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WHAT IS THE 'BASIC THINKING' OF THE LAUSANNE TREATY?

YANNIS A. STIVACHTIS

One of the issues of contention between Turkey and Greece is the intention of the latter to extend its territorial waters. This issue is of great importance because it is related to the delimitation of the Greek airspace and the Aegean continental shelf. Obviously, any extension of the Greek territorial sea would bring further parts of the Aegean Sea and the Aegean continental shelf into the Greek sovereignty. A possible extension of the Greek territorial waters to twelve nautical miles would also allow Greece to exercise sovereign rights over a greater part of the Aegean airspace. It is, therefore, evident that Turkish interests in the area would be very much affected by a decision of Greece to extend its territorial sea in the Aegean.

For defending its intentions, Greece points to the 1982 Law of the Sea Convention that gives the right to its signatories to extend their territorial waters up to twelve nautical miles. Turkey, however, contests the right of Greece to do so. The Turkish argumentation is based on five grounds. First, any extension of the Greek territorial waters would be in conflict with the 'basic thinking' of the Lausanne Treaty. Second, such an extension would be also in conflict with the declarations and statements of the Greek delegation at the 1958 Geneva Conference on the Law of the Sea. Third, because Turkey is not a signatory party to the 1982 Convention it is not obliged, according to international treaty law, to accept the terms of the Convention as they apply to the Aegean Sea. Fourth, the 1982 Convention is based on customary practice, and Turkey's 'persistent objection' to any extension of territorial waters in the Aegean Sea has not allowed the creation of a local custom. Fifth, because the Aegean is a 'special sea', the clauses of the 1982 Convention do not automatically apply to it.

The purpose of this article is twofold. First, it intends to show that the Turkish argumentation cannot be sustained on the ground that the 'basic thinking' of the Lausanne Treaty does not allow the coastal states to extent their territorial waters. It argues that the Turkish position is much stronger if it is based on the other four arguments. Second, the article seeks to encourage further discussion on the disputing issues between Turkey and Greece based on substantial evidence and documentation and not on political assertions. Because neither country will gain from a violent confrontation between them, it is imperative to create an environment of mutual trust. Argumentation accompanied by strong evidence is a pre-requisite to the success of a constructive dialogue.

Dialogue at the political level, however, is currently unattainable because the official positions of Turkey and Greece are more propaganda-like slogans than substantially documented arguments. The weight therefore falls on the academic communities of the two countries to achieve what the politicians and diplomats have failed to do. Successful dialogue also requires two distinctive although inter-related things. First, that the two sides act independently from political interests; and second, they are prepared to listen, understand, and accept the positions of the other side, if the latter has convincingly stated its case, although this may not coincide with what the official position of their respective government is. The life of the Turkish and Greek people should never be subject to any game either between politicians or between academics. It is, therefore, the duty of the Turkish and Greek academic communities to assure the prosperity and development of their countries by understanding each other and pointing to their respective governments their rights, as well as their misunderstandings and wrong doings.

In showing why the Turkish argumentation cannot be based on the 'basic thinking' of the Lausanne Treaty, this article will first state and discuss the official Turkish position. Second, in attempting to provide a comprehensive interpretation of the Lausanne Treaty, the article will provide a textual analysis of the treaty concerned followed by an examination of the intentions of its signatories, as well as of its object and purpose. For achieving a sound reconstruction of the events that took place at the Lausanne Conference, the writing of this article has been based on the official records of the proceedings.¹

¹H. M. Stationery Office, Turkey No. 1 (1923), **Lausanne Conference on Near Eastern Affairs, 1922-1923: Records of Proceedings and Draft Terms of Peace**. Presented to the Parliament by Command of His Majesty, London, 1923. The official records of the proceedings, being in French, all the minutes appearing in the above publication, together with the annexes thereto and the written communications from other than the British, United States and Japanese delegations, have been officially

1. The Turkish Position

According to the Turkish Government, 'relations between Greece and Turkey are based on the 1923 Treaty of Lausanne which established a balance of rights and obligations of both countries. Problems arise essentially from Greek attempts to undermine this delicate balance'.² In another document, the Turkish Foreign Ministry states that

...the Lausanne Treaty established a political balance between Greece and Turkey by harmonising the vital interests of both countries including those in the Aegean...The basic thinking of the Lausanne Treaty is to grant to coastal states limited areas of maritime jurisdiction and leave the remaining parts of the Aegean to the common benefit of Turkey and Greece. It is clear that if one of the littoral States unilaterally extends its jurisdiction in the Aegean and deprives the other coastal State from exercising its existing rights, it is no longer possible to speak of the Lausanne balance in the Aegean.³

But did the Treaty of Lausanne aim at establishing a political balance between Turkey and Greece in the Aegean? Is the 'basic thinking' of the Lausanne Treaty to grant to coastal states limited areas of maritime jurisdiction and leave the remaining parts of the Aegean to the common benefit of Turkey and Greece? Is Ankara right when it accuses Athens that by attempting unilaterally to extend its jurisdiction in the Aegean, Greece deprives Turkey from exercising its existing rights? What rights did the Lausanne Treaty give to Turkey with respect to the Aegean Sea?

Obviously the parties have competence to interpret a treaty, but this is subject to the operation of other rules of the law. There are three basic approaches to treaty interpretation.⁴ First, the Commission and the Institute of International Law have taken the view that what matters is the intention of the parties as expressed in the text. Thus the first approach centres on the actual text of the agreement and emphasises the analysis of the words used. This implies that the 'basic thinking' of the Lausanne Treaty can be identified after a close examination of its text. If the Treaty of Lausanne aimed at

translated. This does not, however, apply to the speeches and statements of the British, United States and Japanese delegates, who spoke in English.

²Turkish Ministry of Foreign Affairs, 'The Goals and Principles of Turkish Foreign Policy', www.mfa.gov.tr, p. 11.

