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Minorities in Turkey

SEE SC... WITHIN

Date.

Notes on the application of Art 42 of the Treaty of Lausanne providing for the protection of Non-Moslems in Turkey.

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 (En premier lieu).

DATE

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 (En second lieu).

DATE

Réponses, & c. (Out Letter Book):—

<del>M.</del> H. Manboux	30. 8
Mr Walters	31. 8
Mr Colban	2. 9.
<del>M.</del> Minorities Sect	4. 9.
Mr Walters	7. 9
	8. 9.
Mr O. Holouf.	14. 9.
Mr. O. Holouf.	19. 9. 28

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Document } No. **51435**  
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M. Colban

La communication à laquelle  
se réfère l'auteur de cet  
article ne se trouve pas  
dans le bulletin de la Fide-  
lité consacré à la session  
de Salzbourg.

D'autre part, rien de ce  
genre n'est arrivé le 6. 17. 26  
à Sir W. Dickinson (donn.  
41/53561 x/807) ne semble  
avoir pu autoriser celui-ci  
à faire état d'une approba-  
tion de votre part à l'endroit  
de la résolution de Aber-  
ystwyth.

Haller

Leeds. E.C. 5. 4. 27.  
574/17



The Contemporary Review  
London, Jan 1927

## THE GREEK MINORITY IN CONSTANTINOPLE.

THE question of the Greek Minority in Constantinople has recently attracted the attention of the International Federation of League of Nations Associations both at the Aberystwyth Plenary Congress (in July) and at the Salzburg meeting of the Council (in October) where Sir Willoughby Dickinson read an exhaustive report on the subject. The interest of the Federation and of the public at large is easy to understand. Constantinople is the See of the Patriarchate, the supreme spiritual authority of the Orthodox Church, to the fortunes of which no Christian, and certainly no Protestant, can remain indifferent. Moreover, in connection with the efforts of Turkey to compel the minorities to renounce their rights, a question has arisen which concerns almost all the nations of Continental Europe. Can a minority renounce the rights conferred upon it by the Treaties? Finally, and above all, the pressure on minorities assumes in Constantinople a particularly grave and cruel form; for whereas elsewhere the method pursued is confined to a policy of *assimilation*, here it is one of *extermination*.

I would like to summarise these three aspects of the question.

### I.

Thanks to a large extent to the efforts of Great Britain, the Patriarchate, though deprived of its privileges dating back to the time of Mahomet the Conqueror, has been saved as a religious institution. By applying in this case a principle which is characteristic of their policy the Turks have not openly violated the clauses relating to the Patriarchate, but have made such arrangements as to render life extremely difficult for the supreme Head of the Orthodox Church and to lessen his prestige. It would be superfluous to remind the English public, which was vividly affected at the time, how at the beginning of 1925 His Holiness Constantine V, though elected in strict accordance with Canon Law, saw the validity of his election contested, and was even expelled from Constantinople.

The Christian resignation of this prelate, who preferred to abdicate rather than to provoke an international conflict, was misinterpreted by Moslems as a capitulation. An ex-priest of the name of Papa Efthyme, at the head of a small gang of roughs, invaded the Patriarchate and committed several acts of violence. He then forcibly occupied churches, and has since missed no opportunity of creating "incidents." The Turkish authorities have repudiated all connection with these acts, but their share therein is evident from the fact that they have not repressed them, and that they



find it more than ever difficult to convince anyone that his particular brand of "external association" with the British Commonwealth has anything to recommend it as against the frank acceptance of Dominion status; for Mr. de Valera has long ceased to count as a serious force in Irish public affairs. Far more important is it that the success of the Conference, following upon the stand of Free State delegates at Geneva on behalf of the smaller peoples of Europe, has at last brought Irishmen to realise that their country has now a recognised and a proud place among the nations.

