

LEAGUE OF NATIONS.

OTTOMAN PUBLIC DEBT.

APPOINTMENT OF AN ARBITRATOR IN PURSUANCE OF ARTICLE 47 OF THE
TREATY OF LAUSANNE.

Requests by the Greek, French, Bulgarian and Turkish
Governments.
(C.723.C.730. and C.785).

Report by M.Unden.
adopted by the Council, December 10th, 1924.

Under the first paragraph of Article 47 of the Treaty of Lausanne, the Council of the Ottoman Public Debt is empowered to determine the annuities payable in respect of a portion of the Ottoman Public Debt by States among whom that debt is to be divided under Articles 46 and 49.

1. Under the last paragraph of the same article, any dispute which may arise between the parties concerned as to the application of the principles laid down for determining these annuities shall be referred, not more than one month after the notification of its decision by the Council of the Ottoman Public Debt, to an arbitrator with powers of final decision "whom the Council of the League of Nations will be asked to appoint"; this arbitrator shall give his decision within three months; his remuneration is to 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 Council has before it requests from four Governments - the Greek, French, Bulgarian and Turkish - asking for the appointment of an arbitrator under this article.

The Greek request (C.723.M.249.1924.II) is in the form of a telegram (dated November 28th, 1924) which states the intention

of the Greek Government to appeal for arbitration; in the last sentence of the telegram it is said that the document containing the appeal is being transmitted to the Secretariat. I understand that the document has not yet arrived, but doubtless the Council will be able to take this telegram itself as a sufficient request from the Greek Government.

The request of the Turkish Republic is notified in a telegram (C.730.L.253.1924.II), dated November 30th 1924, after making a reserve as to the competence under the Treaty of Lausanne of the Council of the Ottoman Public Debt to settle certain points which that Council claims to have settled, and with which, therefore, no arbitral tribunal is competent to deal, the telegram mentions five points which it desires to be referred to the arbitrator appointed by the Council of the League of Nations.

The request of the French Government (C.785), dated October 2nd 1924, states that the French Government is acting in the capacity of mandatory power representing Syria and the Lebanon, and asks that certain disputes as to the application of the principles laid down in Article 47, in connection with the share of the Ottoman Debt payable by these two mandated territories, may be submitted to the arbitrator.

The Bulgarian request (C.765) dated December 2nd, 1924, after stating that the decision of the Council of the Ottoman Public Debt has been notified to it by a letter dated November 6th 1924, says that it cannot accept this decision and asks that the Council of the League of Nations should appoint an arbitrator with full powers to settle the dispute.

II. The Council will be aware that its duties under the Treaty are limited to the appointment of an arbitrator and do not extend to the consideration of any questions of substance which may be involved.

The general tenor of this part of the Treaty shows that the matter is of considerable urgency. It is within one month of the decision of the Council of the Ottoman Public Debt that any disputes are to be referred to the arbitrator; the former is to give its decision within a period of not more than three months. Moreover, other clauses of the Treaty provide for the interim payment of annuities as distributed by the Council of the Debt, pending the final decision of the arbitrator, and for the immediate deposit of security for such payments.

In conclusion it should be added that representatives of the Greek, Bulgarian and Turkish Governments have been asked to name representatives in case the Council should desire information from them. The Council of the Ottoman Debt has also sent M. Nogara, one of its members, to place himself at the disposal of the Council.

III. I beg to submit the following draft resolution:

The Council

- 1) takes note of requests by the Greek, French, Bulgarian and Turkish Governments asking it to appoint an arbitrator in accordance with Article 47 of the Treaty of Lausanne.
- 2) In pursuance of the said Article decides to appoint an arbitrator to whom any dispute which may arise between the parties concerned as to the application of the principles laid down in the said article shall be referred.
- 3) The name of the arbitrator will be made known by the Secretary-General.