

N° 2566.

PERSE ET
UNION DES RÉPUBLIQUES
SOVIÉTISTES SOCIALISTES

Convention relative au passage de la frontière par les habitants des localités limitrophes, avec protocole additionnel. Signés à Téhéran, le 31 mai 1928.

PERSIA
AND UNION OF SOVIET
SOCIALIST REPUBLICS

Convention relating to the Crossing of the Frontier between Persia and the Union of Soviet Socialist Republics by the Inhabitants of the adjacent Districts, with Additional Protocol. Signed at Teheran, May 31, 1928.

N^o 2566. — CONVENTION ¹ RELATIVE AU PASSAGE DE LA FRONTIÈRE ENTRE LA PERSE ET L'UNION DES RÉPUBLIQUES SOVIÉTISTES SOCIALISTES PAR LES HABITANTS DES LOCALITÉS LIMITOPHES. SIGNÉE A TÉHÉRAN, LE 31 MAI 1928.

*Texte officiel français communiqué par le délégué permanent de la Perse auprès de la Société des Nations.
L'enregistrement de cette convention a eu lieu le 22 décembre 1930.*

LA PERSE, d'une part, et L'UNION DES RÉPUBLIQUES SOVIÉTISTES SOCIALISTES, d'autre part, désireuses de faciliter les relations entre les habitants des localités limitrophes de leur frontière commune,

Ont résolu d'établir, pour cette catégorie d'habitants, un régime simplifié en ce qui concerne le passage de la frontière commune, et ont nommé à cet effet leurs plénipotentiaires, à savoir :

LA PERSE :

Son Excellence Fatoullah Khan PAKREVAN, gérant du Ministère des Affaires étrangères ; et

L'UNION DES RÉPUBLIQUES SOVIÉTISTES SOCIALISTES :

M. Yakow Christoforovitch DAVTIAN, ambassadeur extraordinaire et plénipotentiaire de l'Union des Républiques soviétistes socialistes en Perse.

Lesquels plénipotentiaires, après avoir échangé leurs pleins pouvoirs et les avoir trouvés en bonne et due forme, sont convenus de ce qui suit :

Article premier.

Par « habitants des localités limitrophes » au sens de cette convention, il faut entendre toute personne ayant son domicile fixe dans une ville ou un village situé dans les limites d'une zone de 50 km. de large, comptés à raison de 25 km. de part et d'autre de la frontière commune.

Article II.

Les habitants des localités limitrophes ont le droit, en se conformant aux prescriptions ci-dessous, de passer la frontière et de séjourner sur le territoire situé au delà, dans les limites des 25 km. ci-dessus prévues, pour y exécuter des travaux de construction, de terrassement, etc., y faire le commerce, y remplir des devoirs de famille, aider à y combattre les fléaux naturels, y prêter aide et assistance médicales, y rechercher le bétail égaré ou les biens soustraits, ou s'y rendre pour tous autres motifs

¹ L'échange des ratifications a eu lieu à Moscou, le 1^{er} novembre 1929.

¹ TRADUCTION. — TRANSLATION.

No. 2566. — CONVENTION ² RELATING TO THE CROSSING OF THE FRONTIER BETWEEN PERSIA AND THE UNION OF SOVIET SOCIALIST REPUBLICS BY THE INHABITANTS OF THE ADJACENT DISTRICTS. SIGNED AT TEHERAN, MAY 31, 1928.

French official text communicated by the Permanent Delegate of Persia accredited to the League of Nations. The registration of this Convention took place December 22, 1930.

PERSIA, of the one part and THE UNION OF SOVIET SOCIALIST REPUBLICS, of the other part, being desirous of facilitating relations between the inhabitants of the districts adjacent to their common frontier ;

Have resolved to establish for this class of inhabitants a simplified régime for the crossing of the common frontier, and have for that purpose appointed as their Plenipotentiaries :

PERSIA :

His Excellency Fatoullah Khan PAKREVAN, Acting Minister for Foreign Affairs, and

THE UNION OF SOVIET SOCIALIST REPUBLICS :

M. Yakov Christoforovitch DAVTIAN, Ambassador Extraordinary and Plenipotentiary of the Union of Soviet Socialist Republics in Persia ;

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

Article I.

