

N° 2511.

GRÈCE ET TURQUIE

Convention sur la liquidation définitive des questions découlant de l'application du Traité de Lausanne et de l'Accord d'Athènes au sujet de l'échange des populations. Signée à Ankara, le 10 juin 1930.

GREECE AND TURKEY

Convention regarding the Final Settlement of the Questions resulting from the Application of the Treaty of Lausanne and of the Agreement of Athens relating to the Exchange of Populations. Signed at Ankara, June 10, 1930.

¹ TRADUCTION. — TRANSLATION.

No. 25II. — CONVENTION² BETWEEN GREECE AND TURKEY REGARDING THE FINAL SETTLEMENT OF THE QUESTIONS RESULTING FROM THE APPLICATION OF THE TREATY OF LAUSANNE AND OF THE AGREEMENT OF ATHENS RELATING TO THE EXCHANGE OF POPULATIONS. SIGNED AT ANKARA, JUNE 10, 1930.

French official text communicated by the Permanent Delegate of Greece accredited to the League of Nations. The registration of this Convention took place November 1, 1930.

GREECE, of the one part, and TURKEY, of the other part, equally desirous of finally settling all questions arising out of the application of the Convention, Declarations, Agreements and other Acts and Annexes thereto concerning the Exchange of Turkish and Greek populations provided for by the Treaty³ of Lausanne, have decided to conclude a Convention for that purpose and have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE GREEK REPUBLIC :

His Excellency M. S. POLYCHRONIADIS, Envoy Extraordinary and Minister Plenipotentiary of Greece ;

THE PRESIDENT OF THE TURKISH REPUBLIC :

His Excellency Dr. Tevfik RÜSTÜ Bey, Member of Parliament for Smyrna, Minister for Foreign Affairs ;

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

CHAPTER I.

PROPERTY OF EXCHANGEABLE PERSONS.

Article 1.

Full rights of ownership in all movable and immovable property left behind in Greece by exchangeable Moslems shall be transferred to the Greek Government.

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

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

² The exchange of ratifications took place at Athens, July 23, 1930.

³ Vol. XXVIII, page 11, of this Series.

Article 2.

Full rights of ownership in all movable and immovable property left behind in Turkey by exchangeable Greeks shall be transferred to the Turkish Government.

Article 3.

All embargoes laid by the two Governments on deposits of all kinds at present held by banks shall be raised within fifteen days following the date of signature to the present Convention, and the said deposits shall be returned to the persons entitled to them, the Mixed Commission being authorised to assist the persons concerned by its good offices if necessary.

Article 4.

The two Governments entrust the Neutral Members of the Mixed Exchange Commission with the task of immediately giving an opinion with regard to the manner of liquidating the property of exchangeable persons, including claims in respect of the tithe on tobacco and safes of exchangeable persons.

They undertake to notify their adhesion as soon as possible and before submitting the present Agreement to ratification.

CHAPTER II.

PROPERTY OF PERSONS COMING UNDER THE OPERATION OF DECLARATION IX.

Article 5.

Full ownership of movable and immovable property belonging to Moslems coming under the operation of Declaration IX shall be transferred to the Greek Government with the exception of immovable property which has been restored to its owners and which is actually in their possession and use.

Article 6.

Full ownership of movable and immovable property belonging to Greeks coming under the operation of Declaration IX shall be transferred to the Turkish Government.

CHAPTER III.

PROPERTY OF TURKISH NATIONALS.

Article 7.

Full ownership of immovable property belonging to Moslem Turkish nationals, and situated in Greece, shall be transferred to the Greek Government with the exception of immovable property which has been restored to its owners and is actually in their possession and use.

The ownership of movable property belonging to Turkish nationals seized and liquidated subsequently to the putting into force of the Treaty of Lausanne shall also be transferred to the Greek Government.

It remains understood that the movable property at present in buildings, the ownership of which is transferred to the Greek Government under paragraph (1), shall be left at the free disposal of its owners.

All other property, rights and interests not specially mentioned in the previous paragraphs of the present Article shall continue to be governed by the relevant provisions of the Treaty of Lausanne, and, in particular, those of Articles 65 and 66 of the said Treaty.

CHAPTER IV.

PROPERTY OF GREEK NATIONALS.

Article 8.

Full ownership of immovable property belonging to Greek nationals and situated outside the Istanbul zone which has been excepted from the exchange shall be transferred to the Turkish Government.