³Turkish Ministry of Foreign Affairs, 'Background Note on Aegean Disputes', www.mfa.gov.tr, p. 1.

⁴M. N. Shaw, *International Law*, 3rd edition, Cambridge, 1991, pp. 583-4. See also I. Browlie, *Principles of Public International Law*, 4th edition, Oxford, 1990, pp. 626-32.

granting to coastal states limited areas of maritime jurisdiction and leaving the remaining parts of the Aegean to the common benefit of Turkey and Greece, some references to this end is expected to have been included in the text.

The second approach looks to the intention of the parties adopting the agreement and regards the intentions of these parties as an independent basis of interpretation. This means that the 'basic thinking' of the Lausanne Treaty can be established after an examination of the intentions of its signatories. Such intentions are made usually clear during the negotiations process. Thus one expects that at the Lausanne Conference statements were made about the purposes of the treaty which, according to the Turkish Government, were, among other things, to establish a political balance between Greece and Turkey by harmonising the vital interests of both countries in the Aegean and grant to coastal states limited areas of maritime jurisdiction and leave the remaining parts of the Aegean to the common benefit of Turkey and Greece.

The third approach adopts a wider perspective than the other two and emphasises the objects and purpose of the treaty as the most important backcloth against which the meaning of any particular treaty provision should be measured. This means that for understanding the 'basic thinking' of the Lausanne Treaty, one should identify its object and purposes.

These three approaches to treaty interpretation are mentioned in the articles 31 and 32 of the Vienna Convention on the Law of Treaties. Paragraph 1 of the Article 31 states that 'A treaty shall be interpreted...in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose'. Paragraph 2 notes that

The context for the purpose of the interpretation of a treaty shall comprise in addition to the text, including its preamble and annexes: a) any agreement relating to the treaty which was made between all the parties in connection with the conclusion of the treaty; b) any instrument which was made by one or more parties in connection with the conclusion of the treaty and accepted by the other parties as an instrument related to the treaty.

Paragraph 3 states that

There shall be taken into account, together with the context: a) any subsequent agreement between the parties regarding the interpretation of the Treaty or the application of its provisions; b) any subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation; c) any relevant rules of international law applicable in the relations between the parties.

Article 32 speaks of supplementary means of interpretation, including the preparatory work of the treaty and the circumstances of its conclusion.⁵

It has been argued that any true interpretation of a treaty will have to take into account all aspects of the agreement, from the words employed to the intention of the parties and the aims of the particular document. It has also been claimed that it is not possible to exclude completely any one of these components.⁶ For providing a comprehensive interpretation of the Lausanne Treaty, all three approaches will be utilised in the present article.

2. Text of the Lausanne Treaty

Going through the text of the Lausanne Treaty, one can easily observe that neither its preamble nor its annexes, nor any of its articles make any reference to the need of establishing a political balance between Greece and Turkey by harmonising the vital interests of both countries in the Aegean. Neither any clause exists by which the treaty grants to coastal states limited areas of maritime jurisdiction and leaves the remaining parts of the Aegean to the common benefit of Turkey and Greece.

There are four articles in the Lausanne Treaty that address questions in the Aegean. The last paragraph of Article 6 specifies that '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 12 states that the

sovereignty of Greece over the islands of the Eastern Mediterranean other than the islands of Imbros and Tenedos, particularly the islands of Lemnos, Samothrace, Mytilene, Chios, Samos and Nikaria, is confirmed subject to the conditions contained in 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.

With Article 15

Turkey renounces in favour of Italy all her rights and title over the following islands: Stampalia (Astropalia), 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 Castellorizo.

⁵See Vienna Convention on the Law of Treaties.

⁶Shaw, *International Law*, p. 584.

Article 16 states that

Turkey hereby renounces all rights and title whatsoever over or respecting all territories situated outside the frontiers provided for in the present Treaty and the islands other than those over which sovereignty is recognised by the said Treaty. Turkey recognises and accepts the measures which have been or will be taken respecting the attribution, independence or any other regime of these territories or islands.

To the above articles, one could add Article 13 that refers to the demilitarisation of the Islands of Mytilene, Chios, Samos, and Nikaria, as well as Articles 4 and 6 of the Straits Convention that refer to the demilitarisation of Samothrace, Lemnos, Imbros, Tenedos and Rabbit Islands and to the measures that should be taken to this end.

None of these articles, however, grants to coastal states limited areas of maritime jurisdiction and leaves the remaining parts of the Aegean to the common benefit of Turkey and Greece. Neither any of these articles implies such a granting. Moreover, the study of the whole text of the Lausanne Treaty does not reveal that it aimed at establishing a political balance between Greece and Turkey by harmonising the vital interests of both countries in the Aegean. Thus the textual interpretation of the Lausanne Treaty does not support the Turkish argumentation.

It seems that the Turkish Government also agrees with this conclusion. Thus, when it speaks of the 'basic thinking' of the Lausanne Treaty, Ankara refers more to the 'spirit' of the treaty and the 'intentions' of its parties rather than to its text. In this context, the examination of the proceedings of the Lausanne Conference is imperative to identify the 'spirit' of the Lausanne Treaty and the 'intentions' of its signatories.

3. Intentions of the Parties

Before citing what happened during the negotiations process, it is necessary to examine the status of the Aegean Sea prior to the Lausanne Conference. Such an examination would assist us to understand why the negotiating parties argued in the way they did, or why they did not argue about some issues at all.

Before the negotiations commenced at Lausanne, all the Aegean islands and islets with the exception of the Dodecanese Islands, Castellorizo, Imbros and Tenedos were under Greek sovereignty. The Dodecanese Islands were under Italian sovereignty since Italy had seized them in its war against the Ottoman Empire in 1911. The islands of Chios, Mytilene, Samos, Nikaria, Samothrace and Lemnos were given to Greece in 1914 by a decision

of the London Conference. By a decision of the same conference, Imbros and Tenedos were given to the Ottoman Empire. It is worth noting that all these islands, whether under Greek sovereignty or not, were inhabited entirely by Greeks or the greatest majority of their inhabitants were Greeks.

