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Turkey No. 1 (1930)

Treaty of Commerce and Navigation

between

HIS MAJESTY IN RESPECT OF THE
UNITED KINGDOM
AND THE PRESIDENT OF THE
REPUBLIC OF TURKEY

Angora, March 1, 1930

[The Treaty has not been ratified by His Majesty]

Presented by the Secretary of State for Foreign Affairs
to Parliament by Command of His Majesty

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1930

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Turkey No. 1 (1930)

Treaty of Commerce and Navigation

HIS MAJESTY KING OF GREAT BRITAIN AND IRELAND
AND THE SULTAN OF TURKEY



(51) FFFV AS40

Printed and published by His Majesty's Stationery Office
to the order of His Majesty the King, at the Stationery Office, 25, Abchurch Lane, London, E.C. 4A



Treaty of Commerce and Navigation between His Majesty in respect of the United Kingdom and the President of the Republic of Turkey.

Angora, March 1, 1930.

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and His Excellency the President of the Republic of Turkey,

Desiring to facilitate the development of the trade and commerce of their respective countries and to regulate by means of a treaty the commercial relations between the United Kingdom of Great Britain and Northern Ireland and such other territories under the sovereignty, protection or authority of His Britannic Majesty as he may desire should be bound by the treaty on the one side, and Turkey on the other side,

Have resolved to conclude a treaty for this purpose and have appointed as their plenipotentiaries :

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India :

For the United Kingdom of Great Britain and Northern Ireland :

The Right Honourable Sir George Russell Clerk, G.C.M.G., C.B., His Majesty's Ambassador Extraordinary and Plenipotentiary in Turkey ;

5230 20531 2/30 F.O.P.
Wt. — 1000 4/30 20853

His Excellency the President of the Republic of Turkey :

His Excellency Zekâi Bey, a former Minister and Ambassador, Deputy for Diyarbekir,

His Excellency Mustafa Şeref Bey, Deputy for Burdur,

His Excellency Menemenli Numan Bey, Under-Secretary of State at the Ministry for Foreign Affairs.

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

ARTICLE 1.

The territories to which the present Treaty applies are, on the part of His Britannic Majesty, the United Kingdom of Great Britain and Northern Ireland and the territories in respect of which notification of accession is given under Article 38 or notice of application is given under Article 37.

ARTICLE 2.

The expression "companies of the High Contracting Parties" shall, for the purposes of this Treaty, be interpreted in the case of either High Contracting Party as relating to the limited liability



and other companies and associations (partnerships) formed for the purpose of commerce, finance, industry, transport or any other business, and carrying on business in the territories of that party, provided that they have been duly constituted in accordance with the laws in force therein, and that they do not pursue any illegitimate end.

ARTICLE 3.

All vessels which, according to British law, are deemed to be British vessels, and all vessels which, according to Turkish law, are deemed to be Turkish vessels, shall, for the purposes of this Treaty, be deemed British or Turkish vessels respectively.

ARTICLE 4.

There shall be between the territories of the High Contracting Parties reciprocal freedom of commerce and navigation.

The subjects or citizens of each of the High Contracting Parties shall, subject to compliance with the laws and regulations of the country have free access, with their ships and cargoes, to all places and ports in the territories of the other to which subjects or citizens of that High Contracting Party have, or may have, free access, except for such areas as may, on grounds of security or of a strategic nature, be closed to all foreigners irrespective of nationality.

They shall enjoy the same rights, privileges, liberties, favours, immunities and exemptions in matters of commerce and

navigation as are, or may be, enjoyed by subjects or citizens of the other High Contracting Party.

ARTICLE 5.

The subjects or citizens of either of the High Contracting Parties shall be entitled to enter, travel, and reside in the territories of the other so long as they satisfy and observe the laws, regulations and decrees applicable to the entry, travelling and residence of all foreigners.

It is nevertheless understood that the terms of this Treaty shall not affect either the right of each High Contracting Party freely to permit or to prohibit immigration into his territories, or the regulations which are, or may be, in force as concerns passports.

Each of the High Contracting Parties reserves the right to prohibit individual subjects or citizens of the other, either under the judgment of a court, or in pursuance of the laws and regulations relating to public morality, public health or pauperism, or for reasons affecting the internal or external safety of the State, from settling or dwelling within his territories, or to expel them on the same grounds.

ARTICLE 6.

The subjects or citizens of each of the High Contracting Parties in the territories of the other shall enjoy, in respect of the legal and judicial protection of their property, rights and interests, the same treatment as national subjects or citizens.

ARTICLE 7.

The subjects or citizens of either of the High Contracting Parties may, provided they conform to the laws in force in the territories of the other, carry on their commerce in those territories either in person or by any agents whom they think fit to employ.

The High Contracting Parties agree that in all matters relating to commerce, navigation and industry, the carrying on of any description of business, and the exercise of professions or occupations, any privilege, favour or immunity which either of the High Contracting Parties has actually granted, or may hereafter grant, to the ships and subjects or citizens of any other foreign country shall be extended, simultaneously and unconditionally, without request and without compensation, to the ships and subjects or citizens of the other, it being their intention to secure to each other reciprocally the footing of the most favoured foreign country in this respect.

ARTICLE 8.

The High Contracting Parties may, under their laws and regulations, reserve to their own subjects or citizens itinerant trades, pedlary and such other trades and professions as they may think fit.

ARTICLE 9.

Provided they conform to the local laws and regulations, the subjects or citizens of each of the High Contracting Parties in the territories of the other shall

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enjoy, in respect of their persons, their property, rights and interests, and in respect of their commerce, industry, profession, occupation, trade or any other matter, in every way the same treatment and legal protection as the subjects or citizens of that Party, in so far as taxes, exactions, customs duties, imposts, fees which are substantially taxes and other similar charges are concerned.

The terms of this Treaty shall not prevent the collection, if required, of fees in connection with the entry, travelling and residence of foreigners generally, as well as with the formalities attendant on their registration. In this respect the treatment of the most favoured foreign country shall be applied.

ARTICLE 10.

The subjects or citizens of each of the High Contracting Parties in the territories of the other shall be at full liberty to acquire and possess every description of property, movable and immovable, which the laws of the other High Contracting Party permit, or shall permit, the subjects or citizens of any other foreign country to acquire and possess. They may dispose of the same by sale, exchange, gift, marriage, testament, or in any other manner, or acquire the same by inheritance, under the same conditions as are, or shall be, established with regard to subjects or citizens of the other High Contracting Party.

