

WHITHER EUROPEANIZATION?
TRANSFORMATION OF MINORITY RIGHTS PROTECTION
IN GREECE AND TURKEY

A Ph.D. Dissertation

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December 2010

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The Institute of Economics and Social Sciences
of
Bilkent University

by

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In Partial Fulfilment of the Requirements for the Degree of
DOCTOR OF PHILOSOPHY

in

THE DEPARTMENT OF
POLITICAL SCIENCE AND PUBLIC ADMINISTRATION
BİLKENT UNIVERSITY
ANKARA

December 2010

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ABSTRACT

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This thesis analyzes the transformative power of Europeanization concerning the protection of minorities in member and candidate countries as well as revealing its inherent limitations partly due to the non-existence of concrete mechanisms and specific policy guidelines concerning the minorities in the EU. On the basis of the case studies drawn from Greece (Turkish-Muslim Minority of Western Thrace) and Turkey (Greek-Orthodox Minority of Istanbul), it will be argued that Europeanization has a gradual and limited catalyzing impact in member states mainly originating from the process of international socialization and internalization of the

European ideas and norms, whereas the direct incorporation of the principle of “respect for and protection of minorities” in the conditionality mechanism of the EU potentially brings a sudden and unprecedented wave of democratizing reforms in candidate countries, especially if the degree of “misfit” between European norms and practices and domestic policies is high. While doing so, this thesis also examines the Ottoman legacy of the *millet* system, the path-dependent and exclusionary nature of Greek and Turkish nationalisms, the Lausanne system of minority protection and the fundamental problems of the aforementioned minority groups, and presents thematic analyses of continuities and changes in the minority policies of Greece and Turkey.

Keywords: Europeanization, minorities, Lausanne Treaty, Greece, Turkey.

ÖZET

AVRUPALILAŞMA NEREYE? YUNANİSTAN VE TÜRKİYE’DE AZINLIK HAKLARI KORUMASININ DÖNÜŞÜMÜ

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Doktora, Siyaset Bilimi ve Kamu Yönetimi Bölümü

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Aralık 2010

Bu tez, üye ve aday ülkelerde Avrupalılaşmanın azınlıkların korunması üzerindeki dönüştürücü gücünü incelemekte ve bir ölçüde AB’deki azınlıklar için somut mekanizmaların ve özel siyasa tavsiyelerinin yokluğundan kaynaklanan içsel sınırlılıklarını ortaya koymaktadır. Yunanistan (Batı Trakya Türk-Müslüman Azınlığı) ve Türkiye’den (İstanbul Rum Azınlığı) seçilen vaka çalışmaları çerçevesinde, Avrupalılaşmanın, üye ülkelerde, daha çok uluslararası sosyalleşme ve Avrupa ülkelerinin ve normlarının içselleştirilmesinden kaynaklanan tedrici ve sınırlı bir dönüştürücü güce sahip olduğu, ancak AB’nin “Azınlıklara saygı ve

koruma prensibini” doğrudan üyelik sürecine dahil etmesinin, özellikle de Avrupa normları ve uygulamaları ile yerel siyasalar arasındaki “uyumsuzluğun” yüksek olduğu aday ülkelerde ani ve benzersiz bir demokratikleştirici reformlar dalgası getirdiği tartışılacaktır. Tez bahsekonu tartışmayı yaparken, ayrıca, millet sisteminden kaynaklanan Osmanlı mirasını, Türk ve Yunan milliyetçiliklerinin patikaya-bağımlı ve dışlayıcı doğalarını, Lozan’daki azınlık koruma sistemini ve yukarıda ismi geçen Azınlık gruplarının temel sorunlarını da ele almakta ve Yunanistan ile Türkiye’nin azınlık politikalarındaki sürekliliklerin ve değişimlerin tematik bir incelemesini sunmaktadır.

Anahtar Kelimeler: Avrupalılaşma, azınlıklar, Lozan Antlaşması, Yunanistan, Türkiye.

ACKNOWLEDGEMENTS

During my long courtship with the present thesis, I have enjoyed the privileged support of several people. First of all, I would like to express my deep gratitude to my supervisor Professor Ergun Özbudun for his guidance, encouragement and inspiration. I am also grateful to Associate Professor Aylin Güney, Assistant Professors Berrak Burçak and İlker Aytürk for their insightful comments and criticisms. My special thanks are due to Assistant Professor Dimitris Tsarouhas for his enduring friendship, the moments of interesting and productive conversations, and his initial guidance through Greek history and politics. I would like to thank to the “Culture and Education Foundation of Western Thrace” (PEKEM) for providing access to its rich library with full of primary sources on the Turkish-Muslim Minority of Western Thrace.

Many of my ideas and thoughts were shaped in discussions and conversations with my colleagues and friends, who have kindly supported my academic studies. While responsibility for any faults remains mine, I also acknowledge that the views and opinions expressed in this thesis are strictly personal and do not reflect the views and opinions of any institution whatsoever.

Personally speaking, I owe a lot to my parents (Esin-Mustafa Duman), my in-laws (Asuman-Lütfi Sarımehtmet) and my brothers (Gökhan and Onur) for their generous optimism and encouragement during difficult times. My wife Özgün is my source of strength, and without her unconditional support, love and friendship, this thesis would have never been completed. In her limited time actually stolen from her own academic adventure, she has always been there for me to provide hope and inspiration. To her I dedicate this thesis.

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ABBREVIATIONS

AKP	: Justice and Development Party
BTTADK	: Consultative Committee of the Turkish Minority of Western Thrace
CCT	: Coordinative Committee of Thrace
CEEs	: Central and Eastern European Countries
CHP	: Republican People's Party
CoE	: Council of Europe
CSCE	: Conference on Security and Co-operation in Europe
CUP	: Committee of Union and Progress
EC	: European Community
ECHR	: European Convention on Human Rights
ECRML	: European Charter for Regional and Minority Languages.
ECtHR	: European Court of Human Rights
EEC	: European Economic Community
EOKA	: National Organization of Cypriot Fighters
EPATH	: Special Pedagogical Academy of Thessaloniki
EU	: European Union
FCPNM	: Framework Convention for the Protection of National Minorities
KKE	: Communist Part of Greece

LAOS	: People's Orthodox Rally
MHP	: Nationalist Action Party
ND	: New Democracy
NSC	: National Security Council
OIC	: Organization for Islamic Conference
OSCE	: Organization for Security and Co-operation in Europe
PASOK	: Pan-Hellenic Socialist Movement
PEKEM	: Culture and Education Society of Western Thrace Minority
PEM	: Project for Reform in the Education of Muslim Children
TRNC	: Turkish Republic of Northern Cyprus
TUX	: Turkish Union of Xanthi
UN	: United Nations
VGM	: General Directorate of Foundations
YÖK	: Higher Education Council
WTMUGA	: Western Thrace Minority University Graduates Association

CHAPTER I

INTRODUCTION

Until the end of the bipolar world system, role of the international actors on democratization and domestic change was generally downplayed, and the literature on transition to and consolidation of democratic regimes concentrated heavily on the role of domestic (f)actors. With the wave of democratization in Central and Eastern European countries (CEEs) and subsequent disintegration of the Soviet Empire, however, there emerged a renewed interest in the literature to review the role of international factors. Despite the contested nature of Europeanization, it was widely believed in this relatively adolescent branch of inquiry that membership of the European Union (EU) and its conditionality mechanisms concerning applicant states have a potential to promote certain democratic standards and to introduce domestic change.