At the same time it was widely recognised that in terms of commerce and commercial navy, Greece constituted a naval power; a fact that was acknowledged at the Lausanne Conference during the negotiations concerning the Straits Convention. It was also acknowledged that the Aegean islands contributed significantly to the commercial power of Greece.

Given these facts, Turkey sought to dispute only the sovereignty of the islands given to Greece with the decision of the London Conference. If this could not be possible, then the main goal of the Turkish delegation was to assure the demilitarisation of these islands that were geographically placed opposite its coast. If the current Turkish argumentation is correct, then the Turkish delegation should have also attempted to secure that the Lausanne Treaty would grant to coastal states limited areas of maritime jurisdiction and leave the remaining parts of the Aegean to the common benefit of Turkey and Greece. It should have also made efforts to assure that the forthcoming treaty could establish a political balance between Greece and Turkey by harmonising the vital interests of both countries in the Aegean. Except if for the Turkish delegation harmonisation meant that Turkey should have acquired sovereignty over the Eastern Aegean islands. Did any of these things happen? For answering this question, the following sections will provide a full account of all arguments and counter-arguments made at the Lausanne Conference with respect to the Aegean Sea.

4. The Conference Begins: Procedural Matters

The formal opening of the Lausanne Conference took place on 20 November 1922 at a public session held at the Casino of Montbenon. The formal proceedings started the next day at the Chateau d' Ouchy. The morning and afternoon plenary sessions discussed the procedural rules. The conference decided to establish three main commissions: the Commission on Territorial and Military Questions, the Commission on the Regime of Foreigners, and the Commission on Economic and Financial Questions.⁷

In addition, a number of sub-commissions were appointed by each of the three commissions according to the Rule 5 of the Lausanne Conference. The Commission on Territorial and Military Questions appointed five sub-commissions: on the Demilitarisation of Frontiers of Eastern Thrace; on Aegean Islands; on Exchange of Populations; on Protection of Minorities;

⁷Rule 5 of the 'Lausanne Conference Rules', *Lausanne Conference on Near Eastern Affairs*, p. 13.

and on Graves and Prisoners. The Commission on the Regime of Foreigners appointed three sub-commissions: on Legal Status of Foreigners in Turkey; on Economic Status of Foreigners on Turkey; and on Nationalities, Antiquities and Return of Treasures etc. The Commission on Economic and Financial Questions appointed five sub-commissions: on Financial Questions, Public Debt and Reparations; on Ports, Waterways and Railways; on Tariffs, Navigation and Industrial Property; on Property, Rights and Interests, Debts, Concessions and Contracts; and on Sanitary Matters.⁸

The Commission on Territorial and Military Questions met twenty-five times and discussed the following issues: the frontiers of Thrace, the status of the Aegean islands, the exchange of Greek and Turkish populations, the legal status of the Turkish Straits, problems related to minorities, and the question of Mosul.⁹

Questions related to the legal status of the Aegean islands and their demilitarisation were discussed during the sixth and seventh meetings of the Commission on Territorial and Military Questions that took place in the afternoons of 25 and 29 November 1922. They were also discussed during the meetings of the Sub-commission of Experts that was appointed to consider questions of sovereignty and demilitarisation. The meetings of this sub-commission took place from 26 to 29 November 1922.¹⁰ Finally, the Turkish delegation brought the issue of sovereignty of the islands of Lemnos and Samothrace for discussion before the sub-commission that was appointed to deal with the Straits question.

Given the current degree of hostility between Turkey and Greece concerning the legal status of the Aegean, it is worth noting that it was relatively easy for the negotiating parties to arrive to conclusions embodied later in the text of the Lausanne Treaty. It is also worth noting that no commission or sub-commission was established to discuss questions related to the rights of Turkey and Greece in the Aegean and especially that of the maritime jurisdiction of the coastal states.

5. Political and Military Commission: The Question of the Aegean Islands

On 25 November 1922, the Territorial and Military Commission met at 3 p.m. to discuss the question of the Aegean islands for the first time.¹¹

⁸*Ibid.*, p. ii.

⁹*Ibid.*, pp. iii-vi.

¹⁰*Ibid.*, p. iv.

¹¹For the discussion followed see 'Records of Proceedings', *Lausanne Conference on Near Eastern Affairs*, pp. 95-100.

Lord Curzon, Chairman of the Commission, invited İsmet Pasha to state his views on the question. İsmet Pasha said that the Aegean and Mediterranean islands, which depended geographically on Asia Minor, were of great importance for the peace and security of Anatolia. They included small islands close to the coast, situated in territorial waters, and larger islands. He claimed that the small islands in territorial waters could seriously threaten the peace of Asia Minor and formed integral part of Turkey. He thus argued that they should remain under Turkish sovereignty on this account, and also because they were situated in Turkish territorial waters.

As regards the larger islands, İsmet Pasha said that by the Treaty of the 17th/30th May 1913, the disposal of Tenedos and Imbros was left to the decision of the Great Powers. Turkey's rights over these two islands were confirmed by the joint note from the Great Powers of the 14th February 1914. They were thus placed under Turkish sovereignty. İsmet Pasha also considered necessary and equitable that the island of Samothrace, situated in the neighbourhood of the Turkish coast and of the Straits, to be left to Turkey.

The islands of Lemnos, Mytilene, Chios, Samos and Nikaria that were given to Greece by the Great Powers were, according to İsmet Pasha, of vital importance from the point of view of the security of Turkey, and it was economic necessity for them to be united to Asia Minor. For these reasons, he explained, the Great Powers' decision had not been accepted by Turkey. The disposal of these islands had been confined to the Great Powers on the condition that the decision should be in conformity with the interests of the parties concerned. The solution that the Great Powers proposed did not, according to İsmet Pasha, fulfil this condition, and therefore, did not satisfy Turkey.

