

N° 4438.

ÉGYPTE ET TURQUIE

Traité d'établissement. Signé à Ankara, le 7 avril 1937.

EGYPT AND TURKEY

Treaty of Establishment. Signed at Ankara, April 7th, 1937.

¹ TRADUCTION. — TRANSLATION.

No. 4438. — TREATY ² OF ESTABLISHMENT BETWEEN EGYPT AND TURKEY. SIGNED AT ANKARA, APRIL 7TH, 1937.

French official text communicated by the Permanent Delegate of Egypt to the League of Nations. The registration of this Treaty took place September 17th, 1938.

HIS MAJESTY THE KING OF EGYPT,
of the one part, and

THE PRESIDENT OF THE REPUBLIC OF TURKEY,
of the other part,

Both being sincerely desirous of developing their cordial relations by the conclusion of a Treaty between the two States respecting conditions of domicile,
Have appointed for this purpose as their respective Plenipotentiaries :

HIS MAJESTY THE KING OF EGYPT :

His Excellency Mohammed El-Mofti EL-GAZAERLI Bey, His Envoy Extraordinary and Minister Plenipotentiary at Ankara ;

THE PRESIDENT OF THE REPUBLIC OF TURKEY :

His Excellency Doctor Tevfik RÜSTÜ ARAS, Minister for Foreign Affairs, Deputy for Smyrna ;

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

Article I.

Nationals of either High Contracting Party may, subject to compliance with the laws and regulations of the country, enter freely, travel, reside and establish themselves in the territory of the other Party, except in prohibited localities or zones, or may leave it at any time, without being subject to restrictions of any kind other than those to which nationals of that country or, should special provisions for foreigners exist, nationals of the most-favoured nation are or may hereafter be subject.

Each of the High Contracting Parties reserves the right to prohibit, under the order of the court, or in accordance with the laws and regulations relating to public morality, public health or pauperism, or for reasons affecting the external or internal safety of the State, individual nationals of the other Party from residing or establishing themselves in its territory and to expel them for such reasons.

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

² Came into force May 11th, 1938.

¹ Translated by the Secretariat of the League of Nations, for information.

Article 2.

The present Treaty shall not affect the right of each of the High Contracting Parties to prohibit immigration or to enact special measures for the admission and employment of foreign workers or wage-earners.

Article 3.

Nationals of one High Contracting Party, provided that they comply with the laws and regulations of the country, shall be entitled to most-favoured-nation treatment in the territory of the other Party, in so far as concerns the right to possess or acquire all kinds of movable and immovable property, and to dispose of the same in any manner whatsoever, it being clearly understood that they may only acquire property the acquisition of which by foreign nationals is allowed under the law of the country.

Article 4.

Nationals of either of the High Contracting Parties shall be entitled in the territory of the other, provided they comply with the laws and regulations of the country, to engage in any kind of industry or commerce, or any trade or profession the exercise of which, under the law of the country, is not now or hereafter reserved to nationals.

Article 5.

Nationals of one of the High Contracting Parties shall not be subject in the territory of the other, in respect of their person or property, rights or interests, including their commerce, industry, trade or profession, to any charge, tax or impost of any description other or higher than those levied on nationals.

In respect of any taxes or duties payable for residence or establishment, nationals of both Parties shall be entitled to most-favoured-nation treatment.

They shall be authorised to export freely their property or the product of the sale of their property, subject to the legal provisions in force in the country, without thereby becoming liable as foreigners for payment of taxes, dues or duties higher than are paid by nationals.

Article 6.

Nationals of either of the High Contracting Parties shall be exempt, in the territory of the other, from any military service in the army, navy, air force, national guard or militia, and from any obligation or charge in lieu of military service.

They shall be subject to other military levies or requisitions only to the extent and under the conditions laid down for nationals.

Article 7.

Nationals of one of the High Contracting Parties may not be expropriated in the territory of the other except for reasons of public utility prescribed by law. They shall be entitled, on terms of reciprocity, to the compensation fixed for nationals by the law in force in the respective countries.