Nonetheless, it is not exactly known to what extent, how and with what consequences Europeanization has affected the consolidation of democracy in member states and aspiring countries. The present thesis aims to undertake a

comparative study to contribute to the literature on the international dimension of democratization, the role of the EU as an international actor, and Europeanization in general by undertaking a careful case study on the treatment of minorities, which proved to be one of the most neglected aspects of democracy in the EU. That is because existing members failed to develop a strong consensus on the definition of minorities and provided little or no guidance at all for their protection. In its quest for understanding how European policies, rules and norms affect domestic politics and policies, the present study will analyze the changes induced by Europeanization as far as the treatment of minorities is concerned.

While doing so, the present study benefits from a case study methodology that is generally “preferred when ‘how’ and ‘why’ questions are being posed, when the investigator has little control over events, and when the focus is on a contemporary phenomenon within some real-life context” (Yin, 2003: 1). The case studies incorporated in this study are aimed to be explanatory ones that would have a potential of drawing analytical generalizations in order to expand and generalize particular sets of results to the theory of Europeanization. Furthermore, a multiple-case design is adopted rather than a single-case one, since it was expected that *(a)* analytical (or cross-case) conclusions independently arising from two cases would be more powerful than those coming from a single case alone, and *(b)* the generalizability of the findings of the present study would be expanded if the current analyses could still arrive at common conclusions from both cases under different circumstances (Yin, 2003: 37 and 53).

For the multiple-case design envisaged in this study, two “hard cases” concerning the protection of minorities are selected. The methodological reason behind such an approach is that Europeanization and its transformative effect would

be more easily observable than in “easy cases”, since we can learn more about the mechanisms and conditions of its effectiveness in an environment of significant conflicts and challenges. Secondly, considering that Europeanization in member states and candidate countries intrinsically bring different mechanisms at work, comparing and contrasting Greece and Turkey is expected to be more rewarding. Furthermore, the minority policy in both countries has been shaped with the Ottoman legacy of the *millet* system in terms of subsequent formulations of citizenship and inclusion/exclusion practices. Thirdly, the fundamental characteristics of their minority policies and the rights and privileges accorded to the officially recognized minority groups were settled by the common legal framework drawn by the Lausanne Treaty of 1923. Fourth, on the basis of the same historical and legal background and also with the role of the implicit principle of reciprocity embedded in Article 45 of the aforementioned treaty, the treatment of minorities in the two neighboring countries has followed a broadly similar trajectory in Greece and Turkey until the emergence of the EU as an external anchor.

In their efforts to build-up ethnically homogenous nation states, Greece and Turkey decided in the Lausanne Peace Conference to exchange their respective Turkish-Muslim and Greek-Orthodox populations. The two main population groups that were excluded from the compulsory population exchange of 1923 (namely Greek-Orthodox people that had settled in the borders of the municipality of Istanbul before 30 October 1918 and the Turkish-Muslims in Western Thrace-a geographical region in Northern Greece between the rivers of Nestos and Evros) constitute the main subjects of study in this thesis.

By comparing and contrasting the trajectories of two officially recognized minority groups in Greece and Turkey (i.e. the Greek-Orthodox minority of Istanbul

and the Turkish-Muslim minority of Western Thrace), the present study will aim to demonstrate the transformative role of Europeanization and its limitations concerning the effective protection of both minority groups. Despite the controversial and highly contested nature of the issue at European level, minority rights protection in Greece and Turkey turned out to be one of the important fields where the impact of Europeanization, albeit at dissimilar paces and through different mechanisms, is strongly noticed.

Since constructing a preliminary theory related to the topic of study is crucial in case study methodology to determine the questions to be posed as well as the potential answers to be given to ‘why’ and ‘how’ questions, Chapter II puts forward initial theoretical propositions, or “a [hypothetical story] about acts, events, structure and thoughts” (Sutton, 1995: 378). Different conceptualizations or constellations of Europeanization are analyzed and the defining characteristics and organizing notions of the concept are studied.

The Ottoman *millet* system as an organization of diversity and a form of constructed toleration has been part of the institutional legacy inherited by both Greece and Turkey concerning the protection of minorities. Despite various efforts by the “nationalizing” elites of the new nation-states to negate the Ottoman *ancien regime*, the main tenets of societal organization under the *millet* system have influenced to a large extent the identity formations and exclusion/inclusion practices in Greece and Turkey. Chapter III demonstrates the main characteristics of the Ottoman *millet* system and its gradual transformation with special reference to the ideological currents of the 19th century Ottoman Empire and the privileged position of the Greek-Orthodox community in the economic and political circles of the Empire. Since both the definition of the officially recognized minorities and their

rights and privileges were mainly defined by the Treaty of Lausanne in 1923, Chapter III also explains the conditions under which the compulsory exchange of populations became necessary and the famous “Lausanne equilibrium” was achieved. Finally, the historical existence of other legal instruments concerning the protection of minorities in Greece is e briefly mentioned due to their complimentary nature to several requests put forward by the Turkish-Muslim minority of Western Thrace.

In order to be able to demonstrate the transformative power of Europeanization concerning the treatment of the Turkish-Muslim minority of Western Thrace, the present study outlined the main problems concerning the treatment of minorities in Greece especially until 1990, when the period of liberalization was triggered by the eruption of violence against the minority and catalyzed by the gradual internalization of European norms and ideas. Rather than presenting a historical analysis of the situation of Turkish-Muslims, a rather thematic approach is adopted in Chapter IV focusing mainly on the issues of identity and culture in order to trace future continuities and changes. In this respect, the denial of ethnic identity, issues concerning the freedom of religion and conscience (mainly the Muftis and administration of community foundations or *waqfs*), problems of minority education, limitations of effective representation in politics, human rights violations and deprivations from citizenship rights are analyzed with extensive references to laws and legal changes that were later introduced generally at the expense of the minority.

Due to the non-existence of a clear-cut conditionality mechanism and political criteria preceding her entry to the EEC, Greece joined the club without resolving the issues concerning minority protection and without abolishing widespread discriminatory practices. Chapter V aims to present changes induced by

various European institutions including the EU with special reference to the decisions by the ECtHR and legal changes. In addition to the presentation of the progress achieved by Greece since 1990, the challenges awaiting the country to fully comply with the provisions stipulated in the 1913 Athens, 1920 Sevres and 1923 Lausanne Treaties and subsequent international conventions are also demonstrated. It is mainly argued that, partly due to the lack of clear policy guidelines and mechanisms for an effective protection of minorities at the EU level, the transformative power of Europeanization has been mainly limited to the abolishment of discriminatory measures and instigation of citizenship rights. The main issues of contention concerning the full and unhindered extension of minority rights generally remain unresolved and Europeanization introduced a “retracted” transformation for full and effective protection of minorities.

In Chapter VI, the inherent contradictions in the Republican (re)formulation of “national” citizenship in Turkey and the ethno-centric policies that victimized the Greek-Orthodox minority in Istanbul are thematically listed. The reflections of the reformulation of Turkish identity and the policies devised for the creation of a “national” economy are presented. It is also explained how the members of the Greek-Orthodox minority of Istanbul were generally treated as “foreigners” with high hostage value and used as significant trump cards in the diplomatic tug-of-war between Greece and Turkey over Cyprus. Issues in the field of minority education and religious freedoms (the Patriarchate, the Theological Seminary in Heybeliada and property issues of the community foundations) are also mentioned here.