They shall not be subjected in any of the cases mentioned in the foregoing paragraph to any taxes, imposts or charges of

B 3

whatever denomination other or higher than those which are, or shall be, applicable to the subjects or citizens of the other High Contracting Party.

They shall also be permitted, subject to compliance with the laws and regulations of the country, freely to export their property and their goods in general and shall not be subjected in this respect to any other restrictions or to any other or higher duties than those to which the subjects or citizens of the other High Contracting Party would be liable in similar circumstances.

ARTICLE 11.

The subjects or citizens of each of the High Contracting Parties in the territories of the other shall have free access to the courts of justice for the prosecution and defence of their rights without other conditions, restrictions or taxes beyond those imposed on national subjects or citizens, and shall, like them, be at liberty to choose, in all causes, their advocates, attorneys or agents from among the persons admitted to those professions according to the laws of the territories in question.

The procedure as regards the *cautio judicatum solvi* and free legal assistance will be determined by local legislation pending the settlement of these questions by a special convention to be concluded between the two Parties.

ARTICLE 12.

The subjects or citizens of each of the High Contracting Parties

in the territories of the other shall be exempted, both in time of peace and in time of war, from all compulsory military service, whether in the army, navy or air force, or in the national guard or militia, and, subject to the specific exceptions laid down in the laws pertaining thereto, from the exercise of all judicial, administrative and municipal functions whatever. They shall also be exempted from all contributions, whether in money or in kind, imposed as an equivalent for such service or for the performance of such functions.

The subjects or citizens and companies of one of the High Contracting Parties shall in no case be liable in the territories of the other to any military or civil requisitions other than such as may be levied on the subjects or citizens or companies of the other High Contracting Party. In matters relating to procedure and to indemnification for such requisitions they will be amenable to the legislation of the country, on the same footing as national subjects, citizens, or companies.

ARTICLE 13.

The Companies of either of the High Contracting Parties shall be entitled to carry on in the territories of the other High Contracting Party, subject to compliance with the laws and regulations of the country, whether through the establishment of branches or otherwise, any description of business permitted by law, which the companies or business associations (partnerships) of any other foreign country are, or may be, permitted to carry on.

They shall be entitled to appear in the courts either as plaintiffs or defendants, subject to the laws of the other Party. In matters relating to the legal and judicial protection of their property, rights and interests they shall enjoy the same treatment as national companies.

The companies of either High Contracting Party, and their branches or agencies, shall enjoy in the territories of the other, so far as concerns taxes, exactions, customs duties, imposts, fees which are substantially taxes, and other similar charges, the same treatment as that accorded to the companies of the other High Contracting Party. It is nevertheless understood that they will be required to pay the fees relating to the issue of permits to foreign companies and to their registration, and to deposit the security required by law; in these matters the treatment of the most favoured foreign country shall be applied.

The mutual grant of national treatment shall not be held to justify a claim to the benefit of such exemptions from taxation as may be granted to undertakings established by the State, or to concessionaires of a public utility service.

Each of the High Contracting Parties shall comply with the following principles so far as concerns the taxation of branches or agencies in his territories of business undertakings belonging to, and managed and controlled by, subjects or citizens of the other High Contracting Party resident outside the territories of the former Party:—

(i) Taxation levied on capital shall be calculated only on the

capital actually employed within those territories;

(ii) Taxation levied on profits or revenues shall be calculated only on the profits or revenues accruing from the business operations conducted or controlled within those territories;

(iii) Taxation levied on the volume of business done shall be calculated only on the business carried on or controlled within those territories.

Furthermore, the companies of either High Contracting Party may, subject to reciprocity and to compliance with the laws of the country, acquire in the territories of the other Party, under such restrictions as may be provided by the local legislation, any kind of movable property. The same shall apply to the acquisition of immovable property necessary for the business of the company, provided that in this case such acquisition is not the actual object of the company.

In all other matters relating to companies, which are not covered by the present Article, the treatment of the most favoured foreign country shall be applied.

ARTICLE 14.

Articles produced or manufactured in the territories of one of the High Contracting Parties, imported into the territories of the other, from whatever place arriving, shall not be subjected to other or higher duties or charges than those paid on the like articles produced or manufactured in any other foreign country.

ARTICLE 15.

Articles produced or manufactured in the territories of either of the High Contracting Parties, exported to the territories of the other, shall not be subjected to other or higher duties or charges than those paid on the like articles exported to any other foreign country.

ARTICLE 16.

No prohibition or restriction shall be maintained or imposed on the importation of any article, produced or manufactured in the territories of either of the High Contracting Parties, into the territories of the other, from whatever place arriving, which shall not equally extend to the importation of the like articles produced or manufactured in any other foreign country.

No prohibition or restriction shall be maintained or imposed on the exportation of any article from the territories of either of the High Contracting Parties to the territories of the other which shall not equally extend to the exportation of the like articles to any other foreign country.

Exceptions to the general rule laid down in the preceding paragraphs of this Article may only be made in the following cases, it being always understood that the prohibitions or restrictions in question shall be extended at the same time and in the same manner to other foreign countries where the same conditions prevail :—

(1) prohibitions or restrictions imposed in the interests of public security;

(2) prohibitions or restrictions regarding traffic in arms, ammu-

munition and implements of war, or, exceptionally, all other military supplies;

(3) prohibitions or restrictions imposed for the protection of public health;

(4) prohibitions or restrictions imposed for the protection of animals or plants, including protection against disease, degeneration or extinction, as well as measures taken against harmful seeds, plants and animals.

ARTICLE 17.

In so far as prohibitions or restrictions may be enforced on the importation or exportation of any goods, the High Contracting Parties undertake as regards import and export licences to do everything in their power to ensure—

(a) that the conditions to be fulfilled and the formalities to be observed in order to obtain such licences should be brought immediately in the clearest and most definite form to the notice of the public;

(b) that the method of issue of the certificates or licences should be as simple and stable as possible;

(c) that the examination of applications and the issue of licences to the applicants should be carried out with the least possible delay;

(d) that the system of issuing licences should be such as to prevent the traffic in licences. With this object, licences, when issued to individuals, should state the name of the holder and should not be capable of being used by any other person;

(e) that, in the event of the fixing of rations, the formalities

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required by the importing country should not be such as to prevent an equitable allocation of the quantities of goods of which the importation is authorised.

