

Appendix

N° 807.

GRÈCE ET TURQUIE

Convention concernant l'échange des
populations grecques et turques et
Protocole, signés à Lausanne, le
30 janvier 1923.

GREECE AND TURKEY

Convention concerning the Exchange
of Greek and Turkish Populations
and Protocol, signed at Lausanne,
January 30, 1923.

¹ TRADUCTION. — TRANSLATION.No. 807. — CONVENTION² CONCERNING THE EXCHANGE OF GREEK AND TURKISH POPULATIONS, AND PROTOCOL, SIGNED AT LAUSANNE, JANUARY 30, 1923.

French official text communicated by the Greek Chargé d'Affaires at Berne. The registration of this Convention took place January 27, 1925.

The GOVERNMENT OF THE GRAND NATIONAL ASSEMBLY OF TURKEY and the GREEK GOVERNMENT have agreed upon the following provisions :

Article 1.

As from the 1st May, 1923, there shall take place a compulsory exchange of Turkish nationals of the Greek Orthodox religion established in Turkish territory, and of Greek nationals of the Moslem religion established in Greek territory.

These persons shall not return to live in Turkey or Greece respectively without the authorization of the Turkish Government or of the Greek Government respectively.

Article 2.

The following persons shall not be included in the exchange provided for in Article 1 :

- (a) The Greek inhabitants of Constantinople.
- (b) The Moslem inhabitants of Western Thrace.

All Greeks who were already established before the October 30, 1918, within the areas under the Prefecture of the City of Constantinople, as defined by the law of 1912, shall be considered as Greek inhabitants of Constantinople.

All Moslems established in the region to the east of the frontier line laid down in 1913 by the Treaty³ of Bucharest shall be considered as Moslem inhabitants of Western Thrace.

Article 3.

Those Greeks and Moslems who have already, and since the October 18, 1912, left the territories the Greek and Turkish inhabitants of which are to be respectively exchanged, shall be considered as included in the exchange provided for in Article 1.

¹ Communiquée par le Ministère des Affaires étrangères de Sa Majesté Britannique.

¹ Communicated by His Britannic Majesty's Foreign Office.

² Ratified by Turkey, August 23, 1923, by Greece, August 25, 1923.

³ British and Foreign State Papers, vol. 107, page 658.

The expression "emigrant" in the present Convention includes all physical and juridical persons who have been obliged to emigrate or have emigrated since the October 18, 1912.

Article 4.

All able-bodied men belonging to the Greek population whose families have already left Turkish territory, and who are now detained in Turkey, shall constitute the first instalment of Greeks sent to Greece in accordance with the present Convention.

Article 5.

Subject to the provisions of Articles 9 and 10 of the present Convention, the rights of property and monetary assets of Greeks in Turkey or Moslems in Greece shall not be prejudiced in consequence of the exchange to be carried out under the present Convention.

Article 6.

No obstacle may be placed for any reason whatever in the way of the departure of a person belonging to the populations which are to be exchanged. In the event of an emigrant having received a definite sentence of imprisonment, or a sentence which is not yet definitive, or of his being the object of criminal proceedings, he shall be handed over by the authorities of the prosecuting country to the authorities of the country whither he is going, in order that he may serve his sentence or be brought to trial.

Article 7.

The emigrants will lose the nationality of the country which they are leaving, and will acquire the nationality of the country of their destination, upon their arrival in the territory of the latter country.

Such emigrants as have already left one or other of the two countries and have not yet acquired their new nationality shall acquire that nationality on the date of the signature of the present Convention.

Article 8.

Emigrants shall be free to take away with them or to arrange for the transport of their movable property of every kind, without being liable on this account to the payment of any export or import duty or any other tax.

Similarly, the members of each community (including the personnel of mosques, tekkes, medresses, churches, convents, schools, hospitals, societies, associations and juridical persons, or other foundations of any nature whatever) which is to leave the territory of one of the Contracting States under the present Convention, shall have the right to take away freely or to arrange for the transport of the movable property belonging to their communities.

The fullest facilities for transport shall be provided by the authorities of the two countries, upon the recommendation of the Mixed Commission provided for in Article 11.