The sudden and unprecedented transformation of minority rights protection in Turkey, especially after the granting of candidate status in 1999 and the opening-up of accession negotiations in 2005, is demonstrated in Chapter VII with due

reference to the legal changes that were introduced mainly by the constitutional amendments and harmonization packages. It is argued that due to the conditionality mechanism of the EU and its commitment and credibility functions, a comprehensive wave of democratization and liberalization was initiated and the main issues that were victimizing non-Muslim minorities in Turkey were solved to a large extent with the de-securitization of minority issues. The limitations of Europeanization concerning the normative structures (perception of acceptability, legitimacy and appropriateness of minority rights) are also argued in relation to the challenges ahead for Turkey.

In the concluding Chapter VIII the main characteristics of the Greek and Turkish nationalisms vis-à-vis minorities and the different natures of Europeanization in both countries are presented in an analytical fashion with the help of cross-country references. On the basis of the Greek example, the inherent limitations of the transformative power of the EU concerning minority rights protection are mentioned as well as the plausibility of the danger of conceptualizing Europeanization as a linear process of domestic adaptation, according to which the EU represents the provider of the most sophisticated template to be “downloaded”. Notwithstanding the current incorporation of the principle of “respect for and protection of minorities” in the accession negotiations of candidate countries, EU members have developed only a minimal consensus among themselves and provided little or no guidance at all in the field of minority rights protection that has generally been perceived as highly political and sensitive.

The present thesis benefits to a large extent from primary sources concerning the treatment of Greek-Orthodox and Turkish-Muslim minorities including laws, decrees, regulations, circulars and other official documents. Several

issues of minority newspapers were also utilized as well as some frequent references to the local and national newspapers and periodicals, especially in the Greek case. Since the transformative role of Europeanization has proved to be most visible in introducing legal/formal institutional change and policy change, the present study made an extensive use of the past and present legal framework in Greece and Turkey. In both cases, the relevant ECtHR decisions concerning minority people or community institutions constituted another rich source of primary information.¹

Due to the relative scarcity of critical studies concerning the treatment of the Turkish-Muslim minority in Greece, some of the existing dissertations (like Aarbakke, 2000; Papanikolaou, 2007; Chousein, 2005 and Yağcıoğlu, 2004) on the topic were consulted. A five volume Ph.D. thesis written by a Norwegian historian (Aarbakke, 2000) represents the single most comprehensive study on the Turkish-Muslim minority and was especially beneficial for conceptualizing its history. An extensive range of secondary sources including books, articles and conference papers were also utilized within the scope of the present study.

Finally, a couple of methodological precautions ought to be mentioned here. First of all, this thesis studies the transformative role of the Europeanization in Greece and Turkey solely with reference to the two officially recognized minorities (Greek-Orthodox minority of Istanbul and Turkish-Muslim minority of Western Thrace), whose minority statuses were not legally disputed. Since one of the main targets of the thesis is demonstrating the continuities and changes in the minority policies of Greece and Turkey, the present study does not discuss the traditional limitations of minority policy in Greece (non-acceptance of any other ethno-linguistic groups as “minorities” including Macedonians, Vlachs or Albanians) and

¹ All ECtHR decisions mentioned in this manuscript are accessible at the HUDOC Database with the case numbers that are provided in the parenthesis (“<http://www.echr.coe.int/ECHR/EN/Header/Case-Law/HUDOC/HUDOC+database/>”).

Turkey (non-recognition of the minority statuses of several non-Muslims like the Assyrians, Chaldeans, Nestorians, and Muslims like Alevis and Kurds that might sociologically be classified as minorities). It would suffice to say at this point that minorities exist independently of how states define them.

Secondly, the tragedy of the islanders is not covered by this thesis mainly due to the different nature of their problems as non-recognized minority groups. In addition to the Turkish-Muslim minority of Western Thrace, there are currently more than 5.000 Turkish-Muslims living in the Dodecanese islands (*Menteşe Adaları* or *Oniki Ada*), especially in Rhodes (*Rodos*) and Kos (*İstanköy*). On the basis of the fact that the Dodecanese islands became part of the Hellenic Republic in 1947, Greece denies granting the same rights and privileges stipulated under the Lausanne Treaty to the Turkish-Muslim community in the aforementioned islands. In a similar vein, Turkey has been reluctant to extend minority rights to her Greek-Orthodox citizens living in the islands of Gökçeada (*Imbros*) and Bozcaada (*Tenedos*), despite the fact that the minority people living in these two islands were also excluded from the compulsory exchange of population and their status was specifically explained in Articles 12-16 of the Lausanne Treaty.²

² For the problems of the Turkish-Muslim community in Dodecanese islands, see İleri (2008) and for the situation of the Greek-Orthodox community in Gökçeada and Bozcaada, see Alexandris (1981).

CHAPTER II

UNSCRAMBLING THE INTERNATIONAL DIMENSION: EUROPEANIZATION IN MEMBER AND CANDIDATE STATES

Despite the abundance of material in the two main fields of political science discipline (namely comparative politics and international relations), concepts such as democracy, democratization (transition vs. consolidation), integration and Europeanization proved to be very slippery. Comparative politics accounts have a tendency of overstressing the domestic factors of democracy/democratization. That's why the international dimension of democracy has largely been neglected while the literature has concentrated almost exclusively on the domestic factors. For example, the path-breaking *Transitions* project that was composed of the four-volume work edited by Guillermo O'Donnell, Philippe Schmitter, and Laurence Whitehead (1986) has concluded that domestic factors and processes play a dominant role, whereas the international factors are generally no more than secondary.

Thus it is possible to say that, until quite recently, the main incentive in the literature was to play down the role of external actors and the impact of international

forces following the footsteps of Schmitter (2001: 27) who argued that “democracy is a domestic affair *par excellence*”. However, the impact of external actors on democratization and domestic political change is now one of the most exciting areas of study in political science.

2.1. Bringing in the International Dimension

With the fall of the Communist Bloc, the disintegration of the Soviet Empire, and wave of democratization in Central and Eastern Europe, there emerged a renewed interest in the literature to review the role of international factors. Even the editors of the *Transitions* project accepted that the “assertion [that] ‘domestic factors play a dominant role in transition’ ... clashes with some obvious facts surrounding the more recent transitions that have occurred in Eastern Europe” (Schmitter, 2001: 27).

Whitehead (2001b: 261), in a similar fashion, has modified his view by arguing that domestic factors and actor-led interpretations seem most relevant to the transition phase of democratization, whereas more impersonal and durable factors and structural relationships must be taken into account for the consolidation phase, and the convergence of these new regimes towards the common model of liberal democracy exemplified by the European Union.

Whitehead (2001a: 3-25) suggested three main headings under which the role of international factors on democratization may be grouped and analyzed: “contagion”, “control”, and “consent”. “Contagion” refers to geographical proximity and neutral processes of transmission between countries going through a regime change (a metaphor would be a virus), whereas “control” refers to deliberate acts of imposition or intervention from outside (a metaphor would be a vaccine). The third

alternative of international influence Whitehead (2001a: 15) describes is “consent”, which incorporates “the actions and intentions of relevant domestic groupings and the interactions between internal and international processes (what Pridham, borrowing from Rousenau, called ‘linkage politics’)”. Although he perceives the European Union and its *conditionality* mechanism as one of the “international structures of consent”, Schmitter (2001), in a more analytical and helpful way, analyses *conditionality* as a fourth form of international influence.