The conditions under which licences are given for goods produced or manufactured in the territories of one of the High Contracting Parties imported into or exported to the territories of the other shall be as favourable as the conditions under which licences are given for the goods of any other foreign country.

ARTICLE 18.

The provisions of this Treaty do not apply to the trade in narcotics, which shall remain subject to the laws and regulations in force in the territories of the High Contracting Parties.

ARTICLE 19.

Internal duties levied within the territories of either of the High Contracting Parties for the benefit of the State, or local authorities or corporations on goods the produce or manufacture of the territories of the other Party shall not be other or greater than the duties levied in similar circumstances on the like goods of national origin.

It is agreed that in cases where no similar goods are produced or manufactured in the territories of the first High Contracting Party the treatment of the most favoured foreign country shall be applied to the produce or manufactured articles in question.

ARTICLE 20.

The High Contracting Parties agree that the treatment of commercial travellers' samples on their entry into their respective countries shall be governed for the duration of the present Treaty by the provisions of the Convention signed on the 15th January, 1929, regarding Commercial Travellers' Samples.

Any further facilities or privileges which have been or may be accorded by either Party to any other foreign country in respect of commercial travellers or samples shall be extended unconditionally to the other Party.

ARTICLE 21.

The measures taken by the High Contracting Parties for regulating and forwarding traffic across their territories shall facilitate free transit by rail or waterway on routes in use convenient for international transit. No distinction shall be made which is based on the nationality of persons, the flag of vessels, the place of origin, departure, entry, exit or destination, or on any circumstances relating to the ownership of goods or vessels, coaching or goods stock, or other means of transport.

In order to ensure the application of the foregoing provisions, the High Contracting Parties will allow transit in accordance with the customary conditions and reserves across their territorial waters.

Traffic in transit shall not be subject to any special dues in respect of transit (including

entry and exit) except for such dues as are intended solely to defray expenses of supervision, statistics and administration entailed by such transit.

The preceding dispositions in no way affect the customs laws concerning the treatment of transit goods, nor the regulations concerning goods which are the subject of an internal duty or of a State monopoly. The transit of such goods shall, however, not be restricted more than is necessary to secure the eventual collection of the internal duty on the goods remaining in the territories of either Party, to assure the object of the monopoly, or to take the precautions necessitated by the transit of goods whose importation or exportation is prohibited.

Neither High Contracting Party shall be bound by this Article to afford transit for passengers whose admission into its territories is forbidden, or for goods of a kind of which the importation or exportation is prohibited in pursuance of the stipulations of the third paragraph of Article 16.

For the purposes of this Article, persons, baggage and goods, and also vessels, coaching and goods stock and other means of transport, shall be deemed to be in transit across the territories of one of the High Contracting Parties when the passage across such territories, with or without transshipment, warehousing, breaking bulk or change in the mode of transport, is only a portion of a complete journey, beginning and terminating beyond the frontier of the Party across whose territories the transit takes place.

ARTICLE 22.

Each of the High Contracting Parties shall permit the importation or exportation of all merchandise which may be legally imported or exported, and also the carriage of passengers from or to their respective territories, upon the vessels of the other; and such vessels, their cargoes and passengers shall enjoy the same privileges as, and shall not be subjected to any other or higher duties or charges than, national vessels and their cargoes and passengers.

ARTICLE 23.

In all that regards the stationing, loading and unloading of vessels in the ports, docks, roadsteads and harbours of the territories of the High Contracting Parties, all privileges or facilities granted by either Party to national vessels shall be granted equally to vessels of the other Party from whatsoever place they may arrive and whatever may be their place of destination.

ARTICLE 24.

In regard to duties of tonnage, harbour, pilotage, lighthouse, quarantine or other analogous duties or charges of whatever denomination levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind the vessels of each of the High Contracting Parties shall enjoy in the ports of the territories of the other treatment equal to that accorded to national vessels.

Dues and charges levied for the use of maritime ports shall be duly published before coming into force. The same shall apply to the bye-laws and regulations of the ports. In each maritime port the port authority shall keep open for inspection by all persons concerned a table of the dues and charges in force, as well as a copy of the bye-laws and regulations.

ARTICLE 25.

Notwithstanding the terms of Articles 22, 23, and 24, each of the High Contracting Parties may reserve to the national flag or to his own subjects or citizens the following services, in which respect the laws which are or may be in force in the territories of that Party shall apply:—

- (1) Coasting trade (cabotage);
- (2) Fishing in the territorial waters of the High Contracting Parties;
- (3) Maritime services at ports, roadsteads and beaches, and in particular towage and pilotage, life-saving and salvage, in so far as these operations are performed within the limits of territorial waters or in the Sea of Marmora.

The High Contracting Parties may likewise extend support, under the form of bonuses or subsidies to their national mercantile marine, as also to State-owned vessels administered either directly or by a Company in which the State is interested.

ARTICLE 26.

Any vessels of either of the High Contracting Parties which

may be compelled by stress of weather, or by accident, to take shelter in a port of the territories of the other, shall be at liberty to refit therein, to procure all necessary stores and fuel and to put to sea again, without paying any dues other than such as would be payable in a similar case by a national vessel. In case, however, the master of a merchant vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses, he shall be bound to conform to the regulations and tariffs of the place to which he may have come.

If any vessel of one of the High Contracting Parties shall run aground or be wrecked upon the coasts of the territories of the other, such vessel and all parts thereof and all furniture and appurtenances belonging thereto, and all goods and merchandise saved therefrom, including any which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked vessel, shall be given up to the owners of such vessel, goods, merchandise, &c., or to their agents when claimed by them. If there are no such owners or agents on the spot, then the vessel, goods, merchandise, &c., referred to shall, in so far as they are the property of a subject or citizen or company of the first High Contracting Party, be delivered to the consular officer of that Party in whose district the wreck or stranding may have taken place upon being claimed by him within the period fixed by the laws of the other High Contracting Party, and such consular

officer, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck or stranding of a national vessel.