It is, I am inclined to think, just because that place is at last recognised that we feel we can afford, as never before, to tell some of the less pleasant truths about ourselves. This, at any rate, would seem to be the feeling of our younger writers. Mr. Joyce, Mr. O'Casey and Mr. Liam O'Flaherty continue to depict for us the life of our underworld with an undisguised brutality that makes the grim humour of Synge appear urbane and even flattering. Yet *The Plough and the Stars*, with its curious sidelights on the Rising of 1916, has probably angered fewer people than did, only a few years ago, *The Playboy of the Western World*. Some noisy protests there have been, indeed, against the later play as against the earlier; but the courage of the Abbey Theatre directors has never failed. Just a year ago the Irish National Theatre celebrated its twenty-first birthday amid tributes of goodwill from men and women of the most diverse political creeds, having shortly before secured what even the name of Shakespeare cannot obtain for British drama, State recognition and support.

If to this success Lady Gregory and Mr. W. B. Yeats could add another, for which also they have laboured, the restoration to Ireland of the Lane pictures now in London, a small but not unimportant satisfaction would be given to Irish national sentiment. About Hugh Lane's intentions there is really no doubt whatever; and there is (I am told) reason to believe that these pictures, with those still in the Harcourt Street Gallery, would now be housed in a manner consonant with the testator's expressed wish and so as to add to the shorn glories of Dublin architecture. How far we are entitled to the reflected glory of our illustrious exiles is always a nice question; but we cannot but feel proud that Mr. Shaw should now have succeeded Mr. Yeats as a recipient of the Nobel prize for Literature.

All things considered, retrospect over the past twelve months gives good hope for the future. And if, for the moment, politics has a smaller share in our thoughts—well, perhaps in the past the share was abnormally large, though, indeed, much of our former activity was concerned ultimately with economics. We are much what we always were. But now we have something better to do than bite thumbs at our neighbours.

HUGH A. LAW.



have given Papa Efthyme a house and a flat taken from confiscated Greek property.

Apart from this, other so-called legal measures are being multiplied. Thus, the Head of the Church is summoned to appear before the Court on a Sunday. Further, the Patriarch and the Holy Synod are at present being prosecuted for having held a meeting at the Seminary on the Island of Halki, whereas, according to the Turks, they had no right to hold meetings outside Constantinople. In order to appreciate what this charge is worth, it must be remembered that the Princes' Islands are part of Constantinople as much as Wimbledon or Hampstead are part of London. The pretext therefore is both ridiculous and impudent. But it is equally obvious that being dragged on every opportunity before the Courts does not enhance the prestige of the Patriarch and the Holy Synod. Those however who expect that as a result of these humiliations the Orthodox Church will one day decide to transfer its Seat elsewhere, can be little conversant with its history.

## II.

The Turks have been able to bring about the renunciation by the Armenian and Jewish Minorities of the privileges conferred upon them by the Lausanne Treaty, on the pretext that the privileges relating to personal law had no purpose after the adoption by Turkey of the Swiss Civil Code. At the Salzburg Congress a distinguished Swiss, Professor Bovet, declared that no one in Switzerland could understand why Turkey should have adopted the Civil Code of a country whose traditions, history and customs were so profoundly different from its own; as no one could guess that it would be used as a screen behind which the guarantees laid down at Lausanne would be strangled.

The small remnant of the Armenian nation, formerly so numerous and rich, was so astonished at having survived the massacres that the desired renunciation was doubtless obtained without much difficulty. Greater astonishment has been created by the capitulation of Jews, a race which in other lands raises violent protests against any encroachment upon its law: for instance, in many countries that against compulsory Sunday rest, and recently in Norway against the Bill prohibiting, for humanitarian reasons, the slaughtering of animals according to the rite of Moses. One should not forget, however, that a violent anti-semitic campaign is being conducted in the Turkish Parliament and Press. In the course of the last budget debate, Mehmed Vasfi Bey delivered a speech to the effect that the Jews constitute a danger to the Turkish national economic life; and one of his colleagues, Bessim Atalai Bey, speaking in the same spirit, concluded by proposing certain measures to be taken immediately: "We must," he said,



“nationalise the stock exchange. There exists a Jewish peril in the country. If we fail to adopt, from this very moment, a distinctly anti-Jewish policy, we shall be placed in a position akin to that of the Hungarians. The Government itself must deal with questions relating to foreign exchange.” It is evident that if the measures proposed by Bessim Bey were adopted, the Jewish community, already so enfeebled by the decline of Constantinople, would be ruined. And one can easily realise why the Jews have tried to avert the storm by sacrificing their privileges.