No matter how these different authors classify the role of the EU, they agree on the fact that the European Union has insisted upon a certain standard of democracy as a condition for membership. In other words, through its *conditionality* mechanism, the EU has made it clear from the very beginning that the offer of full membership will be made provided that the applicant European state satisfies a number of conditions. Even the renowned scholars of Comparative Politics accept that:

“such ‘democracy by convergence’ may well prove the most decisive international dimension of democratization [since] it generates powerful, broad-based, and long-term support for the establishment of democratic institutions because it is irreversible, and sets in train a cumulative process of economic and political integration that offers incentives and reassurances to a very wide array of social forces. In other words it sets in motion a very complex and profound set of mutual adjustment processes...nearly all of which tend to favor democratic consolidation” (Whitehead, 2001a: 19).

2.2. Europeanization: A New Form of International Influence?

Earlier accounts of European integration originated in the field of international relations, and the first few decades of the integration studies were essentially divided between the neofunctionalist and intergovernmentalist paradigms. Traditional approaches to European integration concentrated on the reasons for the evolution of the EC/EU. Neofunctionalists (Haas, 1958) theorize integration as a

gradual and self-sustaining process with “spillover effects” from one policy sector to the other. As a challenge to the state-centric approach of the realist paradigm, neofunctionalism claims that a supranational organization with jurisdictional powers emerges as a serious alternative to the modern nation-state, which was perceived as being hollowed out (Linberg, 1994).

The intergovernmentalist critique of the supranational account of neofunctionalism, however, emphasized the persistent gate-keeping role of national governments, and argued that the relative power of member states still matters in the decision-making process in the EU. Moravcsik (1993: 474) argues that “the EC can be analyzed as a successful international regime designed to manage economic interdependence through negotiated policy coordination”. Since the preferences and power of member states explain the choices of sovereign governments to shift decision-making powers to European institutions, the disappearance of the nation-state remains unlikely (Vink, 2003: 71).

Liberal intergovernmentalism (Moravcsik, 1991; 1993; 1994; 1995) and its “two step, sequential model of preference formation and international bargaining” (Pollack, 2000: 4) occupied a central place in the literature during the 1990s. Together with the deepening of integration and as a response to one or another aspect of liberal intergovernmentalism traditional approaches were revised, and attention moved to the EU institutions and their (domestic) effects rather than integration itself.

A group of scholars, who reject liberal intergovernmentalism entirely, argued that EU should be studied as a system of “multi-level governance”, in which member state governments have become one among many subnational and supranational actors in a complex and unique system of governance (Hooghe and

Marks, 1995 in Pollack, 2000: 6). According to this view, “the EU has become a polity where authority is dispersed between different levels of governance and between actors, and where there are significant sectoral variations in governance patterns” (Rosamond, 2000: 110).

For the new research agenda of Europeanization, new institutional theories had a profound impact. Depending on the relative weight attributed to agency or structure, new institutional approaches underline several competing (but mostly complementary) hypothesis and features of Europeanization. As Vink (2003: 72) argued, new institutionalist theories are particularly suitable in accounting for domestic change, and contrasting hypotheses should be developed from sociological and rational strains of institutionalism.¹

2.2.1. Europeanization in Member States

Inspired mainly by the “Second Image Reversed” framework of Gourevitch (1978), the Europeanization agenda questioned how European policies, rules and norms affect domestic politics and policies, as opposed to the debate between neofunctionalism, liberal intergovernmentalism and multi-level governance that centered around European institutions and the question of how to account for the emerging European polity (Börzel and Risse, 2000: 1).

Despite its increasing popularity among academic circles and the abundance of material on the subject, the term Europeanization is one of the most contested and slippery concepts, or as Grabbe rightly described, “an area of inquiry

¹ Pollack (2000: 18) argues that the old neofunctionalist/intergovernmentalist dichotomy is replaced by the new rationalist/constructivist one over the role of institutions and the importance of structure/agent. Hix and Goetz (2000: 18) also claim that the Europeanization research agenda exemplifies the institutionalist turn in political science of the 1980s and 1990s. There is a clear link between the proliferation of Europeanization studies and the constructivist turn in international relations theory (Checkel, 1998).

as much as a concept” (Grabbe, 2006: 4). There are so many different accounts of what is happening in Europe that some scholars mention a danger of overusing Europeanization as a “catchall explanation” (Pirro and Zeff, 2005: 209), while some others point to the fact that research on Europeanization might run the risk of “conceptual stretching” (Radaelli, 2000; Howell, 2004).

In order to save this relatively adolescent branch of inquiry from the position of “a cause in search of an effect” (Goetz, 2001: 211), the next section will go over different conceptualizations or constellations (Knill and Lehmkuhl, 1999: 2) of Europeanization and underline the defining characteristics and organizing notions of the concept.

2.2.1.1 First Generation Europeanization Studies

One of the most cited and widely used definitions of Europeanization belongs to Ladrech (1994: 69), who described it as a “process reorienting the direction and shape of politics to the degree that EU political and economic dynamics become part of the organizational logic of national politics and policymaking”. Ever since his famous definition, the first generation Europeanization studies focused mainly on the “top- down” impact of European integration (Börzel and Risse, 2000), or the mechanisms through which European policies are “downloaded” into national politics (Börzel, 2003: 20).

For the studies focusing on the “top-down” effects of Europeanization, the necessary condition for a domestic change is the existence of a “misfit” (Börzel, 1999) or “mismatch” (Heretier, 1996) between European and domestic policies, processes and institutions. The degree of misfit, or the “goodness of fit” (Risse et al.: 2001) determines the degree of adaptational pressure for Europeanization to take

place in member states. As Börzel (2003: 6) underlines “the lower the compatibility between European and domestic processes, policies and institutions, the higher is the adaptational pressure Europe exerts on the Member States”.

Börzel and Risse (2000: 2) argue that there are two ways of conceptualizing adaptational processes in response to Europeanization. The two contrasting strains of new institutionalism, namely rationalist institutionalism and sociological institutionalism, present different accounts of how institutions matter.

Following “the logic of consequentialism” (March and Olsen: 1989) or the “calculus approach” (Hall and Taylor, 1996) of rationalist institutionalism, Europeanization leads to a domestic change by altering the expectations of perceptions of actors resulting from the redistribution of resources at the domestic level. In contrast, “the logic of appropriateness” (March and Olsen: 1989) or the “cultural approach” (Hall and Taylor, 1996) of sociological institutionalism emphasizes socialization and collective learning process of Europeanization that leads to domestic change by internalizing norms and developing new identities.

Börzel and Risse (2000: 6-10) mention the existence of two “mediating factors” or intervening variables for the two logics of change that might ultimately facilitate or impede domestic change. Even if there is a considerable misfit between European and domestic processes, policies and institutions, and domestic actors have capabilities to exploit new opportunities and to avoid constraints stemming from a misfit, domestic change might not take place if (a) there exists multiple veto points or (b) existing formal institutions are not facilitative (i.e. institutional change is path-dependent). In a similar vein, the existence of (a) norm entrepreneurs (like epistemic communities and advocacy networks) and (b) cooperative informal institutions (consensus-oriented political culture) affects whether European ideas, norms and the

collective understanding, which do not resonate with those at the domestic level, are internalized by national actors giving rise to domestic change (Börzel, 2003: 12). In a similar fashion, Cowles et al. (2001: 2) adds “learning” as the fifth intervening factor, while some others mention the type of executive leadership, technocratic potential and timing of European policies (Radaelli, 2000).

