

SÖZLEŞME METİNLERİ

YUNANİSTAN'LA BARIŞ ANDLAŞMASI^{1, 2} (1-14 Kasım 1913 - 1329)

Bu kerre Devlet-i Aliye ile Yunanistan hükûmeti beyninde akdolunan sulh muahedenamesi mündericatı meclis-i vükelâ kararıyla tensib edilmiştir.

Bu irade-i seniyenin icrasına heyet-i vükelâ memurdur.

23 zilhicce 1331 - 10 teşrinisani 1329

Mehmed Reşat

Sadr-ı âzam ve Hariciye Naziri

Mehmet Sait

Şeyhülislâm

Esat

Harbiye Nâzırı

Ahmet İzzet

Dahiliye Nâzırı

Talât

Bahriye Nâzırı

Mahmut

Şuray-ı Devlet Reisi

Halil

Adliye Nâzırı

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Maliye Nâzırı

Rifat

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Nâzırı

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Oskan

Muahedename

1 Bu metin için bkz. Nihat Erim, *Devletlerarası Hukuku ve Siyasi Tarih Metinleri*, Cilt I, (Osmanlı İmparatorluğu Andlaşmaları), A.Ü. Hukuk Fakültesi Yayınları, Ankara, 1953.

2 Bu vesikanın metni *Dustur Tertib-i Sâni* cilt 7, s. 45'den alınmıştır.

Zat-ı şevketsimat hazret-i padişahı ile haşmetlû Yunan kırah hazretleri beyinlerinde müteyemminen revabıt-ı sulh ve müvalatı tahkim ve teşyid etmek ve beyneddevleteyn münasebat-ı tabiiyenin yeniden tesisini teshil eylemek arzusuyla mütehasis olduklarından bir mukavele akdına karar vermişler bunun için :

Zat-ı şevketsimat hazret-i padişahî Galip Kemalî Bey'i ve Haşmetlû Yunan kralı hazretleri Hariciye Nâzırı Mösyö D. Panas'ı murahhas tayin eylemişlerdir.

Murahhasan-ı müşarünileyhima yolunda ve muntazam görünen salâhiyetnamelerini badetteati mevad-dı âtiyeyi kararlaştırmışlardır :

Madde 1: İşbu mukavelenamenin imzasını müteakip Devdelt-i Aliye ile Yunanistan beyninde münasebat-ı diplomasiye tekrar başlayacak ve tarafeyn konsoloslukları tekrar teessüs ve her iki memlekette ifa-yı vazife edebilecektir.

(Bent) Hükûmet-i Osmaniye terk olunan arazinin halen düvel-i ecnebiye konsolos memurları bulunan mevakii ile Yunan hükûmetinin konsolos memurlarını kabulde mahzur görmeyeceği bilcümle mevakide şebenderlikler ihdas eyliyebilecektir.

Madde 2 : Münasebat-ı diplomasiyenin hin-i intikamında beyneddevleteyn münakit veya mer'î bulunan muahedat, mukavelât ve muakedat mukavele-i hazıranın imzasından itibaren tekrar tamamıyla kesb-i mer'iyet edecek ve her iki hükûmet ile tebealarının muhasamattan evvel mevcut vaziyetleri tekrar aynı suretle tesis kılınacaktır.

İşbu mukavelenameye merbut üç numaralı protokol Yunanistan'ın bilcümle memâlikinde tatbik olunacaktır.

Madde 3 : Muahede-i hazıradan evvelki vekayi-i siyasiyede methaldar bulunan bilcümle eşhas hakkında tarafeyn-i akideynce tam manisile af-fı umumî bahş olunmuştur.

Binaenalyh muharebe ile her ne suretle olursa olsun taallûk ve münasebeti olan ef'alden dolayı hiçbir kimse şahsı veya emvali veyahut hukukundan istifadesi itibariyle takip veya tazip edilemeyecek ve bu gibi ef'ale mübteni olarak cihet-i adliyeden sadır olan bütün mahkuûmiyet kararları ve cihet-i idarece ittihaz olunan tedabir bilfiil hükümden sakıt olacaktır.

Madde 4 : Yunanistan'ın zir-i idaresine intikal eden arazi-i Osmaniyyede mütemekkin kesân Yunan tebeası olacaklar.

Ve Yunan memurin-i aidesine bir beyanname itası ve Osmanlı şebenderhanelerinde bir muamele-i kaydiye icrası suretiyle bugünden itibaren üç sene zarfında tabiiyet-i Osmaniyyeyi ihtiyar eylemek salâhiyetini haiz olacaklardır. İşbu beyanname memâlik-i ecnebiyyede Yunan konsoloshaneleri kañılaryalarına tedvi edilecek ve Osmanlı şebenderhaneleri tarafından kayıt ve tescil olunacaktır. Mamafih bu hak-kı

hiyarın istimali alâkadarının nakl-i mekân etmelerine ve Yunanistan haricinde ihtiyar-ı ikamet eylemelerine tabi bulunacaktır.

Bu müddet zarfında memâlik-i Osmaniyeye veya memâlik-i ecnebiyeye hicret edecek veyahut oralarda ihtiyar-ı ikamet eyleyecek olan eşhas Osmanlı kalacaklar ve emval-i menkulleleri için ihracat rüsumundan mafüviyeti haiz olacaklardır.

İhtiyar-ı tabiiyet keyfiyeti şahsî olacaktır.

Mezkûr üç sene müddet zarfında islâmlar hizmet-i askeriye ifasına tabi tutulamayacakları gibi bir gûna bedel-i askeri de tediye etmeyeceklerdir.

(Bend) Sağır bulunanlar sin-ni rüşde vusullerinden itibaren hak-kı hiyarlarını istimale başlayacaklardır.