Encouraged by this double victory, the Kemalist authorities have turned against the Greeks, and as neither the Patriarchate nor the heads of the Community would bow to their demands, they conceived the idea of calling an *ad hoc* assembly elected after the methods of the Young Turks. The delegates met in the presence of the police, who exacted from the so-called deputies a signed declaration to the effect that they renounced their privileges. Even in such an assembly, however, appointed rather than elected, resistance broke out, and finally the desired vote of renunciation was obtained only after the imprisonment of the delegates from Pera and Galata, the two principal Greek quarters of Constantinople.

These incidents provoked great indignation in circles interested in the principles and work of the League of Nations. The provisions relating to minorities have been laid down by the treaties that followed the Great War, not only for humanitarian reasons, but also for the purpose of preventing future wars by creating a tolerable life for minorities. The said treaties and especially the Lausanne Treaty (Art. 44) state that “these stipulations are of international interest and may not be modified without the consent of the majority of the League of Nations Council.” It is, besides, evident that if it were possible to suppress these guarantees by means of a simple declaration from the parties interested, the latter would be exposed to systematic pressure which would lead in its turn to persecutions liable to endanger peace, the maintenance of which is the primary aim of the League of Nations. Upon a report submitted by Professor van Overbeke, the Aberystwyth Congress voted unanimously the following resolution: “Any renunciation of the rights of minorities is invalid. Any Governmental action direct or indirect intended to secure such renunciation of rights is contrary to the established international order and to the essential duties of States.” At the Salzburg meeting it was officially announced that this resolution had been communicated to Geneva and that the competent section of the Secretariate had stated that the resolution was in absolute harmony with the Covenant.



Meanwhile, Turkey considers the renunciation of the privileges on the part of the minorities as definitely obtained, and it is to be expected that, in some form or other, the question will soon come up before the League of Nations.

### III.

I have just said that the aim of Turkey is the annihilation of the Greek community in Constantinople. With this object in view, she is firstly preventing several tens of thousands of Constantinople Greeks from returning to their homes. It must be explained here that in the autumn of 1922 nearly 50,000 Greeks, terrorised by the news of the burning of Smyrna and other atrocities as well as by the approaching Turkish army, abandoned their homes in great haste, without having had time—as was only natural—to procure passports. This neglect, fully justified under the circumstances, might at most have exposed them to a fine or some other light penalty. Turkey has taken advantage of this omission to refuse the right of return to these unfortunate people. This prohibition, contrary to two formal articles of the Treaty of Lausanne (Art. 16 of the exchange agreement and the article proclaiming the amnesty), is being applied with extreme severity, and the very few Greeks who had succeeded in obtaining the visas of Turkish Consuls abroad have been expelled immediately upon their landing. What is worse, all the property of these 50,000, even that for which the owners had left legally appointed proxies, has been seized as abandoned property. Already in the course of the war (September, 1915) the Turks had issued a law treating in a similar way the property of the Christians deported to Asia Minor. This law, abolished at the request of the Allies in 1919, was revived. The movable property has been sold at ridiculously low prices, while the real property has been sequestered.

A further step was made by an Act dated 15th April, 1925, turning the seized property into State property. It only remained to deprive the owners even of the hope of ever recovering their possessions. A law issued on 13th March, 1924, states that this "would be ceded in full ownership to the Turks whose real property had been destroyed or demolished by the enemy or the revolutionaries or *by the Government itself for reasons of necessity.*" Thus, as Professor Aulard recently remarked, it would be enough for a Turk to have had his house destroyed by the Turkish military authorities to be entitled to a Greek house. The object of these spoliations is clear. The Turks desire that when the day comes for them to apply the treaties and to reopen their gates to these 50,000 Constantinople Greeks, the latter should have no inducement whatsoever to return to their native city.

