

**TREATY OF PEACE WITH TURKEY SIGNED AT LAUSANNE**  
**JULY 24, 1923**  
**THE CONVENTION RESPECTING THE REGIME OF THE STRAITS AND OTHER**  
**INSTRUMENTS SIGNED AT LAUSANNE**

THE BRITISH EMPIRE, FRANCE, ITALY, JAPAN, GREECE, ROUMANIA and the  
SERB-CROAT-SLOVENE STATE,

of the one part,

and TURKEY,

of the other part;

Being united in the desire to bring to a final close the state of war which has existed in the  
East since 1914,

Being anxious to re-establish the relations of friendship and commerce which are essential to  
the mutual well-being of their respective peoples,

And considering that these relations must be based on respect for the independence and  
sovereignty of States,

Have decided to conclude a Treaty 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 Right Honourable Sir Horace George Montagu Rumbold, Baronet, G.C.M.G.,  
High Commissioner at Constantinople;

**THE PRESIDENT OF THE FRENCH REPUBLIC:**

General Maurice Pelle, 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:**

The Honourable Marquis Camillo Garroni, Senator of the Kingdom, Ambassador of  
Italy, High Commissioner at Constantinople, Grand Cross of the Orders of Saints  
Maurice and Lazarus, and of the Crown of Italy;

M. Giulio Cesare Montagna, Envoy Extraordinary and Minister Plenipotentiary at  
Athens, Commander of the Orders of Saints Maurice and Lazarus, Grand Officer of  
the Crown of Italy;

**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 THE HELLENES:**

M. Eleftherios K. Veniselos, formerly President of the Council of Ministers, Grand  
Cross of the Order of the Saviour;

M. Demetrios Caclamanos, Minister Plenipotentiary at London, Commander of the  
Order of the Saviour;

**HIS MAJESTY THE KING OF ROUMANIA:**

M. Constantine I. Diamandy, Minister Plenipotentiary;  
M. Constantine Contzesco, Minister Plenipotentiary;  
HIS MAJESTY THE KING OF THE SERBS, THE CROATS AND THE SLOVENES:  
Dr. Miloutine Yovanovitch, Envoy Extraordinary and Minister Plenipotentiary at  
Berne;  
THE GOVERNMENT OF THE GRAND NATIONAL ASSEMBLY OF TURKEY:  
Ismet Pasha, Minister for Foreign Affairs, Deputy for Adrianople;  
Dr. Riza Nour Bey, Minister for Health and for Public Assistance, Deputy for Sinope;  
Hassan Bey, formerly Minister, Deputy for Trebizond;  
Who, having produced their full powers, found in good and due form, have agreed as follows:

## **Lausanne Treaty: Part I**

### **POLITICAL CLAUSES**

#### **ARTICLE 1.**

From the coming into force of the present Treaty, the state of peace will be definitely re-established between the British Empire, France, Italy, Japan, Greece, Roumania and the Serb-Croat-Slovene State of the one part, and Turkey of the other part, as well as between their respective nationals. Official relations will be resumed on both sides and, in the respective territories, diplomatic and consular representatives will receive, without prejudice to such agreements as may be concluded in the future, treatment in accordance with the general principles of international law.

#### **SECTION I.**

##### **I. TERRITORIAL CLAUSES.**

#### **ARTICLE 2.**

From the Black Sea to the Ægean the frontier of Turkey is laid down as follows: (1) With Bulgaria:

From the mouth of the River Rezvaya, to the River Maritza, the point of junction of the three frontiers of Turkey, Bulgaria and Greece:

the southern frontier of Bulgaria as at present demarcated;

(2) With Greece:

Thence to the confluence of the Arda and the Maritza:

the course of the Maritza;

then upstream along the Arda, up to a point on that river to be determined on the spot in the immediate neighbourhood of the village of Tchorek-Keuy:

the course of the Arda;

thence in a south-easterly direction up to a point on the Maritza, 1 kilom. below Bosna-Keuy:

a roughly straight line leaving in Turkish territory the village of Bosna-Keuy. The village of Tchorek-Keuy shall be assigned to Greece or to Turkey according as the majority of the population shall be found to be Greek or Turkish by the Commission for which provision is made in Article 5, the population which has migrated into this village after the 11th October, 1922, not being taken into account;

thence to the Aegean Sea:

the course of the Maritza.

### **ARTICLE 3.**

From the Mediterranean to the frontier of Persia, the frontier of Turkey is laid down as follows:

(1) With Syria:

The frontier described in Article 8 of the Franco-Turkish Agreement of the 20th October, 1921

(2) With Iraq:

The frontier between Turkey and Iraq shall be laid down in friendly arrangement to be concluded between Turkey and Great Britain within nine months.

In the event of no agreement being reached between the two Governments within the time mentioned, the dispute shall be referred to the Council of the League of Nations.

The Turkish and British Governments reciprocally undertake that, pending the decision to be reached on the subject of the frontier, no military or other movement shall take place which might modify in any way the present state of the territories of which the final fate will depend upon that decision.

### **ARTICLE 4.**

The frontiers described by the present Treaty are traced on the one-in-a-million maps attached to the present Treaty. In case of divergence between the text and the map, the text will prevail. [See Introduction.]

### **ARTICLE 5.**

A Boundary Commission will be appointed to trace on the ground the frontier defined in Article 2 (2). This Commission will be composed of representatives of Greece and of Turkey, each Power appointing one representative, and a president chosen by them from the nationals of a third Power.

They shall endeavour in all cases to follow as nearly as possible the descriptions given in the present Treaty, taking into account as far as possible administrative boundaries and local economic interests.

The decision of the Commission will be taken by a majority and shall be binding on the parties concerned.

The expenses of the Commission shall be borne in equal shares by the parties concerned.

#### **ARTICLE 6.**

In so far as concerns frontiers defined by a waterway as distinct from its banks, the phrases "course" or "channel" used in the descriptions of the present Treaty signify, as regards non-navigable rivers, the median line of the waterway or of its principal branch, and, as regards navigable rivers, the median line of the principal channel of navigation. It will rest with the Boundary Commission to specify whether the frontier line shall follow any changes of the course or channel which may take place, or whether it shall be definitely fixed by the position of the course or channel at the time when the present Treaty comes into force.

In the absence of provisions to the contrary, in the present Treaty, islands and islets lying within three miles of the coast are included within the frontier of the coastal State.

#### **ARTICLE 7.**

The various States concerned undertake to furnish to the Boundary Commission all documents necessary for its task, especially authentic copies of agreements fixing existing or old frontiers, all large scale maps in existence, geodetic data, surveys completed but unpublished, and information concerning the changes of frontier watercourses. The maps, geodetic data, and surveys, even if unpublished, which are in the possession of the Turkish authorities, must be delivered at Constantinople with the least possible delay from the coming into force of the present Treaty to the President of the Commission.

The States concerned also undertake to instruct the local authorities to communicate to the Commission all documents, especially plans, cadastral and land books, and to furnish on demand all details regarding property, existing economic conditions and other necessary information.

#### **ARTICLE 8.**

The various States interested undertake to give every assistance to the Boundary Commission, whether directly or through local authorities, in everything that concerns transport, accommodation, labour, materials (sign posts, boundary pillars) necessary for the accomplishment of its mission.

In particular, the Turkish Government undertakes to furnish, if required, the technical personnel necessary to assist the Boundary Commission in the accomplishment of its duties.

#### **ARTICLE 9.**

The various States interested undertake to safeguard the trigonometrical points, signals, posts or frontier marks erected by the Commission.

#### **ARTICLE 10.**

The pillars will be placed so as to be intervisible. They will be numbered, and their position and their number will be noted on a cartographic document.

#### **ARTICLE 11.**

The protocols defining the boundary and the maps and documents attached thereto will be made out in triplicate, of which two copies will be forwarded to the Governments of the limitrophe States, and the third to the Government of the French Republic, which will deliver authentic copies to the Powers who sign the present Treaty.

#### **ARTICLE 12.**

The decision taken on the 13th February, 1914, by the Conference of London, in virtue of Articles 5 of the Treaty of London of the 17th-30th May, 1913, and 15 of the Treaty of Athens of the 1st-14th November, 1913, which decision was communicated to the Greek Government on the 13th February, 1914, regarding the sovereignty of Greece over the islands of the Eastern Mediterranean, other than the islands of Imbros, Tenedos and Rabbit Islands, particularly the islands of Lemnos, Samothrace, Mytilene, Chios, Samos and Nikaria, is confirmed, subject to the provisions of the present Treaty respecting the islands placed under the sovereignty of Italy which form the subject of Article 15.

Except where a provision to the contrary is contained in the present Treaty, the islands situated at less than three miles from the Asiatic coast remain under Turkish sovereignty.

#### **ARTICLE 13.**

With a view to ensuring the maintenance of peace, the Greek Government undertakes to observe the following restrictions in the islands of Mytilene, Chios, Samos and Nikaria:

- (1) No naval base and no fortification will be established in the said islands.
- (2) Greek military aircraft will be forbidden to fly over the territory of the Anatolian coast. Reciprocally, the Turkish Government will forbid their military aircraft to fly over the said islands.
- (3) The Greek military forces in the said islands will be limited to the normal contingent called up for military service, which can be trained on the spot, as well as to a force of gendarmerie and police in proportion to the force of gendarmerie and police existing in the whole of the Greek territory.

#### **ARTICLE 14.**

The islands of Imbros and Tenedos, remaining under Turkish sovereignty, shall enjoy a special administrative organisation composed of local elements and furnishing every guarantee for the native non-Moslem population in so far as concerns local administration and

the protection of persons and property. The maintenance of order will be assured therein by a police force recruited from amongst the local population by the local administration above provided for and placed under its orders.

The agreements which have been, or may be, concluded between Greece and Turkey relating to the exchange of the Greek and Turkish populations will not be applied to the inhabitants of the islands of Imbros and Tenedos.

#### **ARTICLE 15.**

Turkey renounces in favour of Italy all rights and title over the following islands: Stampalia (Astrapalia), Rhodes (Rhodos), Calki (Kharki), Scarpanto, Casos (Casso), Piscopis (Tilos), Misiros (Nisyros), Calimnos (Kalymnos), Leros, Patmos, Lipsos (Lipso), Simi (Symi), and Cos (Kos), which are now occupied by Italy, and the islets dependent thereon, and also over the island of Castellorizzo.

#### **ARTICLE 16.**

Turkey hereby renounces all rights and title whatsoever over or respecting the territories situated outside the frontiers laid down in the present Treaty and the islands other than those over which her sovereignty is recognised by the said Treaty, the future of these territories and islands being settled or to be settled by the parties concerned.

The provisions of the present Article do not prejudice any special arrangements arising from neighbourly relations which have been or may be concluded between Turkey and any limitrophe countries.

#### **ARTICLE 17.**

The renunciation by Turkey of all rights and titles over Egypt and over the Soudan will take effect as from the 5th November, 1914.

#### **ARTICLE 18.**

Turkey is released from all undertakings and obligations in regard to the Ottoman loans guaranteed on the Egyptian tribute, that is to say, the loans of 1855, 1891 and 1894. The annual payments made by Egypt for the service of these loans now forming part of the service of the Egyptian Public Debt, Egypt is freed from all other obligations relating to the Ottoman Public Debt.

#### **ARTICLE 19.**

Any questions arising from the recognition of the State of Egypt shall be settled by agreements to be negotiated subsequently in a manner to be determined later between the Powers concerned. The provisions of the present Treaty relating to territories detached from Turkey under the said Treaty will not apply to Egypt.

#### **ARTICLE 20.**

Turkey hereby recognises the annexation of Cyprus proclaimed by the British Government on the 5th November, 1914.

#### **ARTICLE 21.**

Turkish nationals ordinarily resident in Cyprus on the 5th November, 1914, will acquire British nationality subject to the conditions laid down in the local law, and will thereupon lose their Turkish nationality. They will, however, have the right to opt for Turkish nationality within two years from the coming into force of the present Treaty, provided that they leave Cyprus within twelve months after having so opted.

