

N° 2590.

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**ALLEMAGNE ET PERSE**

Convention d'établissement, avec protocole final. Signés à Téhéran, le 17 février 1929.

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**GERMANY AND PERSIA**

Convention regarding Conditions of Residence, with Final Protocol. Signed at Teheran, February 17, 1929.

N<sup>o</sup> 2590. — CONVENTION <sup>1</sup> D'ÉTABLISSEMENT ENTRE L'ALLEMAGNE ET L'EMPIRE DE PERSE, SIGNÉE A TÉHÉРАН, LE 17 FÉVRIER 1929.

*German, Persian and French official texts communicated by the Permanent Delegate of Persia accredited to the League of Nations. The registration of this Convention took place January 10, 1931.*

SA MAJESTÉ IMPÉRIALE LE SCHAH DE PERSE et LE PRÉSIDENT DU REICH ALLEMAND, également animés du désir de régler le droit d'établissement des ressortissants persans en Allemagne et des ressortissants allemands en Perse, conformément au traité<sup>2</sup> d'amitié en date de ce jour, ont résolu de conclure une convention d'établissement, et ont nommé à cet effet pour leurs plénipotentiaires,

SA MAJESTÉ IMPÉRIALE LE SCHAH DE PERSE :

Son Excellence Mirza Mohamed Ali Khan FARZINE, gérant de Son Ministère des Affaires étrangères ;

LE PRÉSIDENT DU REICH ALLEMAND :

M.<sup>e</sup> Friedrich Werner Graf VON DER SCHULENBURG, envoyé extraordinaire et ministre plénipotentiaire allemand à Téhéran-;

Lesquels, après s'être communiqué leurs pleins pouvoirs, reconnus en bonne et due forme, sont convenus des dispositions suivantes :

*Article premier.*

Les ressortissants de chacun des Etats contractants seront accueillis et traités sur le territoire de l'autre Etat, en ce qui concerne leurs personnes et leurs biens, d'après les principes et la pratique du droit commun international. Ils y jouiront de la plus constante protection des lois et autorités territoriales pour leurs personnes, et pour leurs biens, droits et intérêts. Ils pourront pénétrer sur le territoire de l'autre Etat contractant et en sortir, y voyager, y séjourner et s'y établir, à condition et aussi longtemps qu'ils se conformeront aux lois et règlements en vigueur sur ledit territoire.

En toutes ces matières ils jouiront d'un traitement qui ne sera pas moins favorable que celui accordé aux ressortissants de la nation la plus favorisée.

Toutefois rien de ce qui précède ne saurait empêcher chacun des deux Etats contractants de prendre en tout temps des dispositions pour régler ou interdire l'immigration sur son territoire, pourvu qu'elles ne constituent pas une mesure de discrimination particulièrement dirigée contre tous les ressortissants de l'autre Etat contractant.

<sup>1</sup> The exchange of ratifications took place at Teheran, December 10, 1929.

<sup>2</sup> See page 19 of this Volume.

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TEXTE PERSAN. — PERSIAN TEXT.

قرار داد اقامت  
بین دولتین ایران و آلمان  
اعلیحضرت شاهنشاه ایران

و

رئیس مملکت آلمان

که مایلند حق اقامت اتباع ایران را در آلمان و اتباع آلمان را در ایران برطبق عهدنامه مودت منعقدۀ امروز تنظیم نمایند تصمیم بقصد قرار داد اقامت نموده و برای این مقصود اختیار داران خود را تعیین نمودند:

اعلیحضرت شاهنشاه ایران

جناباستطاب اجل آقای میرزا محمد علیخان فرزین

کفیل وزارت امور خارجه

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

## No. 2590. — CONVENTION BETWEEN GERMANY AND THE PERSIAN EMPIRE REGARDING CONDITIONS OF RESIDENCE. SIGNED AT TEHERAN, FEBRUARY 17, 1929.