Far, however, from contemplating the possibility of the return



of these emigrants, the Turks are at present endeavouring to expatriate the 200,000 Greeks who have remained. This is no easy task, seeing that equality of civil and political rights of these people is guaranteed by Articles 38-44 of the Lausanne Treaty which ensure them full freedom of religion and education, free use of their language, freedom of movement, and admission to public employments, as well as free exercise of professions and business in general. Further, in order to afford them still fuller guarantees Article 37 stipulates: "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." Only one thing has been forgotten: to guarantee the execution of these guarantees.

The Treaty provides (Article 38) for *religious freedom*, but what I have already said about Papa Eftyme and the Patriarchate is enough to show how this freedom is being conceived. What has been said regarding the arbitrary arrest of the Greek delegates who refused to sign the renunciation of the rights of the minorities is in its turn a proof of how *individual freedom*, as guaranteed by Article 38, is applied. Nor has this been the only case of arbitrary arrest. Concerning *Freedom of Education* (Article 38) one may recall that the premises of the *Philologicos Syllogos*, the great literary association so highly esteemed abroad, have been sequestered and its rich library transferred to Angora, where there are not ten persons able to read Greek. Three of the principal schools of Constantinople have been closed on the most idle pretexts.\* In the schools still tolerated the Turks have imposed an excessive number of hours for the teaching of the Turkish language. Moreover, the Government has arbitrarily assumed the right to appoint Turkish professors and to fix their salaries. It has fixed them at extravagant rates, and whenever the schools are unable to pay them they are temporarily closed. Needless to add that although the Greeks pay the education tax, their schools, notwithstanding the stipulations of Article 40, do not receive a single penny.

The Lausanne Treaty also stipulates *perfect equality from the point of view of civil and political rights and the practice of professions*. (Art. 39.) Up to the present moment, however, the Greeks are, on various pretexts, neither electors nor eligible, and have been excluded both from public administration and from Government-controlled companies. Thus, of 500 Greeks employed by the Tobacco Regie only a handful of indispensable officers

\* The Zappion, because it was ornamented with Statues of the Muses and great men of antiquity; the School of Languages and Commerce, because technical education has become a State monopoly; the Lyceum Apostolides, because it was subsidised by the French Government.



remain. The electric light and tramway companies have had to dismiss their Greek personnel. Several banks and great trading companies have taken similar measures in consequence of official circulars. The Press is continuously attacking the wagon-lits company, which is still employing a few Armenians and Greeks. Even liberal professions have had to suffer. The Greek lawyers are not allowed to plead before the Supreme Court, and on the most fantastic pretexts two-thirds of them have been struck off the rolls. The other guarantees are, naturally, no better observed. I have not enough space to enter into details: nevertheless, I must mention that despite equality in regard to taxation (Art. 39) the Greeks are crushed under the burden of special taxes, and that notwithstanding the guarantee of freedom of movement (Art. 38) passports are in fact only issued to those who accept the proviso *Sans retour*, i.e., who condemn themselves to banishment.

Military service gives rise to still greater abuses. No one has forgotten the labour battalions (*amelé tabourou*) in which the Young Turks enrolled Greeks and Armenians during the Great War. These battalions served to exterminate by appalling hardships several hundreds of thousands of Christians. It has been the *White Death*, far more cruel than the *Red Death* to which Abdul Hamid had recourse. Incredible as it may seem, these battalions have not disappeared. They now number about 8,000 men recruited among the Greeks of Constantinople, the Armenians and the Jews. About 5,000 men are working at the construction of the Angora-Sivas and Sivas-Samsoum railways, the remainder being employed in road construction in the eastern vilayets, particularly in the Vilayet of Diarbekir. Life in these battalions is extremely hard, epidemics are frequent and mortality is high. But the aim of the Government is attained; the prospect alone of being enrolled in them drives the Christian youth from the country.