The imperialist designs of Greece in Anatolia, İsmet Pasha continued, had shown Turkey how dangerous it was for the security of Asia Minor that these islands should be owned by Greece, which had artificially created on its own soil aspirations towards the establishment of a Greek Empire in the Asia Minor. Thus it was necessary in the interests of general peace that an undertaking be given for the complete demilitarisation of these islands. İsmet Pasha demanded that Turkey should receive guarantees for the strict observance of the undertakings given in these respects. It was, therefore, necessary that these islands should enjoy a neutral and independent political existence.

Taking the floor, Eleftherios Venizelos, the Head of the Greek delegation, said that a distinction should be drawn between those islands which had for a long time been under Greek sovereignty, and those which had not yet formed the subject of any International Act. If he had rightly understood İsmet Pasha's statement, Venizelos said, Turkey claimed to retain

sovereignty over the latter category of islands. He noted that the population of the greater part of these islands was exclusively Greek, without any foreign element. Some, such as Cos, Tenedos and Rhodes, he said, contained a small Turkish minority. To this connection he quoted some figures.¹² The other islands, according to Venizelos, were purely Greek, and it was, therefore, not in the interest of Turkey to own them.

Venizelos also argued that these islands could not compromise the security of Turkey. In this connection he recalled some military events according to which when disembarking at Smyrna, the Greek troops were transported direct to Anatolia and the islands were not used as a stopping-place. He thus made clear that the possession of the islands by a power other than Turkey did not constitute a menace for the latter. Besides, it was difficult to see, according to Venizelos, what interest Turkey could have in placing under its dominion a large Greek population, especially after the experience of the Turkish-Greek War. He agreed to examining the question whether it was necessary to demilitarise these islands, but he noted that in no case could there be any question of re-establishing Turkish sovereignty over territory which had long since ceased to belong to Turkey, including Tenedos and Imbros. As regards these two islands, he was ready to go even further and agree to a considerable limitation of the Greek sovereignty on account of their nearness to the Dardanelles. He thought that it would be better to discuss the demilitarisation of these islands and that of the Dardanelles simultaneously. He stated once more that he had no objection to the demilitarisation of these islands and said that it ought to be remembered that no decision had been taken regarding the adoption of such a measure. It had only been decided that the commission should examine the question whether demilitarisation of the islands was expedient, and if so, to what degree.

Replying to İsmet Pasha's and Venizelos's arguments, Lord Curzon said that he had discussed the matter with his Allied colleagues and was speaking on their behalf, as well as on his own. He attempted to place the matter on a proper juridical basis and thus begun by referring to the 1913 Conference of London, which resulted in a treaty being signed by Turkey, Greece, Serbia, Bulgaria and Montenegro, dated 30 May 1913. Article 5 of this treaty dealt with the islands. Lord Curzon said that İsmet Pasha had suggested that the handing over of the islands for disposal and distribution of the Great Powers implied certain conditions, but according to him, there were none. This would be seen by a reference to the concluding words of Article 5, which simply confined to the Great Powers "...the duty of deciding the fate of all the Ottoman islands in the Aegean Sea (except Crete) and of the Mount Athos peninsula".

¹²*Ibid.*, p. 97.

Lord Curzon stated that the meeting in London was followed by a Conference of Ambassadors of the Great Powers, who were instructed to decide to whom the islands were to be handed over. The Conference of Ambassadors, he continued, did not deal with the Dodecanese because the fate of those islands had already been decided provisionally by an agreement between Turkey and Italy. All the remaining islands were given to Greece except Imbros, Tenedos and Castellorizo, whose proximity to the mouth of the Dardanelles or to the Asiatic coast appeared to justify their retention by Turkey.

Lord Curzon also said that on 14 February 1914 the London Conference addressed a note to the Turkish Government in which they communicated to them the decision that all the islands in the occupation of Greece should be ceded to that country with the exception of Imbros, Tenedos and Castellorizo, which could be retained by Turkey. The islands of Imbros and Tenedos were to be demilitarised. In its reply of the 15th February, Lord Curzon noted, the Turkish Government did not commit itself to anything definite. It regretted the general attitude of the Great Powers, but took note of their decision about Imbros and Tenedos, the realisation of which it promised to do its best to assure.

Summarising the positions of İsmet Pasha, Lord Curzon observed that the Turkish delegation had put forward two suggestions: First, that Imbros and Tenedos, on account of their nearness to the mouth of Dardanelles, should be returned to Turkey as proposed by the Great Powers in 1913. He also pointed to İsmet Pasha's desire for the inclusion of Samothrace, which was mentioned for the first time, in the same group of islands, as being sentinels to the Straits. Second, that all the other islands, especially Lemnos, Mytilene, Chios, Samos and Nikaria, which had been given to Greece in 1913, should be taken away from it and placed under a special regime.

At that moment, Venizelos intervened in the discussion and said that he was under the impression that these islands were merely to be demilitarised. Rıza Nur Bey, a Turkish delegate, replied in the negative and stated that they were to have a neutral and independent political existence. Lord Curzon noted that this meant that the islands were not to be assigned to Turkey, but should be taken from Greece and given some form of political autonomy. This would result, according to Lord Curzon, in great difficulties, both from the point of view of law and right and also as regards practicability.

The islands in question, Lord Curzon continued, were a lawful Greek possession by treaty and their populations were entirely Greek in character. If the Turkish delegation were arguing "à la Wilson", the result of a plebiscite would assuredly be in favour of Greece's retention of the islands. He said that he understood that the Turkish delegation did not desire a plebiscite but only

a sort of constitutional experiment in autonomy. But previous experience, Lord Curzon argued, offered warnings against such an experiment. For instance, for a long time Samos had enjoyed a curious form of autonomy. There the results had not been encouraging, but rather a warning. Another experiment had been made with Crete but what had happened there were internal conflicts, widespread loss of life, and general anarchy, until finally Crete decided on union with Greece. These two illustrations were warnings against the acceptance of the Turkish proposals. Lord Curzon concluded that the suggestion of a constitutional experiment in autonomy for those islands should be rejected on account of the warnings offered by the past.