Emigrants who may not be able to take away all or part of their movable property can leave it behind. In that event, the local authorities shall be required to draw up, the emigrant in question being given an opportunity to be heard, an inventory and valuation of the property left by him. *Procès-verbaux* containing the inventory and the valuation of the movable property left by the emigrant shall be drawn up in four copies, one of which shall be kept by the local authorities, the second transmitted to the Mixed Commission provided for in Article 11 to serve as the basis for the liquidation provided for by Article 9, the third shall be handed to the Government of the country to which the emigrant is going, and the fourth to the emigrant himself.

Article 9.

Immovable property, whether rural or urban, belonging to emigrants, or to the communities mentioned in Article 8, and the movable property left by these emigrants or communities, shall be liquidated in accordance with the following provisions by the Mixed Commission provided for in Article 11.

Property situated in the districts to which the compulsory exchange applies and belonging to religious or benevolent institutions of the communities established in a district to which the exchange does not apply, shall likewise be liquidated under the same conditions.

Article 10.

The movable and immovable property belonging to persons who have already left the territory of the High Contracting Parties and are considered, in accordance with Article 3 of the present Convention, as being included in the exchange of populations, shall be liquidated in accordance with Article 9. This liquidation shall take place independently of all measures of any kind whatever which, under the laws passed and the regulations of any kind made in Greece and in Turkey since the October 18, 1912, or in any other way, have resulted in any restriction on rights of ownership over the property in question, such as confiscation, forced sale, etc. In the event of the property mentioned in this article or in Article 9 having been submitted to a measure of this kind, its value shall be fixed by the Commission provided for in Article 11, as if the measures in question had not been applied.

As regards expropriated property, the Mixed Commission shall undertake a fresh valuation of such property, if it has been expropriated since the October 18, 1912, having previously belonged to persons liable to the exchange of populations in the two countries, and is situated in territories to which the exchange applies. The Commission shall fix for the benefit of the owners such compensation as will repair the injury which the Commission has ascertained. The total amount of this compensation shall be carried to the credit of these owners and to the debit of the Government on whose territory the expropriated property is situated.

In the event of any persons mentioned in Articles 8 and 9 not having received the income from property, the enjoyment of which they have lost in one way or another, the restoration of the amount of this income shall be guaranteed to them on the basis of the average yield of the property before the war, and in accordance with the methods to be laid down by the Mixed Commission.

The Mixed Commission provided for in Article 11, when proceeding to the liquidation of Wakouf property in Greece and of the rights and interests connected therewith, and to the liquidation of similar foundations belonging to Greeks in Turkey, shall follow the principles laid down in previous Treaties with a view to fully safeguarding the rights and interests of these foundations and of the individuals interested in them.

The Mixed Commission provided for in Article 11 shall be entrusted with the duty of executing these provisions.

Article 11.

Within one month from the coming into force of the present Convention a Mixed Commission shall be set up in Turkey or in Greece consisting of four members representing each of the High Contracting Parties, and of three members chosen by the Council of the League of Nations from among nationals of Powers which did not take part in the war of 1914-1918. The Presidency of the Commission shall be exercised in turn by each of these three neutral members.

The Mixed Commission shall have the right to set up, in such places as it may appear to them necessary, Sub-Commissions working under its order. Each such Sub-Commission shall consist of a Turkish member, a Greek member and a neutral President to be designated by the Mixed Commission. The Mixed Commission shall decide the powers to be delegated to the Sub-Commission.

Article 12.

The duties of the Mixed Commission shall be to supervise and facilitate the emigration provided for in the present Convention, and to carry out the liquidation of the movable and immovable property for which provision is made in Articles 9 and 10.

The Commission shall settle the methods to be followed as regards the emigration and liquidation mentioned above.

In a general way the Mixed Commission shall have full power to take the measures necessitated by the execution of the present Convention and to decide all questions to which this Convention may give rise.

The decisions of the Mixed Commission shall be taken by a majority.

All disputes relating to property, rights and interests which are to be liquidated shall be settled definitely by the Commission.

Article 13.

The Mixed Commission shall have full power to cause the valuation to be made of the movable and immovable property which is to be liquidated under the present Convention, the interested parties being given a hearing or being duly summoned so that they may be heard.

The basis for the valuation of the property to be liquidated shall be the value of the property in gold currency.

Article 14.

The Commission shall transmit to the owner concerned a declaration stating the sum due to him in respect of the property of which he has been dispossessed, and such property shall remain at the disposal of the Government on whose territory it is situated.

