

No. 713.

**EMPIRE BRITANNIQUE, FRANCE, ITALIE,
JAPON ET ROUMANIE.**

**Convention relative à l'Évaluation et à la Réparation
des Dommages subis en Turquie par les Ressortissants
des Puissances contractantes et Protocole, signés à Paris
le 23 Novembre 1923.**

**BRITISH EMPIRE, FRANCE, ITALY, JAPAN
AND ROUMANIA.**

**Convention concerning the Assessment and Reparation
of Losses suffered in Turkey by Nationals of the
Contracting Powers, together with Protocol, signed at
Paris, November 23, 1923.**

Traduction.—Translation.*

No. 713.—Convention⁽¹⁾ concerning the Assessment and Reparation of Losses suffered in Turkey by Nationals of the Contracting Powers, together with Protocol, signed at Paris, November 23, 1923.

French official text communicated by the French Delegation at the Fifth Assembly of the League of Nations. The registration of this Convention took place September 5, 1924.

The British Empire, France, Italy, Japan and Roumania being desirous to devote to the reparation of damage suffered by their nationals the sums made available in accordance with the Treaty of Peace with Turkey signed at Lausanne on the 24th July, 1923, have resolved to conclude a Convention for this purpose and have appointed as their plenipotentiaries :

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA :

The Most Honourable Robert Offley Ashburton, Marquess of Crewe, K.G., His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary at Paris ;

THE PRESIDENT OF THE FRENCH REPUBLIC :

General Maurice Pellé, Ambassador of France, High Commissioner of the Republic in the East, Grand Officer of the National Order of the Legion of Honour ;

HIS MAJESTY THE KING OF ITALY :

Baron Camillo Romano-Avezzana, Grand Cross of the Orders of Saints Maurice and Lazarus, and of the Crown of Italy, Ambassador Extraordinary and Plenipotentiary at Paris ;

HIS MAJESTY THE EMPEROR OF JAPAN :

Mr. Kentaro Otchiai, Jusammi, First Class of the Order of the Rising Sun, Ambassador Extraordinary and Plenipotentiary at Rome ;

HIS MAJESTY THE KING OF ROUMANIA :

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

* Communiquée par le Ministère des Affaires étrangères de Sa Majesté britannique.

* Communicated by His Britannic Majesty's Foreign Office.

(1) The deposit of the instruments of ratification took place by the British Empire, Italy and Japan August 6, 1924.

Article 1.

The Contracting Powers agree to devote jointly to the reparation of the damage suffered by their nationals :

1. The sums in gold referred to in Article 58 of the Treaty of Lausanne ;
2. The 5 per cent. Treasury Bills, 1911, of the nominal value of £846,100, which the British Government agrees to devote to the reparation of such damage.

This fund will be administered by the Commission referred to in Article 2 of the present Convention.

Article 2.

A Commission (to be named the Assessment Commission) will be set up within one month after the coming into force of the Treaty with Turkey to assess the damages suffered by the nationals of the Contracting Powers, as defined hereinafter.

Article 3.

This Commission will consist of three members named by the Governments of France, Great Britain and Italy respectively. In cases where the damage concerns the national of another contracting Government, there shall be added to the Commission for the assessment of this damage an additional member nominated by the said Government. In cases of equality of votes, the Chairman shall have a casting vote.

Article 4.

The Commission shall lay down its own procedure in such manner as may ensure the prompt settlement of claims.

The Chairmanship shall be held successively by the representatives of France, Great Britain and Italy.

Decision shall be taken by a majority of votes.

The decisions of the Commission shall be final.

The budget of the Commission and of its staff shall be submitted to the approval of the Governments of France, Great Britain and Italy.

The expenses of the Commission shall be met from the reparation fund.

Article 5.

The claims of the parties concerned shall be put forward within one year from the coming into force of the Treaty of Lausanne.

Article 6.