With reference to the demilitarisation of the islands and speaking on behalf of his Allied colleagues, Lord Curzon said that a distinction should be made between Imbros, Tenedos, and Samothrace on the one hand, and the rest of the islands on the other. The fate of the first three and the degree of demilitarisation to be effected there could best be considered in conjunction with the question of the freedom of the Straits. Concerning the rest of the islands, while the question of detaching them from Greek sovereignty could not be contemplated, he was quite willing that their demilitarisation should be examined by the military experts. He agreed with Venizelos that these islands had not been a source of danger to the Turkish military position in Anatolia, as the Greeks had made no use of them as bases, and they could not therefore, be reasonably regarded as a menace.

İsmet Pasha took the floor and said that he agreed to the question of demilitarisation being referred to a sub-commission and that he hoped that Lord Curzon would first define his views on the sovereignty of Imbros, Tenedos and Samothrace. Lord Curzon replied that this matter required very careful study embracing the figures given by Venizelos, and that he could not say what would be the decision regarding the sovereignty of these islands. He was inclined to think that when the proposed sub-commission to examine demilitarisation was set up, it should be asked to investigate the question of sovereignty also. But at that moment, he said, no announcement was possible.

Venizelos then claimed that the sovereignty of Samothrace had been settled in 1913, only the degree of demilitarisation to be effected there was still under discussion. İsmet Pasha announced that he would have occasion to state his views more fully when the question came to be examined afresh.

Lord Curzon asked whether İsmet Pasha understood that the question of demilitarising all the islands and not merely the three specifically named should be reserved, and that the sovereignty of Imbros and Tenedos should likewise be discussed later. Lord Curzon made clear that he had stated the views of the Allies as regards the political position of all remaining of the

islands. İsmet Pasha reserved the right to reply to both Lord Curzon's and Venizelos's arguments.

Barrère, the French delegate, then said that except of the question of autonomy that had been rejected, and the question of sovereignty over Imbros and Tenedos that was in suspense, the conference had all the elements necessary for a reference of the whole matter to a sub-commission of experts. Lago, the Italian delegate, enquired which islands were to be referred to the experts. Lord Curzon replied only those enumerated by Venizelos.

Then two things were decided. First, that a sub-commission of experts should meet when the time came for examining the Straits problem, the question of sovereignty over the islands of Tenedos and Imbros, and that of the demilitarisation of those two islands and that of Samothrace. Second, the sub-commission should also deal with the question whether the islands of Chios, Mitylene, Lemnos, Samos and Nikaria should be demilitarised, and if so to what degree.

The Turkish delegation made reservations as regards the discussion of sovereignty over Imbros and Tenedos. Summing up some of his views, İsmet Pasha said that he could not agree to Turkish sovereignty over Imbros and Tenedos being brought up for discussion. Lord Curzon replied that the sovereignty of Imbros and Tenedos would not be discussed until the sub-commission presented its report. İsmet Pasha expressly maintained his reservations on this subject. The commission rose at 5:20 p.m.

6. The Meeting of the Sub-commission of Experts

When the sub-commission of experts met, only the issue of demilitarisation was discussed. The sub-commission decided that for Lemnos, demilitarisation measures should be defined simultaneously with those to be determined for the islands of Imbros, Tenedos and Samothrace, at the time when the problem of the Straits would be discussed. For the islands of Mitylene, Chios, Samos and Nikaria, the sub-committee considered certain demilitarisation measures. In the view of the close inter-connection between the question of demilitarisation of Lemnos and the demilitarisation of the Straits, the Turkish delegation asked that the future sovereignty over Lemnos to be examined when the Straits question would be examined.¹³

7. Political and Military Commission: Second Meeting

After some clarifications were made concerning the decisions of the sub-commission of experts, Caclamanos made a brief statement on behalf of

¹³*Ibid.*, pp. 109-11.

the Greek delegation.¹⁴ He said that the question of sovereignty over Lemnos and Samothrace did not arise, since those islands had been Greek since 1913. Imbros and Tenedos were purely Greek in character and their population was almost exclusively Greek. According to Caclamanos, the Greek character of Imbros had become even more pronounced owing to the arrival there of over 10,000 refugees from Gallipoli. If Greek sovereignty over Imbros were not confirmed the refugee problem in Greece would become still more acute, for these refugees would be obliged to leave Imbros. Besides, Caclamanos noted, Imbros and Tenedos had been continuously occupied by Greece for ten years, and it was not its fault that the Greek occupation has been maintained there since 1913. This, according to Caclamanos, was done because Turkey did not accept the decision of the Great Powers in that year to assign Greece all the islands except Tenedos and Imbros, which they assigned to Turkey.

Taking the floor, İsmet Pasha observed that the question of sovereignty over Imbros and Tenedos had been raised by the Greek delegation in such a way as to ignore the existence of treaties and of notes previously exchanged. He said that he had already examined this question and had stated the juridical basis on which Turkey's claim to the sovereignty of these islands was based. İsmet Pasha explained that he claimed Samothrace also, because that island was in a similar position as regards the Straits; and the status of the Straits could not be examined apart from that of the islands opposite them. In mentioning Lemnos, İsmet Pasha said that his purpose had only been to get that island put under the same regime as the other neighbouring islands. He argued that Turkey had never officially recognised Greek sovereignty over Mytilene, Chios, Samos and Nikaria. On the contrary, he said, Turkey had protested to the Great Powers when they wished to give her Imbros and Tenedos only. He repeated that as regards demilitarisation, Samothrace and Lemnos must have the same regime as the Straits.

