

C.834.1924.

LEAGUE OF NATIONS.

Rome, Décembre 13th, 1924.

EXCHANGE OF GREEK AND TURKISH POPULATIONS.

(Greek Population in Constantinople)

Request for an Advisory Opinion from the Permanent  
Court of International Justice.  
-----

The President of the Mixed Commission for the Exchange of Greek and Turkish Populations has informed us in a telegram dated November 19th that, in accordance with the suggestion contained in the Report which I had the honour to submit to the Council on October 31st last at its Brussels session, the Commission has decided to appeal to the good offices of the Council, requesting it to obtain from the Permanent Court of International Justice an advisory opinion on the dispute regarding the application of Article 2 of the Convention concerning the Exchange of Greek and Turkish populations.

This telegram announced the despatch of the documents relating to the case, which have just reached us.

My colleagues are aware that the question at issue is to determine which persons should be excluded from the compulsory exchange, in virtue of the following provisions of Article 2 of the Convention:

"The following persons shall not be included in the exchange provided for in Article 1;—

(a) The Greek inhabitants of Constantinople.

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

The point that gave rise to the dispute, which prevented the Commission from reaching a decision, was the question of what interpretation should be given to the word "established" contained in the text I have just quoted. The Minutes of the Mixed Commission and of its Legal Section, which are included in the documents communicated to us, and the memoranda submitted respectively by the Greek, Turkish and neutral members of the Commission, explain the attitude which each party has taken up in this discussion.

A consultation of the International Court on the question at issue would be entirely in keeping with the spirit of the observations I made at our last session and of which the Council approved. I am convinced, therefore, that the Council will accede to the request, which is submitted to it by an organisation on which the Greek and Turkish Governments are both represented, and will avail itself of the right conferred upon it by Article 14 of the Covenant.

The Greek and the Turkish Governments are both represented at the Council table, and his excellency Fethy Bey has informed us in a telegram dated December 2nd, that he has no objection to the request of the Commission. I would propose therefore that the Council should adopt the following resolution:-

DRAFT RESOLUTION.

The Council of the League of Nations, having been asked by the Mixed Commission for the Exchange of Greek and Turkish Populations to obtain from the Permanent Court of International

/Justice

Justice an advisory opinion on the dispute regarding the interpretation of Article 2 of the Convention on the Exchange of Greek and Turkish Populations, signed at Lausanne on January 30th, 1923, has decided to ask the Permanent Court of International Justice to give an advisory opinion on the following question:

What meaning and scope should be attributed to the word "established" in Article 2 of the Convention of Lausanne of January 30th, 1923, regarding the exchange of Greek and Turkish populations, in regard to which discussions have arisen and arguments have been put forward, which are contained in the documents communicated by the Mixed Commission? And what conditions should the persons who are described in Article 2 of the Convention of Lausanne under the name of "Greek inhabitants of Constantinople" fulfil in order that they may be considered as "established" and exempt from compulsory exchange?

The Council invites the Mixed Commission and the two Governments represented thereon to be prepared to furnish the Court with any documents or explanations it may require. The Council has the honour to forward to the Court the documents which have been communicated to it, with the option of subsequently adding further documents, if considered necessary.

The Secretary-General is authorised to submit this application to the Court, together with all the documents relative to the question, to explain to the Court the action the Council has taken in the matter, to give all the necessary assistance for the examination of the case, and, if necessary to take steps to be represented before the Court.