The High Contracting Parties agree, however, that merchandise saved shall not be subjected to the payment of any customs duty unless cleared for internal consumption.

In the case of a vessel being driven in by stress of weather, run aground or wrecked, the respective consular officer shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorised to interpose, in order to afford the necessary assistance to his fellow-countrymen.

ARTICLE 27.

It shall be free to each of the High Contracting Parties to appoint consuls-general, consuls and vice-consuls to reside in the towns and ports of the territories of the other Party in which such representatives of any other foreign country may be admitted by the respective Governments. Such consuls-general, consuls and vice-consuls, however, shall not enter upon their functions until after they shall have obtained the approval in the usual form of the Government of the country to which they are appointed.

The consular officers of one of the High Contracting Parties shall enjoy in the territories of the other Party the same rights, privileges and exemptions, provided reciprocity be granted, as

are, or may be, accorded to similar consular officers of any other foreign country.

ARTICLE 28.

In the case of the death of a subject or citizen of one of the High Contracting Parties in the territories of the other, leaving kin but without leaving at the place of his decease any person entitled by the laws of his country to take charge of and administer the estate, the competent consular officer of the country to which the deceased belonged shall, upon fulfilment of the necessary formalities, be empowered to take custody of and administer the estate in the manner and under the limitations prescribed by the law of the country in which the property of the deceased is situated.

It is understood that in all that concerns the administration of the estates of deceased persons, any right, privilege, favour or immunity which either High Contracting Party has actually granted, or may hereafter grant, to the consular officers of any other foreign country shall be extended immediately, provided reciprocity be granted, to the consular officers of the other High Contracting Party.

ARTICLE 29.

The consular officers of one of the High Contracting Parties residing in the territories of the other shall receive from the local authorities such assistance as can by law be given to them for the recovery of seamen deserters, other than subjects or

citizens of the latter High Contracting Party, from the vessels of the former High Contracting Party.

ARTICLE 30.

The subjects or citizens or companies of each of the High Contracting Parties shall have in the territories of the other the same rights as subjects or citizens or companies of that High Contracting Party in regard to patents for inventions, trade marks, trade names and designs, upon fulfilment of the formalities prescribed by law.

ARTICLE 31.

Each of the High Contracting Parties agrees to furnish, in pursuance of his present or future legislation, the subjects or citizens of the other with suitable civil remedies, and in cases of fraud with suitable penal remedies, in respect of the use of words, devices or descriptions or any other indications which state or manifestly suggest that the goods, in connexion with which they are used, have been produced or manufactured in the territories of the other Party, if such statement or suggestion be false. In such cases the above-mentioned remedies may be exercised by or on behalf of the persons, companies or associations aggrieved, in so far as this is permitted by the legislation of the country.

Each of the High Contracting Parties undertakes to prohibit, in pursuance of his present or future legislation, the importation into, and to provide measures for the seizure on importation into, the territories

of that Party of any goods bearing words, devices, descriptions or other indications which state or manifestly suggest that the goods have been produced or manufactured in the territories of the other Party, if such statement or suggestion be false.

It is understood that the provisions of this Article do not impose any obligation to seize goods in transit.

In respect of goods which are imported into, or to which a mark or description has been applied within, the territories of one of the High Contracting Parties, the competent authorities of that Party shall decide what descriptions, on account of their generic character, do not fall within the provisions of this Article.

ARTICLE 32.

Each of the High Contracting Parties may require, in order to determine the country of origin of imported goods, certificates of origin attesting that the article imported is the national produce or manufacture of the said country, or that it should be so considered having regard to the transformation which it has undergone in that country.

Certificates of origin in accordance with the form annexed to this Treaty will be issued either by the Chamber of Commerce or Industry to which the consignor belongs, or by the customs authorities of the exporting country, or by any authority or association which may be accepted for the purpose by the country of destination.

The Government of the country of destination may require the certificates to be

legalised by their diplomatic or consular representative.

Parcel post packages will be exempt from the requirement of a certificate of origin if the country of destination recognises that no transaction of a commercial character is involved, and that the value of the package does not exceed £T. 50, for importations into Turkey, or, if the case should arise, a corresponding amount, for importations into the territories of His Britannic Majesty.

ARTICLE 33.

The subjects or citizens of either High Contracting Party visiting fairs or markets for the purposes of trade shall not be treated, in the territories of the other, less favourably than national subjects or citizens, provided they present an identity card in the form annexed to this Treaty, issued by the authorities of the country of which they are subjects or citizens.

The provisions of the preceding paragraph are not applicable to itinerant trades, pedlary, or the solicitation of orders from persons who carry on no trade or industry, in which respects the High Contracting Parties reserve full liberty of legislation.

ARTICLE 34.

Treatment on a footing of equality with the most favoured foreign country shall not be applicable to—

(i) Privileges which have been or may be granted by either High Contracting Party for frontier trade with limitrophe countries,

within a zone extending for 15 kilometres on each side of the frontier;

(ii) Special favours arising out of a customs union;

(iii) Special advantages or favours which have been or may be instituted, in customs matters, as between Turkey and the countries detached from the Ottoman Empire under the Treaty of Lausanne of the 24th July, 1923.

ARTICLE 35.

Any disputes which may arise between the High Contracting Parties as to the interpretation of the present Treaty, and which it shall have been impossible to settle through the diplomatic channel, shall be, by mutual agreement and by means of a *compromis*, submitted to arbitration.

ARTICLE 36.

The High Contracting Parties agree that the Residence Convention signed at Lausanne on the 24th July, 1923, which is due to expire on the 6th August, 1931, shall become inoperative, in so far as concerns the territories of the High Contracting Parties, as from the date of the entry into force of the present Treaty.

ARTICLE 37.

His Britannic Majesty may, through His Britannic Majesty's Representative in Turkey, give notice of his desire that the stipulations of the present Treaty shall apply to any British

Colony or Protectorate or to any mandated territory administered by his Government in the United Kingdom of Great Britain and Northern Ireland, and from the date of the said notice the Treaty shall be in force as between Turkey and the territory specified in such notice.

As regards any such territory in respect of which the stipulations of the present Treaty shall have been made applicable under this Article, either of the High Contracting Parties shall have the right to terminate the application of the said stipulations on giving twelve months' notice to that effect.