For the purpose of the present Convention, the term "inhabitants of the adjacent districts" shall be understood to mean all persons permanently domiciled in a town or village situated within a zone 50 kilometres in breadth, *i. e.* 25 kilometres on either side of the common frontier.

Article II.

Provided they comply with the undermentioned provisions, the inhabitants of the adjacent districts shall have the right to cross the frontier and stay on the other side, within the limit of 25 kilometres referred to above, for the purpose of executing building or digging operations, etc., carrying on trade, performing family duties, helping to combat natural calamities, lending medical aid and assistance, looking for strayed cattle or stolen property or for any other similar reasons,

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.

² The exchange of ratifications took place at Moscow, November 1, 1929.

analogues, et enfin avoir recours aux autorités locales de l'autre Haute Partie contractante, afin qu'elles prennent les mesures nécessaires contre les criminels de droit commun qui auraient franchi la frontière et cherché refuge dans la zone ci-dessus indiquée.

Article III.

Pour pouvoir utiliser le droit de séjour et de passage prévu à l'article II, les habitants des localités limitrophes doivent être munis de permis de passage spéciaux, qui leur seront délivrés par les autorités dont relève le lieu de leur domicile. Ces permis seront établis en conformité avec la formule-type annexée à la présente convention.

Le passage de la frontière n'est autorisé que par certains points, où se trouvent ou seront établis des postes frontières et qui auront été, au préalable, désignés comme il est prévu à l'article suivant.

Article IV.

Au plus tard au moment de l'échange des ratifications de la présente convention, le Ministère des Affaires étrangères de Perse, d'une part, et l'Ambassade de l'Union des Républiques soviétistes socialistes en Perse, d'autre part, se notifieront réciproquement :

- a) La liste des autorités locales chargées de la délivrance des permis de passage et l'étendue du ressort de leur activité en cette matière ;
- b) La liste des points de passage autorisés où seront établis les postes frontières.

Article V.

Les permis sont délivrés par chaque Haute Partie contractante d'après les modalités qu'elle aura établies et sont enregistrés gratuitement aux postes frontières, prévus à l'article IV, lors du passage en chaque sens, selon le règlement établi par chacune des Parties contractantes.

Les permis de passage seront rédigés en persan et en russe, ceux délivrés par les autorités de l'Union des Républiques soviétistes socialistes pourront l'être en plus dans la langue parlée sur le territoire de la République faisant partie de l'Union des Républiques soviétistes socialistes qui est desservi par le poste frontière de passage.

Article VI.

Les permis de passage, toujours nominatifs, sont de deux sortes, selon qu'ils sont valables trente jours ou un an.

Il n'est délivré de permis valable un an qu'en vue de faciliter la culture des terres situées dans une zone de six kilomètres de large, comptés à raison de trois kilomètres de part et d'autre de la frontière commune, et seulement aux habitants des localités limitrophes cultivant ces terres.

Dans la limite de leur validité respective, les permis de l'une et l'autre catégorie permettent le passage de la frontière un nombre illimité de fois.

Lorsque le titulaire d'un permis dont la validité est sur le point d'arriver à échéance n'a pas encore regagné le territoire de son pays et qu'il sollicite, pour un motif raisonnable, une prolongation suffisante pour y retourner, les autorités locales la lui accorderont en se conformant aux règles établies à ce propos par la Haute Partie dont elles relèvent.

Tout permis, de quelque catégorie qu'il soit, doit mentionner, outre le nom du titulaire, la région où il se rend, le poste frontière par où s'effectuera le passage de la frontière et les motifs du passage.

and finally in order to have recourse to the local authorities of the other High Contracting Party and to request them to take the necessary action against common criminals who have crossed the frontier and sought refuge in the above-mentioned zone.

Article III.

In order to enjoy the right to stay in the adjacent districts and cross the frontier as laid down in Article II, the inhabitants of the said districts must obtain special frontier permits, which will be issued to them by the authorities competent in the place in which they reside. These permits shall be established in accordance with the model appended to the present Convention.

The frontier may only be crossed at certain points, at which frontier stations have been or will be established, and which have been previously designated, as stipulated in the following Article.

Article IV.