The ownership of movable property belonging to Greek nationals seized and liquidated subsequently to the putting into force of the Treaty of Lausanne shall also be transferred to the Turkish Government.

It remains understood that the movable property at present in buildings, the ownership of which is transferred to the Greek Government under paragraph 1, shall be left at the free disposal of its owners.

All other property, rights and interests not specially mentioned in the previous paragraphs of the present Article shall continue to be governed by the relevant provisions of the Treaty of Lausanne and, in particular those of Articles 65 and 66 of the said Treaty.

Article 9.

The rights of ownership of Greek nationals over their immovable property situated in the Istanbul zone which has been excepted from the exchange shall in no way be affected by the provisions of the present Convention.

Within two months at latest from the putting into force of the present Convention, those Greek nationals whose immovable property has formed the subject of any measure of seizure, sequestration or occupation whatsoever shall personally, or through their legal representatives be placed once more in free and full possession of their property and any such measure shall be immediately cancelled.

Should the above measures have been decreed by reason of the Greek nationality of the proprietor and should Greek nationality be mentioned in the deeds of ownership issued by the land registry departments of the country, the cancelling of such measures and the restoration of the owner to full and free ownership and use of his property shall not be deferred on any pretext.

All disputes connected with the conditions under which Greek or Turkish nationality may have been acquired under the treaties, conventions and agreements in force as between the two countries shall be finally settled by a decision of the neutral members of the Mixed Commission

Furthermore, the two Contracting Parties fully agree to recognise that the provisions of this Convention, particularly Article 12, must not be construed in such a way as to increase or diminish the number of Greek nationals having property situated in the Istanbul area which has been excepted from exchange, as defined by treaty provisions other than the present Convention.

It remains understood that the Greek nationality which exchangeable persons are recognised as possessing shall in no way affect the restoration of immovable property as provided for in the present Convention.

Decisions which may be taken by the neutral members of the Mixed Commission in pursuance of the provisions contained in this Article cannot be invoked against any person whatsoever in connection with any other dispute which may arise outside the scope of the provisions of the present Convention.

CHAPTER V.

PROPERTY OF " ESTABLISHED PERSONS " IN ISTANBUL.

Article 10.

Turkey recognises as " established persons " all Greek orthodox Turkish nationals, at present in the Istanbul zone which has been excepted from the exchange irrespective of the date of their arrival at Istanbul and their place of birth.

Non-exchangeable persons having left Istanbul in possession of passports issued by the authorities of the Turkish Republic are also recognised as " established persons ".

Wives, children under age of both sexes, and unmarried women even if of age, the head of whose family has been recognised as an " established person " within the meaning of the previous paragraphs of this Article, shall have the right to join the head of their family at Istanbul. Widowed mothers whose son is of age and is recognised as an " established person " in the manner specified above shall also be authorised to join their sons at Istanbul.

The Turkish Government shall grant all facilities for the return of the persons mentioned in the previous paragraphs to the Istanbul zone which has been excepted from exchange.

Wives, children under age of both sexes and unmarried women even if of age who are recognised as " established persons " within the meaning of paragraph 1 of this Article and the head of whose family is at present elsewhere than at Istanbul shall not be obliged to leave their place of residence.

The neutral Members of the Mixed Commission shall be entrusted with the issue of certificates as " established persons " to all the above-mentioned categories of persons, in such form and according to such procedure as may be preferred.

Article 11.

All measures which have hampered the exercise of the rights guaranteed to " established persons " by the conventions and agreements concluded, more especially measures concerning the right to contract marriage, the right to acquire and sell property, the free right of travel and all other restrictions laid on the persons mentioned in the previous Article by order of the Turkish authorities shall be cancelled as soon as the present Convention comes into force, without waiting for the issue of the certificates for " established persons " as provided for in the last paragraph of the previous Article.

Article 12.

Full ownership of the movable and immovable property described below shall be transferred to the Turkish Government :

1. Movable and immovable property situated in Turkey belonging to non-exchangeable Greek orthodox Turkish nationals, who have left the Istanbul zone which has been excepted from the exchange and who are debarred from returning thereto by Article 28 of the present Convention.

2. Movable and immovable property situated outside the Istanbul zone which has been excepted from the exchange, and belonging to Greek " established persons " who are at present in the Istanbul zone or to persons having the right to return thereto under the terms of Article 10 of the present Convention.

Article 13.