ARTICLE 38.

His Britannic Majesty may, by a notification made by His Britannic Majesty's Representative in Turkey, accede to the present Treaty in respect of any of His Majesty's self-governing Dominions or India.

After the expiry of a period of four years from the coming into force of the present Treaty, either of the High Contracting Parties may, by giving twelve months' notice, terminate the application of the Treaty to any territory in respect of which His Majesty has notified his accession under paragraph 1 of this Article.

Any notification made under paragraph 1 of this Article may include any dependency or mandated territory administered by the Government of the territory in respect of which His

Majesty has notified his accession; and any notice of denunciation given under paragraph 2 shall be applicable to any such dependency or mandated territory which was included in such notification of accession.

ARTICLE 39.

The present Treaty shall be ratified and the ratifications shall be exchanged at Angora as soon as possible. It shall come into force immediately on the exchange of ratifications, and shall be binding during a period of five years from the date of its coming into force.

In case neither of the High Contracting Parties shall have given notice to the other twelve months before the expiration of the said period of five years of its intention to terminate the Treaty, it shall remain in force until the expiration of one year from the date of such notice.

In the absence of an express provision to that effect, such notice shall not affect the operation of the Treaty as between Turkey and any territory in respect of which notification of accession has been given under Article 38.

In witness whereof the respective plenipotentiaries have signed the present Treaty and have affixed thereto their seals.

Done at Angora, in English and in Turkish, both texts having equal force, the 1st day of March, 1930.

GEORGE R. CLERK.

ZEKAI.

MUSTAFA ŞEREF.

M. NUMAN.

Annex to Article 32.

Form.

Certificate of Origin.

Consignor.	Consignee.
Name	Name
Address	Address

Number of Packages.	How Packed.	Marks, Number.	Gross and Net Weight (in kilog.).	Route by which despatched (rail, post, ship).	Contents.

Certified that the goods specified above are of origin.

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(Description of competent authority and signature.)

(Seals.)

Done at Ankara in English and in Turkish this day of March 1930.

GEORGE R. CLERK

MUSTAFA FIKRI

MUSTAFA FIKRI



Annex to Article 33.

Form.

Card of Identity.

For visitors to fairs or markets.

Certified that Mr. _____, bearer of this card, who is desirous of proceeding with his goods to visit fairs and markets (for British subjects: in Turkey; for Turkish citizens: in the United Kingdom of Great Britain and Northern Ireland), is resident at _____, and that he is liable to the payment of all lawful dues and taxes to which the exercise of his trade or industry may be subject.

This certificate is valid for a period of _____ months.

(Place, date, signature, seal of the issuing authority.)

Form. Form.
 Add. to Article 23
 Protocol.
 Date of Signature

At the moment of signing the Treaty of Commerce and Navigation, the plenipotentiaries of the High Contracting Parties have agreed as follows:—

1. It is understood that, wherever the present Treaty stipulates national treatment, this implies the treatment of the most favoured foreign country, the intention of the High Contracting Parties clearly being that national treatment in their respective territories is at least equal or superior to the treatment of the most favoured foreign country.

2. *Articles 6 and 13.*—It is understood that the expression “property, rights and interests,” covers, *inter alia*, dwellings, warehouses, factories, shops, offices and other premises.

3. *Article 12.*—It is understood that the expression “civil requisitions” covers expropriations for reasons of public interest.

4. *Article 13.*—It is understood that foreign companies may not concentrate their principal operations, as defined in their Articles, on Turkish territory, but must apply for and obtain Turkish nationality in order to do so.

5. *Article 14.*—It is understood that, in the application of this Article, no account shall be taken of regional appellations, that is to say, that neither of the High Contracting Parties shall apply to goods produced or manufactured in the territories of the other, in pursuance of a customs classification based on

the place of production or of manufacture, other or higher duties or charges than those paid on the like articles produced or manufactured in any other foreign country.

6. *Article 16.*—It is understood that, notwithstanding the terms of this Article, each of the High Contracting Parties reserves the right to raise the import duties, or to apply other appropriate measures, on the importation into his territories of such produce or manufactured articles of the other as may be favoured by bonuses or subsidies, whether direct or indirect, in so far as the application of such measures may not be prohibited by the terms of an international convention to which both Parties alike have adhered.

7. *Article 20.*—It is understood that, if the Government of the Turkish Republic should promulgate legislation dealing with the subject of paragraph 1, sub-head (a), of the Convention signed on the 15th January, 1929, regarding Commercial Travellers' Samples, the provisions of this legislation shall be applied in place of the procedure laid down in the above-mentioned sub-head.

8. *Article 25.*—It is understood that British and Turkish vessels may in any case proceed from a port in the territories of one High Contracting Party to one or more ports in the territories of the same Party, for the purpose either of landing the whole or a part of their cargo or passengers brought from abroad, or of making up or completing

their cargo or embarking passengers for a foreign destination.

9. Articles 27 and 28.—It is understood that neither of the High Contracting Parties may claim the benefit of the treatment of the most favoured foreign country as stipulated in these Articles in order to demand for his consular officers any rights other or wider than those granted by that Party to the consular officers of the other.

10. Article 35.—It is understood that, in accordance with the usage of international law, no matter which falls within

the domain of sovereignty or the exclusive competence of the State can become the subject of arbitration.

The present protocol will have the same force, effect and duration as the treaty of to-day's date, of which it is to be considered as an integral part.

In witness whereof the above-named plenipotentiaries have signed the present protocol.

Done at Angora, in English and in Turkish, both texts having equal force, the first day of March, 1930.

GEORGE R. CLERK.
ZEKAI.
MUSTAFA ŞEREF.
M. NUMAN.

GEORGE R. CLERK.

EXCHANGE OF NOTES No. 2.

(Translation)

(Translation)

ANGORA, MARCH 1, 1930.

ANGORA, MARCH 1, 1930.

ANGORA, MARCH 1, 1930.

With reference to the clauses of the Treaty of Commerce and Navigation signed by us this day, I have the honour to request you to be good enough to confirm that the terms of article 27 shall not

EXCHANGE OF NOTES No. 1.
(Translation.)

Zekâi Bey to Sir G. Clerk.