Turkish nationals ordinarily resident in Cyprus on the coming into force of the present Treaty who, at that date, have acquired or are in process of acquiring British nationality in consequence of a request made in accordance with the local law, will also thereupon lose their Turkish nationality.

It is understood that the Government of Cyprus will be entitled to refuse British nationality to inhabitants of the island who, being Turkish nationals, had formerly acquired another nationality without the consent of the Turkish Government.

#### **ARTICLE 22.**

Without prejudice to the general stipulations of Article 27, Turkey hereby recognises the definite abolition of all rights and privileges whatsoever which she enjoyed in Libya under the Treaty of Lausanne of the 18th October, 1912, and the instruments connected therewith.

### **2. SPECIAL PROVISIONS.**

#### **ARTICLE 23.**

The High Contracting Parties are agreed to recognise and declare the principle of freedom of transit and of navigation, by sea and by air, in time of peace as in time of war, in the strait of the Dardanelles, the Sea of Marmora and the Bosphorus, as prescribed in the separate Convention signed this day, regarding the regime of the Straits. This Convention will have the same force and effect in so far as the present High Contracting Parties are concerned as if it formed part of the present Treaty.

#### **ARTICLE 24.**

The separate Convention signed this day respecting the regime for the frontier described in Article 2 of the present Treaty will have equal force and effect in so far as the present High Contracting Parties are concerned as if it formed part of the present Treaty.

#### **ARTICLE 25.**

Turkey undertakes to recognise the full force of the Treaties of Peace and additional Conventions concluded by the other Contracting Powers with the Powers who fought on the side of Turkey, and to recognise whatever dispositions have been or may be made concerning the territories of the former German Empire, of Austria, of Hungary and of Bulgaria, and to recognise the new States within their frontiers as there laid down.

## **ARTICLE 26.**

Turkey hereby recognises and accepts the frontiers of Germany, Austria, Bulgaria, Greece, Hungary, Poland, Roumania, the Serb-Croat-Slovene State and the Czechoslovak State, as these frontiers have been or may be determined by the Treaties referred to in Article 25 or by any supplementary conventions.

## **ARTICLE 27.**

No power or jurisdiction in political, legislative or administrative matters shall be exercised outside Turkish territory by the Turkish Government or authorities, for any reason whatsoever, over the nationals of a territory placed under the sovereignty or protectorate of the other Powers signatory of the present Treaty, or over the nationals of a territory detached from Turkey.

It is understood that the spiritual attributions of the Moslem religious authorities are in no way infringed.

## **ARTICLE 28.**

Each of the High Contracting Parties hereby accepts, in so far as it is concerned, the complete abolition of the Capitulations in Turkey in every respect.

## **ARTICLE 29.**

Moroccans, who are French nationals ("ressortissants") and Tunisians shall enjoy in Turkey the same treatment in all respects as other French nationals ("ressortissants").

Natives ("ressortissants") of Libya shall enjoy in Turkey the same treatment in all respects as other Italian nationals ("ressortissants").

The stipulations of the present Article in no way prejudice the nationality of persons of Tunisian, Libyan and Moroccan origin established in Turkey.

Reciprocally, in the territories the inhabitants of which benefit by the stipulations of the first and second paragraphs of this Article, Turkish nationals shall benefit by the same treatment as in France and in Italy respectively.

The treatment to which merchandise originating in or destined for the territories, the inhabitants of which benefit from the stipulations of the first paragraph of this Article, shall be subject in Turkey, and, reciprocally, the treatment to which merchandise originating in or destined for Turkey shall be subject in the said territories shall be settled by agreement between the French and Turkish Governments.

## **SECTION II . NATIONALITY. ARTICLE 30.**

Turkish subjects habitually resident in territory which in accordance with the provisions of the present Treaty is detached from Turkey will become *ipso facto*, in the conditions laid down by the local law, nationals of the State to which such territory is transferred.

#### **ARTICLE 31.**

Persons over eighteen years of age, losing their Turkish nationality and obtaining *ipso facto* a new nationality under Article 30, shall be entitled within a period of two years from the coming into force of the present Treaty to opt for Turkish nationality.

#### **ARTICLE 32.**

Persons over eighteen years of age, habitually resident in territory detached from Turkey in accordance with the present Treaty, and differing in race from the majority of the population of such territory shall, within two years from the coming into force of the present Treaty, be entitled to opt for the nationality of one of the States in which the majority of the population is of the same race as the person exercising the right to opt, subject to the consent of that State.

#### **ARTICLE 33.**

Persons who have exercised the right to opt in accordance with the provisions of Articles 31 and 32 must, within the succeeding twelve months, transfer their place of residence to the State for which they have opted.

They will be entitled to retain their immovable property in the territory of the other State where they had their place of residence before exercising their right to opt.

They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

#### **ARTICLE 34.**

Subject to any agreements which it may be necessary to conclude between the Governments exercising authority in the countries detached from Turkey and the Governments of the countries where the persons concerned are resident, Turkish nationals of over eighteen years of age who are natives of a territory detached from Turkey under the present Treaty, and who on its coming into force are habitually resident abroad, may opt for the nationality of the territory of which they are natives, if they belong by race to the majority of the population of that territory, and subject to the consent of the Government exercising authority therein. This right of option must be exercised within two years from the coming into force of the present Treaty.

#### **ARTICLE 35.**

The Contracting Powers undertake to put no hindrance in the way of the exercise of the right which the persons concerned have under the present Treaty, or under the Treaties of Peace concluded with Germany, Austria, Bulgaria or Hungary, or under any Treaty concluded by the said Powers, other than Turkey, or any of them, with Russia, or between themselves, to choose any other nationality which may be open to them.

## **ARTICLE 36.**

For the purposes of the provisions of this Section, the status of a married woman will be governed by that of her husband, and the status of children under eighteen years of age by that of their parents.

## **SECTION III. PROTECTION OF MINORITIES. ARTICLE 37.**

Turkey undertakes that the stipulations contained in Articles 38 to 44 shall be recognised as fundamental laws, and that no law, no regulation, nor official action shall conflict or interfere with these stipulations, nor shall any law, regulation, nor official action prevail over them.

## **ARTICLE 38.**

The Turkish Government undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion.

All inhabitants of Turkey shall be entitled to free exercise, whether in public or private, of any creed, religion or belief, the observance of which shall not be incompatible with public order and good morals.

Non-Moslem minorities will enjoy full freedom of movement and of emigration, subject to the measures applied, on the whole or on part of the territory, to all Turkish nationals, and which may be taken by the Turkish Government for national defence, or for the maintenance of public order.

## **ARTICLE 39.**

Turkish nationals belonging to non-Moslem minorities will enjoy the same civil and political rights as Moslems.

All the inhabitants of Turkey, without distinction of religion, shall be equal before the law.

Differences of religion, creed or confession shall not prejudice any Turkish national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions and honours, or the exercise of professions and industries.

No restrictions shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press, or in publications of any kind or at public meetings.

Notwithstanding the existence of the official language, adequate facilities shall be given to Turkish nationals of non-Turkish speech for the oral use of their own language before the Courts.

## **ARTICLE 40.**

Turkish nationals belonging to non-Moslem minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals. In particular, they shall have an equal right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein.

#### **ARTICLE 41.**

As regards public instruction, the Turkish Government will grant in those towns and districts, where a considerable proportion of non-Moslem nationals are resident, adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Turkish nationals through the medium of their own language. This provision will not prevent the Turkish Government from making the teaching of the Turkish language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Turkish nationals belonging to non-Moslem minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious, or charitable purposes.

The sums in question shall be paid to the qualified representatives of the establishments and institutions concerned.

#### **ARTICLE 42.**

The Turkish Government undertakes to take, as regards non-Moslem minorities, in so far as concerns their family law or personal status, measures permitting the settlement of these questions in accordance with the customs of those minorities.

These measures will be elaborated by special Commissions composed of representatives of the Turkish Government and of representatives of each of the minorities concerned in equal number. In case of divergence, the Turkish Government and the Council of the League of Nations will appoint in agreement an umpire chosen from amongst European lawyers.

The Turkish Government undertakes to grant full protection to the churches, synagogues, cemeteries, and other religious establishments of the above-mentioned minorities. All facilities and authorisation will be granted to the pious foundations, and to the religious and charitable institutions of the said minorities at present existing in Turkey, and the Turkish Government will not refuse, for the formation of new religious and charitable institutions, any of the necessary facilities which are guaranteed to other private institutions of that nature.

#### **ARTICLE 43.**

Turkish nationals belonging to non-Moslem minorities shall not be compelled to perform any act which constitutes a violation of their faith or religious observances, and shall not be placed under any disability by reason of their refusal to attend Courts of Law or to perform any legal business on their weekly day of rest.

This provision, however, shall not exempt such Turkish nationals from such obligations as shall be imposed upon all other Turkish nationals for the preservation of public order.

#### **ARTICLE 44.**

Turkey agrees that, in so far as the preceding Articles of this Section affect non-Moslem nationals of Turkey, these provisions constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of the majority of the Council of the League of Nations. The British Empire, France, Italy and Japan hereby agree not to withhold their assent to any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

Turkey agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction or danger of infraction of any of these obligations, and that the Council may thereupon take such action and give such directions as it may deem proper and effective in the circumstances.

Turkey further agrees that any difference of opinion as to questions of law or of fact arising out of these Articles between the Turkish Government and any one of the other Signatory Powers or any other Power, a member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Turkish Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

#### **ARTICLE 45.**

The rights conferred by the provisions of the present Section on the non-Moslem minorities of Turkey will be similarly conferred by Greece on the Moslem minority in her territory.

#### **FINANCIAL CLAUSES.**

##### **SECTION I.**

##### **OTTOMAN PUBLIC DEBT.**

#### **ARTICLE 46.**

The Ottoman Public Debt, as defined in the Table annexed to the present Section, shall be distributed under the conditions laid down in the present Section between Turkey, the States in favour of which territory has been detached from the Ottoman Empire after the Balkan wars of 1912-13, the States to which the islands referred to in Articles 12 and 15 of the present Treaty and the territory referred to in the last paragraph of the present Article have been attributed, and the States newly created in territories in Asia which are detached from the Ottoman Empire under the present Treaty. All the above States shall also participate, under the conditions laid down in the present Section, in the annual charges for the service of the Ottoman Public Debt from the dates referred to in Article 53.

From the dates laid down in Article 53, Turkey shall not be held in any way whatsoever responsible for the shares of the Debt for which other States are liable.

For the purpose of the distribution of the Ottoman Public Debt, that portion of the territory of Thrace which was under Turkish sovereignty on the 1st August, 1914, and lies outside the

boundaries of Turkey as laid down by Article 2 of the present Treaty, shall be deemed to be detached from the Ottoman Empire under the said Treaty.

#### **ARTICLE 47.**

The Council of the Ottoman Public Debt shall, within three months from the coming into force of the present Treaty, determine, on the basis laid down by Articles 50 and 51, the amounts of the annuities for the loans referred to in Part A of the Table annexed to the present Section which are payable by each of the States concerned, and shall notify to them this amount.

These States shall be granted an opportunity to send to Constantinople delegates to check the calculations made for this purpose by the Council of the Ottoman Public Debt.

The Council of the Debt shall exercise the functions referred to in Article 134 of the Treaty of Peace with Bulgaria of the 27th November, 1919.

Any disputes which may arise between the parties concerned as to the application of the principles laid down in the present Article shall be referred, not more than one month after the notification referred to in the first paragraph, to an arbitrator whom the Council of the League of Nations will be asked to appoint; this arbitrator shall give his decision within a period of not more than three months. The remuneration of the arbitrator shall be determined by the Council of the League of Nations, and shall, together with the other expenses of the arbitration, be borne by the parties concerned. The decisions of the arbitrator shall be final. The payment of the annuities shall not be suspended by the reference of any disputes to the above-mentioned arbitrator.