It should be noted here that the two arguments are not “mutually exclusive” (Börzel and Risse, 2000: 2, 13) or “incompatible” (Diez et al., 2005: 4). They might take place simultaneously or characterize different phases of the domestic adaptation process. However, the two logics diverge on the effect of high adaptational pressure. Depending on the degree of adaptational pressure (from low to high), Europeanization can result in different degrees of domestic change as *absorption* (incorporating European policies and ideas without substantially changing existing domestic configuration), *accommodation* (incorporating European policies and ideas by adapting the existing domestic configuration), and *transformation* (incorporating European policies and ideas by significantly altering and substantially changing existing processes). The rationalist institutionalist approach suggests that high adaptational pressure fundamentally redistributes resources and alters the domestic balance of power, which can override multiple veto points with the help of supporting formal institutions and ultimately lead to domestic change, whereas sociological institutionalism argues that high adaptational pressure is likely to meet strong institutional inertia that prevents domestic change (Börzel and Risse, 2000: 10-11).

Drawing upon the framework defined by Börzel (1999), Heritier (1996) and Cowles et al. (2000), Radaelli (2000: 11-12) described four possible outcomes of (downloading) Europeanization: inertia (lack of change), absorption (change as

adaptation), transformation (a paradigmatic change) and retrenchment (negative change that strengthen domestic actors defending *status quo*) that cover “both the magnitude of change and its direction”.

Regarding its impact, Bache (2003) made a distinction between the intended impact of EU initiative and unintended impact (direct vs. indirect Europeanization), as well as between the opposed and unopposed EU initiatives by key domestic actors (voluntary vs. coercive Europeanization). In between these ideal types, there exist realistic domestic reactions “highlighting the possibility of different routes towards and responses to Europeanization” (Bache and Jordan, 2006: 27).

2.2.1.2. Second Generation Europeanization Studies

As opposed to the limited framework proposed by “top-down” approaches that conducted mere “impact studies” (Radaelli, 2004: 744), the second generation studies reveal the dynamic and multi-layered nature of Europeanization, and focus on the potentially less hierarchical and coercive processes to induce significant domestic change. Although most of the second generation studies continue prioritizing the “top-down” perspective and focus mainly on how European policies and processes are “downloaded”, the “bottom-up” nature of Europeanization, through which the interests and preferences of member states are “uploaded”, has also been analyzed. In these studies, Europeanization is presented as a dynamic and interactive process that involves bottom-up and top-down procedures, or “projection” and “reception” (Howell, 2004: 3).

Cowles et al. (2000: 2) define Europeanization as “*the emergence and development at the European level of distinct structures of governance, that is, of political, legal, and social institutions associated with political problem-solving that*

formalize interactions among the actors, and of policy networks specializing in the *creation of authoritative rules*” (emphasis added). While striking the reader with its special emphasis on policy networks as well as its broad definition of Europeanization, this definition incorporates both the bottom-up and top-down nature of the process as emphasized above.

Dissatisfied with the definition quoted above, Radaelli (2000: 3) formulated a more elaborate one as follows:

“Processes of a) construction, b) diffusion, and c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’ and shared beliefs and norms which are *first defined and consolidated in the EU* policy process and then *incorporated in the logic of domestic* (national and subnational) discourse, political structures and public policies” (emphasis added).

Radaelli’s famous definition underlines the “two-way street” characteristics of Europeanization with its uploading and downloading aspects. In order to reveal the reciprocal nature of Europeanization, the second-generation studies focused (or at least mentioned) the role of member states in the ascending (decision-making) and descending (implementation) stages of the European policy process (Börzel, 2002: 195). As Heritier (1994: 278 quoted in Börzel, 2002: 195) accurately formulated: “Member States seek to shape European policy-making according to their interests and institutional traditions. At the same time they have to adapt their institutions to European legislation once the latter has been enacted”.

In order to maximize the benefits and minimize the costs of European policies, member states try to export their national interest, preferences and policies to the European level. Such an “uploading” is expected to reduce the need for legal and administrative adaptation while incorporating (“downloading”) European policies to the domestic structure (Börzel, 2003: 20). In addition to “uploading / bottom-up” Europeanization and “downloading / top-down” Europeanization, some

other scholars mention the existence of “cross-loading / horizontal” Europeanization, which is witnessed in the area of policy transfers between member states (Howell, 2004: 5; Bache and Jordan, 2006: 22). In this conceptualization, the EU simply provides an arena of communication where member states share ideas and practices.

Expanding the concept of “national specific adaptation” (Ladrech: 1994), Olsen’s (2002: 10) historical institutionalist account gives some clues regarding why the impact of Europeanization varies both across states and different policy domains: “external changes are interpreted and responded to through existing institutional frameworks, including existing causal and normative beliefs about legitimate institutions and the appropriate distribution, exercise and control of power”. Despite the fact that member states are subject to similar pressures coming from the EU, domestic adaptation is taking place “with national colors” (Cowles et al. 2001: 1). Since the Europeanization process is institutionally mediated both in its uploading and downloading stages, some countries converge toward a similar policy or structure, whereas others retain their institutional setting and ultimately diverge. This is the reason why one can only expect a kind of “clustered convergence” to take place among member states (Börzel and Risse, 2000: 12).

Like the diverging results experienced in EU members while “downloading” Europeanization, member states also employ different strategies while they compete to “upload” or project their policy preferences and existing arrangements at the European level due to their distinct social, political and economic institutions as well as their action capacity measured by the level of their economic development (Börzel, 2002). Countries that employ a “pace-setting” strategy might actively push policies at the European level to minimize implementation costs while “downloading”, while some others might prefer “foot-

dragging” to block or delay costly policies so as to prevent them altogether or at least achieve some compensation for implementation costs (Börzel, 2002: 194).²

Although much of the second-generation literature on Europeanization draws heavily on historical institutionalism, proponents of the sociological or constructivist institutionalism have also broadened the scope of second-generation Europeanization research compared to its first generation. As Dyson and Goetz (2003) noted, the second-generation has placed greater emphasis on domestic changes in informal institutions like norms, values and ideas.

Second-generation Europeanization studies also concentrate on the change in the “construction of systems of meanings and collective understandings” (Cowles et al.: 219). In the process of international socialization triggered by Europeanization, the norms defined at European level also influence the way actors see themselves through the internalization of constitutive beliefs and practices institutionalized in a state’s international environment. The dissemination of European norms centered around peace, liberty, democracy, the rule of law and human rights, for example, changes the conception of collective and national identity (Diez et al., 2005: 6).

Some recent studies mention the Europeanization of public discourses, i.e. to what extent public claims make reference to the EU, specific European actors or policies (Rumelili, 2005). In a way, Europeanization has turned into a “discursive frame of reference for national actors” (Bache and Jordan, 2006: 22), who would like to scape-goat Brussels to legitimize inconvenient, costly or politically controversial

² Börzel (2002) also mentions the existence of a third strategy for member states, who do not systematically push policies or try to block them. They might rather choose “fence-sitting” by building tactical coalitions with both pace-setters and foot-draggers.

policy decisions like labor market reform, environmental protection or minority rights.³

Incorporating Dyson and Goetz's (2003) conceptualization of "the two generations of Europeanization research", we can conclude that first-generation Europeanization studies had a "top-down" perspective in explaining domestic change, whereas second-generation studies emphasized both "uploading" and "downloading" processes (some even mentioned "cross-loading").

Secondly, while the scholars of the first-generation assumed "misfit" or "mismatch" as a prerequisite of change at the domestic level, second generation scholars put greater emphasis on path dependency and the institutionally mediated nature of domestic change. Thirdly, in contrast to the 'thin' institutional understanding of first-generation studies that concentrated only on policy and polity dimensions, second-generation studies had a 'thick' understanding institutions with an emphasis on norms, values, beliefs, identities and discourses.