Replied to İsmet Pasha's comments, Caclamanos recalled the fact that when the question of sovereignty was raised at a previous meeting of the commission, Lord Curzon had clearly proved that Samothrace and Lemnos were not concerned. These islands, he said, belonged to the group that was put under Greek sovereignty by the decision of 1913, and the question could not be re-opened. The sub-commission had only had to deal with these islands because, like Imbros and Tenedos, they lay near the Straits and had been included, together with the two last-named islands, in a group of which a special regime of demilitarisation would apparently have to be devised. The inclusion of Samothrace and Lemnos in that group, Caclamanos argued, had nothing to do with the question of sovereignty, which was not under discussion. The only point at issue, according to Caclamanos, was the

¹⁴For the Second Meeting of the Political and Military Commission see *ibid.*, pp. 103-9.

definite assignment of sovereignty over Imbros and Tenedos. He explained that Greece claimed the recognition of its sovereignty over those islands for the reasons already stated by the Greek delegation. He also said that İsmet Pasha was in error when he said that the question of sovereignty over Samothrace and Lemnos must be examined. He stated that that question was already solved, as in the cases of Mytilene, Chios, Samos and Nikaria; and the commission only had to examine the means ensuring the more complete demilitarisation of the islands in question.

İsmet Pasha replied that as the commission had agreed to Lemnos and Samothrace forming part of the Straits system, the sovereignty of those islands should be examined simultaneously with the Straits regime. Caclamanos protested by saying that İsmet Pasha's proposal was entirely new, and contrary to the view clearly stated by Lord Curzon as regards the juridical position of these islands. He therefore thought that the commission could not accept it.

Intervening in the discussion, Lord Curzon stated he would deal with the question of sovereignty just raised by İsmet Pasha at the close of the remarks which he was about to make, embodying his own views and those of his Allied colleagues. Addressing the issue, Lord Curzon said that he had expected the sub-commission would have received a vote of thanks from the Turks, because in London in 1913 the Great Powers had suggested that only the two islands of Imbros and Tenedos should be demilitarised and given to Turkey. He pointed to the fact that the Turkish delegation had asked for a third island, Samothrace. According to Lord Curzon, for the first time the Turkish delegation, that had hitherto not missed a single point in the discussion, had forgotten Lemnos. This was also one of the islands necessary for the defence of the Straits. This extraordinary lapse of memory on the part of the Turks, Lord Curzon said, had been made up for by the intelligence and common sense of the sub-commission. The Turks were now offered the demilitarisation not of two islands as in 1913, nor of three, as on 25 November 1922, but of four.

With reference to the sovereignty of those islands, Lord Curzon said that Caclamanos was quite right in contending that the sovereignty of Samothrace had already been excluded from the discussion. The commission should accordingly confine itself to Imbros and Tenedos. He reminded the participants that the Turkish delegates had asked that the sovereignty, as well as the demilitarisation of Lemnos should be referred to the commission dealing with the Straits problem. Moreover, he claimed that İsmet Pasha's contention could not be sustained. Sovereignty, Lord Curzon said, was a political question, whereas the questions to be discussed by the Commission on the Freedom of the Straits were uniformly naval and military. That commission should have to suggest the nature of the demilitarisation, the extent of the demilitarised zones, the measures to be taken on both sides of

the channel and the degree of surveillance to be exercised. Sovereignty was an entirely different issue and should be discussed by the First Commission alone, not by the Straits Commission.

Lord Curzon also mentioned that it was most important that the First Commission should be in possession of the full views of the Turks, and of the juridical arguments by which they supported their claim. He recognised the fact that the Turkish delegation had quite fairly based their contentions in the case of Imbros and Tenedos on the offer of 1913 and made clear that the character of the population should not be disregarded altogether. Quoting figures of the last census (1912), Lord Curzon said that there were 9,200 Greeks and no Turks in Imbros. Quoting Caclamanos, he also noted that 10,000 more Greeks from Gallipoli had taken refuge there. Thus there were 19,000 Greeks and still no Turks. The island of Tenedos was less important, but in 1912 there were 5,420 Greeks and 1,200 Muslims. Lord Curzon regarded some answers to these figures as necessary, and he hoped to have one, not necessarily at once, from the Turkish delegation.

In his reply, İsmet Pasha argued that Imbros and Tenedos incontestably belonged to Turkey already by a decision of the powers. He asked that Samothrace should be attached to the group of islands to be included in the Straits system and demanded a system of effective demilitarisation and the establishment of a neutral and independent regime in the islands close to the coast of Asia Minor. He explained that he had refrained from proposing the inclusion of Lemnos in the first group of islands because he thought that the other islands also would be thoroughly demilitarised. He said that his omission to name Lemnos was not due to forgetfulness and that as far as Imbros and Tenedos are concerned, his position as regards the attribution of sovereignty was not in any way in suspense. These islands, together with Castellorizo, he claimed, had been maintained under Turkish sovereignty by a note of the powers dated 14 February 1914. On the authority of the Turkish reply, dated 15 February 1914, İsmet Pasha maintained that the then Imperial Ottoman Government, while taking note of the powers' decision respecting the restoration of Tenedos, Imbros and Castellorizo to Turkey, had formulated objections to the cession to Greece of the other islands, as regards which they intended to establish their just and legitimate claims.

Replying to Lord Curzon's argument about the ethnical character of these islands, and also of Samothrace, İsmet Pasha said that their ethnical character could not have any importance, nor exercise any influence when the issue was to settle the fate of Straits and the system of islands dependent thereon, for these islands formed, together with the territorial system of the Dardanelles, a single whole. In a matter so essential, the presence of several thousand men, of no matter what race, could not, according to İsmet Pasha, outweigh geographical and political considerations of the highest importance.