1. The Commission shall assess and compensate, on the terms provided for by the present Convention, the damage defined below :—

(a.) Direct damage (other than that referred to in sub-section (2) of this Article) suffered on territory which was Ottoman on the

1st August, 1914, or at sea by the nationals of the Contracting Powers, in respect of their persons or their property, between the 1st August, 1914, and the coming into force of the Treaty with Turkey, as the result of any act or negligence of the Turkish Government, including damage resulting from measures of requisition, sequestration, or confiscation, and also direct damage suffered on the same territory by such nationals between the dates named as the result of any acts of war, whatever party may have been the author of such acts.

(b.) Direct damage caused by the fire of Smyrna to the rights and property of the nationals of the Contracting Powers.

The Commission shall be empowered to deduct from the compensation granted on this account the sums obtained by the claimant from other sources; the Commission shall also be empowered to reject claims in cases where it considers that the claimant has not taken all reasonable steps to obtain compensation to which he would have been entitled from other sources.

(c.) Damage referred to in paragraphs (a) and (b) suffered by persons protected by the Contracting Powers in cases where the patent of protection is of a date prior to the 1st August, 1914.

(d.) The damage referred to in paragraphs (a) and (b) suffered on territory remaining Turkish at the date of the coming into force of the Treaty of Lausanne by Ottoman Companies in which the nationals of the Contracting Powers had a preponderating interest on the 1st August, 1914.

The Commission shall take account of the advantages of an economic character granted to such companies by the Turkish Government on account of the damage suffered by them. The value of such advantages shall be assessed in cash and the amount shall be deducted from the amount to which the Companies would be entitled in accordance with the present Convention. In no case shall the total amount of the compensation to be paid to these Companies exceed the nominal value of the Treasury Bills referred to in Article 1 (2).

2. The Commission shall not deal with or grant compensation in respect of the following categories of damage:—

(a.) Indirect damage, including deprivation of the use of property and loss of profits;

(b.) Claims relating to amounts payable by the Hellenic Government in accordance with the Convention of the 24th July, 1923, on the subject of the payment of debts resulting from the acts of the Hellenic authorities in Turkey.

(c.) The claims of concessionary companies on account of the utilisation by the Turkish Government of their property or of their services which are to be settled by the Turkish Government in accordance with the Protocol relating to certain Concessions granted in the Ottoman Empire of the 24th July, 1923, and the Declaration annexed thereto, or in accordance with arrangements made between the Turkish Government and such Companies.

Article 7.

The Commission shall distribute the reparation fund to the parties concerned in proportion to the damage suffered by them. The awards granted by the Commission shall be paid to the parties concerned through the Allied Governments whose nationals they are.

Article 8.

The present Convention shall be ratified.

The ratification shall be deposited at Paris at the same time as the ratification of the Treaty of Lausanne.

The present Convention shall come into force for each contracting Power at the same time as the aforesaid Treaty of Peace.

The Serb-Croat-Slovene State shall be admitted to accede to the present Convention, so long as the Treaty of Lausanne shall not have come into force, and on condition of having signed the said Treaty.

Done at Paris on the 23rd November, 1923, in a single copy which will be deposited in the Archives of the Government of the French Republic, who will transmit a certified copy to each of the signatory Powers.

CREWE.
PELLÉ.
ROMANO AVEZZANA.
K. OTCHIAI.

Protocol.

The undersigned, having, on this day, at Paris, signed, in the name of their respective Governments, a Convention relative to the assessment and reparation of damage suffered, in Turkey, by the nationals of the contracting Powers, have agreed to admit Roumania to sign the said Convention, in Paris, by whatever plenipotentiary the Roumanian Government may appoint, so long as the Treaty of Peace⁽²⁾ with Turkey, dated the 24th July, 1923, shall not have come into force.

Done at Paris, the 23rd November, 1923.

CREWE.
PELLÉ.
ROMANO AVEZZANA.
K. OTCHIAI.

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