The rights of Greek established persons at present in the Istanbul zone which is excepted from the exchange, as well as those of persons entitled to return under the terms of Article 10 of the present Convention, to the ownership of their movable and immovable property in the Istanbul zone which is excepted from the exchange shall in no way be affected by the provisions of the present Convention.

Any seizure or sequestration of the property mentioned in the previous paragraph of this Article shall be immediately cancelled, and the restoration to the owner or his legal representative of the free and full possession and use of the said property shall not be delayed on any pretext.

CHAPTER VI.

PROPERTY OF MOSLEM ESTABLISHED PERSONS IN WESTERN THRACE.

Article 14.

Greece recognises as "established persons" all Moslem Greek nationals at present in the zone of Western Thrace which has been excepted from the exchange, irrespective of the date of their arrival in Western Thrace and their place of birth.

Non-exchangeable persons having left Western Thrace in possession of passports issued by the authorities of the Greek Republic shall also be recognised as "established persons".

Wives, children under age of both sexes, and unmarried women, even if of age, the head of whose family has been recognised as an established person within the meaning of the previous paragraphs of this Article shall have the right to join the heads of their family in Western Thrace. Widowed mothers, whose son is of age and is recognised as an established person in the manner specified above shall also be authorised to join him in Western Thrace.

All facilities shall be granted by the Greek Government for the return of the persons mentioned in the previous paragraphs to the zone of Western Thrace which is excepted from the exchange.

Wives, children under age of both sexes, and unmarried women, even if of age, who are recognised as established persons within the meaning of paragraph 1 of this Article, the head of whose family is at present outside Western Thrace shall not be obliged to leave their place of residence.

The neutral members of the Mixed Commission shall be entrusted with the issue of certificates as established persons to all the categories of persons designated above in such form and according to such procedure as may be proper.

Article 15.

All measures which have hampered the exercise of the rights guaranteed to "established persons" by the conventions and agreements concluded, more especially measures concerning the right to contract marriage, the right to acquire and sell property, the free right of travel and all other restrictions laid on the persons mentioned in the previous Article by order of the Turkish authorities shall be cancelled as soon as the present Convention comes into force, without waiting for the issue of the certificates for "established persons" as provided for in the last paragraph of the previous Article.

Article 16.

Full ownership of the movable and immovable property described below shall be transferred to the Greek Government :

1. Movable and immovable property situated in Greece belonging to non-exchangeable Moslem Greek nationals and who have left the zone of Western Thrace which has been excepted from the exchange and who are debarred from returning thereto by Article 28 of the present Convention.

2. Movable and immovable property situated outside the zone of Western Thrace which has been excepted from the exchange and belonging to Moslem "established persons" who are at present in the said zone of Western Thrace or to persons having the right to return thereto under the terms of Article 14 of the present Convention.

3. Property situated in Western Thrace and appearing in the list submitted by the Greek delegation to the Mixed Commission on June 18, 1927.

4. The real estate of a total area of 7,000 stremmas appearing on another supplementary list attached hereto, in so far as such land are already occupied.

Article 17.

Subject to the provisions contained in paragraphs 3 and 4 of Article 16, the rights of Moslem established persons at present in the zone of Western Thrace which is excepted from the exchange, as well as those of persons entitled to return under Article 14 of the present Convention, to the ownership of their movable and immovable property in the zone of Western Thrace which is excepted from the exchange, shall be in no way be affected by the provisions of the present Convention.

Any seizure or sequestration of the property mentioned in the previous paragraph of this Article shall be immediately cancelled and the restoration to the owner or his legal representative of the free and full possession and enjoyment of such property shall not be delayed on any pretext.

CHAPTER VII.

REVENUE OR ITS EQUIVALENT, COMPENSATION.

Article 18.

The two Governments reciprocally renounce any claims to revenue or its equivalent due in respect of the occupation of property belonging to any of the categories enumerated above (Chapters II, III, IV, V and VI).

Article 19.

The two Governments shall settle direct with their own nationals the question of rent and other compensation due under Article 3 of Decision 28 of the Mixed Commission.

CHAPTER VIII.

PAYMENT OF SUMS IN CASH AND COMPENSATION.

Article 20.

The Greek Government shall place at the disposal of the Mixed Commission during the month following the putting into force of the present Convention a sum of four hundred and twenty-five thousand (425,000) pounds sterling.