He recalled the fact that during the discussion of Western Thrace, where the existence of a Turkish minority was incontestable, the superiority of geographical and political necessities over ethnical considerations had been asserted. He pointed out that in dealing with the islands, the process was being reversed.

Lord Curzon said that he did not want to indulge in a debate with İsmet Pasha and that he wished to reply very briefly to the assertions just made by him. According to Lord Curzon, Imbros and Tenedos were not given to Turkey by the Treaty of London, which merely placed the Aegean islands in the hands of certain Great Powers. The attribution of the islands was first mentioned in the correspondence that ensued. The Turkish reply of the 15th February 1914, had been, according to Lord Curzon, inexactly quoted by İsmet Pasha. He explained that that note 'had picked out all the plums in the pudding and had rejected the rest as something uneatable'. In the last sentence, Lord Curzon continued, the Ottoman Government merely said that they had taken note of the Great Powers' proposal respecting Imbros, Tenedos and Castellorizo. This could not, according to Lord Curzon, mean that the Turkish Government had been vested with the sovereignty of these islands and added that historical documents could not be treated in such a way. He stated that if any argument were to be based on the Turkish note, it should be based on the note as a whole.

Yet, Lord Curzon noted that the Turkish delegation, which had used the population argument as regards Western Thrace, now said that it should be ignored as regards the islands. He also said that the Turkish delegation ignored geography. He asked whether it was to be pretended that the islands were not islands at all, and that their Greek population was really living on the mainland? Such juggling with geography was, according to Lord Curzon, wholly inadmissible.

As regards the autonomy that İsmet Pasha had proposed for the Greek islands on the 25th November, Lord Curzon stated that what was good for the Greeks must be good for the Turks. He asked whether the Turkish delegation was also proposing autonomy for the islands claimed by them, as well as for the mainland of Anatolia, of which, according to the Turks, the islands formed a part. He said that this point needed elucidation as soon as possible because it was important to know whether these islands were to be considered as islands or not. He asked whether these islands were to become Turkish because they were not islands, or were they to be considered as islands and accordingly given autonomy.

İsmet Pasha again formulated his reservations with regard to Turkish sovereignty over the islands near the Straits, and said that he wished to have an opportunity of returning to the subject in greater detail. After adopting the

recommendations of the sub-commission of experts, the Commission rose at 6:20 p.m.

8. The Straits Commission and the Status of the Aegean Islands

The Turkish delegation brought the question of sovereignty over the islands attached to the Dardanelles before the commission dealing with the Straits question.¹⁵ On 8 December 1922, İsmet Pasha argued that Turkish sovereignty ought to be recognised and affirmed over Imbros, Tenedos and Samothrace, while Lemnos should be declared autonomous.¹⁶ In his reply to the Turkish delegation, Lord Curzon said that the Allies were disposed to agree that Imbros, Tenedos, Samothrace and Lemnos should be demilitarised but they could not agree that the sovereignty of Lemnos or Samothrace could possibly be called in question. He also mentioned that the Allies could not agree either to accept an autonomous regime for Lemnos. He then asked the Turkish delegation to state the reasons for which the Greek island of Imbros should be transferred to the sovereignty of Turkey.¹⁷

On 18 December, İsmet Pasha stated that the islands of Samothrace, Imbros and Tenedos, being an integral part of the Dardanelles, could not on any account be placed under the sovereignty of a foreign power and that the presence of a Greek fleet at Lemnos would constitute a threat against the regime of the Straits. The Turkish delegation, while reserved its full right to discuss the question of sovereignty over Lemnos, made clear that it could in no way agree to the presence of the Greek fleet off the coast of that island.¹⁸

On 19 December, Lord Curzon replied that he had already stated three times that the Allies had no intention of taking away from Greece the sovereignty of Samothrace and Lemnos or setting up an autonomous regime there. The Allies, according to Lord Curzon, had been willing to apply the strictest form of demilitarisation in these islands for the security of Turkey. But they could not do anything else.¹⁹

On 20 December, İsmet Pasha for once more argued that the islands of Imbros, Tenedos and Samothrace, which formed an integral part of the Dardanelles, should be restored to Turkey.²⁰ This time no reply was given to

¹⁵For the negotiations concerning the Straits question see *ibid.*, pp. 125-73 and 228-289.

¹⁶*Ibid.*, p. 159.

¹⁷*Ibid.*, p. 169.

¹⁸*Ibid.*, p. 235.

¹⁹*Ibid.*, p. 266.

²⁰*Ibid.*, p. 281.

İsmet Pasha. However, Paragraph 3 of the Article 4 of the Draft Straits Convention, that was presented to the Turkish delegation, stated that '...the islands of Samothrace, Lemnos, Imbros, Tenedos and Rabbit Islands' should be demilitarised. At the same time, Article 12 of the Draft Treaty of Peace confirmed the Turkish sovereignty over Imbros and Tenedos and left Lemnos and Samothrace to Greece.

From the moment that the draft documents of the treaties were presented to the conference participants for review to the time of delegations departure, no major discussion took place concerning the status of the Aegean islands.²¹ However, in his memorandum of the 4th February 1923, İsmet Pasha announced the acceptance of the treaty arrangements concerning the Aegean islands and proclaimed that in regard to this issue peace could be concluded immediately.²²

On 4 February 1923, Lord Curzon visited İsmet Pasha at the Beau Rivage Hotel. Among other things, Lord Curzon told İsmet Pasha that in the original treaty it was suggested that both the Greeks and the Turks should renounce their claims against each other. He reminded İsmet Pasha that the Turks had objected to this, and that the Allies had therefore decided to suppress that article and to leave the settlement of their respective claims to the Governments of Turkey and Greece to settle themselves. He also reminded İsmet Pasha that the Turkish delegation had then explained that they wanted some article in the treaty under which the Greeks would be obliged to consider this question. İsmet Pasha then explained that what the Turkish delegation wanted was the fixation of the sum to be paid by Greece in the way of reparation. Lord Curzon pointed out that İsmet Pasha's proposal was not at least a helpful one at that stage.²³

The full account of the negotiations at Lausanne, with reference to the Aegean questions, has shown that the intention of the parties was neither to establish a political balance between Turkey and Greece in the Aegean, nor to harmonise the vital interests of both countries in this area. If a political balance was to be established, this could only happen if Turkey was granted sovereignty over the islands of Mytilene, Lemnos, Chios, Samos and Nikaria. But Turkey failed to achieve this goal. The fact that the islands of Imbros, Tenedos and Rabbit Islands were ceded to Turkey does not prove that the parties intended to establish a political balance in the Aegean but rather that they were determined to secure the land borders of the newly established Turkish state.