Madde 5 : Terk olunan arazinin işgaline kadar iktisap olunan hukuka ve bir de memurin-i müteallika-i Osmaniyeye tarafından mu'ti evrak ve vesaik-i adliye ile senedat-ı resmiyeye riayet olunacak ve aksi kaziye kanunen sabit oluncaya değin bunlar nakız ve ihlâl edilmeyecektir.

(Bend) İşbu madde Paris'teki Balkan mesail-i maliye komisyonunca ittihaz edilebilecek olan mukarrerat üzerinde hiçbir veçhile icra-yı tesir etmeyecektir.

Madde 6 : Terk olunan arazi ahalisinde mukavele-i haziranın dördüncü maddesi ahkâmına tevfi-k-i hareket ve tabbiyet-i Osmaniyeye veya memâlik-i ecnebiyeye hicret edecek veyahut oralarda ihtiyar-ı ikamet eyleyecek olanlar arazi-i mezkûrede kâin emval-i gayr-ı menkulelerini muhafazaya ve iltizama vermeğe veyahut eşhas-ı sâlise marifetiyle idare ettirmeğe vadam edeceklerdir.

Yunanistan'a terk olunan mahallerde canib-i hükûmet-i Osmaniyeden mu'ti senedat veyahut Osmanlı kanunu mucibince efrat tarafından şehir ve kasabat ve kurada tasarruf olunan emlâk üzerinde mevcut olan ve işgalden mukaddem bulunan hukuk-ı tasarrufiye hükûmet-i Yunaniyeye tanınacaktır.

Salifüzzikir işgalden mukaddemki kavanin-i Osmaniyeye mucibince eşhası maneviye namına mukayyet olan veya eşhas-ı mezkûre tarafından tasarruf olunan marûlbeyan emval üzerindeki hukuk-i tasarrufiye hakkında da bu yolda muamele olunacaktır.

Hiç kimse usul ve nizami veçhile mütehakkik menfaat-ı umumiyeye müstenit olmadıkça ve mukabilinde evvel beevvel muhik bir taviz verilmedikçe hukuk-ı tasarrufiyesinden kısmen veya kâmilen, doğrudan doğruya veya dolayısıyla mahrum edilmeyecektir.

Madde 7 : Zat-ı hazret-i padişahının emval-i hususiye-i hümayunları ile hanedan-ı saltanat-ı seniye âzasının emval-i hususiyesi mahfuz ve baki kalacaktır. Zat-ı hazret-i padişahı ile hanedan-ı saltanat-ı seniyeleri âzası bunları vekilleri marifetiyle fûruht veya icar edebileceklerdir.

İşbu maddenin tefsir veya tatbiki hususunda zuhur edecek olan bilcümle ihtilâfat veya münazaat akdolunacak bir tahkimnameye tevfikân Lahey'de hakem usuliyle faslolunacaktır.

Madde 8 : Üsera-yı harbiye ile askerliğe veya huzur ve asayiş-i umumîye ait tedabir icabatıyla tevkif olunmuş olan diğer bilcümle eşhas muahede-i hazıranın imzasından itibaren bir ay müddet zarfında veya mümkün ise daha evvel mübadele kılınacaktır.

İşbu mübadele tarafeynce suret-i mahsusada tayin olunan komiserler marifetiyle icra olunacaktır.

Üsera-yı harbiyeye müteallik olarak tarafeyn-i akidince mütekabilen vaki olacak metalip akdolunacak bir tahkimnameye tevfikân Lahey'de hakeme havale kılınacaktır.

Mamafih hükûmet-i Yunaniyece tediye olunan zabitan maaşatı zabitan-ı mumai-leyhimin mensup oldukları hükûmet canibinden tesviye edileektir.

Madde 9 : Mukavele-i hazıranın imzasını müteakip hükûmet-i Osmaniye ilân-ı harptan evvel zaptolunup halen tevkif edilmekte bulunan Yunan bayrağını hamil bilcümle sefain ile merakib-i bahriyeyi salıverecektir.

Yunan sefaini ile hamulelerinin zabıt ve musaderesi yüzünden alâkadaranın duçar oldukları zarar ve ziyanların tazminine ait metalip bilittifak kararlaştırılacak olan bir tahkimnameye tevfikân her iki tarafça tayin olunacak dört hakemden ve bir de tarafeyn-i akideynce veyahut beyinlerinde mübayenet-i efkâr zuhuru takdirinde İsviçre Hükûmat-ı Müttehidesi Meclisince düvel-i bahriye tebeası meyanından ihtihap edilecek diğer üç hakemden mürekkeben teşekkül edecek bir mahkeme-i hakemiyeye havale kılınacaktır.

Madde 10 : Selânik'teki asakir-i Osmaniye nezdinde mevcut olup hükûmet-i Osmaniyece iadeleri talep edilmekte bulunan eslihayaya dair belde-i mezkûrenin teslimi hakkında 2 teşrinievvel-i rumî 1912 arihinde münakit protokol ile buna merbut olarak ferdası günü imza edilen protokolun tefsir-i münderecatından münbais ihtilâfın halli için her iki hükûmet bu bapta akdedilecek bir tahkimnameye tevfikân Lahey'de bir mahkeme-i hakemiyeye müracaat edeceklerini taahhüt ederler.

Madde 11 : Yunanistan'a terk olunan mahaller ahalisinden zir-i idare-i Yunaniyede kalacak olanların can ve mallarıyla namus ve din ve mezhep ve âdâtına kemal-i ihtimam ile riayet olunacak ve bu kısım ahali an asıl tebea-i Yunaniyeden olanların haiz oldukları aynı hukuk-ı medeniye ve siyasiyeyi tamamıyla haiz bulunacaktır. Müslümanlar hürriyet-i diniyeye ve âyin-i dininin alenen icrası hususunda serbestiye malik olacaklardır.

Zat-ı hazret-i padişahının nam-ı nami-i hilâfetpenahilerinin hutbelerde zikrine devam olunacaktır.