No expropriation may take place before the compensation has been paid over or duly deposited.

Article 8.

Nationals of either of the High Contracting Parties shall be entitled, in respect of their person and property, in the territory of the other, to the fullest protection of the laws and of the courts and other authorities, on an equal footing with nationals.

Like nationals they shall have free access to the courts in any of the instances of justice, to claim or to defend their rights, and shall be free, in all legal proceedings, in the same way as nationals, to choose their counsel, attorneys or agents from among persons allowed to exercise those professions according to the laws of the territory in question.

Subject to reciprocity, no security or deposit of any description whatsoever may be levied on the respective nationals of the two countries by reason of their status as foreigners.

Article 9.

Nationals of either of the High Contracting Parties in the territory of the other shall, in accordance with the general principles of international law and under the same conditions as the country's own nationals, be amenable to the territorial legislation (laws, decrees, orders and regulations in criminal, civil, commercial, administrative, fiscal or other matters) and to the courts reserved for nationals.

In matters of personal status, the courts of each of the High Contracting Parties shall be bound to apply the national law of the parties to the case, subject to the rules relating to public order.

Article 10.

Joint stock companies and other commercial companies, including industrial, financial, insurance and transport companies which have their headquarters in the territory of one of the High Contracting Parties and which are regularly incorporated according to the laws of that country, shall be legally recognised by the other Party.

Subject to compliance with the laws and regulations which are or may hereafter be in force in the territory of the other country, and should the latter's legislation make a permit necessary, after obtaining such permit the said companies shall be entitled to establish themselves in the territory of that country, to set up subsidiary companies, branches or agencies therein and to appear in court as plaintiff or defendant.

The activities of the said companies incorporated under the legislation of one High Contracting Party shall, in so far as they are carried on in the territory of the other, be subject to the laws and regulations of the latter Party. As regards their activities, such companies shall not be treated less favourably than companies belonging to the most-favoured nation.

In all matters concerning the legal and judicial protection of their property, the provisions of Article 8 shall also apply, in like manner, to the companies referred to in the present Article.

Companies belonging to one of the High Contracting Parties and their subsidiary companies, branches or agencies shall not be subject in the territory of the other Party, as regards duties, taxes or imposts, to fiscal burdens higher than those applicable to companies belonging to the most-favoured nation.

It is agreed that they shall be subject to pay the fees for permits for and the registration of foreign companies and to deposit securities as provided by law. They shall be liable for other levies or military requisitions only to the same extent and subject to the same conditions as national companies.

In the case of taxation on the basis of capital, income or profits, each High Contracting Party shall only tax the companies, subsidiary companies, branches or agencies of the other Party on such part of their business assets as has been invested in its territory, on property which they own there, on profits which they make there or on business which they do there, according to the nature of the taxes.

These companies may, under the same conditions as those applied to the most-favoured nation and subject to compliance with the laws of the country, acquire all kinds of movable property. This shall apply also, in conformity with Article 3, to the acquisition of the immovable property necessary for the company's operations, provided that the acquisition of such property is not the actual purpose of the company's existence.

Article 11.

Any disputes arising between the two High Contracting Parties concerning the interpretation of the present Treaty that cannot be solved through the diplomatic channel shall be submitted to arbitration by joint consent by means of a special agreement (*compromis*).

Article 12.

The present Treaty shall be ratified. The ratifications shall be exchanged at Cairo. It shall come into force one month after the exchange of ratifications and shall remain in force for three years. If it has not been denounced six months before the expiry of that period, it shall be renewed by tacit consent, and in such a case shall remain in force until the expiry of a period of six months after one of the High Contracting Parties shall have notified to the other its intention of denouncing it.

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

Done in duplicate at Ankara, this 7th day of April, 1937.

(Seal) (Signed) M. Mufti GAZAERLI.

(Seal) (Signed) Dr. T. R. ARAS.