#### **ARTICLE 48.**

The States, other than Turkey, among which the Ottoman Public Debt, as defined in Part A of the Table annexed to this Section is attributed, shall, within three months from the date on which they are notified, in accordance with Article 47, of their respective shares in the annual charges referred to in that Article, assign to the Council of the Debt adequate security for the payment of their share. If such security is not assigned within the above-mentioned period, or in the case of any disagreement as to the adequacy of the security assigned, any of the Governments signatory to the present Treaty shall be entitled to appeal to the Council of the League of Nations.

The Council of the League of Nations shall be empowered to entrust the collection of the revenues assigned as security to international financial organisations existing in the countries (other than Turkey) among which the Debt is distributed. The decisions of the Council of the League of Nations shall be final.

#### **ARTICLE 49**

Within one month from the date of the final determination under Article 47 of the amount of the annuities for which each of the States concerned is liable, a Commission shall meet in Paris to determine the method of carrying out the distribution of the nominal capital of the Ottoman Public Debt as defined in Part A of the Table annexed to this Section. This distribution shall be made in accordance with the proportions adopted for the division of the

annuities, and account shall be taken of the terms of the agreements governing the loans and of the provisions of this Section.

The Commission referred to in the first paragraph shall consist of a representative of the Turkish Government, a representative of the Council of the Ottoman Public Debt, a representative of the debt other than the Unified Debt and the Lots Turcs; each of the Governments concerned shall also be entitled to appoint a representative. All questions in regard to which the Commission may be unable to reach agreement shall be referred to the arbitrator referred to in the fourth paragraph of Article 47.

If Turkey shall decide to create new securities in respect of her share, the distribution of the capital of the Ottoman Public Debt shall be made in the first instance as it affects Turkey by a Committee consisting of the representative of the Turkish Government, the representative of the Council of the Ottoman Public Debt and the representative of the debt other than the Unified Debt and the Lots Turcs. The new securities shall be delivered to the Commission, which shall ensure their delivery to the bondholders upon such terms as will provide for the release of Turkey from liability and the rights of the bondholders towards the other States which are liable for a share of the Ottoman Public Debt. The securities issued in respect of the share of each State in the Ottoman Public Debt shall be exempt in the territory of the High Contracting Parties from all stamp duties or other taxes which would be involved by such issue.

The payment of the annuities for which each of the States concerned is liable shall not be postponed as a consequence of the provisions of the present Article in regard to the distribution of the nominal capital.

#### **ARTICLE 50.**

The distribution of the annual charges referred to in Article 47 and of the nominal capital of the Ottoman Public Debt mentioned in Article 49 shall be effected in the following manner:

(1) The loans prior to the 17th October, 1912, and the annuities of such loans shall be distributed between the Ottoman Empire as it existed after the Balkan wars of 1912-13, the Balkan States in favour of which territory was detached from the Ottoman Empire after those wars, and the States to which the islands referred to in Articles 12 and 15 of the present Treaty have been attributed; account shall be taken of the territorial changes which have taken place after the coming into force of the treaties which ended those wars or subsequent treaties.

(2) The residue of the loans for which the Ottoman Empire remained liable after this first distribution and the residue of the annuities of such loans, together with the loans contracted by that Empire between the 17th October, 1912, and the 1st November, 1914, and the annuities of such loans shall be distributed between Turkey, the newly created States in Asia in favour of which a territory has been detached from the Ottoman Empire under the present Treaty, and the State to which the territory referred to in the last paragraph of Article 46 of the said Treaty has been attributed.

The distribution of the capital shall in the case of each loan be based on the capital amount outstanding at the date of the coming into force of the present Treaty.

#### **ARTICLE 51 .**

The amount of the share in the annual charges of the Ottoman Public Debt for which each State concerned is liable in consequence of the distribution provided for by Article 50 shall be determined as follows:

(I) As regards the distribution provided for by Article 50 (1), in the first place the share of the islands referred to in Articles 12 and 15 and of the territories detached from the Ottoman Empire after the Balkan wars, taken together, shall be fixed. The amount of this share shall bear the same proportion to the total sum of the annuities to be distributed in accordance with Article 50 (1) as the average total revenue of the above mentioned islands and territories, taken as a whole, bore to the average total revenue of the Ottoman Empire in the financial years 1910-1911 and 1911-1912, including the proceeds of the customs surtaxes established in 1907.

The amount thus determined shall then be distributed among the States to which the territories referred to in the preceding paragraph have been attributed, and the share for which each of these States will thus be made liable shall bear the same proportion to the total amount so distributed as the average total revenue of the territory attributed to each State bore in the financial years 1910-11 and 1911-12 to the average total revenue of the territories detached from the Ottoman Empire after the Balkan Wars and the islands referred to in Articles 12 and 15. In calculating the revenues referred to in this paragraph, customs revenues shall be excluded.

(2) As regards the territories detached from the Ottoman Empire under the present Treaty (including the territory referred to in the last paragraph of Article 46), the amount of the share of each State concerned shall bear the same proportion to the total sum of the annuities to be distributed in accordance with Article 50 (2) as the average total revenue of the detached territory (including the proceeds of the Customs surtax established in 1907) for the financial years 1910-11 and 1911-12 bore to the average total revenue of the Ottoman Empire, excluding the territories and islands referred to in paragraph (I) of this Article.

## **ARTICLE 52.**

The advances referred to in Part B of the Table annexed to the present Section shall be distributed between Turkey and the other States referred to in Article 46 under the following conditions:

(I) As regards the advances referred to in the Table which existed on the 17th October, 1912, the capital amount, if any, outstanding at the date of the coming into force of the present Treaty, together with the interest from the dates mentioned in the first paragraph of Article 53 and the repayments made since those dates, shall be distributed in accordance with the provisions of Article 50 (I) and Article 51 (1).

(2) As regards the amounts for which the Ottoman Empire remains liable after the first distribution and the advances referred to in the Table which were contracted by the said Empire between the 17th October, 1912, and the 1st November, 1914, the capital amount, if any, outstanding at the date of the coming into force of the present Treaty, together with the interest from the 1st March, 1920, and the repayments made since that date, shall be distributed in accordance with the provisions of Article 50 (2) and Article 51 (2).

The Council of the Ottoman Public Debt shall, within three months from the coming into force of the present Treaty, determine the amount of the share in these advances for which each of the States concerned is liable, and notify them of such amount.

The sums for which States other than Turkey are liable shall be paid by those States to the Council of the Debt and shall be paid by the Council to the creditors, or credited to the Turkish Government up to the amount paid by Turkey, by way of interest or repayment, for the account of those States.

The payments referred to in the preceding paragraph shall be made by five equal annuities from the coming into force of the present Treaty. Such portion of these payments as is payable to the creditors of the Ottoman Empire shall bear interest at the rates laid down in the contracts governing the advances; the portion to be credited to the Turkish Government shall be paid without interest.

#### **ARTICLE 53.**

The annuities for the service of the loans of the Ottoman Public Debt (as defined in Part A of the Table annexed to this Section) due by the States in favour of which a territory has been detached from the Ottoman Empire after the Balkan wars, shall be payable as from the coming into force of the treaties by which the respective territories were transferred to those States. In the case of the islands referred to in Article 12, the annuity shall be payable as from the 1st/14th November, 1913, and, in the case of the islands referred to in Article 15, as from the 17th October, 1912.

The annuities due by the States newly created in territories in Asia detached from the Ottoman Empire under the present Treaty, and by the State to which the territory referred to in the last paragraph of Article 46 has been attributed, shall be payable as from the 1st March, 1920.

#### **ARTICLE 54.**

The Treasury Bills of 1911, 1912 and 1913 included in Part A of the Table annexed to this Section shall be repaid, with interest at the agreed rate, within ten years from the dates fixed by the contracts.

#### **ARTICLE 55.**

The States referred to in Article 46, including Turkey, shall pay to the Ottoman Debt Council the amount of the annuities required for the service of their share of the Ottoman Public Debt (as defined in Part A of the Table annexed to this Section) to the extent that such annuities have remained unpaid as from the dates laid down by Article 53. This payment shall be made, without interest, by means of twenty equal annuities from the coming into force of the present Treaty.

The amount of the annuities paid to the Council of the Debt by the States other than Turkey shall, to the extent that they represent payments made by Turkey for the account of those States, be credited to Turkey on account of the arrears with which she is debited.

#### **ARTICLE 56.**

The Council of the Administration of the Ottoman Public Debt shall no longer include delegates of the German, Austrian and Hungarian bondholders.

**ARTICLE 57.**

Limits of time fixed for the presentation of coupons of or claims for interest upon the loans and advances of the Ottoman Public Debt and the Turkish Loans of 1855, 1891 and 1894 secured on the Egyptian tribute, and the limits of time fixed for the presentation of securities of these loans drawn for repayment, shall, on the territory of the High Contracting Parties, be considered as having been suspended from the 29th October, 1914, until three months after the coming into force of the present Treaty.

**ANNEX I TO SECTION I.  
Table of the Ottoman Pre-War Public Debt (November 1, 1914).  
Part A.**

Loan	Date of Contract	Interest %	Date of Redemption	Bank of Issue
1	2	3	4	5
Unified Debt	1-14.9.1903-- 8-21.6.1906	4		
Lots turcs	5.1.1870			
Osmanie	18-30.4.1890	4	1931	Imperial Ottoman Bank
Tombac priority	26.4-8.5.1893	4	1954	Imperial Ottoman Bank
40,000,000fr (Oriental Railways)	I-13.3.1894	4	1957	Deutsche Bank and its group, Including International Bank and two French banks.
5%, 1896	29.2-12.3.1896	5	1946	Imperial Ottoman Bank
Customs, 1902	17-29.5.1886- 28.9-11.10.1902	4	1958	Imperial Ottoman Bank
4%, 1903 (Fisheries)	3.10.1888-21.2- 6.3.1903.	4	1958	Deutsche Bank
Bagdad, Series 1	20.2-5.3.1903	4	2001	Deutsche Bank
4%, 1904	4-17.9.1903	4	1960	Imperial Ottoman Bank
4%, 1901-1905	21.11-4.12.1901- 6.11.1903-25.4- 8.5.1905	4	1961	Imperial Ottoman Bank
Tedjhzat-Askerie	4-17.4.1905	4	1961	Deutsche Bank
Bagdad, Series II	20.5-2.6.1908	4	2006	Deutsche Bank
Bagdad, Series III	20.5-2.6.1908	4	2010	Deutsche Bank
4%, 1908	6-19.9.1908	4	1965	Imperial Ottoman Bank
4%, 1909	30.9-13.10.1909	4	1950	Imperial Ottoman Bank

Soma-Panderma	20.11-3.12.1910	4	1992	Imperial Ottoman Bank
Hodeida-Sanaa	24.2-9.3.1911	4	2006	Banque francaise
Customs 1911	27.10-9.11.1910	4	1952	Deutsche Bank and its group
Plain of Koniah irrigation	5-18.1913		1932	
Docks, arsenals and naval constructions	19.11-2 12.1913	5 1/2	1943	
5%, 1914	13-26.4.1914	5	(1962)	Imperial Ottoman Bank
Avance Régie des Tabacs	4.8.1913			
Treasury Bills, 5% 1911 (purchase of warships)	13-7.1911	5	1916*	National Bank of Turkey
Treasury Bills, Imperial	8.21.11.1912	6	1915*	Imperial Ottoman Bank
Treasury Bills, 1913 (including the bills issued directly)	19.1-1.2.1913	5	1918*	Périer and Co.

\*See Article 54.

#### Part B.

Advance	Date of Contract	Interest	Original Nominal Capital £ T.
Bagdad Railway Company	3/16 June, 1908	7	300,000
Lighthouse Administration	5/18 August, 1904	8	55,000
Lighthouse Administration	5/18 July, 1907	7	300,000
Constanza Cable Company	27/9 October, 1904	4	17,335
Tunnel Company			3,000
Orphan's Fund	Various dates		153,147
Deutsche Bank	13/26 August, 1912	5.5	33,000
Lighthouse Administration	3/16 April, 1913	7	500,000
Anatolia Railway Company	23/5 March, 1914	6	200,000

## SECTION II.

### MISCELLANEOUS CLAUSES.

#### ARTICLE 58.

Turkey, on the one hand, and the other Contracting Powers (except Greece) on the other hand, reciprocally renounce all pecuniary claims for the loss and damage suffered respectively by Turkey and the said Powers and by their nationals (including juridical persons) between the 1st August, 1914, and the coming into force of the present Treaty, as the result of acts of war or measures of requisition, sequestration, disposal or confiscation.