Elyevm teessüs etmiş veya âtiyen teessüs edecek olan cemaat-ı islâmiyenin muhtariyetine ve silsile-i meatipten itibarıyla teşkilâtına ve anlara ait nukut ve emvalin idaresine asla iras-ı nakisa edilemeyeceği gibi ahali ve cemaat-ı islâmiyenin Dersaadet'te makam-ı meşihat-ı ulyâyâya tabi bulunacak olan rüesa-yı diniyeleri ile olan münasebatına dahi asla iras-ı nakisa olunamayacak ve baş müftünün menşuru makam-ı âli-i meşihattan ita kılınacaktır.

Müftülerden her biri kendi dairesi dahilinde müslüman müntehipler tarafından intihap olunacaktır.

Baş müftü Yunanistan'daki bilcümle müftülerden mürekkep bir meclis-i intihap tarafından intihap ve irae olunan üç namzet meyanında bittefrik haşmetlû Yunan kralı hazretlerince tayin olunur.

Hükûmet-i Yunaniye baş müftünün intihabını Dersaadet'teki Yunan sefareti vasıtasıyla makam-ı âli-i meşihatpenahiye tebliğ edecek ve taraf-ı âli-i meşihatpenahiden müftü-i mumaileyhe bir menşur ve umur-ı memurisini ifa ve bu bapta kendisi dahi Yunanistan'daki diğer müftülere hüküm ve iftâ salâhiyetini bahşedebilmesi için bir mürasele gönderilecektir.

Müftüler sırf dinî umur ve hususat hakkındaki salâhiyetlerinden emval-i vakfiyetinin idaresi üzerindeki teftiş ve nezaretlerinden maada nikâh, talâk, nafaka, vasayet, velâyet, ispat-ı rüşd, müslümanlara ait vasiyetler, tevarüs ve tevliyet gibi mevadda beynelmüslimin icra-yı ahkâm edeceklerdir.

Müftüler tarafından isdar olunan ilâmlar Yunan memurin-i aidesi tarafından icra edilecektir.

Umur-ı irsiyeye gelince müslümanlardan işte alâkadar olan taraflar evvel beevvel beyinlerinde itilâf hasıl ettikten sonra hakem sıfatiyle müftüye müraccat edebilirler. Bu veçhile sadır olacak hakem kararına karşı mahakim-i mahalliyeye vukubulacak her türlü müracaatlar kabul olunacaktır. Meğer ki aksi kaziyeyi mübeyyin olarak sarahaten bir kayıt ve şart mevcut olmuş ola.

Madde 12 : Terk edilen arazide kâin icare-i vahideli icareteynli, mukataalı evkafa işgal-i askeri zamanında kavanin-i Osmaniye ile muayyen oldukları üzere ister mazbuta ve mülhaka, ister müstesna olsun riayet olunacak ve bunlar terk olunan arazideki cemaat-ı islâmiye tarafından idare edilecek ve cemaat-ı mezkûre mütevellilerle galledarların hukukuna riayet eyleyecektir.

(Bend) Yunanistan'a terk edilen arazi dahilindeki bilâd ve kasabat ve kurada mevcut varidat memâlik-i Osmaniyyede kâin müessesat-ı diniye ve hayriyeye muhtas olan bilcümle emlâk-i vakfiye-i mazbuta veya mülhaka dahi evkaf nezareti tarafından furuht edilinceye kadar salifüzzikir cemaat-ı islâmiye tarafından idare olunacaktır. Şurası mu-

karrerdir ki galledarların evkaf-ı mezkûre üzerindeki hukukuna nezaret-i müşarünileyhaca riayet edilecektir.

Evkafın usul-i idaresi evvel beevvel muhik bir taviz verilmedikçe tadil ve tagyir olunamayacaktır.

Aşar-ı vakfiye fesih ve ilga edildiği cihetle şayet işbu fesih ve ilga üzerine Yunanistan'a terk olunan arazideki tekkelerle cami, medrese, mektep ve hastanelerden ve sair müessesat-ı diniye ve hayriyeden bazıları âtiyen idarelerine kâfi varidattan mahrum kalacak olurlarsa hükûmet-i Yunaniye bunun için iktiza eden tahsisatı ita edecektir.

İşbu madde ahkâmının tefsir veya tatbiki hususunda zuhur edecek bilcümle ihtilâfat Lahey'de mahkeme-i hakemiyeye müracaatle fasedilecektir.

Madde 13 : Tarafeyn-i akideyne mezarlıklara ve alehusus meydan-ı harpta terk-i hayat eden asakirin metfenlerine riayet ettirmek üzere vilâyattaki memurlarına emir vermeği taahhüt ederler.

(Bent) Memurlar ecnebi toprağında metfun emvatin izamını almaktan bunların taallûkat ve ehibbasını menetmeyeceklerdir.

Madde 14 : Hükûmet-i Yunaniye Selânik-Manastır şimendiferleriyle Şark şimendiferlerinin ve Selânik-Dedeoğaç iltisak şimendiferini Yunanistan'a terk olunan arazi dahilindeki aksamı için mezkûr şimendifer kumpanyalarına karşı mevcut hukuk ve tekâlif ve taahhüdâtça hükûmet-i Osmaniye makamına kaim olmuş olduğundan bunlara müteferri mesailin kâffasi Paris'teki Balkan mesail-i maliye komisyonuna havale olunacaktır.

Madde 15 : Tarafeyn-i akideyn 30 Mayıs 1913 tarihli Londra Muahedenamesi ahkâmını muahedename-i mezkûrun beşinci maddesi ahkâmı da dahil olduğu halde kendilerine taallûk eden hususatta ifa etmeği taahhüt eylerler.

Madde 16 : Muahede-i hazıra imza edilince derakap mer'î kalacak ve buna müteallik tasdiknameler bugünden itibaren on beş gün zarfında teati kılınacaktır.

