accordé au commerce des Etats-Unis avec l'un de leurs territoires ou l'une de leurs possessions ou au commerce entre ces territoires ou possessions.

2. Aux prohibitions ou restrictions autorisées par les lois et règlements en vigueur aux Etats-Unis, dans leurs territoires et possessions, et ayant pour objet d'assurer le contrôle des denrées alimentaires, la protection sanitaire de la vie humaine, animale ou végétale, ainsi que l'application des lois de police et des lois fiscales.

Les présentes dispositions prendront effet le jour de leur signature et resteront respectivement applicables jusqu'à la mise en vigueur du traité et des conventions mentionnés au premier alinéa de la présente note, ou jusqu'à l'expiration d'un délai de trente jours à dater de la notification qui serait faite par le gouvernement des Etats-Unis au Gouvernement impérial de Perse de son intention d'y mettre fin ; toutefois, si par l'effet d'une mesure législative ultérieure, le Gouvernement des Etats-Unis était empêché de se conformer aux présentes stipulations, les engagements prévus par celles-ci deviendraient caducs.

Je serais heureux d'avoir confirmation de notre entente sur ces points.

Je saisis cette occasion pour vous renouveler, Monsieur le Gérant, l'assurance de ma haute considération.

H. PHILIP.

A Son Excellence

Mirza Fathollah Khan Pakrevan,
Gérant du Ministère des Affaires étrangères,
Téhéran.

TEHERAN, May 14, 1928.

MONSIEUR LE MINISTRE,

I have the honour, on behalf of my Government, to acknowledge the receipt and note the contents of your communication of to-day's date, stating the provisional stipulations concerning diplomatic, consular, tariff and other relations between Persia and the United States of America.

I have the honour to be, etc.

His Excellency

Mr. Hoffman Philip,
Minister of the United States of America,
Teheran.

PAKREVAN.

III.

TEHERAN, May 14, 1928.

EXCELLENCY,

I should be glad if you would let me have an assurance from the Imperial Government that American missionaries in Persia will be authorised to carry out their charitable and educational work as heretofore.

I have the honour to be, etc.

(Signed) H. PHILIP.

His Excellency

Mirza Fathollah Khan Pakrevan,
Acting Minister of Foreign Affairs,
Teheran.

TEHERAN, May 14, 1928.

MONSIEUR LE MINISTRE,

In reply to your request concerning American missionaries, I have the honour to inform you that they will be authorised to carry out their charitable and educational work, provided that it is not incompatible with public order or with the laws and regulations of Persia.

I have the honour to be, etc.

PAKREVAN.

His Excellency

Mr. Hoffmann Philip,
Minister of the United States of America,
Teheran.

IV.

This Exchange of Notes was also transmitted to the Secretariat by the Department of State of the Government of the United States of America, September 3, 1931.

TEHERAN, July 11, 1928.

MONSIEUR LE MINISTRE,

With reference to the notes exchanged on May 14, 1928, setting forth the provisional stipulations in regard to diplomatic, consular, tariff and other relations between Persia and the United States of America. I have the honour, on behalf of my Government, to make the following declaration as to my understanding of the conclusions reached in our conversations on the subject of personal status, which were held in conformity with the stipulation in paragraph 4 of No. 2 of the aforesaid notes.

Whereas Persian nationals in the United States of America enjoy most-favoured-nation treatment in regard to personal status,

And whereas the said question is to be finally settled between the two States by the Establishment Convention, it is understood that in the said matter of personal status, that is to say, in all questions referring to marriage and the joint possession of property by husband and wife, divorce, judicial separation, dowry, paternity proceedings, the ascertainment of parentage, adoption, the capacity of persons, age of majority, guardianship, administration of property, deprivation of rights to dispose of movable property, right of succession under a will or *ab intestato*, partition and liquidation, and family law, in general, non-Mussulman nationals of the United States in Persia shall be subject to their national law.

If, however, one of the parties brings such matters before the Persian courts, the said courts shall be required to administer American law.

In order to facilitate the work of the Persian courts in the aforesaid cases, the competent American authorities shall, where necessary, furnish the requisite information concerning American law.

I shall be glad to have your confirmation of the understanding thus reached.

I have the honour to be, etc.

His Excellency

Mr. Hoffmann Philip,
Minister of the United States of America,
Teheran.

(Signed) PAKREVAN.

TEHERAN, July 11, 1928.

EXCELLENCY,

With reference to the notes exchanged on May 14, 1928, setting forth the provisional stipulations in regard to diplomatic, consular, tariff and other relations between the United States of America and Persia, I have the honour, on behalf of my Government, to make the following declaration

as to my understanding of the conclusions reached in our conversations on the subject of personal status, which were held in conformity with the stipulation in paragraph 4 of No. 2 of the aforesaid notes.

Whereas Persian nationals in the United States of America enjoy most-favoured-nation treatment in regard to personal status,

And whereas the said question is to be finally settled between the two States by the Establishment Convention, it is understood that in the said matter of personal status, that is to say, in all questions referring to marriage and the joint possession of property by husband and wife, divorce, judicial separation, dowry, paternity proceedings, the ascertainment of parentage, adoption, the capacity of persons, age of majority, guardianship, administration of property, deprivation of rights to dispose of movable property, right of succession under a will or *ab intestato*, partition and liquidation, and family law in general, non-Mussulman nationals of the United States in Persia shall be subject to their national law.

If, however, one of the parties brings such matters before the Persian courts, the said courts shall be required to administer American law.

In order to facilitate the work of the Persian courts in the aforesaid cases, the competent American authorities shall, where necessary, furnish the requisite information concerning American law.

I shall be glad to have your confirmation of the understanding thus reached.

I have the honour to be, etc.

(Signed) H. PHILIP.

His Excellency
Mirza Fathollah Khan Pakrevan,
Acting Minister for Foreign Affairs,
Teheran.