The total sums due on the basis of these declarations shall constitute a Government debt from the country where the liquidation takes place to the Government of the country to which the emigrant belongs. The emigrant shall in principle be entitled to receive in the country to which he emigrates, as representing the sums due to him, property of a value equal to and of the same nature as that which he has left behind.

Once every six months an account shall be drawn up of the sums due by the respective Governments on the basis of the declarations as above.

When the liquidation is completed, if the sums of money due to both sides correspond, the accounts relating thereto shall be balanced. If a sum remains due from one of the Governments to the other Government after a balance has been struck, the debit balance shall be paid in cash. If the debtor Government requests a postponement in making this payment, the Commission may grant such postponement, provided that the sum due be paid in three annuities at most. The Commission shall fix the interest to be paid during the period of postponement.

If the sum to be paid is fairly large and requires longer postponement, the debtor Government shall pay in cash a sum to be fixed by the Mixed Commission, up to a maximum of 20 per cent of the total due, and shall issue in respect of the balance loan certificates bearing such interest as the Mixed Commission may fix, to be paid off within 20 years at most. The debtor Government shall assign to the service of these loans pledges approved by the Commission, which shall be administered and of which the revenues shall be encashed by the International Commission in Greece and by the Council of the Public Debt at Constantinople. In the absence of agreement in regard to these pledges, they shall be selected by the Council of the League of Nations.

Article 15.

With a view to facilitating emigration, funds shall be advanced to the Mixed Commission by the States concerned, under conditions laid down by the said Commission.

Article 16.

The Turkish and Greek Governments shall come to an agreement with the Mixed Commission provided for in Article 11 in regard to all questions concerning the notification to be made to persons who are to leave the territory of Turkey and Greece under the present Convention, and concerning the ports to which these persons are to go for the purpose of being transported to the country of their destination.

The High Contracting Parties undertake mutually that no pressure direct or indirect shall be exercised on the populations which are to be exchanged with a view to making them leave their homes or abandon their property before the date fixed for their departure. They likewise undertake to impose on the emigrants who have left or who are to leave the country no special taxes or dues. No obstacle shall be placed in the way of the inhabitants of the districts excepted from the exchange under Article 2 exercising freely their right to remain in or return to those districts and to enjoy to the full their liberties and rights of property in Turkey and in Greece. This provision shall not be invoked as a motive for preventing the free alienation of property belonging to inhabitants of the said regions which are excepted from the exchange, or the voluntary departure of those among these inhabitants who wish to leave Turkey or Greece.

Article 17.

The expenses entailed by the maintenance and working of the Mixed Commission and of the organisations dependent on it shall be borne by the Governments concerned in proportions to be fixed by the Commission.

Article 18.

The High Contracting Parties undertake to introduce in their respective laws such modifications as may be necessary with a view to ensuring the execution of the present Convention.

Article 19.

The present Convention shall have the same force and effect as between the High Contracting Parties as if it formed part of the Treaty of Peace¹ to be concluded with Turkey. It shall come into force immediately after the ratification of the said Treaty by the two High Contracting Parties.

In faith whereof, the undersigned Plenipotentiaries, whose respective full powers have been found in good and due form, have signed the present Convention.

Done at Lausanne the January 30, 1923, in three copies, one of which shall be transmitted to the Greek Government, one to the Government of the Grand National Assembly of Turkey, and the third shall be deposited in the archives of the Government of the French Republic, which shall deliver certified copies to the other Powers signatory of the Treaty of Peace with Turkey.

(L. S.) E. K. VENISELOS.

(L. S.) D. CACLAMANOS.

(L. S.) ISMET.

(L. S.) DR. RIZA NOUR.

(L. S.) HASSAN.

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

PROTOCOL.

The undersigned Turkish Plenipotentiaries, duly authorised to that effect, declare that, without waiting for the coming into force of the Convention with Greece of even date, relating to the exchange of the Greek and Turkish populations, and by way of exception to Article 1 of that Convention, the Turkish Government, on the signature of the Treaty of Peace, will release the able-bodied men referred to in Article 4 of the said Convention, and will provide for their departure.

Done at Lausanne, the January 30, 1923.

ISMET.
DR. RIZA NOUR.
HASSAN.