#### IV.

Seeing that the Lausanne Treaty concerns its other signatories as much as Greece, one might have expected that the question of the Christian minorities in Constantinople would have attracted the attention of the foreign Press. But in Western Europe the public mind is at present so concentrated on other topics that this has not been the case. The silence of the European independent Press has emboldened the extremists of Angora in their anti-Moslem policy. Only two months ago Mr. Gentizon, a well-known Turcophile journalist, wrote in the *Temps* (October 21st) that the Jewish community, in order to prevent antisemitic measures, had to promise that "in ten years they would be completely turkified." And in the first week of November the Turkish Press announced that the Armenians had consented that their burial ceremonies



should take place in Turkish, which, by the way, means that the policy of assimilation *is extended to the dead*. Moreover, both Mr. Gentizon and the Turkish Press invite the Greeks to follow the example set them by the other minorities. This shows that a new attempt to oust the 200,000 Greeks left is to be expected. If this happens the situation will become critical.

There is not a Turk or a Greek, keeping his head cool, who can face placidly such a contingency. It is evident that among the neighbours of Turkey the Greeks are the only people whose interests are averse to upheavals which might incite the Soviets actively to resume the policy of the Tzars. But if Greece has nothing to gain from a reopening of the Eastern Question, Turkey has much to lose. But it is not enough to prevent a turn for the worse, we must strive after a turn for the better. At present Greece, as the recent electoral campaign has shown, is animated by a decidedly pacific spirit. But she is overwhelmed by the flood of 1,500,000 refugees whom the country is finding it most difficult to accommodate. A fresh arrival of immigrants would cause the cup to overflow. The presence of 50,000 Greeks of Constantinople is already a source of anxiety. On the other hand, everybody is naturally greatly shocked by the way in which the Patriarchate is treated.

All this creates an atmosphere of distrust liable to give rise, in the long run, to strained relations which, as already shown, it is in the interest of both countries, and probably of Turkey more than of Greece, to avoid. But if Turkey ceased to violate openly, or to twist by legislative artifices, Articles 37-40 of the Lausanne Treaty, the whole of Greece would tend to forget her past disappointments. I, for one, am satisfied that the Angora Government would not have persisted in their present policy had they not misinterpreted the silence of the European Press as a tacit tolerance of public opinion. Therefore the object of this article is not to embitter Greco-Turkish relations but rather to assist them to assume a friendly character.

A. ANDREADES.



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Minorities in Turkey. S C

Record of Conversation with  
Sir Willoughby Dickinson and Sir Walter Napier  
on September 6th 1926.  
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These two gentlemen called on me to discuss this matter. Sir Willoughby Dickinson said that he had just come from Turkey, and he had been very much impressed by the fact that the Christians of Turkey did not enjoy any minorities rights at all. They were compelled by the Turkish authorities to declare the renunciation of their rights under the Lausanne Peace Treaty, and the fact that Turkey had introduced the Swiss Civil Law did not in any way do away with the necessity of these minorities having their own family status under Art.42 of the Lausanne Treaty. Conditions were as bad as they could be, also with regard to the employment of Christians in public offices.. Sir Willoughby Dickinson asked me whether, if the League of Nations Unions Association presented a resolution to the League on this subject, such a resolution would be considered.

I replied that in accordance with our procedure such a resolution would be included in the list of communications from international private organisations, which list would be submitted to all the Members of the Council. Should a question included in this list be of great importance, nothing would, of course, prevent the Secretariat from drawing the particular attention of certain Members of the Council to it.

Another method of procedure, I said, was to bring the question before the League in the form of a regular minorities petition, but then, of course, it would be

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necessary to explain that an infraction or danger of infraction of the minorities clauses existed.

Sir Willoughby Dickinson said that in all probability we would receive some kind of communication on the subject.

E.C.  
7/9/26

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M. Caclamano, First Delegate of Greece to the Assembly and Greek Minister in London, called on me to-day accompanied by M. Dendramis, and gave me further information which cast quite a new light on this matter :

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A member of the Greek League of Nations Union had brought up in a League of Nations Committee the question of the renunciation of their minorities rights by the minorities in Turkey, and the result had been that the meeting had voted a resolution declaring that the minorities could not give up their rights under the minorities clauses. This gentleman, M. Seferiadis, was most anxious to have this resolution submitted to the Council of the League of Nations for confirmation, and the Greek Government was desirous that this should be done. M. Caclamano had understood that it would be necessary to ask M. Ruyssen, Secretary-General of the League of Nations Union's Association, to submit the resolution to us, in order to have it considered by the Council.