Tasdiken ilmekal tarafeyn murahhasları bunu imza ve mühürleriyle tahtim etmişlerdir.

1-14 teşrinisani 1913 tarihinde iki nüsha olarak tanzim olunmuştur.

(İmza) : Galip Kemalî

" : D. Panas

1 NUMARALI PROTOKOL

Terk edilen arazinin ahali-i asliyesinden olup memâlik-i Osmaniye haricinde mütemekkin bulunanlara tabiiyet-i Yunaniyeyi ihtiyar etmek üzere altı aylık bir mühlet verilecektir.

Buna ait beyanname ile netayici dördüncü maddede musarrah beyanname ile netayici dördüncü maddede musarrah beyanname ile netayicin aynı olacaktır.

(İmza) : Galip Kemalî

" : D. Panas

Suret-i mahsusada tanzim olunan

2 NUMARALI PROTOKOL

Hükûmet-i Osmaniye terk edilen arazide kâin emlâk-i hususiye-i miriye'nin kendi uhdesinde kalması lâzım geleceğini iddia ettiği ve hükûmet-i Yunaniye kabul etmediği ve emlâk-i mezkûrenin kendisine ait olması icap edeceği iddiasında bulunduğu cihetle tarafeyn-i akideyn bu meselei akdolunacak bir tahkimnameye tevfikân Lahey'de bir mahkeme-i hakemiyeye havale etmeği kararlaştırmışlardır. Emlâk-i mebhusenin miktarı ile mesahası işbu protokola merbut listesi münderictir.

(İmza) : Galip Kemalî

" : D. Panas

Hükûmete ait emlâk-i hususiye

1- Selânik Vilâyeti

A — Peyderpey hükûmete intikal eden emlâk :

Bu emlâkin miktarı henüz tayin olunmamıştır. Fakat bunlar pek te haiz-i ehemmiyet olmayıp kıymetleri de iki bin lirayı Osmanîden ibarettir. lira-yı Osmanî 2.000

B — Hazine-i hassadan hükûmete devir olunan emlâk (1) Çiftlik 46 210 dönüm vüsatında... lira-yı Osmanî 450

Selânik'te kâin olup üzerine ebniye inşa edilmiş bulunan 288 290 metrolük arsa dahi dahil olduğu halde 93 parça arsa 118 024 dönüm 312 139 lira-yı Osmanî kıymetinde

Selânik limanı üzerinde kâin arsa 6 410 metro 30 000 lira-yı Osmanî kıymetinde

2— Yanya Vilâyeti

- A — Peyderpey hükûmete intikal eden emlâk 916 parça arsa 109 732 dönüm vüsatında 15 175 lira-yı Osmanî kıymetinde 319 bap bina 48 dönüm vüsatında 12 105 lira-yı Osmanî kıymetinde
- B — Hazine-i hassadan hükûmete devir olunan emlâk 119 parça arsa 2 673 dönüm vüsatında 235 lira-yı Osmaî kıymetinde
193 çiftlik 550 380 dönüm vüsatında 200000 lira-yı Osmanî kıymetinde 48 parça bina kıymeti tahmin olunmamıştır.

3 — Selânik Vilâyetinde 14 adet dalyan

12 506 lira-yı Osmanî kıymetinde

(İmza) : Galip Kemalî

" : D. Panas

Hazine-i hassadan hükûmete devir olunan maadin ve teşebbüsât imtiyazatı

1 — Selânik Vilâyeti

Vardar nahiyesine mülhak Lanya karyesindeki maadin
Aynı nahiyede dahilindeki Boşnak ve Stanova çiftlikleri maadin
Avrathisar kazasındaki altın maadini
Selânik'teki petrol depoları
"Ladova" bataklığının kurutulması
Selânik'in sahil-i şarkisinde denizden kazanılacak arsalar
Selânik körfezinde rıhtım ve liman inşası
Kesendire ve Selânik körfezlerinde vapur işletilmesi

2 — Yanya Vilâyeti

Leniçe, bitüm madeni :

Leçine çiftliği petrol madeni : Bunlar kırk sene müddet Mösyö Frederik Ispadel'e iha olunmuştur. Yalnız çinko madeni işletilmektedir.

(İmza) : Galip Kemalî

" : D. Panas

3 — NUMARALI PROTOKOL

1- Vaktiyle camie kalbolunmuş ve esna-yı muhasamat hal-i aslîlerine irca edilmiş olan eski hıristiyan kiliseleri hakkında canib-i hükûmet-i seniyyeden her ne suretle olursa olsun hiç talep ve iddia dermeyan olunamayacaktır.

2- Kiliseye kalbolunan cevamiin vaktiyle kilise olmadıklarına dair canib-i hükûmet-i seniyyeden serdolunacak her bir iddia hükûmet-i Yunaniyece tetkik edilecektir.

3- Mamafih (1) numaralı fıkrada zikrolunan cevamiie ait emval-i vakfiyenin varidatı mevcut ise bunlar mahfuz kalacak ve muhtas-sı aslilerine mümasil makasıt uğruna serbestçe sarf olunmak üzere yeni ilhak olunan arazideki cemaat-ı islâmiyeye teslim edilecektir.

4- Hükûmet-i kıraliye kendi masrafına olarak payitahtta, bir cami ve lüzumu his olunacak köylerde dahi diğer dört cami inşa ettirecektir.

5- Mevad-dı salifenin tefsir veya tatbikine müteallik bilcümle ihtilâfat akdolunacak bir tahkimnameye tevfikan Lahey'de bir mahkeme-i hakemiye marifetiyle fasl edilecektir.

6- Nüvvap yetiştirmek üzere bir müessese-i mahsusa dahi tesis edilecektir.

7- Baş müftü ile müftüler ve bir de onların aklâmındaki memurin ve müstahdimin Yunan memurininin haiz oldukları aynı hukuk ve vazaifi haiz olacaklardır.