Your Excellency, *Angora, March 1, 1930.*

WITH reference to the clauses of the Treaty of Commerce and Navigation signed by us this day, I have the honour to request you to be good enough to give me some explanation of the scope of sub-head 2 of the third paragraph of article 16 of the Treaty. I should be glad to learn that His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland are animated in this matter by general considerations, and that they do not contemplate any discrimination against Turkey as regards such restrictions as may be imposed on the export of arms, ammunition and implements of war, or, exceptionally, of any other military supplies.

I avail myself, &c.

ZEKÂI.

Sir G. Clerk to Zekâi Bey.

British Embassy,

Your Excellency, *Angora, March 1, 1930.*

WITH reference to the clauses of the Treaty of Commerce and Navigation signed by us this day, I have the honour to inform you, in reply to your Excellency's letter of to-day's date, in which you requested some explanation of the scope of sub-head 2 of the third paragraph of article 16 of the treaty, that His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland are animated in this matter by general considerations, and that they do not contemplate any discrimination against Turkey as regards such restrictions as may be imposed on the export of arms, ammunition and implements of war, or, exceptionally, of any other military supplies.

I avail myself, &c.

GEORGE R. CLERK.

EXCHANGE OF NOTES No. 2.
(Translation.)

Zekâi Bey to Sir G. Clerk.

Your Excellency, *Angora, March 1, 1930.*

WITH reference to the clauses of the Treaty of Commerce and Navigation signed by us this day, I have the honour to request you to be good enough to confirm that the terms of article 24 shall not

be considered as infringed by the fact that the Government of the Turkish Republic grant a rebate on lighthouse dues to vessels which fly the national flag and maintain a regular service transporting Turkish mails between Turkish ports.

I avail myself, &c.

ZEKÂI.

(Copy.)

Sir G. Clerk to Zekâi Bey.

British Embassy,

Your Excellency,

Angora, March 1, 1930.

WITH reference to the clauses of the Treaty of Commerce and Navigation signed by us this day, I have the honour to confirm, in reply to your letter of to-day's date, that the terms of article 24 shall not be considered as infringed by the fact that the Government of the Turkish Republic grant a rebate on lighthouse dues to vessels which fly the national flag and maintain a regular service transporting Turkish mails between Turkish ports.

I avail myself, &c.

GEORGE R. CLERK.

EXCHANGE OF NOTES No. 3.

Sir G. Clerk to Zekâi Bey.

British Embassy,

Your Excellency,

Angora, March 1, 1930.

WITH reference to the clauses of the Treaty of Commerce and Navigation signed by us this day, I have the honour to request you to be good enough to inform me whether the Government of the Turkish Republic will be prepared to give favourable consideration to any proposal transmitted to them by me, with a view to the reciprocal extension of the treatment of the most favoured foreign country to articles produced or manufactured in any of the territories mentioned in article 37 of the treaty to which the latter may not apply.

I avail myself, &c.

GEORGE R. CLERK.

(Translation.)

Zekâi Bey to Sir G. Clerk.

Your Excellency,

Angora, March 1, 1930.

WITH reference to the clauses of the Treaty of Commerce and Navigation signed by us this day, I have the honour to inform you, in reply to your Excellency's letter of to-day's date, that the

Government of the Turkish Republic will give favourable consideration to any proposal submitted to them by you, with a view to the reciprocal extension of the treatment of the most favoured foreign country to articles produced or manufactured in any of the territories mentioned in article 37 of the treaty to which the latter may not apply.

I avail myself, &c.

ZEKÂI.

EXCHANGE OF NOTES No. 4.

Sir G. Clerk to Zekâi Bey.

British Embassy,

Angora, March 1, 1930.

Your Excellency,

WITH reference to the clauses of the Treaty of Commerce and Navigation signed by us this day, I have the honour to communicate to you the enclosed list of the British Colonies, and Protectorates, as also of the mandated territories administered by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, which may benefit by the provisions of article 37 of the treaty. I reserve the right to notify subsequently to the Government of the Turkish Republic such modifications as may be introduced into this list.

I take advantage of this opportunity to place on record that it is understood that the expression "subjects, or citizens of the High Contracting Parties," wherever it appears in the treaty, covers subjects and citizens of the British Protectorates and mandated territories included in the list referred to above, as also the subjects of the Indian States. I hasten to confirm to your Excellency that the above principle is in conformity with that generally maintained by my Government.

I avail myself, &c.

GEORGE R. CLERK.

I avail myself, &c.

GEORGE R. CLERK.

2. On 1st March 1930

(Translation)

(Translation)

Zekâi Bey to Sir G. Clerk

Angora, March 1, 1930

Your Excellency, With reference to the clauses of the Treaty of Commerce and Navigation signed by us this day, I have the honour to inform you in reply to your Excellency's letter of 10 days date that the



Annex.

Southern Rhodesia.	Malta.
—————	Mauritius.
Bahamas.	Nigeria—
Barbados.	(a) Colony.
Bermuda.	(b) Protectorate.
British Guiana.	(c) British Cameroons.
British Honduras.	
Ceylon.	
Cyprus.	
Falkland Islands and Depen-	North Borneo, State of.
dencies.	Northern Rhodesia.
Fiji.	Nyassaland Protectorate.
Gambia (Colony and Protecto-	Protectorate of Aden.
rate).	St. Helena and Ascension.
Gibraltar.	Sarawak.
Gold Coast—	Seychelles.
(a) Colony.	Sierra Leone (Colony and Pro-
(b) Ashanti.	jectorator).
(c) Northern Territories.	Somaliland Protectorate.
(d) British Togoland.	South African High Commission,
	Territories of the—
Hong Kong.	
Jamaica (including Turks and	Basutoland.
Caicos Islands and the Cay-	Bechuanaland Protectorate.
man Islands).	Swaziland.
Kenya (Colony and Protecto-	
rate).	
Leeward Islands—	Straits Settlements.
Antigua.	Tanganyika Territory.
Dominica.	Trinidad and Tobago.
Montserrat.	Uganda Protectorate.
St. Christopher and Nevis.	Weihaiwei.
Virgin Islands.	Western Pacific, Islands of—
Malay States—	British Solomon Islands Pro-
(a) Federated Malay States—	jectorator.
Negri Sembilan.	Gilbert and Ellice Islands
Pahang.	Colony.
Perak.	Tonga.
Selangor.	
(b) Unfederated Malay	Windward Islands—
States—	Grenada.
Jahore.	St. Lucia.
Kedah.	St. Vincent.
Kelantan.	
Perlis.	
Trengganu.	
Brunei.	Zanzibar Protectorate.