Nevertheless, the above provisions are without prejudice to the provisions of Part III (Economic Clauses) of the present Treaty.

Turkey renounces in favour of the other Contracting Parties (except Greece) any right in the sums in gold transferred by Germany and Austria under Article 259 (I) of the Treaty of Peace of the 28th June, 1919, with Germany, and under Article 210 (I) of the Treaty of Peace of the 10th September, 1919, with Austria.

The Council of the Administration of the Ottoman Public Debt is freed from all liability to make the payments which it was required to make by the Agreement of the 20th June, 1331 (3rd July, 1915) relating to the first issue of Turkish currency notes or by the words inscribed on the back of such notes.

Turkey also agrees not to claim from the British Government or its nationals the repayment of the sums paid for the warships ordered in England by the Ottoman Government which were requisitioned by the British Government in 1914, and renounces all claims in the matter.

#### **ARTICLE 59.**

Greece recognises her obligation to make reparation for the damage caused in Anatolia by the acts of the Greek army or administration which were contrary to the laws of war.

On the other hand, Turkey, in consideration of the financial situation of Greece resulting from the prolongation of the war and from its consequences, finally renounces all claims for reparation against the Greek Government.

#### **ARTICLE 60.**

The States in favour of which territory was or is detached from the Ottoman Empire after the Balkan wars or by the present Treaty shall acquire, without payment, all the property and possessions of the Ottoman Empire situated therein.

It is understood that the property and possessions of which the transfer from the Civil List to the State was laid down by the Irades of the 26th August, 1324 (8th September, 1908) and the 20th April, 1325 (2nd May, 1909), and also those which, on the 30th October, 1918, were administered by the Civil List for the benefit of a public service, are included among the property and possessions referred to in the preceding paragraph, the aforesaid States being subrogated to the Ottoman Empire in regard to the property and possessions in question. The Wakfs created on such property shall be maintained.

The dispute which has arisen between the Greek and Turkish Governments relating to property and possessions which have passed from the Civil List to the State and are situated in territories of the former Ottoman Empire transferred to Greece either after the Balkan wars, or subsequently, shall be referred to an arbitral tribunal at The Hague, in accordance with the special protocol No. 2 annexed to the Treaty of Athens of the 1st-4th November, 1913. The terms of reference shall be settled between the two Governments.

The provisions of this Article will not modify the juridical nature of the property and possessions registered in the name of the Civil List or administered by it, which are not referred to in the second and third paragraphs above.

## **ARTICLE 61.**

The recipients of Turkish civil and military pensions who acquire under the present Treaty the nationality of a State other than Turkey, shall have no claim against the Turkish Government in respect of their pensions.

## **ARTICLE 62.**

Turkey recognises the transfer of any claims to payment or repayment which Germany, Austria, Bulgaria or Hungary may have against her, in accordance with Article 261 of the Treaty of Peace concluded at Versailles on the 28th June, 1919, with Germany, and the corresponding articles of the Treaties of Peace of the 10th September, 1919, with Austria; of the 27th November, 1919, with Bulgaria; and of the 4th June, 1920 with Hungary.

The other Contracting Powers agree to release Turkey from the debts for which she is liable on this account.

The claims which Turkey has against Germany, Austria, Bulgaria and Hungary, are also transferred to the aforesaid Contracting Powers.

## **ARTICLE 63.**

The Turkish Government, in agreement with the other Contracting Powers, hereby releases the German Government from the obligation incurred by it during the war to accept Turkish Government currency notes at a specified rate of exchange in payment for goods to be exported to Turkey from Germany after the war.

## **ECONOMIC CLAUSES.**

### **ARTICLE 64.**

In this part, the expression "Allied Powers" means the Contracting Powers other than Turkey.

The term "Allied nationals" includes physical persons, companies and associations of the Contracting Powers other than Turkey, or of a State or territory under the protection of one of the said Powers.

The provisions of this Part relating to "Allied nationals" shall benefit persons who without having the nationality of one of the Allied Powers, have, in consequence of the protection which they in fact enjoyed at the hands of these Powers, received from the Ottoman authorities the same treatment as Allied nationals and have, on this account, been prejudiced.

## **SECTION I.**

### **PROPERTY, RIGHTS AND INTERESTS.**

#### **ARTICLE 65.**

Property, rights and interests which still exist and can be identified in territories remaining Turkish at the date of the coming into force of the present Treaty, and which belong to persons who on the 29th October, 1914, were Allied nationals, shall be immediately restored to the owners in their existing state.

Reciprocally, property, rights and interests which still exist and can be identified in territories subject to the sovereignty or protectorate of the Allied Powers on the 29th October, 1914, or in territories detached from the Ottoman Empire after the Balkan wars and subject to-day to the sovereignty of any such Power, and which belong to Turkish nationals, shall be immediately restored to the owners in their existing state. The same provision shall apply to property, rights and interests which belong to Turkish nationals in territories detached from the Ottoman Empire under the present Treaty, and which may have been subjected to liquidation or any other exceptional measure whatever on the part of the authorities of the Allied Powers.

All property, rights and interests situated in territory detached from the Ottoman Empire under the present Treaty, which, after having been subjected by the Ottoman Government to an exceptional war measure, are now in the hands of the Contracting Power exercising authority over the said territory, and which can be identified, shall be restored to their legitimate owners, in their existing state. The same provision shall apply to immovable property which may have been liquidated by the Contracting Power exercising authority over the said territory. All other claims between individuals shall be submitted to the competent local courts.

All disputes relating to the identity or the restitution of property to which a claim is made shall be submitted to the Mixed Arbitral Tribunal provided for in Section V of this Part.

#### **ARTICLE 66.**

In order to give effect to the provisions of the first and second paragraphs of Article 65 the High Contracting Parties will, by the most rapid procedure, restore the owners to the possession of their property, rights and interests free from any burdens or encumbrances with which such property, rights and interests may have been charged without the consent of the said owners. It will be the duty of the Government of the Power effecting the restitution to provide for the compensation of third parties who may have acquired the property directly or indirectly from the said Government and who may be injured by this restitution. Disputes which may arise in connection with such compensation shall be dealt with by the ordinary courts.

In all other cases it will be open to any third parties who may be injured to take action against whoever is responsible, in order to obtain compensation.

In order to give effect to these provisions all acts of transfer or other exceptional war measures, which the High Contracting Parties may have carried out in respect of enemy property, rights and interests, shall be immediately cancelled and stayed when liquidation has not yet been completed. Owners who make claims shall be satisfied by the immediate restitution of their property, rights and interests as soon as these shall have been identified.

When at the date of the signature of the present Treaty the property, rights and interests, the restitution of which is provided for in Article 65. have been liquidated by the authorities of one of the High Contracting Parties, that Party shall be discharged from the obligation to restore the said property, rights and interests by payment of the proceeds of the liquidation to the owner. If, on application being made by the owner, the Mixed Arbitral Tribunal provided for by Section V finds that the liquidation was not effected in such conditions as to ensure the realisation of a fair price, it will have the power, in default of agreement between the parties,

to order the addition to the proceeds of the liquidation of such amount as it shall consider equitable. The said property, rights and interests shall be restored if the payment is not made within two months from the agreement with the owner or from the decision of the Mixed Arbitral Tribunal mentioned above.

#### **ARTICLE 67.**

Greece, Roumania and the Serb-Croat-Slovene State on the one hand, and Turkey on the other hand undertake mutually to facilitate, both by appropriate administrative measures and by the delivery of all documents relating thereto, the search on their territory for, and the restitution of, movable property of every kind taken away, seized or sequestered by their armies or administrations in the territory of Turkey, or in the territory of Greece, Roumania or the Serb-Croat-Slovene State respectively, which are actually within the territories in question.

Such search and restitution will take place also as regards property of the nature referred to above seized or sequestered by German, Austro-Hungarian or Bulgarian armies or administrations in the territory of Greece, Roumania or the Serb-Croat-Slovene State, which has been assigned to Turkey or to her nationals, as well as to property seized or sequestered by the Greek, Roumanian or Serbian armies in Turkish territory, which has been assigned to Greece, Roumania or the Serb-Croat-Slovene State or to their nationals.

Applications relating to such search and restitution must be made within six months from the coming into force of the present Treaty.

#### **ARTICLE 68.**

Debts arising out of contracts concluded, in districts in Turkey occupied by the Greek army, between the Greek authorities and administrations on the one hand and Turkish nationals on the other, shall be paid by the Greek Government in accordance with the provisions of the said contracts.

#### **ARTICLE 69.**

No charge, tax or surtax to which, by virtue of the privileges which they enjoyed on the 1st August, 1914, Allied nationals and their property were not subject, shall be collected from Allied subjects or their property in respect of the financial years earlier than the financial year 1922-23.

If any sums have been collected after the 15th May, 1923, in respect of financial years earlier than the financial year 1922-1923, the amount shall be refunded to the persons concerned, as soon as the present Treaty comes into force.

No claim for repayment shall be made as regards sums encashed before the 15th May, 1923.

#### **ARTICLE 70.**

Claims based on Articles 65, 66 and 69 must be lodged with the competent authorities within six months, and, in default of agreement, with the Mixed Arbitral Tribunal within twelve months, from the coming into force of the present Treaty.

## **ARTICLE 71.**

The British Empire, France, [Italy, Roumania and the Serb-Croat-Slovene State or their nationals having begun claims or suits with regard to their property, rights and interests against the Ottoman Government before the 29th October, 1914, the provisions of this Section will not prejudice such claims or suits.

Claims or suits begun against the British, French, Italian, Roumanian or Serb-Croat-Slovene Governments by the Ottoman Government or its nationals will similarly not be prejudiced. These claims or suits will be continued against the Turkish Government and against the other Governments mentioned in this Article under the conditions existing before the 29th October, 1914, due regard being had to the abolition of the Capitulations.

## **ARTICLE 72.**

In the territories which remain Turkish by virtue of the present Treaty, property, rights and interests belonging to Germany, Austria, Hungary and Bulgaria or to their nationals, which before the coming into force of the present Treaty have been seized or occupied by the Allied Governments, shall remain in the possession of these Governments until the conclusion of arrangements between them and the German, Austrian, Hungarian and Bulgarian Governments or their nationals who are concerned. If the above-mentioned property, rights and interests have been liquidated, such liquidation is confirmed.

In the territories detached from Turkey under the present Treaty, the Governments exercising authority there shall have power, within one year from the coming into force of the present Treaty, to liquidate the property, rights and interests belonging to Germany, Austria, Hungary and Bulgaria or to their nationals.

The proceeds of liquidations, whether they have already been carried out or not, shall be paid to the Reparation Commission established by the Treaty of Peace concluded with the States concerned, if the property liquidated belongs to the German, Austrian, Hungarian or Bulgarian State. In the case of liquidation of private property, the proceeds of liquidation shall be paid to the owners direct.

The provisions of this Article do not apply to Ottoman limited Companies.

The Turkish Government shall be in no way responsible for the measures referred to in the present Article.

## **SECTION II .**

### **CONTRACTS, PRESCRIPTIONS AND JUDGMENTS.**

## **ARTICLE 73.**

The following classes of contracts concluded, before the date mentioned in Article 82, between persons who thereafter became enemies as defined in that Article, remain in force subject to the provisions of the contracts and to the stipulations of the present Treaty:

(a) Contracts for the sale of real property, even if all formalities may not have been concluded, provided that delivery did in fact take place before the date on which the parties became enemies as defined in Article 82.

- (b) Leases and agreements for leases of land and houses entered into between individuals.
- (c) Contracts between individuals regarding the exploitation of mines, forests or agricultural estates.
- (d) Contracts of mortgage, pledge or lien.
- (e) Contracts constituting companies, excepting "societes en 'nom collectif' " which do not constitute, under the law to which they are subject, an entity separate from that of the persons of which they are composed (partnerships).
- (f) Contracts, whatever may be their purpose, concluded between individuals or companies and the State, provinces, municipalities or other similar juridical persons charged with administrative functions.
- (g) Contracts relating to family status.
- (h) Contracts relating to gifts or bounties of any kind whatever.