8- Baş müftü intihap olunan müftünün şeran matlup olan kâffe-i evsafı cami olup olmadığını tahkik eder.

9- Müftüler ancak Yunan krallığı kanunu esasının 88 inci maddesi ahkâmına tevfikan azlolunabilecektir.

10- Cemaat-ı islâmiyeye nezaret ve idare-i evkaf ile de mükellef olduklarından baş müftünün başlıca vazaifinden biri de anlardan hesap talep etmek ve buna müteallik muhasebe cetvellerini hazırlamaktır.

11- Menfaat-ı umumîyeye müstenit olduğu tahakkuk etmedikçe ve evvel beevvel muhik bir taviz verilmedikçe hiçbir vakıf yer istimplâk edilemeyecektir.

12- Makabir-i umumîye-i islâmiye emval-i vakfiyeden olmak üzere tanınacaktır.

13- Cemaat-ı islâmiyenin şahsiyet-i maneviyesi tanınmıştır.

14- Müftüler tarafından isdar olunan hüccet ve ilâmlar baş müyftü tarafından tetkik olunacak ve baş müftü bunları ahkâm-ı şer'iyeye muvafık bulduğu takdirde tasdik edilecektir. Bu hüccet ve ilâmlar müslümanların vasiyetlerinden gayri mesail-i diniyeye veyahut münhasıran maddî bir takım menafie taallûk ettiği takdirde gerek baş müftü ve gerek alâkadar taraflar makam-ı âli-i meşûhatpenahiye müracaat edebileceklerdir.

15- Mekâtib-i hususiye-i islâmiye ve ezcümle Selânik'teki Mithatpaşa Mekteb-i Sanayii tanınacak ve bunların zaman-ı teessüslerinden beri kendi masraflarına karşılık olmak üzere malik oldukları akarlar mahfuz kalacaktır.

Zaten mevcut bulunan veya efrad veya muteberan-ı islâmiyeden mürekkep olarak mahallerince teşekkül edecek komisyonlar tarafından tesis olunacak olan bilcümle mekâtib-i hususiye-i islâmiye hakkında dahi bu suretle muamele olunacaktır.

Baş müftü ile müftüler ve hükûmet-i Yunaniyenin maarif müfettişleri bu mektepleri teftiş edebileceklerdir. Tedrisat resmî programa tevfikân türkçe icra olunacak ve lisan-ı Yunaninin tedrisi mecburî olacaktır.

(İmza) : Galip Kemalî

" : D. Panas

DEVLET-İ ALİYE MURAHHASININ BEYANNAMESİ

Bugünkü tarihli akdolunan Osmanlı-Yunan mukavelenamesini imzaya memur olan muharrir-i imza Devlet-i Osmaniye murahhası ilân-ı harpten evvel zapt olunan Yunan bayrağını hamil sefainden hiçbirinin musadere edilmemiş olduğunu beyan ile kesb-i fahreyler.

Atina'da 1-14 teşrinisani 1013

(İmza) : Galip Kemalî

Devlet-i âliye murahhası Galip Kemalî Bey tarafından 1-14 teşrinisani tarihle Yunan murahhası ve hükûmet-i Yunaniye Hariciye Nâzırı Mösyö D. Panas'a irsal olunan mektubun nüsha-i saniyesi tercümesidir.

Bugün tarihle akdolunan mukavelenamenin altıncı maddesinde zikrolunan eşhas-ı maneviye zümresine İttihak ve Terakki Cemiyetinin dahil olup olmadığının ve binaenaleyh bu cemiyetin Selânik'te mutasarrıf olduğu emlâk üzerindeki hukukunun dahi tanılıp tanınmayacağı ve bu hukuka riayet edilip edilmeyeceğinin taraf-ı acizaneme bildirilmesini rica eylerim.

Devlet-i âliye murahhası Galip Kemalî Bey'e 1-14 teşrinisani 1913 tarihiyle Yunan murahhası ve Hükûmet-i Yunaniye Hariciye nâzırı Mözyö D. Panas tarafından irsal olunan takrir-i cavabinin tercümesidir :

Bugünkü tarihle akdolunan mukavelenamenin altıncı maddesinde zikrolunan eşhas-ı maneviye zümresine İttihat ve Terakki Cemiyetinin dahil olduğunu ve binaenaleyh cemiyet-i mezkûrenin Selânik'te mutasarrıf olduğu emlâk üzerindeki hukukunun dahi tanınacağını ve bu hukuka riayet edileceğini 1-14 teşrinisani 1913 tarihli mektubunuza cevaben iş'ar eylerim.

(Tasdiknameleri 14-27 teşrinisani 1329 - 1913 tarihinde Atina'da teati edilmiştir).

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

Preamble

The member States of the Council of Europe signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members, particularly for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Considering that the protection of the historical regional or minority languages of Europe's some of which are in danger of eventual extinction, contributes to the maintenance and development of Europe's cultural wealth and traditions;

Considering that the right to use a regional or minority language in private and public life is an inalienable right conforming to the principles embodied in the United Nations International Covenant on Civil and Political Rights, and according to the spirit of the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms;

Having regard to the work carried out within the CSCE and in particular to the Helsinki Final Act of 1975 and the document of the Copenhagen Meeting of 1990;

Stressing the value of interculturalism and multilingualism and considering that the protection and encouragement of regional or minority languages should not be to the detriment of the official languages and the need to learn them;

Realising that the protection and promotion of regional or minority languages in the different countries and regions of Europe represent an important contribution to the

building of a Europe based on the principles of democracy and cultural diversity within the framework of national sovereignty and territorial integrity;

Taking into consideration the specific conditions and historical traditions in the different regions of the European States,

Have agreed as follows:

PART I - General provisions

Article 1 - Definitions

For the purposes of this Charter:

a "regional or minority languages" means languages that are:

- i traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and
- ii different from the official language(s) of that State;

it does not include either dialects of the official language(s) of the State or the languages of migrants;

Article 6 - Information

The Parties undertake to see to it that the authorities, organisations and persons concerned are informed of the rights and duties established by this Charter.