Last but not least, first-generation studies expected an ultimate convergence between member states whereas second-generation studies explained well why and how similar pressures can lead to diverging outcomes at national level.

2.2.1.3. Towards a "Synthetic" Definition of Europeanization?

Despite the variety and richness of the Europeanization research illustrated above, it could still be argued that "Europeanization has not moved away from a concept to theory" (Brink, 2008: 477). As Howell (2004) argued, it might partly be conceptualized as a *meso* or middle-range theory. Drawing on the observations of

³ It should be noted here that Diez et al. (2006: 5-7) calls the normative dimension as "societal Europeanization", whereas they name the formal analysis of references as "discursive Europeanization".

the first and second-generation Europeanization studies outlined above, the distinctive characteristics and organizing notions of the concept are as follows.

First of all, Europeanization is ‘multi-layered’ with its top-down and bottom-up characteristics. While member states try to influence European decision-making, they are at the same time subject to pressures bringing domestic change. Related to its multi-layered nature, Europeanization is better understood as a ‘dynamic and interactive process’. As Major (2005: 177) argued, Europeanization is “an ongoing, interactive and mutually constitutive process of change linking national and European levels, where the responses of the Member States to the integration process feed back into EU institutions and policy processes and vice versa”. In other words, in this dynamic process between structure and agency, Member States that are affected by the process of European integration are at the same time the players, who initiate and shape the process (Emerson and Noutcheva, 2004: 5).

Thirdly, even the scholars who defined Europeanization as a process of change that can be attributed to European integration emphasized the ‘multi-dimensional’ and ‘multi-purpose’ nature of the process. Europeanization entails a domestic change in various domains like *legal/formal institutional change* (of administrative and political structures through harmonization/adaptation process), *policy change* (in different issues to align national and European policies), and finally *change in informal or normative structures* (like norms, values, discourses, identities etc.).

The fourth distinctive characteristic of Europeanization is that the change that can be attributed to the process of European institutions is ‘institutionally mediated’, which limits the degree of convergence among countries that are subject to similar pressures. National adaptation reflects institutional resources and

traditions, the pre-existing balance of domestic institutional structures and traditions (Olsen, 2002: 935). Mediating factors or intervening variables like institutional veto points (Cowles et al., 2001), degree of domestic support (Knill and Lehmkuhl, 2002), political culture (Borzel and Risse, 2003), reform capacity (Heritier et al. 2002) and timing also account for divergence between member states. Therefore, the process of European integration is not an independent variable *per se*, but rather a catalyst or facilitator for change.

Finally, according to the synthetic model advocated here, the EU is only one of the Europeanizing institutions. European transformations are not limited to the EU, and as Olsen (2002: 927) rightly argued “cross border relations have been, and still are, managed through a variety of transnational regimes and institutions. An adequate understanding of the ongoing transformations and domestic change requires attention to other European transnational institutions, regimes and organizations as well as non-Member States.”

Even if Europeanization is defined principally as “EU-isation”⁴, other organizations and players like the Council of Europe (CoE), the Organization for Security and Cooperation in Europe (OSCE) and the United Nations (UN) must be borne in mind especially within the context of democracy and human rights, as well as the protection of minorities.

Emerson and Noutcheva (2004: 5) explain very well how the EU, CoE and OSCE complement each other in this respect:

“For democracy and human rights the Council of Europe is important as a norm-setting organization and codifier of law. Membership of the Council of Europe requires adherence to the European Convention on Human Rights and Fundamental Freedoms, supported by the European Court of Human Rights in Strasbourg... In its new Constitution, the European Union will itself accede to the European Convention on

⁴ Grabbe (2007: 5) defined the process of “EU-isation” as adoption of EU norms, policies and institutional models as well as meeting of accession requirements for candidate countries.

Human Rights and Fundamental Freedoms, thus establishing formal identity between the human right codes of the two organizations. This institutional overlap between the European Union and the Council of Europe also becomes a valuable construction in the context of democratization and human rights reform of the European periphery... [the] Council of Europe and the Strasbourg Court of Human Rights, confers a certain degree of legitimacy to the proceedings and judgments [of the member states]... The OSCE and UN also complement the Council of Europe with their norm-setting roles and security mandates.”

The complimentary nature of the basic human rights treaties in the evaluation of the candidate countries’ progress towards meeting the Copenhagen political criteria was explicitly acknowledged in the Strategy Paper and Report of the European Commission with the following words: “With regard to human rights, the Commission analyses the way in which the candidate countries respect and implement the provisions of the major human rights conventions, including in particular the European Convention for the Protection of Human Rights and Fundamental Freedoms. As regards respect for minority rights and the protection of minorities, the Commission devotes particular attention to the implementation of various principles laid down in the Council of Europe Framework Convention for the Protection of National Minorities”.⁵

2.2.2. Europeanization in Candidate States

Europeanization in candidate states marked with the conditionality mechanism deserves a special attention. Benefits and requirements for joining the EU create incentives for compliance that are different in kind and trigger different

⁵ “Towards the Enlarged Union: Strategy Paper and Report of the European Commission on the Progress towards Accession by each of the Candidate Countries” Com(2002)700, p.4. Anastasakis (2008: 372) also claims that the assessment of political criteria is often exercised by the EU in cooperation with other international organizations like the Council of Europe, the OSCE, or the UN as a form of cross-conditionality that gives the assessment a more collective, more forceful character and guarantees more external legitimacy.

mechanisms of domestic change in candidate states than in existing EU members (Vachudova, 2005: 7).

Ever since the collapse of the communist bloc, there have been many studies concentrating on the relationship between EU enlargement and the transition process in Central and Eastern European Countries (CEECs). Most of them focused on the mechanisms of EU conditionality and the prerequisites for its success. A general conclusion to be derived from these studies is that by committing themselves to the goal of EU accession, and thereby submitting themselves to benchmarking and sanctioning of the EU, CEEC governments make themselves less prone to postponing difficult decisions in return of short-term political gain (Bronk, 2002: 3).

2.2.2.1. Commitment and Credibility

In her book on domestic political change in Poland, Hungary, the Czech Republic (as liberal democracies marked with high degree of political competition) compared to Romania, Bulgaria and Slovakia (as illiberal democracies marked with low degree of political competition leading to rent-seeking and ethnic intolerance), Vachudova (2005) conceptualises Europeanization in the candidate states with the help of a theoretical distinction between “passive vs. active leverage of the EU”. The passive leverage is stemming from the attraction (or magnetism) of the EU due to membership. The EU’s passive leverage exists without any deliberate policies toward prospective members, and is based on the political (voice in EU affairs and the protection of EU rules) as well as economic (inclusion in the internal market and eligibility regarding transfers from the EU budget) benefits of membership. Despite the fact that the effect of the passive leverage changes from one candidate country to another (mainly due to the type of previous regime change leading to liberal or

illiberal democratic configuration), candidate countries are subjected to the passive leverage since the cost of being excluded is high.⁶

According to Vachudova (2005: 81-104), the EU only employed a passive leverage between 1989-1994, and thus played a marginal role in the composition and the policy choices of the post-communist governments. In the illiberal states, the EU's passive leverage failed to avert rent-seeking behaviour whereas it merely reinforced the trajectory of liberal states towards democratic pluralism and market capitalism by serving as a "normative focal point". Grabbe (2002) joins Vachudova when arguing that the EU becomes a "focal point" by providing a framework to work towards, helping to overcome institutional/bureaucratic inertia and avoiding a lengthy search for a domestic political consensus in some areas.