This Article cannot be invoked in order to give to contracts a validity different from that which they had in themselves when they were concluded.

It does not apply to concessionary contracts.

#### **ARTICLE 74.**

Insurance contracts are governed by the provisions of the Annex to this Section.

#### **ARTICLE 75.**

Contracts other than those specified in Articles 73 and 74 and other than concessionary contracts, which were entered into between persons who subsequently became enemies, shall be considered as having been annulled as from the date on which the parties became enemies.

Nevertheless, either of the parties to the contract shall have power, within three months from the coming into force of the present Treaty, to require the execution of the contract, on condition of paying, where the circumstances demand it, to the other party compensation calculated according to the difference between the conditions prevailing at the time when the contract was concluded and those prevailing at the time when its maintenance is required. In default of agreement between the parties, this compensation shall be fixed by the Mixed Arbitral Tribunal.

#### **ARTICLE 76.**

The validity of all compromises entered into before the coming into force of the present Treaty between nationals of the Contracting Powers, parties to contracts specified in Articles 73 to 75, particularly those providing for the cancellation, the maintenance, the methods of execution, or the modification of such contracts, including agreements relating to the currency of payment or the rate of exchange, is confirmed.

## **ARTICLE 77.**

Contracts between Allied and Turkish nationals concluded after the 30th October, 1918, remain in force and will be governed by the ordinary law.

Contracts duly concluded with the Constantinople Government between the 30th October, 1918, and the 16th March, 1920, also remain in force and will be governed by the ordinary law.

All contracts and arrangements duly concluded after the 16th March, 1920, with the Constantinople Government concerning territories which remained under the effective control of the said Government, shall be submitted to the Grand National Assembly of Turkey for approval, if the parties concerned make application within three months from the coming into force of the present Treaty. Payments made under such contracts shall be duly credited to the party who has made them.

If approval is not granted, the party concerned shall, if the circumstances demand it, be entitled to compensation corresponding to the direct loss which has been actually suffered; such compensation, in default of an amicable agreement, shall be fixed by the Mixed Arbitral Tribunal.

The provisions of this Article are not applicable either to concessionary contracts or to transfers of concessions.

## **ARTICLE 78.**

All disputes which already exist, or may arise within the period of six months mentioned below, relating to contracts, other than concessionary contracts, between parties who subsequently became enemies, shall be determined by the Mixed Arbitral Tribunal, with the exception of disputes which, in accordance with the laws of neutral Powers are within the competence of the national courts of those Powers. In the latter case, such disputes shall be determined by the said national courts, to the exclusion of the Mixed Arbitral Tribunal. Applications relating to disputes which, under this Article, are within the competence of the Mixed Arbitral Tribunal, must be presented to the said Tribunal within a period of six months from the date of its establishment.

After the expiration of this period, disputes which have not been submitted to the Mixed Arbitral Tribunal shall be determined by the competent courts in accordance with the ordinary law.

The provisions of this Article do not apply to cases in which all the parties to the contract resided in the same country during the war and there freely disposed of their persons and their property, nor to disputes in respect of which judgment was given by a competent court before the date on which the parties became enemies.

## **ARTICLE 79.**

All periods whatever of prescription or limitation of right of action, whether they began to run before or after the outbreak of war, shall be treated, in the territory of the High Contracting Parties so far as regards relations between enemies, as having been suspended from the 29th

October, 1914, until the expiration of three months after the coming into force of the present Treaty.

This provision applies, in particular, to periods of time allowed for the presentation of interest or dividend coupons, or for the presentation for payment of securities drawn for redemption or repayable on any other ground.

As regards Roumania, the above-mentioned periods shall be considered as having been suspended as from the 27th August 1916.

#### **ARTICLE 80.**

As between enemies no negotiable instrument made before the war shall be deemed to have become invalid by reason only of failure within the required time to present the instrument for acceptance or payment, or to give notice of non-acceptance or non-payment to drawers or endorsers, or to protest the instrument, nor by reason of failure to complete any formality during the war.

When the period within which a negotiable instrument should have been presented for acceptance or payment, or within which notice of non-acceptance or non-payment should have been given to the drawers or endorsers, or within which the instrument should have been protested, has expired during the war, and when the party who should have presented or protested the instrument or given notice of non-acceptance or non-payment, has failed to do so during the war, a period of three months from the coming into force of the present Treaty shall be allowed within which the presentation, notice of non-acceptance or non-payment, or protest may be made.

#### **ARTICLE 81.**

Sales effected during the war in order to realise pledges or mortgages created before the war as security for debts which have become payable, shall be deemed valid, although it may not have been possible to perform all the formalities required for notifying the debtor, subject to the express right of the said debtor to summon the creditor before the Mixed Arbitral Tribunal to render accounts, failing which the creditor will be liable to be cast in damages.

It shall be the duty of the Mixed Arbitral Tribunal to settle the accounts between the parties, to investigate the conditions under which the property pledged or mortgaged was sold, and to order the creditor to make good any loss suffered by the debtor as a result of the sale if the creditor acted in bad faith or if he did not take all steps in his power to avoid having recourse to a sale or to cause the sale to be conducted in such conditions as to ensure the realisation of a fair price.

The present provision is applicable only between enemies and does not extend to transactions referred to above which may have been carried out after the 1st May, 1923.

#### **ARTICLE 82.**

For the purposes of the present Section, the parties to a contract shall be regarded as enemies from the date on which trading between them became impossible in fact or was prohibited or became unlawful under laws, orders or regulations to which one of the parties was subject.

By way of exception to Articles 73-75, 79 and 80, contracts shall be governed by the ordinary law if they were concluded within the territory of one of the High Contracting Parties between enemies (including companies) or their agents, if this territory was an enemy country for one of the contracting parties who remained there during the war and was there able to dispose freely of his person and property.

### **ARTICLE 83.**

The provisions of this Section do not apply between Japan and Turkey; matters dealt with in this Section shall, in both of these countries, be determined in accordance with the local law.

### **ANNEX.**

#### **I. LIFE ASSURANCE.**

##### Paragraph I.

Life assurance contracts entered into between an insurer and a person who subsequently became an enemy shall not be deemed to have been dissolved by the outbreak of war or by the fact of the person becoming an enemy.

Every sum which, during the war, became due upon a contract deemed not to have been dissolved in accordance with the preceding paragraph, shall be recoverable after the war. This sum shall be increased by interest at 5 per cent. per annum from the date of its becoming due up to the day of payment.

If the contract has lapsed during the war, owing to non-payment of premiums or has become void from breach of the conditions of the contract, the assured, or his representatives, or the persons entitled, shall have the right at any moment within twelve months from the coming into force of the present Treaty to claim from the insurer the surrender value of the policy at the date of its lapse or annulation, together with interest at 5 per cent. per annum.

Turkish nationals whose life insurance contracts entered into before the 29th October, 1914, have been cancelled or reduced before the Treaty for non-payment of premiums in accordance with the provisions of the said contracts, shall have the right, within three months from the coming into force of the present Treaty, if they are still alive, to restore their policies for the whole of the amount assured. For this purpose they must, after having undergone a medical examination by the doctor of the company, the result of which the company considers satisfactory, pay the premiums in arrear with compound interest at 5 per cent.

##### Paragraph 2.

It is understood that life assurance contracts in money other than the Turkish pound, entered into before the 29th October, 1914, between companies possessing the nationality of an Allied Power and Turkish nationals, in respect of which the premiums have been paid before and after the 18th November, 1915, or even only before that date, shall be regulated, first, by determining the rights of the assured in accordance with the general conditions of the policy for the period before the 18th November, 1915, in the currency stipulated in the contract at the current rate in its country of origin (for example, every amount stipulated in francs, in gold francs, or in "francs effectifs" will be paid in French francs), secondly, for the period after the 18th November, 1915, in Turkish pounds paper-the Turkish pound being taken at the pre-war par value.

If Turkish nationals whose contracts were entered into in currency other than Turkish currency show that they have continued to pay their premiums since the 18th November, 1915, in the currency stipulated in the contracts, the said contracts shall be settled in the same currency at the current rate in its country of origin, even for the period after the 18th November, 1915.

Turkish nationals whose contracts, entered into before the 29th October, 1914, in currency other than Turkish currency with companies possessing the nationality of an Allied Power are, owing to payment of premiums, still in force, shall have the right within three months after the coming into force of the present Treaty to restore their policies for the full amount, in the currency stipulated in their contract, at the current rate in its country of origin. For this purpose they must pay in this currency the premiums which have become due since the 18th November, 1915. On the other hand, the premiums actually paid by them in Turkish pounds paper since that date will be repaid to them in the same currency.

Paragraph 3.

As regards insurances in Turkish pounds, settlement shall be made in Turkish pounds paper.

Paragraph 4.

The provisions of paragraphs 2 and 3 do not apply to policy holders who, by an express agreement, have already settled with the insurance companies the fixation of the value of their policies and the method of payment of their premiums, nor to those whose policies shall have been finally settled at the date of the coming into force of the present Treaty.

Paragraph 5.

For the purposes of the preceding paragraphs, insurance contracts shall be considered as contracts of life insurance when they depend on the probabilities of human life, combined with the rate of interest, for the calculation of the reciprocal engagement between the two parties.

## **II. MARINE INSURANCE.**

Paragraph 6.

Subject to the provisions therein contained, contracts of marine insurance will not be deemed to have been dissolved where the risk had attached before the parties became enemies, but the policy shall not be deemed to cover losses due to belligerent action by the Power of which the insurer was a national or by the allies of that Power.

## **III. FIRE AND OTHER INSURANCES.**

Paragraph 7.

Subject to the reserve contained in the preceding paragraph, fire insurance contracts and all other forms of insurance contracts are not deemed to be dissolved.

**SECTION III.  
DEBTS.  
ARTICLE 84.**

The High Contracting Parties are in agreement in recognising that debts which were payable before the war or which became payable during the war under contracts entered into before the war, and which remained unpaid owing to the war, must be settled and paid, in accordance with the provisions of the contracts, in the currency agreed upon, at the rate current in its country of origin.

Without prejudice to the provisions of the Annex to Section II of this part, it is agreed that where payments to be made under a pre-war contract are represented by sums collected during the war in whole or in part in a currency other than that mentioned in the said contract, such payments can be made by handing over the sums actually collected, in the currency in which they were collected. This provision shall not affect settlements inconsistent with the foregoing provisions arrived at by voluntary agreement between the parties before the coming into force of the present Treaty.

**ARTICLE 85.**

The Ottoman Public Debt is by general agreement left outside the scope of this Section and of the other Sections of this Part (Economic Clauses).

**SECTION IV.  
INDUSTRIAL, LITERARY AND ARTISTIC PROPERTY.  
ARTICLE 86.**

Subject to the stipulations of the present Treaty, rights of industrial, literary and artistic property as they existed on the 1st August, 1914, in accordance with the law of each of the contracting countries, shall be re-established or restored as from the coming into force of the present Treaty in the territories of the High Contracting Parties in favour of the persons entitled to the benefit of them at the moment when the state of war commenced, or of their legal representatives. Equally, rights which, but for the war, could have been acquired during the war, by means of an application legally made for the protection of industrial property or of the publication of a literary or artistic work, shall be recognised and established in favour of those persons who would have been entitled thereto, from the coming into force of the present Treaty.

Without prejudice to the rights which are required to be restored in accordance with the above provision, all acts (including the grant of licences) done by virtue of the special measures taken during the war by a legislative, executive or administrative authority of an Allied Power in regard to the rights of Turkish nationals in respect of industrial, literary or artistic property, shall remain in force and continue to have their full effect. This provision applies *mutatis mutandis* to corresponding measures taken by Turkish authorities in regard to the rights of the nationals of any Allied Power.

