

11 Bevans 1122

TURKEY n1

n1 See also agreements between the United States and the Ottoman Empire, ante, vol. 10, p. 619, OTTOMAN EMPIRE.

COMMERCE AND NAVIGATION

Treaty Series 813

11 Bevans 1122

October 1, 1929, Date-Signed

April 22, 1930, Date-In-Force

STATUS:

[*1] Treaty signed at Ankara October 1, 1929, with text of understandings
Senate advice and consent to ratification February 17, 1930
Ratified by the President of the United States March 3, 1930
Ratified by Turkey April 21, 1930
Ratifications exchanged at Ankara April 22, 1930
Entered into force April 22, 1930
Proclaimed by the President of the United States April 25, 1930

TREATY OF COMMERCE AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND THE TURKISH REPUBLIC

TEXT:

The United States of America and the Turkish Republic, desirous of maintaining and furthering their commercial relations and of defining the treatment which shall be accorded in their respective territories to the commerce and shipping of the other, have resolved to conclude a treaty of commerce and navigation and for that purpose have appointed their plenipotentiaries.

The President of the United States of America:

Joseph C. Grew, Ambassador Extraordinary and Plenipotentiary of the United States of America to the Turkish Republic.

The President of the Turkish Republic:

Zekai Bey, Deputy of Diarbekir, former Minister, Ambassador.

Menemenli Numan Bey, Minister Plenipotentiary, Undersecretary of State at the Ministry of Foreign
[*2] Affairs.

Who, having communicated to each other their full powers, found to be in due form, have agreed upon the following articles:

ARTICLE I n1

-----Footnotes-----

n1 For an understanding relating to art. I, see p. 1125.

-----End Footnotes-----

In respect of import and export duties, including surtaxes and coefficients of increase, and other duties and charges affecting commerce, as well as in respect of transit, warehousing and customs formalities, and the treatment of commercial travelers' samples, the United States will accord to Turkey and Turkey will accord to the United States, its territories and possessions, unconditional most-favored-nation treatment.

Therefore, no higher or other duties shall be imposed on the importation into or the disposition in the United States, its territories or possessions, of any articles the produce or manufacture of Turkey than are or shall be payable on like articles the produce or manufacture of any other foreign country;

Similarly, no higher or other duties shall be imposed on the importation into or the disposition [*3] in Turkey of any articles the produce or manufacture of the United States, its territories or possessions, than are or shall be payable on like articles the produce or manufacture of any other foreign country;

Similarly, no higher or other duties shall be imposed in the United States, its territories or possessions, or in Turkey, on the exportation of any articles to the other or to any territory or possession of the other, than are payable on the exportation of like articles to any other foreign country;

Any advantage, of whatsoever kind, which either High Contracting Party may extend to any article, the growth, produce or manufacture of any other foreign country shall simultaneously and unconditionally, without request and without compensation, be extended to the like article the growth, produce or manufacture of the other High Contracting Party.

The stipulations of this article do not apply:

(a) To the treatment which the United States accords or may hereafter accord in the matter of the customs tariff to the commerce of Cuba or of any of the territories or possessions of the United States; or to the commerce of the Panama Canal Zone; or to the treatment which is or may hereafter [*4] be accorded to the commerce of the United States with any of its territories or possessions; or to the commerce of its territories or possessions with one another or with the Panama Canal Zone;

(b) To such special advantages and favors which Turkey accords or may hereafter accord in the matter of the customs tariff affecting products originating within the countries detached in 1923 from the former Ottoman Empire; or to the treatment which Turkey may accord to purely border traffic within a zone not exceeding fifteen kilometers wide on either side of the Turkish customs frontier.

ARTICLE II n2

-----Footnotes-----

n2 For an understanding relating to a proposed third paragraph of art. II, see p. 1125.

-----End Footnotes-----

In all that concerns matters of prohibitions or restrictions on importations and exportations each of the two countries will accord, whenever they may have recourse to the said prohibitions or restrictions, to the commerce of the other country treatment equally favorable to that which is accorded to any other country.

The same treatment [*5] will apply in the case of granting licenses in so far as concerns commodities, their valuations and quantities.

ARTICLE III n3

-----Footnotes-----

n3 For understandings relating to art. III, para. (b), see p. 1125.

-----End Footnotes-----

(a) Vessels of the United States of America will enjoy in Turkey and Turkish vessels will enjoy in the United States of America the same treatment as national vessels.