I explained to M. Caclamano that the resolution, if communicated by an international private organisation, would be included in our list of such communications, which list was submitted to all the Members of the Council, and any Member of the Council might then take the initiative to draw the attention of that body to the matter.

M. Dendramis said that should it prove impossible to achieve anything through this procedure, there might be a question of the Greek Government sending in a petition enumerating a series of infractions of the minorities clauses of the Treaty of Lausanne, and also mentioning the fact that compulsion had been exercised.



towards the minorities in order to force them to declare that they gave up their rights under the minorities clauses. M. Dendramis asked me whether I thought that a petition of this kind from the Greek Government would be referred to the full Council by the Minorities Committee. I replied that I could not, of course, express any opinion on such a hypothetical question, and that if the Greek Government did not like to run the risk of a petition not being acted upon, it seemed better that M. Seferiadis or some other private person should sign the petition. But I wondered whether the whole thing was worth while, as here in the Secretariat we were receiving petitions concerning minorities in Turkey, and dealing with them in accordance with our procedure as if the renunciation did not exist at all.

E.C.  
4/9/26

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8.9.26



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M. Dendramis telephoned to me again to-day, and I told him that I had come to the conclusion that there were three alternatives open to the Greek Government should it really wish to take action because of the alleged non-execution of Art.42 of the Lausanne Treaty :

To bring the matter up under Art.11, para.2, of the Covenant;

To go straight to the Court under Art.44, para.3, of the Lausanne Treaty; or

To arrange for a petition, either by the Greek Government or by some private individuals, to be submitted to the League in accordance with the ordinary minorities procedure.

I said that as to the first alternative, it was, of course, a very serious step to take to raise a political dispute with Turkey before the Council. As to the second alternative, that also meant a declared dispute with the Turkish Government, and there might also be some possibility of that Government's interpreting the third paragraph of Art.44 of the Lausanne Treaty so as not to give Greece, which is not a Member of the Council, the right to appeal to the Court. As to the third alternative, this did not bring the question before the Council or the Court automatically, but such action would depend upon whether any Member of the Council would take the question up.

M. Dendramis said that he himself could not quite understand why M. Argyropoulos, the new Greek Foreign Minister, wanted to take any action at all on this question, and M. Dendramis seemed to agree with me that it was difficult to give him any advice without



knowing more about the question. I emphasised that, of course, I could not in any way commit the Secretariat, nor could I really give any advice. I could only explain the different ways open to the Greek Government should that Government desire to take action. I suggested that M. Dendramis should confine himself to wiring to M. Argyropoulos explaining these different means of procedure, and adding that he would come to Geneva to talk the matter over here more quietly than was possible over the telephone. M. Dendramis said that he would come here on Monday, 30th instant.

ET.  
28/8/26

M. Dendramis called on me to-day, and I once more explained to him the three alternative procedures. I also said that of course I could not give him any advice with regard to what his Government ought to do, and even he himself, absent from Athens and without definite knowledge of how the negotiations between his country and Turkey now stood, could hardly tell what would be the proper action to take.

M. Dendramis said that he agreed to this. He had, however, come to the conclusion that the proper line of procedure would be to go direct to the Court, but he had already advised his Government once that that ought to be done only when the present negotiations between Greece and Turkey had been terminated.

I said that whether during or after the negotiations, it seemed to me that the Greek Government should discuss with the Turkish Government the question which formed the basis of the former's complaint. If the Greek Government now brought the question of the application of Art.42



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before the Court without having had any exchange of views with the Turkish Government, that Government might quite well raise the question as to whether a "difference of opinion" had been properly ascertained. And at any rate it seemed to me hardly courteous to negotiate with the Turks all kinds of outstanding questions, and then, without any warning to them, to bring the question of Art.42 before the Court as a dispute. I also said that the same consideration would seem to apply after a general agreement between Greece and Turkey had been concluded, and that also then it would seem most desirable that Greece should have had an exchange of views with the Turkish Government on the question she wished to bring before the Court.