**ARTICLE 87.**

A minimum of one year from the coming into force of the present Treaty shall be granted, without surtax or penalty of any kind, to Turkish nationals in the territory of each of the other

Contracting Powers, and to the nationals of these Powers in Turkey, within which they may accomplish any act, fulfil any formality, pay any fees, and generally satisfy any obligation prescribed by the laws and regulations of the respective States for preserving or obtaining or opposing the grant of rights to industrial property which had already been acquired on the 1st August, 1914, or which, but for the war, might have been acquired since that date by means of an application made before or during the war.

Rights to industrial property which have lapsed by reason of any failure to accomplish any act, fulfil any formality, or pay any fees shall be revived, but subject, in the case of patents and designs, to the adoption of such measures as each Power may deem reasonably necessary for the protection of the rights of third parties who have exploited or made use of patents or designs since they had lapsed.

The period from the 1st August, 1914, until the coming into force of the present Treaty shall be excluded in calculating the time within which a patent has to be exploited or a trade-mark or design used, and it is further agreed that no patent, trade-mark or design in force on the 1st August, 1914, shall be subject to revocation or cancellation by reason only of the failure to exploit such patent or use such trade-mark or design, for two years after the coming into force of the present Treaty.

#### **ARTICLE 88.**

No action shall be brought and no claim made on the one hand by Turkish nationals or persons residing or carrying on business in Turkey, and on the other hand by nationals of the Allied Powers or persons residing or carrying on their business in the territory of these Powers, nor by third parties having derived title during the war from such persons, by reason of any occurrence which has taken place within the territory of the other party, between the date of the beginning of a state of war and that of the coming into force of the present Treaty, which might have been held to constitute an infringement of rights of industrial property or rights of literary or artistic property either existing at any time during the war, or revived under the provisions of Article 86.

Among the occurrences referred to above are included the use by the Governments of the High Contracting Parties, or by any person acting on their behalf, or with their consent, of rights of industrial, literary or artistic property, as well as the sale, the offering for sale or the use of products, apparatus, or any articles whatsoever to which these rights apply.

#### **ARTICLE 89.**

Licences for the use of industrial property, or for the reproduction of literary or artistic works, granted before the war by or to nationals of the Allied Powers or persons residing in their territories or carrying on business therein, on the one hand, to or by Turkish nationals on the other hand, shall be considered as cancelled as from the date of the beginning of a state of war between Turkey and the Allied Power concerned. But in any case, the former beneficiary of a licence of this kind shall have the right within a period of six months from the coming into force of the present Treaty to require from the proprietor of the rights the grant of a new licence, the conditions of which, in default of agreement between the parties, shall be fixed by the Mixed Arbitral Tribunal referred to in Section V of this Part. The Tribunal shall have the power, where the circumstances demand it, to fix at the same time the amount which it considers fair payment for the use of the property during the war.

## **ARTICLE 90**

The inhabitants of territories detached from Turkey under the present Treaty shall, notwithstanding this transfer and the change of nationality consequent thereon, continue in complete enjoyment in Turkey of all the rights in industrial, literary and artistic property to which they were entitled under Ottoman law at the time of transfer.

Rights of industrial, literary and artistic property which are in existence in territories detached from Turkey under the present Treaty at the time of separation, or which are re-established or restored by the provisions of Article 86, shall be recognised by the State to which the said territory is transferred, and shall remain in existence in that territory for the same period of time as that which they would have enjoyed under Ottoman law.

## **ARTICLE 91**

All grants of patents and registrations of trade-marks, as well as all registrations of transfers or assignments of patents or trade marks which have been duly made since the 30th October, 1918, by the Imperial Ottoman Government at Constantinople or elsewhere, shall be submitted to the Turkish Government and registered, if the parties concerned make an application within three months from the coming into force of the present Treaty. Such registration shall have effect as from the date of the original registration.

## **SECTION V.**

### **MIXED ARBITRAL TRIBUNAL.**

#### **ARTICLE 92.**

Within three months from the date of the coming into force of the present Treaty, a Mixed Arbitral Tribunal shall be established between each of the Allied Powers, on the one hand, and Turkey, on the other hand.

Each of these Tribunals shall be composed of three members, two being appointed respectively by each of the Governments concerned, who shall be entitled to designate several persons from whom, according to the case in question, they will choose one to sit as a member of the Tribunal. The president shall be chosen by agreement between the two Governments concerned.

In case of failure to reach agreement within two months from the coming into force of the present Treaty, the president shall be appointed, upon the request of one of the Governments concerned, from among nationals of Powers which remained neutral during the war, by the President of the Permanent Court of International Justice at The Hague.

If within the said period of two months one of the Governments concerned does not appoint a member to represent it on the Tribunal, the Council of the League of Nations will have power to proceed to the appointment of such member upon the request of the other Government concerned.

If a member of the Tribunal should die or resign or for any reason become unable to perform his duties, he shall be replaced by the method laid down for his appointment, the above period of two months running from the date of death, resignation or inability as duly verified.

### **ARTICLE 93.**

The seat of the Mixed Arbitral Tribunals shall be at Constantinople. If the number and character of the cases justify it, the Governments concerned shall be entitled to create in each Tribunal one or more additional Sections, the seat of which shall be in whatever place may be convenient. Each of these Sections shall be composed of a vice-president and two members appointed as laid down in the second, third, fourth and fifth paragraphs of Article 92.

Each Government shall appoint one or more agents to represent it before the Tribunal.

If, after three years from the establishment of a Mixed Arbitral Tribunal, or of one of its Sections, such Tribunal or Section has not finished its work, and if the Power on whose territory such Tribunal or Section has its seat so requests, the seat shall be removed from such territory.

### **ARTICLE 94.**

The Mixed Arbitral Tribunals established pursuant to Articles 92 and 93 shall decide all questions within their competence under the present Treaty.

Decisions shall be taken by a majority.

The High Contracting Parties agree to regard the decisions of the Mixed Arbitral Tribunals as final and conclusive, and to render them binding upon their nationals, and to ensure their enforcement in their respective territories as soon as the decisions of the Tribunals are notified to them, without it being necessary to have them declared executory.

The High Contracting Parties further undertake that their Tribunals and authorities shall directly assist the fixed Arbitral Tribunals in every way that is in their power, particularly as regards the transmission of notices and the collection of evidence.

### **ARTICLE 95.**

The Mixed Arbitral Tribunals shall be guided by justice, equity and good faith.

Each Tribunal will determine the language to be used before it, and shall order such translations to be made as are necessary to ensure that the proceedings are completely understood; it will lay down rules and time limits for the procedure to be observed. These rules must be based on the following principles:

(1) The procedure shall include the presentation of a memorial and a counter-memorial respectively, with the option of presenting a reply and a rejoinder. If either of the parties asks for leave to present an oral argument he will be permitted to do so; in such case the other party will have the same right.

(2) The Tribunal shall have full power to order enquiries, the production of documents, and expert examinations, to make a view, to demand any information, to hear any witnesses and to ask the parties or their representatives for any verbal or written explanations.

(3) Subject to any contrary provision in the present Treaty, no claim shall be admitted after the expiry of a period of six months from the establishment of the Tribunal, except upon express authority contained in a decision of the said Tribunal and justified as an exceptional measure by considerations relating to distance or *force majeure*.

(4) It shall be the duty of the Tribunal to hold as many sittings each week as may be needed for the prompt despatch of its business, except during vacations, which shall not exceed a total of eight weeks a year.

(5) Judgment must always be given within at most two months from the end of the hearing, after which the Tribunal will at once proceed to consider its judgment.

(6) Oral arguments, if any, shall be heard in public, and in all cases judgment shall be delivered in public.

(7) Each Mixed Arbitral Tribunal shall be entitled to hold sittings elsewhere than in the place where its seat is established, if it considers it advantageous for the despatch of business.

#### **ARTICLE 96.**

The Governments concerned shall appoint by agreement a Secretary-General for each Tribunal, and shall each attach to him one or more Secretaries. The Secretary-General and the Secretaries shall be under the orders of the Tribunal, which with the consent of the Governments concerned shall be entitled to engage any persons whose assistance it may need.

The Secretariat of each Tribunal shall have its offices at Constantinople. The Governments concerned shall have power to establish additional offices in such other places as may be convenient.

Each Tribunal shall keep in its Secretariat the records, papers and documents relating to the cases submitted to it, and upon the completion of its duties it shall deposit them in the archives of the Government of the country where its seat is established. These archives shall always be accessible to the Governments concerned.

#### **ARTICLE 97.**

Each Government shall pay the emoluments of the member of the Mixed Arbitral Tribunal whom it appoints, as well as those of any agent or secretary appointed by it.

The emoluments of the President and those of the Secretary-General shall be fixed by agreement between the Governments concerned, and these emoluments and the general expenses of the Tribunal shall be paid in equal shares by the two Governments.

#### **ARTICLE 98.**

The present section shall not apply to cases between Japan and Turkey, which, according to the terms of the present Treaty, would fall within the competence of the Mixed Arbitral Tribunal. Such cases shall be settled by agreement between the two Govern- ments.

**SECTION VI.  
TREATIES.  
ARTICLE 99.**

From the coming into force of the present Treaty and subject to the provisions thereof, the multilateral treaties, conventions and agreements of an economic or technical character enumerated below shall enter again into force between Turkey and those of the other Contracting Powers party thereto:

(1) Conventions of March 14, 1884, of December 1, 1886, and of March 23, 1887, and Final Protocol of July 7, 1887, regarding the protection of submarine cables;

(2) Convention of July 5, 1890, regarding the publication of customs tariffs and the organisation of an International Union for the publication of customs tariffs;

(3) Arrangement of December 9, 1907, regarding the creation of the International Office of Public Hygiene at Paris;

(4) Convention of June 7, 1905, regarding the creation of an International Agricultural Institute at Rome;

(5) Convention of July 16, 1863, for the redemption of the toll dues on the Scheldt;

(6) Convention of October 29, 1888, regarding the establishment of a definite arrangement guaranteeing the free use of the Suez Canal, subject to the special stipulations provided for by Article 19 of the present Treaty;

(7) Conventions and Agreements of the Universal Postal Union, including the Conventions and Agreements signed at Madrid on November 30, 1920;

(8) International Telegraphic Conventions signed at St. Petersburg on July 10-22, 1875; Regulations and Tariffs drawn up by the International Telegraph Conference, Lisbon, June 11, 1908.

**ARTICLE 100.**

Turkey undertakes to adhere to the Conventions or Agreements enumerated below, or to ratify them:

(1) Convention of October 11, 1909, regarding the inter-national circulation of motor cars;

(2) Agreement of May 15, 1886, regarding the sealing of railway trucks subject to customs inspection and Protocol of May 18, 1907;

(3) Convention of September 23, 1910, respecting the unification of certain regulations regarding collisions and salvage at sea;

(4) Convention of December 21, 1904, regarding exemption of hospital ships from dues and charges in ports;

(5) Conventions of May 18, 1904, of May 4, 1910, and of September 30, 1921, regarding the suppression of the White Slave Traffic;

(6) Conventions of May 4, 1910, regarding the suppression of obscene publications;

(7) Sanitary Convention of January 17, 1912, Articles 54, 88 and 90 being reserved;

(8) Conventions of November 3, 1881, and April 15, 1889, regarding precautionary measures against phylloxera;

(9) Opium Convention, signed at The Hague, January 23, 1912, and additional Protocol of 1914;

(10) International Radio-Telegraphic Convention of July 5, 1912;

(11) Convention regarding liquor traffic in Africa, signed at St. Germain-en-Laye, September 10, 1919;

(12) Convention revising the General Act of Berlin of February 26, 1885, and the General Act and Declaration of Brussels of July 2, 1890, signed at St. Germain-en-Laye, September 10, 1919;

(13) Convention of October 13, 1919, regulating aerial navigation, provided that Turkey obtains, under the Protocol of May 1, 1920, such derogations as her geographical situation may render necessary;

(14) Convention of September 26, 1906, signed at Berne, prohibiting the use of white phosphorus in the manufacture of matches.

Turkey further undertakes to take part in the elaboration of new international conventions relating to telegraphy and radio-telegraphy.