Out of this sum the Mixed Commission shall allot :

(a) One hundred and fifty thousand (150,000) pounds sterling for the purpose of compensating through the said Mixed Commission Greek established persons who are

Turkish nationals and at present resident in Istanbul and persons who have the right to return thereto under the terms of Article 10 of the present Convention in respect of property which they possess outside the Istanbul zone which is excepted from the exchange.

(b) One hundred and fifty thousand (150,000) pounds sterling for the purpose of compensating through the said Mixed Commission Moslem established persons who are Greek nationals and whose property is transferred to the Greek Government under Article 16 of the present Convention.

The distribution of the sums allotted for compensation of the persons referred to in paragraphs 1 and 2 of this Article shall be effected through the Mixed Commission according to a summary and expeditious form of procedure to be laid down by the said Commission.

The balance amounting to one hundred and twenty-five thousand (125,000) pounds sterling shall be remitted to the Turkish Government by the Mixed Commission in three instalments. The first instalment, amounting to sixty-two thousand, five hundred (62,500) pounds sterling shall be paid in the month following the coming into force of the present Convention; the second instalment amounting to forty-seven thousand, five hundred (47,500) pounds sterling shall be paid as soon as the neutral members of the Mixed Commission have satisfied themselves that all the property belonging to Greek nationals has been restored in accordance with Article 9 of the present Convention; the third and last instalment amounting to fifteen thousand pounds sterling (15,000) shall be paid when the neutral members of the Mixed Commission have satisfied themselves that Turkey has met to the full all the liabilities and obligations which devolve upon her under the provisions of the present Convention.

As a result of the payment of the sums due by Greece under the provisions of this Article, Greece is released from any obligations arising out of the acquisition of property which she is enabled to effect by the terms of the present Convention.

Article 21.

The sum of four hundred and twenty-five thousand (425,000) pounds sterling which the Greek Government undertakes to place at the disposal of the Mixed Commission under the terms of the previous Article and the sum of fifteen thousand (15,000) pounds sterling provided for in the fourth paragraph of Article 22 of the present Convention, shall be taken out of the sum of five hundred thousand (500,000) pounds sterling which has been handed over by Greece to the Turkish Government as security in conformity with Article 6 of the Athens Agreement¹ of December 1, 1926, all formalities in connection with the re-assignment and repayment to Greece of the balance of sixty thousand (60,000) pounds sterling to which she is entitled being carried out without delay by the two Governments.

CHAPTER IX.

SPECIAL PROVISIONS.

Article 22.

Should it be impossible to restore real property belonging to one of the categories mentioned in Chapters IV, V and VI of the present Convention, the Governments of the countries in which the said real property is situated shall only be able to acquire it in quite exceptional cases and after the Mixed Commission has satisfied itself that the circumstances are such that restoration is impossible. The Mixed Commission shall, after giving its approval in each separate case, carry out a valuation of the property in question and compensate the owner in the following manner:

In the case of immovable property belonging to a Greek national a sum equal to the value of the property shall be drawn, for payment to the person entitled thereto, from the fund of forty-seven thousand five hundred (47,500) pounds sterling which is in the hands of the Mixed Commission

¹ Vol. LXVIII, page 11, of this Series.

and is payable to the Turkish Government under the conditions laid down in Article 20 of the present Convention.

In the case of immovable property belonging to a Greek established person the sum shall be drawn from the fund of fifteen thousand (15,000) pounds sterling which is in the hands of the Mixed Commission and is payable to the Turkish Government under Article 20 above-mentioned.

The Greek Government undertakes to deposit with the Mixed Commission a sum of fifteen thousand (15,000) pounds sterling, appropriated in the manner specified in Article 21 of the present Convention, for the purpose of compensating if necessary the owners of property belonging to Moslem established persons in Western Thrace, the acquisition of which may be authorised in the conditions and according to the procedure defined in paragraph 1 of the present Article.

Article 23.

Since the funds referred to in paragraphs 3 and 4 of the previous Article were constituted as a guarantee that the clauses and provisions of the present Convention should be carried out in full, the said funds shall at the demand of the neutral members of the Mixed Commission on each occasion after being drawn upon in accordance with the provisions of the previous Article, be reconstituted the payment of an amount equal to that withdrawn.

Each Government shall have the right to recover the fund of fifteen thousand (15,000) pounds sterling belonging to it, once the neutral members of the Mixed Commission have satisfied themselves that all liabilities and obligations devolving upon the said Government under the present Convention have been met in full.