HIS IMPERIAL MAJESTY THE SHAH OF PERSIA and THE PRESIDENT OF THE GERMAN REICH, being equally desirous of determining the rights and establishment of Persian nationals in Germany and German nationals in Persia, in conformity with the Treaty of Friendship of this day's date, have resolved to conclude a Convention concerning conditions of residence and business, and have appointed for this purpose as their Plenipotentiaries :

HIS IMPERIAL MAJESTY THE SHAH OF PERSIA :

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

THE PRESIDENT OF THE GERMAN REICH :

Monsieur Friedrich Werner Graf VON DER SCHULENBURG, German Envoy Extraordinary and Minister Plenipotentiary at Teheran ;

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

*Article I.*

Nationals of either Contracting State in the territory of the other State shall be received and treated as regards their persons and property in accordance with the principles and practice of ordinary international law. They shall therein enjoy the most constant protection of the laws and authorities of the territory, in respect of their persons, property, rights and interests. They may enter and leave the territory of the other Contracting State, and travel, sojourn and establish themselves therein, on condition that, and as long as they comply with the laws and regulations in force in the said territory.

In all these matters, they shall enjoy a treatment not less favourable than that accorded to the nationals of the most favoured nation.

Nevertheless, the foregoing provisions shall not prevent either of the two Contracting States at any time from taking steps to regulate or prohibit immigration into its territory, provided such measures shall not constitute a discrimination specially directed against the nationals of the other Contracting State.

*Article II.*

The provisions of the present Convention shall not affect the right of either of the Contracting States to prohibit, in special cases, the residence of nationals of the other State, in accordance with a judicial decision, or for reason of public safety at home or abroad, or on grounds of poverty, 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.

Expulsion shall be carried out with due regard to the requirements of public health and of humanity.

*Article III.*

Subject to compliance with the laws and regulations of the country, nationals of either Contracting State shall be entitled to engage in any form of industry or commerce in the territory of the other State and to follow any occupation or profession in the same manner as nationals of the country, save in the case of a State monopoly or of a monopoly granted by the State.

This provision shall also not apply in so far as the said laws and regulations require that a particular profession shall be exercised by a national of the country.

*Article IV.*

Limited liability and trading companies of every kind, including industrial, financial, insurance, communication and transport companies, having their seat in the territory of one of the Contracting States and constituted and recognised in accordance with the law of the country of their seat, shall have their legal existence, capacity, and right to appear in the Courts recognised in the territory of the other.

Their admission to the exercise of commercial activity in the territory of the other State shall be governed by the laws and regulations there in force.

Provided they observe the laws and regulations of the territory of the State of residence, the said companies may, as regards the conditions of their admission and the exercise of their activities and in all other respects, undertake therein any commercial and industrial activity which, in accordance with Article 3, may be undertaken by the nationals of the country in which they were constituted. The companies in question shall in all respects be treated like similar undertakings of the most favoured nation.

*Article V.*

Nationals, and companies mentioned in Article 4, of one of the Contracting States shall, in the territory of the other State, be granted in every respect, as regards both their persons and their property, rights and interests, the same treatment and the same protection by the authorities and finance tribunals as nationals, as also in the matter of taxes and dues of every kind and all other burdens of a fiscal nature.

*Article VI.*

Nationals of either of the Contracting States shall have the right to acquire, possess and dispose of every kind of right or movable property in the other State, subject to compliance with the laws and regulations there in force. They shall in this respect be treated like nationals of the most favoured nation.

As regards real property and real rights, the nationals of either Contracting State in the territory of the other shall in all cases be treated like nationals of the most favoured nation. Until the conclusion of a special convention, it is agreed that German nationals in Persian territory shall be authorised to acquire, occupy or possess only the immovable property necessary for their residence or for the exercise of their profession or industry.

*Article VII.*

Houses and all other real property which the nationals of one of the Contracting States may have acquired or possess or may have rented in conformity with the provisions of the present Convention in the territory of the other State, may only be subject to search or perquisitions under

the same conditions and with the same formalities as are prescribed by the laws in force in the case of nationals.