## **COMMUNICATIONS AND SANITARY QUESTIONS.**

### **SECTION 1.**

#### **COMMUNICATIONS.**

##### **ARTICLE 101.**

Turkey undertakes to adhere to the Convention and to the Statute respecting the Freedom of Transit adopted by the Conference of Barcelona on the 14th April, 1921, as well as to the Convention and the Statute respecting the regime for waterways of international interest adopted by the said Conference on the 19th April, 1921, and to the supplementary Protocol.

Turkey accordingly undertakes to bring into force the provisions of these Conventions, Statutes and Protocol as from the entry into force of the present Treaty.

##### **ARTICLE 102.**

Turkey undertakes to adhere to the Declaration of Barcelona. dated the 20th April, 1921, "recognising the rights of the flag of States not possessing a sea-board."

### **ARTICLE 103.**

Turkey undertakes to adhere to the recommendations of the Conference of Barcelona, dated the 20th April, 1921, respecting ports placed under an international regime. Turkey will subsequently make known those ports which will be placed under that regime.

### **ARTICLE 104.**

Turkey undertakes to adhere to the recommendations of the Conference of Barcelona, dated the 20th April, 1921, respecting international railways. These recommendations will be brought into force by the Turkish Government on the coming into force of the present Treaty and subject to reciprocity.

### **ARTICLE 105.**

On the coming into force of the present Treaty, Turkey agrees to subscribe to the Conventions and arrangements signed at Berne on October 14, 1890, September 20, 1893, July 16, 1895, June 16, 1898, and September 19, 1906, regarding the transportation of goods by rail.

### **ARTICLE 106.**

When, as a result of the fixing of new frontiers, a railway connection between two parts of the same country crosses another country, or a branch line from one country has its terminus in another, the conditions of working, in so far as concerns the traffic between the two countries, shall, subject to any special arrangements, be laid down in an agreement to be concluded between the railway administrations concerned. If these administrations cannot come to an agreement as to the terms of such agreement, those conditions shall be decided by arbitration.

The establishment of all new frontier stations between Turkey and the neighbouring States, as well as the working of the lines between those stations, shall be settled by agreements similarly concluded .

### **ARTICLE 107**

Travellers and goods coming from or destined for Turkey or Greece, and making use in transit of the three sections of the Oriental Railways included between the Grseco-Bulgarian frontier and the Grseco-Turkish frontier near Kuleli-Burgas, shall not be subject, on account of such transit, to any duty or toll nor to any formality of examination in connection with passports or customs.

A Commissioner, who shall be selected by the Council of the League of Nations, shall ensure that the stipulations of this Article are carried out.

The Greek and Turkish Governments shall each have the right to appoint a representative to be attached to this Commissioner; this representative shall have the duty of drawing the attention of the Commissioner to any question relating to the execution of the above-mentioned stipulations, and shall enjoy all the necessary facilities to enable him to accomplish his task. These representatives shall reach an agreement with the Commissioner as to the number and nature of the subordinate staff which they will require.

It shall be the duty of the said Commissioner to submit, for the decision of the Council of the League of Nations, any question relating to the execution of the said stipulations which he may not have been able to settle. The Greek and Turkish Governments undertake to carry out any decision given by the majority vote of the said Council.

The salary of the said Commissioner, as well as the expenses of his work, shall be borne in equal parts by the Greek and Turkish Governments.

In the event of Turkey constructing later a railway line joining Adrianople to the line between Kuleli-Burgas and Constantinople, the stipulations of this Article shall lapse in so far as concerns transit between the points on the Graeco-Turkish frontier lying near Kuleli-Burgas and Bosna-Keuy respectively.

Each of the two interested Powers shall have the right, after five years from the coming into force of the present Treaty, to apply to the Council of the League of Nations with a view to deciding whether it is necessary that the control mentioned in paragraphs 2 to 5 of the present Article should be maintained. Nevertheless, it remains understood that the stipulations of paragraph I shall remain in force for transit over the two sections of the Oriental Railways between the Graeco-Bulgarian frontier and Bosna-Keuy.

#### **ARTICLE 108.**

Subject to any special provisions concerning the transfer of ports and railways, whether owned by the Turkish Government or private companies, situated in the territories detached from Turkey under the present Treaty, and similarly subject to any agreements which have been, or may be, concluded between the Contracting Powers relating to the concessionnaires and the pensioning of the personnel, the transfer of railways will take place under the following conditions:

(1) The works and installations of all the railroads shall be left complete and in as good condition as possible;

(2) When a railway system possessing its own rolling-stock is situated in its entirety in transferred territory, such stock shall be left complete with the railway, in accordance with the last inventory before the 30th October, 1918;

(3) As regards lines, the administration of which will in virtue of the present Treaty be divided, the distribution of the rolling-stock shall be made by friendly agreement between the administrations taking over the several sections thereof. This agreement shall have regard to the amount of the material registered on those lines in the last inventory before the 30th October, 1918, the length of the track (sidings included) and the nature and amount of the traffic. Failing agreement, the points in dispute shall be settled by arbitration. The arbitral decision shall also, if necessary, specify the locomotives, carriages and wagons to be left on each section, the conditions of their acceptance and such provisional arrangements as may be judged necessary to ensure for a limited period the current maintenance in existing workshops of the transferred stock;

(4) Stocks of stores, fittings and plant shall be left under the same conditions as the rolling-stock.

#### **ARTICLE 109.**

In default of any provisions to the contrary, when as the result of the fixing of a new frontier the hydraulic system (canalisation, inundation, irrigation, drainage or similar matters) in a State is dependent on works executed within the territory of another State, or when use is made on the territory of a State, in virtue of pre-war usage, of water or hydraulic power, the source of which is on the territory of another State, an agreement shall be made between the States concerned to safeguard the interests and rights acquired by each of them.

Failing an agreement, the matter shall be regulated by arbitration.

#### **ARTICLE 110.**

Roumania and Turkey will come to an agreement as to an equitable arrangement for the working conditions of the Constanza-Constantinople cable. Failing agreement, the matter shall be settled by arbitration.

#### **ARTICLE 111.**

Turkey renounces on her own behalf and on behalf of her nationals all rights, titles or privileges of whatsoever nature over the whole or part of such cables as no longer land on her territory.

If the cables or portions thereof transferred under the preceding paragraph are privately owned, the Governments to which this property is transferred will have to indemnify the owners. Failing agreement respecting the amount of indemnity, this amount will be fixed by arbitration.

#### **ARTICLE 112.**

Turkey will retain the rights of property which she may already possess over those cables of which at least one end remains in Turkish territory.

The exercise of the landing rights of the said cables in non-Turkish territory and their working conditions shall be settled in a friendly manner by the States concerned. Failing agreement, the dispute will be settled by arbitration.

#### **ARTICLE 113.**

Each of the High Contracting Parties hereby accepts, in so far as it is concerned, the abolition of foreign post offices in Turkey.

#### **SECTION II.**

#### **SANITARY QUESTIONS.**

#### **ARTICLE 114.**

The Superior Council of Health of Constantinople is abolished. The Turkish Administration is entrusted with the sanitary organisation of the coasts and frontiers of Turkey.

#### **ARTICLE 115.**

A single sanitary tariff, the dues and conditions of which shall be fair, shall be applied to all ships without distinction between the Turkish flag and foreign flags, and to nationals of foreign Powers under the same conditions as to nationals of Turkey.

**ARTICLE 116.**

Turkey undertakes to respect entirely the right of the sanitary employees whose services have been terminated to compensation to be appropriated out of the funds of the former Superior Council of Health of Constantinople, and all other rights acquired by employees or former employees of the Council, or their representatives. All questions relating to such rights, to the employment of the reserve funds of the former Superior Council of Health of Constantinople, or to the final liquidation of the former sanitary administration, as well as all other similar or cognate questions, shall be regulated by a Commission ad hoc which shall be composed of a representative of each of the Powers represented on the Superior Council of Health of Constantinople except Germany, Austria and Hungary. In the event of disagreement between the members of the said Commission on a question relating to the above-mentioned liquidation, or the employment of the funds remaining after the liquidation, every Power represented on the Commission shall have the right to bring the matter to the notice of the Council of the League of Nations, whose decision shall be final.

**ARTICLE 117.**

Turkey and those Powers which are interested in the supervision of the pilgrimages to Jerusalem and to the Hedjaz and the Hedjaz railway shall take such measures as are appropriate in accordance with the provisions of international sanitary conventions. With a view to ensuring complete uniformity in the execution of these measures, these Powers and Turkey shall constitute a Sanitary Coordination Commission for pilgrimages, on which the sanitary service of Turkey and the Maritime Sanitary and Quarantine Council of Egypt shall be represented.

This Commission must obtain the previous consent of the State on whose territory it holds its meeting.

**ARTICLE 118.**

Reports on the work of the Pilgrimage Coordination Commission shall be addressed to the Health Committee of the League of Nations and to the International Office of Public Health, and also to the Government of each country which is interested in pilgrimages and makes a request therefor. The Commission will give its opinion on every question put to it by the League of Nations, by the International Office of Public Health, or by the interested Governments.

**PART V.**

**MISCELLANEOUS PROVISIONS.**

**SECTION I.**

**PRISONERS OF WAR.**

**ARTICLE 119.**

The High Contracting Parties agree to repatriate at once the prisoners of war and interned civilians who are still in their hands.

The exchange of prisoners of war and interned civilians detained by Greece and Turkey respectively forms the subject of a separate agreement between those Powers signed at Lausanne on the 30th January, 1923.

**ARTICLE 120.**

Prisoners of war and interned civilians awaiting disposal or undergoing sentence for offences against discipline shall be repatriated irrespective of the completion of their sentence or of the proceedings pending against them.

Prisoners of war and interned civilians who are awaiting trial or undergoing sentence for offences other than those against discipline may be detained.

**ARTICLE 121.**

The High Contracting Parties agree to give every facility in their respective territories for the search for the missing and the identification of prisoners of war and interned civilians who have expressed their desire not to be repatriated.

**ARTICLE 122.**

The High Contracting Parties undertake to restore on the coming into force of the present Treaty all articles, money, securities, documents and personal effects of every description which have belonged to prisoners of war or interned civilians and which have been retained.

**ARTICLE 123.**

The High Contracting Parties waive reciprocally all repayments of sums due for the maintenance of prisoners of war captured by their armies.

**SECTION II.**

**GRAVES.**

**ARTICLE 124.**

Without prejudice to the special provisions of Article 126 of the present Treaty, the High Contracting Parties will cause to be respected and maintained within the territories under their authority the cemeteries, graves, ossuaries and memorials of soldiers and sailors who fell in action or died from wounds accident or disease since the 29th October, 1914, as well as of prisoners of war and interned civilians who died in captivity after that date.

The High Contracting Parties will agree to accord in their respective territories all necessary facilities to such Commissions as each Contracting Power may appoint for the purpose of the identification, registration and maintenance of the said cemeteries, ossuaries and graves, and the erection of memorials on their sites. Such Commissions shall not have any military character.

The High Contracting Parties reciprocally undertake, subject to the provisions of their national laws and the requirements of public health, to furnish each other every facility for giving effect to requests that the bodies of such soldiers and sailors may be transferred to their own country.

## **ARTICLE 125.**

The High Contracting Parties further undertake to furnish each other:

(1) A complete list of prisoners of war and interned civilians who have died in captivity, together with all information tending towards their identification.

(2) All information as to the number and position of the graves of all those who have been buried without identification.

## **ARTICLE 126.**

The maintenance of the graves, cemeteries, ossuaries and memorials of Turkish soldiers, sailors and prisoners of war who may have died on Roumanian territory since the 27th August 1916, as well as all other obligations under Articles 124 and 125 regarding interned civilians, shall form the object of a special arrangement between the Roumanian and the Turkish Governments.

## **ARTICLE 127.**

In order to complete the general provisions included in Articles 124 and 125, the Governments of the British Empire, France and Italy on the one hand and the Turkish and Greek Governments on the other agree to the special provisions contained in Articles 128 to 136.