Article 24.

Subject to the provisions of Article 22 of the present Convention, the Turkish Government is released from all obligations arising out of acquisition of property which it is enabled to effect by the terms of the present Convention.

Article 25.

Should the immovable property mentioned in Article 12, paragraph 1, and Article 16, paragraph 1, of the present Convention, not have been occupied by the respective Governments at the date of the putting into force of the present Convention, it cannot be seized, sequestered or occupied, save after previous examination and approval in each case by the Mixed Commission.

No seizure, sequestration or occupation can take place after the Mixed Commission has wound up its work.

Article 26.

At the request of those concerned and subject to the provisions of the ordinary law and to those governing property transferred to the ownership of the Greek and of the Turkish Government, the land register authorities in the two countries shall be obliged to undertake without delay all necessary formalities which have not yet been carried out, for the transfer of property which is situated in Istanbul and in Western Thrace respectively and devolves by legacy from a non-exchangeable person either to Greek nationals, or to Turkish nationals in effective possession of their property, or to Moslem established persons in Greece.

CHAPTER X.

GENERAL CLAUSES.

Article 27.

The word "Istanbul" when used in the present Convention shall be held to mean the city of Constantinople as defined in Article 2 of the Convention¹ on the Exchange of Greek and Turkish Populations, signed at Lausanne, on January 30, 1923.

The expressions "persons coming under the operation of Declaration IX, Turkish nationals, Greek nationals, Greek established persons in Istanbul, Moslem established persons in Western Thrace" shall apply both to physical and to legal persons.

Article 28.

Non-exchangeable Greek Orthodox Turkish nationals at present absent who left Istanbul without providing themselves with passports issued by the authorities of the Turkish Republic, and non-exchangeable Moslem Greek nationals at present absent who left Western Thrace without providing themselves with passports issued by the authorities of the Turkish Republic shall not be entitled to return under the present Convention.

The two Governments declare that they respectively recognise the Greek nationality of Greek Turkish nationals from Istanbul, debarred from returning under the previous Article and of Greeks coming under the operation of Declaration IX, and the Turkish nationality of Moslem Greek nationals of Western Thrace debarred from returning under the previous paragraph and of Moslems coming under the operation of Declaration IX.

The persons in question shall not through change of nationality, suffer any loss of rights in their country of origin, particularly as regards any patrimonial rights whatsoever, rights of inheritance, the right to appear in court as plaintiff or defendant, etc. The change of nationality of such persons shall involve the change of nationality of their wives and children at present in Istanbul or Western Thrace, unless this is contrary to the domestic law of each country.

Article 29.

Subject to the provisions of ordinary law and those of Article 25 of the present Convention, in future no seizure shall be effected nor shall any restrictive measure whatsoever be applied in respect of property the ownership of which has not been transferred to one of the two Governments under the present Convention, and the owners thereof shall be free to enjoy, and to dispose of, their property and to administer it as they choose.

Article 30.

The terms "at present", and "actually" when used in the present Convention refer to the *de facto* situation existing on August 1, 1929.

¹ Vol. XXXII, page 75, of this Series.

CHAPTER XI.

ARBITRATION CLAUSES.

Article 31.

The two Governments entrust the application of the present Convention to the Mixed Commission which shall set up the necessary organisation for the purpose.

Article 32.

The two Governments hereby invest members of the Mixed Commission with general powers to act as arbitrators in any dispute which may in the future arise in that Commission with regard to the interpretation and application of the present Convention, and hereby undertake to accept their decisions without discussion.

Any difference of opinion or dispute which may arise between the Turkish and Greek Delegations with regard to the application of the present Convention shall be finally settled by the neutral members of the Mixed Commission.

CHAPTER XI.

FINAL CLAUSES.

Article 33.

Laws, decrees, regulations, legal and official interpretations and ordinances and circulars of any kind which are contrary to the provisions of the present Convention or which in any way prevent it from being carried out in full are hereby *ipso facto* cancelled in the two countries.

Article 34.

The present Convention shall be ratified, thus acquiring the force of law in the two countries. Any publication or notification required by the law of the respective countries shall be made in order that it be carried into effect forthwith.

The exchange of ratifications shall take place at Athens.

ANKARA, June 10, 1930.

(Signed) S. POLYCHRONIADIS.

(Signed) Dr. Tevfik Rüstü.