PART II - Objectives and principles pursued in accordance with Article 2, paragraph I

Article 7 - Objectives and principles

1 In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:

- a the recognition of the regional or minority languages as an expression of cultural wealth;
- b the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;

- c the need for resolute action to promote regional or minority languages in order to safeguard them;
 - d the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;
 - e the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;
 - f the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;
 - g the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;
 - h the promotion of study and research on regional or minority languages at universities or equivalent institutions;
 - i the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.
- 2 The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.
- b "territory in which the regional or minority language is used" means the geographical area in which the said language is the mode of expression of a number of people justifying the adoption of the various protective and promotional measures provided for in this Charter;
 - c "non-territorial languages" means languages used by nationals of the State which differ from the language or languages used by the rest of the State's population but which, although traditionally used within the territory of the State, cannot be identified with a particular area thereof.

Article 2 - Undertakings

Each Party undertakes to apply the provisions of Part II to all the regional or minority languages spoken within its territory and which comply with the definition in Article 1.

- 2 In respect of each language specified at the time of ratification, acceptance or approval, in accordance with Article 3, each Party undertakes to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter, including at least three chosen from each of the Articles 8 and 12 and one from each of the Articles 9, 10, 11 and 13.

Article 3 - Practical arrangements

- 1 Each contracting State shall specify in its instrument of ratification, acceptance or approval, each regional or minority language, or official language which is less widely used on the whole or part of its territory, to which the paragraphs chosen in accordance with Article 2, paragraph 2, shall apply.
- 2 Any Party may, at any subsequent time, notify the Secretary General that it accepts the obligations arising out of the provisions of any other paragraph of the Charter not already specified in its instrument of ratification, acceptance or approval, or that it will apply paragraph 1 of the present article to other regional or minority languages, or to other official languages which are less widely used on the whole or part of its territory.
- 3 The undertakings referred to in the foregoing paragraph shall be deemed to form an integral part of the ratification, acceptance or approval and will have the same effect as from their date of notification.

Article 4 - Existing regimes of protection

- 1 Nothing in this Charter shall be construed as limiting or derogating from any of the rights guaranteed by the European Convention on Human Rights.
- 2 The provisions of this Charter shall not affect any more favourable provisions concerning the status of regional or minority languages, or the legal regime of persons belonging to minorities which may exist in a Party or are provided for by relevant bilateral or multilateral international agreements.

Article 5 - Existing obligations

Nothing in this Charter may be interpreted as implying any right to engage in any

activity or perform any action in contravention of the purposes of the Charter of the United Nations or other obligations under international law, including the principle of the sovereignty and territorial integrity of States.

- 3 The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.
- 4 In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.
- 5 The Parties undertake to apply, *mutatis mutandis*, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.

PART III - Measures to promote the use of regional or minority languages in public life in accordance with the undertakings entered into under Article 2, paragraph 2

Article 8 - Education

- 1 With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:
 - a i to make available pre-school education in the relevant regional or minority languages; or
 - ii to make available a substantial part of pre-school education in the relevant regional or minority languages; or
 - iii to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or

- iv if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;
- b
 - i to make available primary education in the relevant regional or minority languages; or
 - ii to make available a substantial part of primary education in the relevant regional or minority languages; or
 - iii to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
 - iv to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;
- c
 - i to make available secondary education in the relevant regional or minority languages; or
 - ii to make available a substantial part of secondary education in the relevant regional or minority languages; or
 - iii to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
 - iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;
- d
 - i to make available technical and vocational education in the relevant regional or minority languages; or
 - ii to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or
 - iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
 - iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;
- e
 - i to make available university and other higher education in regional or minority languages; or

- ii to provide facilities for the study of these languages as university and higher education subjects or.
 - iii if, by reason of the role of the State in relation to higher education institutions, subparagraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;
- f
- i to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or
 - ii to offer such languages as subjects of adult and continuing education; or
 - iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;
- g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;
- h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;
- i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.
- 2 With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

Article 9 - Judicial authorities

- 1 The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

a in criminal proceedings:

- i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or
- ii to guarantee the accused the right to use his/her regional or minority language; and/or
- iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or
- iv to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

b in civil proceedings:

- i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or
- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or
- iii to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;

c in proceedings before courts concerning administrative matters:

- i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or
- ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or
- iii to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;

- d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.

2 The Parties undertake:

- a not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or
 - b not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language, and to provide that they can be invoked against interested third parties who are not users of these languages on condition that the contents of the document are made known to them by the person(s) who invoke(s) it; or
 - c not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language.
- 3 The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.

Article 10 - Administrative authorities and public services

- 1 Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:
- a
 - i to ensure that the administrative authorities use the regional or minority languages; or
 - ii to ensure that such of their officers as are in contact with the public use the regional or minority languages in their relations with persons applying to them in these languages; or
 - iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or
 - iv to ensure that users of regional or minority languages may submit oral or written applications in these languages; or
 - v to ensure that users of regional or minority languages may validly submit a document in these languages;
 - b to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;
 - c to allow the administrative authorities to draft documents in a regional or minority language.

- 2 In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:
 - a the use of regional or minority languages within the framework of the regional or local authority;
 - b the possibility for users of regional or minority languages to submit oral or written applications in these languages;
 - c the publication by regional authorities of their official documents also in the relevant regional or minority languages;
 - d the publication by local authorities of their official documents also in the relevant regional or minority languages;
 - e the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language (s) of the State;
 - f the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;
 - g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.
- 3 With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:
 - a to ensure that the regional or minority languages are used in the provision of the service; or
 - b to allow users of regional or minority languages to submit a request and receive a reply in these languages; or
 - c to allow users of regional or minority languages to submit a request in these languages.
- 4 With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:
 - a translation or interpretation as may be required;

- b recruitment and, where necessary, training of the officials and other public service employees required;
 - c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.
- 5 The Parties undertake to allow the use or adoption of family names in the regional minority languages, at the request of those concerned.