## **ARTICLE 128.**

The Turkish Government undertakes to grant to the Governments of the British Empire, France and Italy respectively and in perpetuity the land within the Turkish territory in which are situated the graves, cemeteries, ossuaries or memorials of their soldiers and sailors who fell in action or died of wounds, accident or disease, as well as those of prisoners of war and interned civilians who died in captivity.

The Turkish Government will also grant to those Governments the land which the Commissions provided for in Article 130 shall consider necessary for the establishment of cemeteries for the regrouping of graves, for ossuaries or memorials.

The Turkish Government undertakes further to give free access to these graves, cemeteries, ossuaries and memorials, and if need be to authorise the construction of the necessary roads and pathways.

The Greek Government undertakes to fulfil the same obligations in so far as concerns its territory.

The above provisions shall not affect Turkish or Greek sovereignty over the land thus granted.

## **ARTICLE 129.**

The land to be granted by the Turkish Government will include in particular, as regards the British Empire, the area in the region known as Anzac (Ari Burnu), which is shown on Map

No. 3. [See Introduction.] The occupation of the above-mentioned area shall be subject to the following conditions:

(1) This area shall not be applied to any purpose other than that laid down in the present Treaty; consequently it shall not be utilised for any military or commercial object nor for any other object foreign to the purpose mentioned above;

(2) The Turkish Government shall, at all times, have the right to cause this area, including the cemeteries, to be inspected;

(3) The number of civil custodians appointed to look after the cemeteries shall not exceed one custodian to each cemetery. There shall not be any special custodians for the parts of the area lying outside the cemeteries;

(4) No dwelling houses may be erected in the area, either inside or outside the cemeteries, except such as are strictly necessary for the custodians;

(5) On the sea shore of the area no quay, jetty or wharfs may be built to facilitate the landing or embarkation of persons or goods;

(6) Such formalities as may be required may only be fulfilled on the coast inside the Straits and access to the area by the coast on the Aegean Sea shall only be permitted after these formalities have been fulfilled. The Turkish Government agrees that these formalities, which shall be as simple as possible, shall not be, without prejudice to the other stipulations of this Article, more onerous than those imposed on other foreigners entering Turkey, and that they should be fulfilled under conditions tending to avoid all unnecessary delay;

(7) Persons who desire to visit the area must not be armed, and the Turkish Government have the right to see to the enforcement of this strict prohibition;

(8) The Turkish Government must be informed at least a week in advance of the arrival of any party of visitors exceeding 150 persons.

#### **ARTICLE 130.**

Each of the British, French and Italian Governments shall appoint a commission, on which the Turkish and Greek Governments will appoint a representative, to which will be entrusted the duty of regulating on the spot questions affecting the graves, cemeteries, ossuaries and memorials. The duties of these commissions shall extend particularly to:

(1) the official recognition of the zones where burials have or may have already taken place and the registration of cemeteries, ossuaries, or memorials already existing;

(2) fixing the conditions in which, if necessary, graves may in future be concentrated, and deciding, in conjunction with the Turkish representative in Turkish territory and the Greek representative in Greek territory, the sites of the cemeteries, ossuaries and memorials still to be established, and defining the boundaries of these sites in such a way as shall restrict the land to be occupied within the limits indispensable for the purpose;

(3) communicating to the Turkish and Greek Governments in the name of the respective Governments a final plan of their graves, cemeteries, ossuaries and memorials, whether already established or to be established.

#### **ARTICLE 131.**

The Government in whose favour the grant is made undertakes not to employ the land nor to allow it to be employed for any purpose other than that to which it is dedicated. If this land is situated on the coast, the shore may not be employed by the concessionary Government for any military, marine or commercial purpose of whatever nature. The sites of graves and cemeteries which may no longer be used for that purpose and which are not used for the erection of memorials shall be returned to the Turkish or Greek Government.

#### **ARTICLE 132.**

Any necessary legislative or administrative measures for the grant to the British, French and Italian Governments respectively of full, exclusive and perpetual use of the land referred to in Articles 128 to 130 shall be taken by the Turkish Government and Greek Government respectively within six months of the date of the notification to be made in accordance with paragraph 3 of Article 130. If any compulsory acquisition of the land is necessary, it will be effected by and at the cost of the Turkish Government or the Greek Government, as the case may be.

#### **ARTICLE 133.**

The British, French and Italian Governments may respectively entrust to such organisations as each of them may deem fit the establishment, arrangement and maintenance of the graves, cemeteries, ossuaries and memorials of their nationals. These organisations shall have no military character. They alone shall have the right to undertake the exhumation or removal of bodies necessary for the concentration of graves and establishment of cemeteries and ossuaries, as well as the exhumation and removal of such bodies as the Governments to whom the grant of land is made shall deem it necessary to transfer to their own country.

#### **ARTICLE 134.**

The British, French and Italian Governments shall have the right to entrust the maintenance of their graves, cemeteries, ossuaries and memorials in Turkey to custodians appointed from among their own nationals. These custodians shall be recognised by the Turkish authorities and shall receive from them every assistance necessary for the safeguard and protection of these graves, cemeteries, ossuaries and memorials. The custodians shall have no military character, but may be armed for their personal defence with a revolver or automatic pistol.

#### **ARTICLE 135.**

The land referred to in Articles 128 to 131 shall not be subjected by Turkey or the Turkish authorities, or by Greece or the Greek authorities, as the case may be, to any form of rent or taxation. Representatives of the British, French or Italian Governments as well as persons desirous of visiting the graves, cemeteries, ossuaries and memorials, shall at all times have free access thereto. The Turkish Government and the Greek Government respectively undertake to maintain in perpetuity the roads leading to the said land.

The Turkish Government and the Greek Government respectively undertake to afford to the British, French and Italian Governments all necessary facilities for obtaining a sufficient water supply for the requirements of the staff engaged in the maintenance or protection of the said graves, cemeteries, ossuaries and memorials, and for the irrigation of the land.

#### **ARTICLE 136.**

The British, French and Italian Governments undertake to accord to the Turkish Government the benefits of the provisions contained in Articles 128 and 130 to 135 of the present Treaty for the establishment of graves, cemeteries, ossuaries and memorials of Turkish soldiers and sailors existing on the territories under their authority, including the territories detached from Turkey.

#### **SECTION III.**

#### **GENERAL PROVISIONS.**

#### **ARTICLE 137.**

Subject to any agreements concluded between the High Contracting Parties, the decisions taken and orders issued since the 30th October, 1918, until the coming into force of the present Treaty, by or in agreement with the authorities of the Powers who have occupied Constantinople, and concerning the property, rights and interests of their nationals, of foreigners or of Turkish nationals, and the relations of such persons with the authorities of Turkey, shall be regarded as definitive and shall give rise to no claims against the Powers or their authority.

All other claims arising from injury suffered in consequence of any such decisions or orders shall be submitted to the Mixed Arbitral Tribunal.

#### **ARTICLE 138.**

In judicial matters, the decisions given and orders issued in Turkey from the 30th October, 1918, until the coming into force of the present Treaty by all judges, courts or authorities of the Powers who have occupied Constantinople, or by the Provisional Mixed Judicial Commission established on the 8th December, 1921, as well as the measures taken in execution of such decisions or orders, shall be regarded as definitive, without prejudice, however, to the terms of paragraphs IV and VI of the Amnesty Declaration dated this day.

Nevertheless, in the event of a claim being presented by a private person in respect of damage suffered by him in consequence of a judicial decision in favour of another private person given in a civil matter by a military or police court, this claim shall be brought before the Mixed Arbitral Tribunal, which may in a proper case, order the payment of compensation or even restitution of the property in question.

#### **ARTICLE 139.**

Archives, registers, plans, title-deeds and other documents of every kind relating to the civil, judicial or financial administration, or the administration of Wakfs, which are at present in Turkey and are only of interest to the Government of a territory detached from the Ottoman Empire, and reciprocally those in a territory detached from the Ottoman Empire which are only of interest to the Turkish Government, shall reciprocally be restored.

Archives, registers, plans, title-deeds and other documents mentioned above which are considered by the Government in whose possession they are as being also of interest to itself, may be retained by that Government, subject to its furnishing on request photographs or certified copies to the Government concerned.

Archives, registers, plans, title-deeds and other documents which have been taken away either from Turkey or from detached territories shall reciprocally be restored in original, in so far as they concern exclusively the territories from which they have been taken.

The expense entailed by these operations shall be paid by the Government applying therefor.

The above stipulations apply in the same manner to the registers relating to real estates or Wakfs in the districts of the former Ottoman Empire transferred to Greece after 1912.

#### **ARTICLE 140.**

Prizes made during the war between Turkey and the other Contracting Powers prior to the 30th October, 1918, shall give rise to no claim on either side. The same shall apply to seizures effected after that date, for violation of the armistice, by the Powers who have occupied Constantinople.

It is understood that no claim shall be made, either by the Governments of the Powers who have occupied Constantinople or their nationals, or by the Turkish Government or its nationals, respecting small craft of all kinds, vessels of light tonnage, yachts and lighters which any of the said Governments may, between the 29th October, 1914, until the 1st January, 1923, have disposed of in their own harbours or in harbours occupied by them. Nevertheless, this stipulation does not prejudice the terms of paragraph VI of the Amnesty Declaration dated this day, nor the claims which private persons may be able to establish against other private persons in virtue of rights held before the 29th October, 1914.

Vessels under the Turkish flag seized by the Greek forces after the 30th October, 1918, shall be restored to Turkey.

#### **ARTICLE 141 .**

In accordance with Article 25 of the present Treaty, Articles 155, 250 and 440 and Annex III, Part VIII (Reparation) of the Treaty of Peace of Versailles, dated the 28th June, 1919, the Turkish Government and its nationals are released from any liability to the German Government or to its nationals in respect of German vessels which were the object during the war of a transfer by the German Government or its nationals to the Ottoman Government or its nationals without the consent of the Allied Governments, and at present in the possession of the latter.

The same shall apply, if necessary, in the relations between Turkey and the other Powers which fought on her side.

#### **ARTICLE 142.**

The separate Convention concluded on the 30th January, 1923, between Greece and Turkey, relating to the exchange of the Greek and Turkish populations, will have as between these two High Contracting Parties the same force and effect as if it formed part of the present Treaty.

#### **ARTICLE 143.**

The present Treaty shall be ratified as soon as possible.

The ratifications shall be deposited at Paris.

The Japanese Government will be entitled merely to inform the Government of the French Republic through their diplomatic representative at Paris when their ratification has been given; in that case, they must transmit the instrument of ratification as soon as possible.

Each of the Signatory Powers will ratify by one single instrument the present Treaty and the other instruments signed by it and mentioned in the Final Act of the Conference of Lausanne, in so far as these require ratification.

A first *procès-verbal* of the deposit of ratifications shall be drawn up as soon as Turkey, on the one hand, and the British Empire, France, Italy and Japan, or any three of them, on the other hand, have deposited the instruments of their ratifications.

From the date of this first *procès-verbal* the Treaty will come into force between the High Contracting Parties who have thus ratified it, Thereafter it will come into force for the other Powers at the date of the deposit of their ratifications.

As between Greece and Turkey, however, the provisions of Articles 1, 2 (2) and 5-11 inclusive will come into force as soon as the Greek and Turkish Governments have deposited the instruments of their ratifications, even if at that time the *procès-verbal* referred to above has not yet been drawn up.

The French Government will transmit to all the Signatory Powers a certified copy of the *procès-verbaux* of the deposit of ratifications.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty.

Done at Lausanne, the 24th July, 1923, in a single copy, which will be deposited in the archives of the Government of the French Republic, which will transmit a certified copy to each of the Contracting Powers.

(L.S.) HORACE RUMBOLD.

(L.S.) PELLÉ.

(L.S.) GARRONI.

(L.S.) G. C. MONTAGNA.

(L.S.) K. OTCHIAI.

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

(L.S.) D. CACLAMANOS.

(L.S.) CONST. DIAMANDY.

(L.S.) CONST. CONTZESCO.

( ) -----

(L.S.) M. ISMET.

(L.S.) DR. RIZA NOUR.

(L.S.) HASSAN.

Source: Hellenic Resources Network

<http://www.hri.org>