The Persian Ministry of Foreign Affairs, of the one part and the Embassy of the Union of Soviet Socialist Republics, of the other part, shall communicate to each other, not later than the date on which the ratifications of the present Convention are exchanged :

- (a) A list of the local authorities responsible for issuing frontier permits and the extent of their jurisdiction in that matter ;
- (b) A list of authorised crossing-points at which frontier stations will be established.

Article V.

Permits shall be issued by each High Contracting Party under the conditions established by it, and shall be registered free of charge at the frontier stations mentioned in Article IV when the frontier is crossed in either direction, according to the regulations made by each of the Contracting Parties.

Frontier permits shall be drawn up in Persian and Russian ; permits issued by the authorities of the Union of Soviet Socialist Republics may also be drawn up in the language spoken in the territory of the Republic forming part of the Union of Soviet Socialist Republics which is served by the frontier station in question.

Article VI.

Frontier permits, which shall in every case be individual, shall be of two kinds, according to whether they are valid for thirty days or one year.

Permits valid for one year shall be issued for the sole purpose of facilitating the cultivation of land situated within a zone 6 kilometres in breadth, *i. e.*, 3 kilometres on either side of the common frontier, and only to the inhabitants of the adjacent districts who are cultivating the said land.

Within the limits of their respective validity, both kinds of permits shall allow of the crossing of the frontier an unlimited number of times.

When the holder of a permit which is about to expire has not yet returned to the territory of his own country, and applies on reasonable grounds for the permit to be extended for a sufficient period to enable him to do so, the local authorities shall grant this request in accordance with the rules established on the subject by the High Party to which they belong.

Every permit, of whatever category, must mention, in addition to the name of the holder, the district to which he is proceeding, the frontier station at which he will cross the frontier, and his reasons for crossing.

Article VII.

The frontier may only be crossed between sunrise and sunset. Nevertheless it may also be crossed by night in the following cases :

I. When a natural calamity has to be combated.

II. When immediate medical or surgical assistance is required. In such cases the frontier may only be crossed by the persons going to fetch assistance and by the medical personnel.

III. When it is urgently necessary, with the help of the local authorities, to take action against or pursue the authors of or accessories to an offence in ordinary law committed on one side of the frontier, who have sought refuge on the other side.

In such cases the victim, his family and the witnesses shall be allowed to cross the frontier.

Article VIII.

Permits shall not be granted to any person who :

I. Has voluntarily transferred or lent his permit to another ;

II. Has used another's permit for the purpose either of crossing the frontier or of staying in the territory of the other High Party ;

III. Has been convicted of smuggling under the laws of the other High Party ;

IV. Has been the subject of a proposal on the part of the authorities of the other High Party to refuse the permit ;

V. Has formerly a national of the other High Party, unless a previous arrangement has been made in regard to him.

Article IX.

Should a frontier permit have been issued by the authorities of either of the Contracting Parties in violation of any of the provisions of Article VIII, the authorities of the other Party may refuse to register it and to allow the holder of the said permit to enter their territory.

Article X.

Persons who have obtained a frontier permit in virtue of the provisions of the present Convention shall have the right, when crossing the frontier, to take with them all utensils, clothing and provisions necessary for their personal needs ; also the implements and tools required for their work and all household articles necessary for their stay in the territory of the other Party, the whole free of Customs duties and similar charges, both on the outward and on the return journey.

Further, holders of the one-year permits referred to in Article VI shall have the right to take with them, free of Customs duties and similar charges, carts, horses and draught animals, seeds and all that is necessary for their work and temporary stay, and also to bring back the harvest, provided that in this latter case they comply with the Customs regulations.

It should be noted that each of the High Contracting Parties may establish, by means of special regulations, to be communicated to the other High Party for its information prior to their application, a prohibition or restriction affecting one or more of the articles, the importation or exportation of which is allowed under the above-mentioned conditions.

Article XI.

Should the authorities of one of the High Contracting Parties discover that an epidemic or an infectious disease of animals has broken out in a district adjoining the frontier, on whichever side it may be, they reserve the right, after notifying the other High Party, to apply all the regulations laid down in this connection.

Article XII.

In the event of the loss of a 30-day frontier permit, the holder may not receive a new permit until the old one has expired and the respective frontier stations of the two Parties have been notified of the loss.