(b) The stipulations of Article III paragraph (a) do not apply:

(1) To coastwise traffic (cabotage) governed by the laws which are or shall be in force within the territories of each of the High Contracting Parties;

(2) To the support in the form of bounties or subsidies of any kind which is or may be accorded to the national merchant marine;

(3) To fishing in the territorial waters of the High Contracting Parties; nor to special privileges which have been or may be recognized, in one or the other country, to products of national fishing;

(4) To the exercise of the maritime service of ports, roadsteads or seacoasts; nor to pilotage and towage; [*6] nor to diving; nor of maritime assistance and salvage; so long as such operations are carried out in the respective territorial waters, and for Turkey in the Sea of Marmara.

(c) All other exceptions not included in those mentioned above shall be subject to most-favored-nation treatment.

ARTICLE IV

Nothing in this treaty shall be construed to restrict the right of either High Contracting Party to impose prohibitions or restrictions of a sanitary character designed to protect human, animal or plant life, or regulations for the enforcement of police or revenue laws.

ARTICLE V

The present Treaty shall be ratified and the ratifications thereof shall be exchanged at Ankara as soon as possible. It shall take effect at the instant of the exchange of ratifications and shall remain in effect for a period of three years and thereafter until one year from the date when either of the High Contracting Parties shall have notified the other of an intention to terminate it; with the reservation, however, that the obligations concerning national treatment contained in paragraph (a) Article III hereof may, after one year from the date of the exchange of ratifications, be terminated by either [*7] party on ninety days' written notice and shall cease sixty days after the enactment of legislation inconsistent with the above-mentioned national treatment obligations by either of the High Contracting Parties.

IN WITNESS WHEREOF the respective plenipotentiaries have signed the same and have affixed their seals thereto.

DONE at Ankara in duplicate in the English and Turkish languages which have the same value and will have equal force this first day of October nineteen hundred and twenty-nine.

UNDERSTANDINGS n4

-----Footnotes-----

n4 Contained in minutes of meeting of Oct. 1, 1929

-----End Footnotes-----

[TRANSLATION]

1. With regard to Article I, the President of the Turkish Delegation, His Excellency Zekai Bey, declares that by the words: "other duties and charges affecting commerce", contained in the first paragraph of the Article, he understands the duties pertaining to importation and exportation, to consumption taxes, etc. and not to internal taxes levied on incomes and to taxes on profits. The President of the American Delegation, Mr. Grew, declares that [*8] his Government is entirely in accord with the Turkish Delegation with respect to the interpretation given by the Turkish Delegation to the phrase: "other duties and charges affecting commerce". The American Government is of the opinion, he says, that it is clear from the words as well as from the text that the sense of the phrase in question does not include taxes on incomes and taxes on profits.

2. For the third paragraph of Article II reading as follows: "It is understood that the High Contracting Parties shall have the right to apply these prohibitions or restrictions to products favored by premiums or subsidies, either openly or secretly", the President of the American Delegation declares that his Government desires to suppress this paragraph since it is not the practice of the United States to accord premiums or subsidies and that no provision on this subject has been inserted hitherto in any American treaties.

The President of the Turkish Delegation declares that he will consent to omit this paragraph of the text of the Treaty in view of the declaration of the President of the American Delegation.

3. The President of the American Delegation declares that by Article III, paragraph [*9] (b), section 1, he understands that in all cases American and Turkish ships shall be permitted to pass from one port of the territories of one of the Parties into one or several ports of the territories of the same Party,

either in order to unload there the whole or a part of their cargo or of their passengers coming from abroad, or to make up or complete there their cargo or to take on passengers for a foreign destination.

The President of the Turkish Delegation declares that the Turkish Government gives the same interpretation to this provision.

4. The President of the American Delegation requests His Excellency the President of the Turkish Delegation to be so kind as to inform him whether it is understood that the exceptions enumerated in paragraph (b) of Article III will be applied to vessels of the United States in Turkey and to Turkish vessels in the United States without distinction in favor of any third country.

The President of the Turkish Delegation replies in the affirmative saying that such is his understanding. Thereupon the President of the American Delegation declares that they are in accord on this subject.

SIGNATORIES:

JOSEPH C. GREW

[SEAL]

ZEKAI

[SEAL]

M. NUMAN

[SEAL]