The EU's passive leverage imposed on the applicant countries functions as a "commitment device" by strengthening the government's power-base to impose difficult reforms and resist the demands of rent-seeking groups that can oppose any reform proposal which aims to change the *status quo*. Furthermore, the "commitment device" function of the pre-accession process is strengthened through its hands-tying effect. The EU also provides incentives for rapid change that entrenches reforms and can help protect governments in power from oppositions and backsliding (Grabbe, 2002: 260).

The EU vocation of candidate countries also creates a stable environment to reach a consensus among the main political actors for the sake of EU accession, as well as setting rules that limit the discretion of policy-makers and/or align their incentives with long-term policy objectives. The hands-tying effect of the EU, and being committed to the EU policies will simplify the decision-tree and eliminate (or

⁶ Walter Mattli (1999: 59-60) argues that economic integration can cause three kinds of negative externalities for states left outside: trade diversion, investment diversion and aid diversion.

increase the cost of) backsliding, and in turn, increase the credibility of a country in the international spectrum, which eventually decreases risk-premium and increases foreign direct investment.⁷ As Vachudova (2005: 107, 182) argues, the pre-accession process has locked governments into a predictable course of economic policy-making that serves as a credible commitment to ongoing reform for internal and external economic actors.

The EU's (passive) leverage also strengthens pro-EU civic groups and even shapes how political parties portray themselves in their election campaigns. In order to increase their credibility in the eyes of the electorate and international actors, political parties appeal to the accession process of their country as a discursive framework of reference. The EU provides a focal point for cooperation for political actors pursuing a pro-EU agenda and alters the information environment in which they operate. As Jack Snyder (2000: 355) argued, "the influence of the international community may be essential to help break up information monopolies, especially in states with very weak journalistic traditions and a weak civil society".

In the same fashion, the rulers in respective candidate countries declare that earning membership in the EU is their utmost foreign policy goal in order to attain the high political and economic benefits afforded by membership. In line with Sandra Lavenex's (2001: 852) argument, "an increasingly political European Union has ideational implications for domestic principles and normative contexts".

The EU's passive leverage (or its commitment and credibility functions) generally predates its active leverage (or conditionality), and occupies a pivotal role for the latter to function properly. The experience from previous rounds of

⁷ For the interim credibility gains of the EU conditionality, see Bronk (2002), and for the risk-premium effect of conditionality and enlargement, see Baldwin (1997).

enlargement has shown that commitment is also central for the effective functioning of the conditionality mechanism outlined below.

2.2.2.2. Conditionality

According to Schmitter (2001: 28-29), conditionality implies that foreign actors require from an applicant state that it installs or consolidates democracy before benefiting from a promised advantage. This understanding supposes that the applicant state will be sanctioned or deprived of a foreseen reward if it does not comply with the requirements (Ethier, 2003: 100).⁸

Despite the non-existence of a commonly agreed definition of conditionality (i.e. conditions for a membership to an international organization), Hughes (2003: 4-5) claims the literature on international conditionality between “donors” and “recipients” agrees on three main aspects. Firstly, borrowing from Stokke (1995: 3), “conditionality is not an aim in itself but an instrument by which other objectives are pursued”. Secondly, there has been a steady expansion and evolution of conditionality since the end of the Second World War for various international organizations. Thirdly, donor interests are paramount and the developmental interests of the recipient are secondary (the so-called “power asymmetry” inherent in the conditionality mechanism).

The European Union imposes numerous conditions on the applicant countries that want to join the Union, to avoid any risk of newcomers being politically unstable and counter-productive to the existing structure of the Union. By consigning themselves to these conditions, the governments of the applicant

⁸ Ethier (2003: 100) argues that conditionality, as opposed to incentives, has a relative advantage in terms of sustaining compliance. In the case of conditionality, reward is uncertain and sanction (or loss of promised reward) is very probable and credible, whereas for incentives, the reward is certain and the sanction very unlikely and non-credible. She argues that democracy promotion is only effective when it is based on conditionality rather than incentives (Ethier, 2003: 116).

countries locate themselves on the EU ‘accession track’ and undertake many reforms to achieve full membership (Duman and Tsarouhas, 2006: 407). Compared to the other conditionalities employed by international organizations, EU conditionality is characterized by its more comprehensive, system-transforming characteristics, its generic combination of political and economic elements and the attempt to operationalize them simultaneously across different countries (Hughes, 2003: 13).

The EU has attached many conditions to aid, trade, political relations as well as enlargement since 1988. However, the EU’s accession conditionalities have evolved through time, the Rome Treaty clearly states that only democracies are eligible for full membership of the EU. The subsequent Birkelbach Report (produced by the European Parliament just after Spain’s application for an associate membership of the EEC in 1962) also stated that “only states that guarantee in their territories truly democratic principles and respect for fundamental rights and freedoms” should be eligible (Powell, 2001: 296). Since these two documents did not precisely define what operative criteria involved for Southern European applicants, Geoffrey Pridham (1991: 235) has suggested that these seem to be (1) genuine, free elections; (2) the ‘right’ electoral results, i.e. a pre-dominance of pro-democratic parties; (3) a reasonably stable government; (4) leadership by a credible (and pro-European) figure; and (5) the inauguration of a liberal democratic constitution.

While creating the Common Foreign and Security Policy (CFSP) Second Pillar, the Maastricht Treaty on European Union, agreed in February 1992 and effective from November 1993, referred to the “development and consolidation of democracy and rule of law” as well as “human rights and fundamental freedoms” as principal objectives of the EU’s external relations (Hughes, 2003: 11).

Although the EU has always employed democratic conditionalities in one way or another, these were explicitly spelled out and systematically formulated in the Presidency Conclusions at the Copenhagen European Council (1993) as follows:

(1) membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities including a stable democracy; (2) membership requires the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union; and (3) membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union, competitive market economy, and a capacity to implement EU laws and policies.

The imposition of the Copenhagen criteria on the applicant countries had a dual purpose of minimising the risk of new entrants becoming politically unstable and economically burdensome to the existing EU, and ensuring that the applicant countries would be ready to meet all EU rules with only minimal and temporary exceptions (Grabbe, 2002: 251).

While dealing with the applicant countries, the EU has used “carrots” rather than “sticks” (Grabbe, 2002: 249-268). In other words, the EU reacts to the fulfilment or non-fulfilment of its conditions by granting or withholding rewards but not by punishing or supporting non-compliant states. This is what Schimmelfenning et al. (2003: 495-518) call “reactive reinforcement”. Beyond any doubt, “the visible and realistic prospect of membership has been the main carrot along the way” (Anastasakis and Bechev, 2003: 4).

The EU has a variety of techniques to fulfil its function as an active leverage. Grabbe (2001: 1013-1031) summarizes the EU's conditionality tools as (1) *gate-keeping* (access to negotiations and further stages in the accession process), (2) *models* (provision of legislative and institutional templates), (3) *money* (aid and technical assistance), (4) *advice and twinning*, (5) *benchmarking and monitoring*.

The most effective conditionality tool is access to different stages in the accession process, or, to put it simply, being promoted from one waiting room to another. This gate-keeping tool of the EU has had the most direct and evident consequences on the domestic policies of the applicant states ever since the Copenhagen Criteria were adopted.