Further, trade books, accounts or documents of whatever nature in the houses or offices of nationals of one of the Contracting States in the territory of the other State may only be subject to examination or seizure under the same conditions and with the formalities prescribed by the laws in force in the case of nationals.

#### Article VIII.

Nationals of either Contracting State in the territory of the other State shall enjoy the same treatment as nationals of that State, as regards the protection of their persons and property by the courts and authorities.

They shall in particular have free and unhindered access to the courts and may appear in court under the same conditions as nationals. Nevertheless, until the conclusion of a special agreement, the conditions as to poor-law relief and security for costs shall be governed by the law of the country.

Nevertheless, as regards the law of persons and of the family, and succession and inheritance law, the nationals of either Contracting State in the territory of the other State shall remain subject to the law of their own country. The other Contracting State shall only derogate from the application of such law in exceptional cases and in so far as such derogation is generally applied in regard to every other foreign State.

#### Article IX.

Nationals of either Contracting State in the territory of the other State shall be exempt in peace and in war from any obligation to work for the State, save in the case of defence against a natural calamity. They shall be free from all compulsory military service in land, sea or air forces or in the national guard or militia, and also from any tax imposed in lieu of personal service. The nationals of either Contracting State in the territory of the other State shall be exempt from all forced loans. They shall only be subject to military contributions or military or civil requisitions of any kind or expropriation for public purposes under the same conditions and on the same footing as nationals of the most favoured nation.

As compensation for the requisitions referred to in paragraph 1 of the present Article, or for expropriation for public purposes, nationals of one of the Contracting States residing in the territory of the other State shall receive a fair price for the property requisitioned or expropriated, in accordance with the provisions of the laws of the latter State concerning the methods of such compensation.

The provisions of the present Article shall also apply to the companies mentioned in Article 4.

#### Article X.

The present Convention is drafted in duplicate in Persian, German and French. In case of difference as to the interpretation of the Convention, the French text shall be authoritative.

The Convention shall be ratified and the exchange of ratifications shall take place as soon as possible.

The Convention shall enter into force one month after exchange of ratifications and shall remain in force for five years. If it is not denounced six months before the expiry of this period, it shall be considered as prolonged by tacit consent for an indefinite period.

It may then be denounced at any moment by giving six months notice.

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

Done at Teheran, February 17, 1929.

(Signed) M. FARZINE.

(Signed) Friedrich Werner Graf VON DER SCHULENBURG.

## FINAL PROTOCOL.

At the moment of signing the Convention concerning conditions of residence and business concluded this day between the Persian Empire and the German Reich, the undersigned Plenipotentiaries have made the following declarations, which shall form an integral part of the Convention itself :

## I.

*ad Article 1.*

It is agreed that Article 1 shall not affect the regulations relating to passports nor the general provisions which have been or may be issued by either of the Contracting States as regards the conditions under which foreign workers may be admitted to carry on a trade in their respective territories.

*ad Article 4.*

It is agreed that neither the provisions of Article 4 nor any other provision in the Convention concerning conditions of residence and business can authorise a claim to the special privileges granted in Persia to foreign companies the conditions of whose working are governed by special concessions.

*ad Article 8, Paragraph 3.*

The Contracting States agree that the law of persons and of the family, and succession and inheritance law, that is to say, the law relating to personal status, include the following matters : marriage, property rights of husband and wife, divorce, judicial separation, dowry, paternity, affiliation, adoption, legal capacity, majority, guardianship and trusteeship, interdiction, succession, whether by will or *ab intestato*, distribution and partition of estates and inheritances and, in general, all questions relating to family law, including all questions concerning the status of individuals.

## II.

The respective Governments of each of the Contracting States undertake not to grant naturalisation to any national of the other State without the previous consent of his Government.

TEHERAN, *February, 17, 1929.*

(Signed) M. FARZINE.

(Signed) Friedrich Werner Graf VON DER SCHULENBURG.