In the event of the loss of a one-year permit, the holder may receive a new one, which shall be valid until the validity of the old one has expired, as soon as the respective frontier stations of the two Parties have been notified of the loss.

In both cases the lost permit shall be cancelled.

New permits may be granted irrespective of the foregoing provisions and time-limits, when there are good grounds for so doing and a special agreement has been reached between the authority issuing the permit and the authority registering it at the corresponding frontier station of the other Party.

Article XIII.

Each of the High Contracting Parties undertakes to confine itself simply to expelling by administrative process persons who have obtained a frontier permit in accordance with the provisions of the present Convention and who :

(a) Have gone beyond the authorised zone of 25 kilometres without the permission of the competent authorities ;

(b) Have prolonged their stay beyond the time-limit allowed in their permit, when the validity of the latter has not been extended as provided for in Article VI.

It is to be noted that the foregoing provisions do not apply to persons committed for trial before the ordinary law courts on account of a crime or misdemeanour.

Article XIV.

The crossing of the frontier by nomads and their flocks and herds shall be governed by special regulations.

Article XV.

The present Convention shall come into force immediately after the exchange of ratifications at Moscow. Each of the High Contracting Parties reserves the right to denounce it on the expiry of a period of three years from the date of ratification.

In such case it shall remain in force for a further period of twelve months following its denunciation.

Article XVI.

The present Convention has been drawn up in the French language.

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

F. PAKREVAN.

Y. DAVTIAN.

ANNEX

TO ARTICLE III OF THE CONVENTION.

Permit Forms.

A. For a permit valid for thirty days, to be used for crossing the Persian-Soviet frontier by inhabitants of the adjacent districts.

1. Surname and first name.
2. Father's name.
3. Nationality.
4. Age.
5. Height.
6. Eyes.
7. Hair.
8. Beard.
9. Distinguishing marks.
10. Place of destination.
11. Reason for crossing frontier.
12. Persons accompanying the holder, wives and children under age.
13. Date of issue of permit.
14. Date of crossing of frontier on each occasion.

....., whose description is given above and who is an inhabitant of the village of, uyezd (district) of is hereby permitted to cross the frontier at the crossing point (frontier station)

This permit is valid for 30 days from the date of issue, for an unlimited number of crossings.

....., 19.....

(Signature and Seal.)

B. For a permit valid for one year, to be used for crossing the Persian-Soviet frontier by citizens owning land in the frontier zone of 3 kilometres.

1. Surname and first name.
2. Father's name.
3. Nationality.
4. Age.
5. Height.
6. Eyes.
7. Hair.
8. Beard.
9. Distinguishing marks.
10. Situation of the field.
11. Persons accompanying the holder, wives and children under age.

....., whose description is given above and who is an inhabitant of the village of, uyezd (district) of is hereby permitted to cross the frontier at the crossing point (frontier station) to perform agricultural work in the district indicated (under P. 10), and is entitled : (1) to take with him carts, horses, and draught animals, food for the journey, seeds, and all that is necessary for the work and temporary stay, and (2) to export the harvest subject to compliance with the Customs regulations.

This permit is valid for one year from the date of issue, for an unlimited number of crossings.

..... 19.....

(Signature and Seal.)

ADDITIONAL PROTOCOL

TO THE CONVENTION RELATING TO THE CROSSING OF THE FRONTIER BETWEEN PERSIA AND THE UNION OF SOVIET SOCIALIST REPUBLICS BY THE INHABITANTS OF THE ADJACENT DISTRICTS.

The undersigned Plenipotentiaries, considering it necessary to define more precisely the provisions of Article X of the above-mentioned Convention, have also agreed as follow :

The exemptions provided for in Article X shall be subject to compliance with the formalities required by the existing regulations.

The quantity of provisions exempt from duty shall be limited to what is necessary for the journey.

It is understood that holders of one-year permits shall have the right to bring back the harvest, but only provided they comply with the Customs regulations and tariffs.

The foregoing amplifications, constituting the present Additional Protocol, shall form an integral part of the Convention, and shall be subject to ratification at the same time as the latter.

In faith whereof the Plenipotentiaries have signed the said Protocol and have thereto affixed their Seals.

F. PAKREVAN.

Y. DAVTIAN.