

Enclosure.

CLAIMS IN RESPECT OF PROPERTY IN TURKEY.

THE position in regard to Allied and other property in territory remaining Turkish which requires to be restored or liquidated in connection with the Treaty of Lausanne or Turkish domestic law is as follows :—

1. Articles 65, 66, and 70 of the Treaty of Lausanne deal with property, rights, and interests which belonged at the date of the signature of the treaty (24th July, 1923) to persons who on 29th October, 1914, were Allied nationals. These are to be restored, subject to the provision that if they have been liquidated before 24th July, 1923, the proceeds of the liquidation can be paid to the owner in discharge of the obligation to restore. All disputes in regard to the restoration or liquidation of such property have to be submitted to a Mixed Arbitral Tribunal, to be established under Articles 92–98 of the treaty. These provisions do not come into force until the treaty itself comes into force, and claims in respect of them must be lodged with the competent Turkish authorities within six months, or, if necessary, with the Mixed Arbitral Tribunal within twelve months, of the date of the coming into force of the treaty. Meanwhile, it is understood that in cases where, through a misapplication of the law on abandoned property, British property has been seized, the Turkish Government is prepared to consider, through the medium of the Commissions referred to in paragraph 2 (below) and as under the Turkish law relating to abandoned property, applications by Allied nationals in respect of property coming within the provisions of Articles 65, 66, and 70 of the treaty. These applications must be supported by documentary proof, and the claimant, or his agent, who must be provided with a power of attorney (legalized by a Turkish Consular representative), must select a domicile in the town where the Commission sits and where services of all kinds can be effected on him.

2. The Turkish laws in regard to abandoned property ending with that of 15th April, 1923, in terms apply generally to the movable and immovable property and debts and credits of those who in any manner whatsoever absent themselves or depart or escape to foreign and occupied territories or to Constantinople and its dependencies. These laws establish Liquidation Commissions for each district to liquidate the property, credits, and debts left by the persons referred to above. The procedure for claimants to the property is as indicated in paragraph 1.

3. It is also laid down in Turkish regulations of October, 1915, that the Liquidation Commissions will admit claims for recovery of debts owed by the owners of the abandoned property, and claims upon the goods abandoned by them. It is specifically provided in Article 12 that a claimant in respect of debts owing by the owners in question must present to the President of the Commission an application, to which he should join the documentary proof relating to it, as well as a power of attorney (legalized by a Turkish Consular representative) in a case in which the claim is presented by an intermediary. The application must show the profession of the debtor, his legal domicile before his flight, and the origin of the debt. The claimant must also give his own address. It is essential that the application should, as in the case of those referred to in paragraph 1, be presented to the Commission by the claimant in person or by his duly authorized representative.

4. As regards the time within which claims in respect of abandoned property have to be made, the law of 15th April, 1923, lays down that claims to abandoned property, or to debts due from the owners of abandoned property, situated in districts where on 15th April last a Liquidation Commission had already been formed should, in the case of claimants not resident in Turkey, have been presented to the Commission before 15th October, 1923. Where the property is situated in districts in which a Commission is appointed subsequently to 15th April, 1923, such claims must be presented within six months of the date of this appointment. It is understood, however, that the Commissions are still accepting claims.

5. All applications as regards claims in respect of property dealt with above should be made to the Liquidation Commission for the district (Caza) in which the property is situated; they must, as already indicated, be made either in person or through a duly authorized representative, not by correspondence.

6. The Exchange of Greek and Turkish Populations Convention of 30th January, 1923, provides for the liquidation of the property of Turkish nationals of the Greek Orthodox Religion who leave Turkey in accordance with the provisions of the Convention, or who are considered as being included in the exchange of population. This liquidation is to be carried out by a Mixed Commission, which has yet to be set up in accordance with the provisions of Article 11 of the Convention. There does not appear to be any provision whereby debts owing by an "exchanged" person can be made the subject of a claim against the property in question, but all disputes relating to such property are to be settled definitely by the Mixed Commission.

7. Foreigners other than Allies may have protection under other treaties. Turkish nationals, other than those regarded as "exchanged," who have fled from Asia Minor would have no protection from the Treaty of Lausanne, except such as may be derived from the section of the treaty which deals with the protection of minorities.

No. 5.

New Zealand, Dominions No. 483.

MY LORD,—

Downing Street, 31st December, 1923.

I have the honour to transmit to Your Excellency, for the information of your Ministers, the accompanying copy of a statement which has been issued to the Press, relative to the new Convention dealing with the status of Tangier.

I have, &c.,

DEVONSHIRE.

Governor-General His Excellency the Right Hon.

Viscount Jellicoe, G.C.B., O.M., G.C.V.O., &c.