I emphasised that, of course, I could only express my own quite personal opinion, and not commit the Secretariat in any way: in fact, what I said was only meant for M. Dendramis to consider, so as to enable him to form a view of his own, quite independently of mine.

I finally asked M. Dendramis whether he had seen anybody else in the Secretariat concerning this question, and when he replied in the negative I said that he might perhaps want to talk it over with M. Mantoux.

m

Je crois que la présidence  
judiciaire serait la meilleure

E.C.

30/8/26

30/8/26

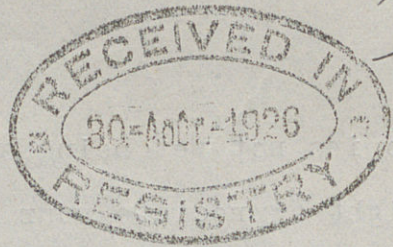
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To: Mr. Colban,  
From: Mc.Kinnon Wood.

With reference to your minute of to-day regarding M. Dendramis' enquiry, I agree with you that, while it is possible that membership of the Council is intended to be a necessary qualification for exercising the power to go to the Permanent Court given by paragraph 3 of Article 44 of the Treaty of Lausanne, as the paragraph is drafted the more natural interpretation is that Greece has this right as a signatory of the Treaty. Whether she has it or not is a question which could only be decided by the Permanent Court after she had started proceedings and Turkey had objected to the jurisdiction. In order to take proceedings, Greece ~~can~~ <sup>can</sup>, I think, go direct to the Court and <sup>can</sup> do so by filing with the Registrar a requête introductive d'instance, as she did in the proceedings which she brought against His Britannic Majesty in the Mavrommatis case under Article 26 of the Palestine Mandate (for text of the requête see the Court's Publications, Series C, No.5 - 1, page 88). I do not see any way, on the other hand, by which Greece can approach the Council in the matter under the provisions of the Treaty of Lausanne itself. *She could, I suppose, come to the Council under Art 11 of the Covenant.* If Greece has a right <sup>to decide</sup> to take proceedings under the paragraph, neither the Council nor the Secretariat has properly any concern in the matter.

We have just received the Rules of Procedure of the Permanent Court with the amendments which the Court has introduced into them and, as a distribution to the Members of the League has not yet taken place and will not take place for a little time, enough

*Handwritten notes:*  
C. J. Colban  
Mc. Kinnon Wood  
G. J. G. J.



copies not yet being available, I think M. Dendramis might appreciate your giving him the attached copy.

*H. Wex Wood*

*\*/Dru.  
E.L.  
7/26/26*

August 28th 1926.



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Mr. McKinnon Wood

M. Dendramis telephoned to me in the afternoon of August 27th 1926 and said that he had received a telegram from his Government according to which it wanted to bring before the Council of the League of Nations the question of the application of Art.42 of the Lausanne Peace Treaty, and wanted to know particularly in what form the Greek Government, in virtue of para.3 of Art.44 of the same Treaty, should arrange to bring the matter before the International Court. His Government had further instructed him to find out from the competent Section of the Secretariat what would be the proper procedure.

I said that I could not give M. Dendramis an immediate reply: he should telephone to me again to-morrow afternoon.

My own view is that the Greek Government has a right under Art.44, para.3, to bring a dispute with Turkey concerning the application of Art.42, before the International Court. Art.44, para.3, of the Lausanne Treaty is different from the corresponding article in any of the Minorities Treaties, as these Treaties reserve the right to bring a question before the Court only to the Members of the Council, while the Lausanne Treaty also mentions "any one of the other signatory Powers". It may be that it is by some inadvertance that the Lausanne Treaty has come to contain this clause, but the clause seems to me quite clear.

The proper reply to M. Dendramis might perhaps be that without expressing anything but my personal view on para.3 of Art.44, I should think that if the



Greek Government wishes to make use of that paragraph, that Government can go straight to the Court, and that it is not necessary to go through the Council of the League of Nations. The proper procedure for addressing the Court is probably known to the Greek Government, or this can be found out from the documents of the Court in the cases which have already been before that body for ~~submitting~~ settlement.

E.C.

27/8/26.



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MINORITY QUESTIONS 41.

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