(Translation.)

Zekâi Bey to Sir G. Clerk.

Your Excellency,

Angora, March 1, 1930.

WITH reference to the clauses of the Treaty of Commerce and Navigation signed by us this day, I have the honour to acknowledge the receipt of your letter of to-day's date, under cover of which your Excellency was good enough to transmit to me a list of the British Colonies and Protectorates, as also of the mandated territories administered by His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland, which may benefit by the provisions of article 37 of the treaty. I have taken due note that your Excellency reserves the right to notify subsequently to the Government of the Turkish Republic such modifications as may be introduced into this list.

I hasten at the same time to confirm that it is understood that the expression "subjects or citizens of the High Contracting Parties," wherever it appears in the treaty, covers the subjects and citizens of the British Protectorates and mandated territories included in the list referred to above, as also the subjects of the Indian States. I take note of your Excellency's declaration, that the above principle is in conformity with that generally maintained by your Government.

I avail myself, &c.

ZEKAI.

EXCHANGE OF NOTES No. 5.

Sir G. Clerk to Zekâi Bey.

British Embassy,

Angora, March 1, 1930.

Your Excellency,

WITH reference to the clauses of the Treaty of Commerce and Navigation signed by us this day, I have the honour to request you to be good enough to inform me whether the three British schools at Constantinople and the two British hospitals, one at Constantinople and one at Smyrna, may, subject to compliance with the laws, regulations and decrees of the country, continue their activity according to the terms of the letter of his Excellency Ismet Paşa annexed to the Lausanne Residence Convention of the 24th July, 1923, and whether after the 6th August, 1931, the date of the expiry of that letter, they will not be less favourably treated in any respect than similar institutions of any other country in Turkey.

I avail myself, &c.

GEORGE R. CLERK.

(Translation.)

Zekâi Bey to Sir G. Clerk.

Your Excellency,

Angora, March 1, 1930.

WITH reference to the clauses of the Treaty of Commerce and Navigation signed by us this day, I have the honour to assure you, in reply to your Excellency's letter of to-day's date, that the three British schools at Constantinople and the two British hospitals, one at Constantinople and one at Smyrna, may, subject to compliance with the laws, regulations and decrees of the country, continue their activity according to the terms of the letter of his Excellency Ismet Paşa annexed to the Lausanne Residence Convention of the 24th July, 1923, and that after the 6th August, 1931, the date of the expiry of that letter, they will not be less favourably treated in any respect than similar institutions of any other country in Turkey.

I avail myself, &c.

ZEKÂI.

Dr. Tevfik Hüsnü Bey to Sir G. Clerk.

Angora, March 1, 1930.

Your Excellency,
I HAVE the honour to inform you, in reply to your letter of to-day, in which you requested some explanation of the position in Turkish ports of shipping agents, technical experts of marine repair-shops, ship-chandlers, and the representative of Lloyd's Register of British and Foreign Shipping, that the position of these persons, arising from the laws and regulations at present in force, is as follows:—

Shipping Agents.

1. No law, regulation or ruling exists imposing any condition as regards the employment of employees, provided that the latter do not engage in any activity reserved to nationals in pursuance of the law on coasting trade.

2. Shipping agents and their employees are prohibited from going on board lighters to effect the embarkation and disembarkation of goods, and from undertaking any other port services expressly reserved to Turkish nationals. If they are of foreign nationality, or even if they are of Turkish nationality, any services reserved to a monopoly.

3. Nevertheless, shipping agents or their employees are in no wise prohibited from going on board vessels calling at Turkish ports, and from there performing duties pertaining to the internal services of such vessels.

4. It is understood that although the trades of tally-clerk and stowadore are reserved to nationals, there is nothing to prevent shipping agents or their employees from taking note on board



EXCHANGE OF LETTERS.

(Translation.)

Sir G. Clerk to Dr. Tevfik Rüştü Bey.

Your Excellency,

Angora, March 1, 1930.

I HAVE the honour to request you to be good enough to give me some explanation of the position in Turkish ports of shipping agents, technical experts of marine repair-shops, ship-chandlers, and the representative of "Lloyd's Register of British and Foreign Shipping."

I have, &c.

GEORGE R. CLERK.

(Translation.)

Dr. Tevfik Rüştü Bey to Sir G. Clerk.

Your Excellency,

Angora, March 1, 1930.

I HAVE the honour to inform you, in reply to your letter of to-day, in which you requested some explanation of the position in Turkish ports of shipping agents, technical experts of marine repair-shops, ship-chandlers, and the representative of "Lloyd's Register of British and Foreign Shipping," that the position of these persons, arising from the laws and regulations at present in force, is as follows:—

Shipping Agents.

1. No law, regulation or ruling exists imposing any condition as regards the nationality of shipping agents or their employees, provided that the latter do not engage in any activity reserved to nationals in pursuance of the law on coasting trade.

2. Shipping agents and their employees are prohibited from going on board lighters to effect the embarkation and disembarkation of goods, and from undertaking any other port services expressly reserved to Turkish nationals, if they are of foreign nationality, or, even if they are of Turkish nationality, any services reserved to a monopoly.

3. Nevertheless, shipping agents or their employees are in no wise prohibited from going on board vessels calling at Turkish ports, and from there performing duties pertaining to the internal services of such vessels.

4. It is understood that, although the trades of tally-clerk and stevedore are reserved to nationals, there is nothing to prevent shipping agents or their employees from taking note, on board

ship, without levying any charge for this service, of the loading and unloading of goods.

5. Where these persons are of foreign nationality, they will merely be obliged, in pursuance of the police regulations, to show on demand their residence permit before going on board.

Other Professions.

Technical experts of marine repair-shops, ship-chandlers (but not bumboatmen), and the representative of "Lloyd's Register of British and Foreign Shipping" may go on board ship subject to the condition described in paragraph 5 above.

I have, &c.

DR. T. RÜSTÜ.

[Faint, mirrored text from the reverse side of the page, likely bleed-through from a speech transcript.]