²¹For the subsequent negotiations and concessions see *ibid.*, pp. 832-53.

²²*Ibid.*, p. 838.

²³*Ibid.*, p. 845.

Moreover, it is impossible to arrive to the conclusion that the 'basic thinking' of the Lausanne Treaty was to grant to coastal states limited areas of maritime jurisdiction and leave the remaining parts of the Aegean to the common benefit of Turkey and Greece. As the account of events has shown, not even a reference to this end was made by any party, including the Turkish delegation, either during the meetings of the commissions and sub-commissions or during the subsequent negotiations. The account of events shows that Turkey was exclusively interested in securing its land borders rather than safeguarding any interests in the Aegean. Thus the examination of the intentions of the signatories of the Lausanne Treaty does not support the Turkish argumentation.

9. The Object and Purpose of the Lausanne Treaty

The object of the Lausanne Treaty was Turkey. This is evident in the text of the Final Act and the Treaty of Peace. The former states that;

'The Government of the British Empire, France and Italy, in agreement with the Government of Japan, being desirous of finally re-establishing peace in the East, and having invited on the one hand Greece, Roumania, the Serb-Croat-Slovene State, and also the United States of America, and *on the other hand Turkey*, to examine together the arrangements by which a result equally desired by all nations might be achieved'.

The Peace Treaty begins by mentioning that 'The British Empire, France, Italy, Japan, Greece, Roumania and the Serb-Croat-Slovene State of the one part *and Turkey of the other part*...have decided to conclude a Treaty...'. That Turkey is the main object of the Lausanne Treaty can also be seen throughout the text of the treaty and the negotiations process.

The purpose of the Lausanne Conference and the subsequent Treaty was fourfold. First, to re-establish peace in the Near East. This purpose is affirmed in the Rule 1 of the Lausanne Conference and re-affirmed in the Article 1 of the draft and final documents of the Lausanne Treaty.

Second, the Lausanne Conference and the Lausanne Treaty sought to determine the borders of Turkey. This intention is affirmed in the Articles 2 and 3 of both the draft and final documents of the treaty. The former article refers to the boundaries between Turkey on the one side and Bulgaria and Greece on the other and specifies that 'From the Black Sea to the Aegean...The frontier of Turkey is laid down as follows...'. Likewise, Article 3 refers to the boundaries of Turkey with Iraq and Syria and states that 'From the Mediterranean to the frontier of Persia, the frontier of Turkey is laid down as follows...'. The same logic applies to the Articles 4-20 of the draft and final documents of the Lausanne Treaty and especially to Articles 12, 15 and 16.

Third, the purpose of the Lausanne Conference and the Lausanne Treaty was to secure the borders of the newly established Turkish State. The conference spent a significant amount of time discussing demilitarisation and other measures that should be taken in order to assure the security and integrity of the Turkish State. Such measures were clearly defined in the Peace Treaty and the Straits Convention.

Fourth, the Lausanne Conference and the Lausanne Treaty sought to regulate standing questions between Turkey and the other participant and signatory states, such as protection of minorities, exchange of populations and prisoners of war, financial questions, the status of the foreigners in Turkey, sanitary matters etc.

The purpose of the Lausanne Treaty therefore was neither to establish a political balance between Turkey and Greece in the Aegean nor to harmonise their interests there, nor to grant to coastal states limited areas of maritime jurisdiction. Thus the examination of the object and purpose of the Lausanne Treaty does not support the Turkish argumentation.

10. Conclusion

The purpose of this article was twofold. First, it intended to show that the Turkish claim according to which any extension of the Greek territorial waters would be in conflict with the 'basic thinking' of the Lausanne Treaty is not sustainable. If Greece should not be allowed to extend its territorial waters, it is not because such an action is against the 'basic thinking' of the Lausanne Treaty but due to the other reasons that the Turkish Government advanced to support its arguments.

That the 'basic thinking' of the Lausanne Treaty is not what the Turkish Government claims to be, is supported by an event against which the Turkish Government did not protest. Specifically, at the time of the Lausanne Conference and the signing of the Lausanne Treaty, the Greek territorial waters were fixed at three nautical miles. In 1936, the Greek territorial waters were fixed by law at six nautical miles. If any extension of the Greek territorial waters is against the 'basic thinking' of the Lausanne Treaty, as the Turkish Government argues now, the extension of the Greek territorial waters in 1936 was also against this 'basic thinking'. Why then the Turkish Government did not protest? The answer is that the 'basic thinking' of the Lausanne Treaty is not what the Turkish Government claims to be. In 1923, Turkey was not interested in the Aegean but how to secure its borders and territorial integrity. It did not relate its power and interests to the sea.

The second purpose of the article was to encourage further discussion on the disputing issues between Turkey and Greece based on substantial

evidence and documentation. What has been told in this article is nothing more than what its author thinks. His reasoning has been determined by the information in his disposition. This article is an invitation to those who agree with his analysis to say so. It is also an invitation to those who disagree to explain with evidence why they do so. This is a pre-requisite for any constructive dialogue or, at least, the Turkish and Greek people can be told why should they fight a war against each other.