Artide 11 - Media

- 1 The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:
- a to the extent that radio and television carry out a public service mission:
 - i to ensure the creation of at least one radio station and one television channel in the regional or minority languages; or
 - ii to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages; or
 - iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;
 - b
 - i to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages; or
 - ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;
 - c
 - i to encourage and/or facilitate the creation of at least one television channel in the regional or minority languages; or
 - ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;
 - d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;
 - e
 - i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or

- ii to encourage and/or facilitate the publication of newspaper articles in the regional or minority languages on a regular basis;
 - f i to cover the additional costs of those media which use regional or minority languages, wherever the law provides for financial assistance in general for the media; or
 - ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;
 - g to support the training of journalists and other staff for media using regional or minority languages.
- 2 The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.
- 3 The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing and pluralism of the media.

Article 12 - Cultural activities and facilities

- 1 With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

- a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;
 - b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;
 - c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;
 - d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;
 - e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;
 - f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;
 - g to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;
- 1 if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.
 - 2 In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.
 - 3 The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

Article 13 - Economic and social life

- 1 With regard to economic and social activities, the Parties undertake, within the whole country:
 - a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;
 - b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;
 - c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;
 - d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.

- 2 With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:
 - a to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;
 - b in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;
 - c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;
 - d to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;
 - e to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages.

Article 14 - Transfrontier exchanges

The Parties undertake:

- a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;
- b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.

PART IV - Application of the Charter**Article 15 - Periodical reports**

- 1 The Parties shall present periodically to the Secretary General of the Council of Europe, in a form to be prescribed by the Committee of Ministers, a report on their policy pursued in accordance with Part II of this Charter and on the measures taken in application of those provisions of Part III which they have accepted. The first report shall be presented within the year following the entry into force of the Charter with respect to the Party concerned, the other reports at three-yearly intervals after the first report.
- 2 The Parties shall make their reports public.

Article 16 - Examination of the reports

- 1 The reports presented to the Secretary General of the Council of Europe under Article 15 shall be examined by a committee of experts constituted in accordance with Article 17.
- 2 Bodies or associations legally established in a Party may draw the attention of the committee of experts to matters relating to the undertakings entered into by that Party under Part III of this Charter. After consulting the Party concerned, the committee of experts may take account of this information in the preparation of the report specified in paragraph 3 below. These bodies or associations can furthermore submit statements concerning the policy pursued by a Party in accordance with Part II.

- 3 On the basis of the reports specified in paragraph 1 and the information mentioned in paragraph 2, the committee of experts shall prepare a report for the Committee of Ministers. This report shall be accompanied by the comments which the Parties have been requested to make and may be made public by the Committee of Ministers.
- 4 The report specified in paragraph 3 shall contain in particular the proposals of the committee of experts to the Committee of Ministers for the preparation of such recommendations of the latter body to one or more of the Parties as may be required.
- 5 The Secretary General of the Council of Europe shall make a two-yearly detailed report to the Parliamentary Assembly on the application of the Charter.

Article 17 - Committee of experts

- 1 The committee of experts shall be composed of one member per Party, appointed by the Committee of Ministers from a list of individuals of the highest integrity and recognised competence in the matters dealt with in the Charter, who shall be nominated by the Party concerned.
- 2 Members of the committee shall be appointed for a period of six years and shall be eligible for reappointment. A member who is unable to complete a term of office shall be replaced in accordance with the procedure laid down in paragraph 1, and the replacing member shall complete his predecessor's term of office.
- 3 The committee of experts shall adopt rules of procedure. Its secretarial services shall be provided by the Secretary General of the Council of Europe.

PART V - Final provisions

Article 18

This Charter shall be open for signature by the member States of the Council of Europe. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 19

- 1 This Charter shall enter into force on the first day of the month following the

expiration of a period of three months after the date on which five member States of the Council of Europe have expressed their consent to be bound by the Charter in accordance with the provisions of Article 18.

- 2 In respect of any member State which subsequently expresses its consent to be bound by it, the Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 20

- 1 After the entry into force of this Charter, the Committee of Ministers of the Council of Europe may invite any State not a member of the Council of Europe to accede to this Charter.
- 2 In respect of any acceding State, the Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 21

- 1 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, make one or more reservations to paragraphs 2 to 5 of Article 7 of this Charter. No other reservation may be made.
- 2 Any Contracting State which has made a reservation under the preceding paragraph may wholly or partly withdraw it by means of a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall take effect on the date of receipt of such notification by the Secretary General.

Article 22

- 1 Any Party may at any time denounce this Charter by means of a notification addressed to the Secretary General of the Council of Europe.
- 2 Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

Article 23

The Secretary General of the Council of Europe shall notify the member States of the Council and any State which has acceded to this Charter of :

- a any signature;
- b the deposit of any instrument of ratification, acceptance, approval or accession;
- c any date of entry into force of this Charter in accordance with Articles 19 and 20;
- d any notification received in application of the provisions of Article 3, paragraph 2;
- e any other act, notification or communication relating to this Charter.

In witness whereof the undersigned, being duly authorised thereto, have signed this Charter.

Done at Strasbourg this....., in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe and to any State invited to accede to this Charter.