(Translation.)

*Minutes of the Meeting held on March 1, 1930, at the Offices of the
Delegation for Commercial Treaties at Angora.*

Present :

His Excellency Sir George Clerk.

Mr. Edmonds.

Mr. Roberts.

Colonel Woods.

His Excellency Zekâi Bey.

His Excellency Mustafa Şeref Bey.

Suphi Ziya Bey.

THE meeting was called for the signature of the Treaty of Commerce and Navigation between the United Kingdom of Great Britain and Northern Ireland and Turkey.

At the moment of proceeding to sign the treaty, the Head of the British Delegation, his Excellency Sir George Clerk, desired to explain, with reference to article 25, that the coasting trade in the United Kingdom of Great Britain and Northern Ireland was not reserved to the national flag.

The Head of the Turkish Delegation, his Excellency Zekâi Bey, explained for his part that, on the contrary, the services referred to in article 25 of the treaty were reserved in Turkey to the national flag or to Turkish citizens, and that the Government of the Turkish Republic had no intention of departing from this principle.

Sir George Clerk desired to be assured that the provisions of paragraph 3 of article 34 would not, in future, lead to misunderstanding, and he asked the Head of the Turkish Delegation whether the Government of the Turkish Republic agreed with the view of His Britannic Majesty's Government, that the paragraph in question did not apply to Albania, Egypt or Cyprus.

Zekâi Bey said that the Government of the Turkish Republic similarly interpreted that paragraph as not applying to the countries mentioned by *Sir George Clerk*.

Zekâi Bey explained that his Government were somewhat disturbed by the restrictive regulations affecting Turkish citizens in certain of His Majesty's Dominions, and he enquired whether *Sir George Clerk* had any declaration to make on this subject.

Sir George Clerk replied that certain restrictive regulations, exclusively concerning immigration and the acquisition of real property, either did indeed exist or had existed in the past. These regulations were not intentionally directed against Turkey, but were so framed that in fact Turkish citizens sometimes came within their scope. To a certain extent they had already been withdrawn so far as concerned Turkish citizens. While emphasising that these questions were within the exclusive competence of the Governments of the Dominions concerned and that they accordingly were matters

for direct negotiation between Turkey and the Dominions in question, His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland willingly agreed to explain to those Governments the Turkish anxiety in this matter, which it was very desirable to remove.

Zekâi Bey expressed to Sir George Clerk his thanks for this declaration. He felt bound, however, to emphasise that, under article 5 of the treaty, the high contracting parties had reserved to themselves freedom to prohibit immigration into their territories and that, further, the provisions of article 10 of the treaty left the acquisition of real property subject to the conditions laid down by the laws of the country and applicable to the subjects or citizens of any other foreign country. If, despite every effort, he added, this question could not be settled in a satisfactory manner, Turkey might wish to pass legislation stipulating for reciprocity in this matter.

Sir George Clerk replied that he had been authorised to declare that His Majesty's Government in the United Kingdom would not invoke the treaty in any case where, in the circumstances above mentioned, Turkey passed general legislation requiring reciprocity with regard to the acquisition of real property by foreigners.

Sir George Clerk reminded the Turkish Delegation that article 32 of the draft Treaty of Commerce and Navigation submitted by His Majesty's Embassy to the Ministry for Foreign Affairs in May 1929 provided for the putting into force, in the reciprocal relations of the high contracting parties, of the following conventions:—

1. The Conventions and Statutes concluded at Barcelona in 1921 respecting Freedom of Transit and Navigable Waterways of International concern;
2. The Convention and Statutes concluded at Geneva in 1923 respecting Maritime Ports and Railways;
3. The Convention concluded at Geneva in 1923 respecting Customs Formalities; and
4. The Protocol on Arbitration Clauses drawn up at Geneva in 1923.

This article had been deleted in the course of the negotiations, but, nevertheless, *Sir George Clerk* would be happy if the Head of the Turkish Delegation could enlighten him as to the intentions of the Government of the Turkish Republic with regard to these instruments.

Zekâi Bey explained that the adhesion of Turkey to the Conventions, &c., enumerated in 1 above, was provided for in article 101 of the Treaty of Lausanne. So far as concerned the Convention and Statutes referred to in 2, which replaced the recommendations of the Conference at Barcelona, to which Turkey had adhered in virtue of articles 103 and 104 of the Treaty of Lausanne, they were at present being studied by the appropriate

Department of the Ministry for Foreign Affairs. So far as concerned the Convention referred to in 3, Zekâi Bey was in a position to inform Sir George Clerk that the Minister for Foreign Affairs had submitted to the Council of Ministers a suggestion that an enquiry should be made of the Secretariat of the League of Nations whether Turkey could adhere to that Convention while reserving the question of certificates of origin, on which question she could not see any possibility of accepting the provisions of the Convention. If the reply from the League was favourable there would be nothing to prevent Turkey adhering to the Convention. Finally, so far as concerned the protocol mentioned in 4, the Minister for Foreign Affairs was about to ask the advice of the Minister of Justice on the matter.

Sir George Clerk thanked Zekâi Bey for this information. The treaty was then signed.

GEORGE R. CLERK.

ZEKAI BEY.

British and Northern Ireland and Turkey...
The Convention concluded at Geneva in 1923...
The Protocol on Arbitration...
Zekai Bey explained that the...
The Turkish Republic will regard...
The Convention...
The Protocol...
Zekai Bey explained that the...
The Turkish Republic will regard...
The Convention...
The Protocol...



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Department of the Ministry for Foreign Affairs. So far as concerned the Convention referred to in 3, Zekâi Bey was in a position to inform Sir George Clerk that the Minister for Foreign Affairs had submitted to the Council of Ministers a suggestion that an enquiry should be made of the Secretariat of the League of Nations whether Turkey could adhere to that Convention while reserving the question of certificates of origin, on which question she could not see any possibility of accepting the provisions of the Convention. If the reply from the League was favourable there would be nothing to prevent Turkey adhering to the Convention. Finally, so far as concerned the protocol mentioned in 4, the Minister for Foreign Affairs was about to ask the advice of the Minister of Justice on the matter.

Sir George Clerk thanked Zekâi Bey for this information. The treaty was then signed.

GEORGE R. CLERK.
ZEKAI BEY.

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