COUNCIL OF EUROPE :
Framework Convention for the Protection of
National Minorities*

The member States of the Council of Europe and the other States, signatories to the present framework Convention,

Considering that the aim of the Council of Europe is to achieve greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Considering that one of the methods by which that aim is to be pursued is the maintenance and further realisation of human rights and fundamental freedoms;

Wishing to follow-up the Declaration of the Heads of State and Government of the member States of the Council of Europe adopted in Vienna on 9 October 1993;

Being resolved to protect within their respective territories the existence of national minorities;

Considering that the upheavals of European history have shown that the protection of national minorities is essential to stability, democratic security and peace in this continent;

Considering that a pluralist and genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity;

* Done at Strasbourg, February 1, 1995.

Considering that the creation of a climate of tolerance and dialogue is necessary to enable cultural diversity to be a source and a factor, not of division, but of enrichment for each society;

Considering that the realisation of a tolerant and prosperous Europe does not depend solely on co-operation between States but also requires transfrontier co-operation between local and regional authorities without prejudice to the constitution and territorial integrity of each State;

Having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto;

Having regard to the commitments concerning the protection of national minorities in United Nations conventions and declarations and in the documents of the Conference on Security and Co-operation in Europe, particularly the Copenhagen Document of 29 June 1990;

Being resolved to define the principles to be respected and the obligations which flow from them, in order to ensure, in the member States and such other States as may become Parties to the present instrument, the effective protection of national minorities and of the rights and freedoms of persons belonging to those minorities, within the rule of law, respecting the territorial integrity and national sovereignty of states;

Being determined to implement the principles set out in this framework Convention through national legislation and appropriate governmental policies,

Have agreed as follows

Section I

Article 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

Article 2

The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.

Article 3

- 1 Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.
- 2 Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.

Section II**Article 4**

- 1 The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.
- 2 The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.
- 3 The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

Article 5

- 1 The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.
- 2 Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.
- 3 The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she

understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

Article 6

- 1 The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and cooperation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.
- 2 The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

Article 8

The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.

Article 9

- 1 The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.
- 2 Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.

- 3 The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.
- 4 In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

Article 10

- 1 The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.
- 2 In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

Article 11

- 1 The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.
- 2 The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.
- 3 In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the

public also in the minority language when there is a sufficient demand for such indications.

Article 12

- 1 The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.
- 2 In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.
- 3 The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

Article 13

- 1 Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.
- 2 The exercise of this right shall not entail any financial obligation for the Parties.

Article 14

- 1 The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.
- 2 In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.
- 3 Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

Article 15

The Parties shall create the conditions necessary for the effective participation

of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

Article 17

- 1 The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.
- 2 The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations both at the national and international levels.

Article 18

- 1 The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.
- 2 Where relevant, the Parties shall take measures to encourage transfrontier co-operation.

Article 19

The Parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.

Section III**Article 20**

In the exercise of the rights and freedoms flowing from the principles enshrined in the present framework Convention, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities.

Article 21

Nothing in the present framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States.

Article 2

Nothing in the present framework Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any Contracting Party or under any other agreement to which it is a Party.

Article 23

The rights and freedoms flowing from the principles enshrined in the present framework Convention, in so far as they are the subject of a corresponding provision in the Convention for the Protection of Human Rights and Fundamental Freedoms or in the Protocols thereto, shall be understood so as to conform to the latter provisions.

Section IV**Article 24**

- 1 The Committee of Ministers of the Council of Europe shall monitor the implementation of this framework Convention by the Contracting Parties.
- 2 The Parties which are not members of the Council of Europe shall participate in the implementation mechanism, according to modalities to be determined.

Article 25

- 1 Within a period of one year following the entry into force of this framework Convention in respect of a Contracting Party, the latter shall transmit to the Secretary General of the Council of Europe full information on the legislative and other measures taken to give effect to the principles set out in this framework Convention.
- 2 Thereafter, each Party shall transmit to the Secretary General on a periodical basis and whenever the Committee of Ministers so requests any further information of relevance to the implementation of this framework Convention.
- 3 The Secretary General shall forward to the Committee of Ministers the information transmitted under the terms of this Article.

Article 26

- 1 In evaluating the adequacy of the measures taken by the Parties to give effect to the principles set out in this framework Convention the Committee of Ministers shall be assisted by an advisory committee, the members of which shall have recognised expertise in the field of the protection of national minorities.
- 2 The composition of this advisory committee and its procedure shall be determined by the Committee of Ministers within a period of one year following the entry into force of this framework Convention.

Section V**Article 27**

This framework Convention shall be open for signature by the member States of the Council of Europe. Up until the date when the Convention enters into force, it shall also be open for signature by any other State so invited by the Committee of Ministers. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 28

- 1 This framework Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on

which twelve member States of the Council of Europe have expressed their consent to be bound by the Convention in accordance with the provisions of Article 27.

- 2 In respect of any member State which subsequently expresses its consent to be bound by it, the framework Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

Article 29

- 1 After the entry into force of this framework Convention and after consulting the Contracting States, the Committee of Ministers of the Council of Europe may invite to accede to the Convention, by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe, any non-member State of the Council of Europe which, invited to sign in accordance with the provisions of Article 27, has not yet done so, and any other non-member State.
- 2 In respect of any acceding State, the framework Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 30

- 1 Any State may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories for whose international relations it is responsible to which this framework Convention shall apply.
- 2 Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this framework Convention to any other territory specified in the declaration. In respect of such territory the framework Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General
- 3 Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on

the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

Article 31

- 1 Any Party may at any time denounce this framework Convention by means of a notification addressed to the Secretary General of the Council of Europe.
- 2 Such denunciation shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of the notification by the Secretary General.

Article 32

The Secretary General of the Council of Europe shall notify the member States of the Council, other signatory States and any State which has acceded to this framework Convention, of:

- a any signature;
- b the deposit of any instrument of ratification, acceptance, approval or accession;
- c any date of entry into force of this framework Convention in accordance with Articles 28, 29 and 30;
- d any other act, notification or communication relating to this framework Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this framework Convention.

Done at, this in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe and to any State invited to sign or accede to this framework Convention.