Secondly, as the Turkish case illustrates, it can be said that benchmarking and monitoring is an effective conditionality tool. Due to the salience of the EU accession process in the political life of Turkey, the EU easily influences domestic policies or manipulates the agenda by soft means like ranking applicants' overall progress, benchmarking in particular policy areas, providing examples of best practice, issuing *démarches* and the like. The key mechanism for this lever of conditionality is the Commission's "Regular Reports" containing an assessment of the candidates' progress in meeting conditionalities mainly imposed by the "Accession Partnerships".⁹ The annual summary of candidates' progress in meeting the Copenhagen criteria and the *acquis* contained in the Regular Reports that are generally published in towards the end of the year, can further be used by the European Council to decide whether to promote a country from one waiting room to another.

Vachudova (2005: 99-103) claims that the idea of using conditionality existed already in 1989, but it was so vague in the Europe Agreements that it had little impact on CEECs. When the EU decided to offer a clear membership perspective for the applicant states in the Copenhagen summit of 1993, the EU

⁹ The EU introduced 'Accession Partnerships' in 1998. This document lists the policy priorities that have to be implemented either in the short-term (defined as one year) or medium-term (defined as five years). As a response, the applicant countries prepare their 'National Programmes', where they publicize their timetable to fulfil the given priorities, and submit it to the EU. Accession partnerships can be found at "<http://europa.eu.int/comm/enlargement/pas/aps.htm#npaa>" and Regular Reports at "http://europa.eu.int/comm/enlargement/report_11_98/index.htm#report" (last accessed 1 September 2009).

formally committed itself to admitting candidates if they met the criteria for membership. No matter how general the provisions of the Copenhagen criteria were, they marked the beginning of the EU's formal accession requirements that were at the heart of "active leverage" or the conditionality mechanism. Vachudova (2005-120) argues that the requirements of the pre-accession process mainly stem from Copenhagen (general) criteria and the *acquis communautaire* (laws, norms and regulations describing specific rights and obligations arising from the EU), but the EU's individual priorities and intentions were clarified later with the Regular Reports that started to be published by the Commission in 1997.¹⁰

While describing the toolbox of the pre-accession process, Vachudova (2005: 125-132) mentions the Association Agreements, criticisms and demarches in the light of the Copenhagen criteria, the Regular Reports, Accession Partnerships, National Programmes for the adoption of the *acquis* (NPAA), negotiations and screening. Negotiations between the European Commission and the candidate states are structured around the transposition of the *acquis* divided into numerous substantive chapters. The term 'negotiations' is widely considered as misleading since candidates do not negotiate with the EU about the transposition of rules and regulations. Negotiations are generally centred around how and when the *acquis* will be implemented based on the result of screening (a process by which the legislation of the candidate country is checked for conformity with the *acquis* chapter by chapter). If some parts of the *acquis* cannot be implemented by the time of accession, candidate countries can only negotiate for a transitional period.

The conditionality mechanism of the EU is powerful due to the inherent characteristics of the pre-accession process. First of all, there is an "asymmetrical

¹⁰ Karen Smith (2003: 119) mentions a third but less formal requirement of EU accession as "good neighbourliness" for the prevention of importing foreign problems into the EU.

interdependence” between candidate states and the EU, since aspiring countries depends a lot on the EU whereas the EU depended on them a little (Vachudova, 2005: 62 and Hughes et al. 2003: 1). Secondly, the pre-accession process in the last two enlargement rounds required candidate countries to demonstrate their commitment to EU policies and undertake necessary reforms well before they join, as opposed to previous enlargements. Countries that voluntarily subject themselves to the conditionality mechanism of the EU allow their domestic political processes to be examined and evaluated by the EU. The asymmetrical interdependence and enforcement features of the accession process make EU’s threats of exclusion credible.

Thirdly, the merit-based approach to enlargement employed by the Commission gives credibility to the promises of eventual membership. Although there are several criticisms arguing that the EU has turned into a moving-target for some countries due to the continuous development of new requirements, the Commission generally adopts a meritocratic approach while assessing candidates’ progress and placing them on the enlargement queue (Vachudova, 2005: 112).

The EU’s conditionality mechanism does not function without any problems. There are some scholars who argue that by consigning themselves to the rules dictated from above, where many rules and policies are merely imported from the EU without being crafted and debated at the local level, the content of democracy is emptied (Vachudova, 2005: 225). Some others claim that the EU demands such a high degree of consensus among political parties on policy issues that it decreases political competition (Gryzamala-Busse and Innes, 2003). Hughes (2003: 3) states that the rhetoric surrounding enlargement and conditionality is strongly imbued by a quasi-colonial *mission civilisatrice* of Europeanization, where political/economic

models in core member states are promoted as normatively “superior” and readily transferable to the “inferior” models of candidate countries.

Grabbe (2001) argues that the empowerment of the executive for the sake of bureaucratic efficiency undermines parliament and democratic legitimacy. It is rightly pointed out that the EU wants full compliance from candidate states in some policy areas, like the protection of minorities (Vachudova, 2005 and Hughes, 2003) and regional policy (Hughes et al., 2003), where existing members have developed the least consensus among themselves and provide little or no guidance at all to aspiring countries. The EU might therefore be asking the candidate states to adopt more extensive provisions than those adopted by current members.

The protection of minorities is one of the problematic areas where the existing members of the EU have developed the least consensus concerning the definition of the “(national) minorities” and effective measures for their “protection”. Despite continuous references to concepts like “European identity, democracy and respect for human rights”, these terms generally remain vague and do not refer directly to the protection of minorities. The EU developed different sets of criteria for the candidate countries especially after the end of Cold War as opposed to its old members. Notwithstanding the fact that the Copenhagen Criteria were legitimized by reference to the norms previously elaborated by the Council of Europe (COE) and the Organization for Security and Cooperation in Europe (OSCE), the main points of reference (the “respect for and protection of minorities”) were poorly defined and highly debated among the existing EU members (Tasch, 2010: 22). The range of examples presented as best practices were highly divergent and the policies of the core members of the EU toward their minorities were contradictory.

However, almost every regular progress report issued by the EU has evaluated the treatment of minorities in candidate countries generally with reference to the European Convention on Human Rights (ECHR) and the Framework Convention for the Protection of National Minorities (FCPNM)¹¹ as an indication of its conformity to the so-called “European minority standards”, despite the fact that none of them formally constituted part of the conditionality mechanism.

Furthermore, Hughes (2003: 3) argues that in order to examine the relationship between conditionality and compliance, a distinction must be drawn between the “effective implementation of policy” derived from EU conditionality and “rhetorical, formal or declaratory compliance”. Hughes (2003), Hughes et al. (2003) and Hughes and Sasse (2003) demonstrate with the help of detailed policy studies that EU policy guidelines are vague and benchmarks and instruments to ensure compliance are soft, which ultimately points to the strong influence of domestic factors in the determination of any outcome. For Hughes (2003: 17), the EU prioritises its own economic interests in the CEECs: the coercive nature of EU conditionality is, therefore, most strongly felt in the field of economics, whereas democracy in the CEE is largely self-made.

Finally, one should note that for the EU conditionality to have an important, even catalytic role in prompting reforms and sustaining an unprecedented reform process, the domestic equilibrium of forces should be conducive. First of all there should prevail a broad consensus among the political, economic and social elite as well as the citizens regarding the acceptance of EU conditionalities. Secondly, reforms can not be sustained without the presence of reformist parties alternating in

¹¹ From among the “old” members of the EU, France, Greece, Luxembourg, Belgium, and the Netherlands signed but did not ratify the FCPNM. All ten members in the Central and Eastern Europe region signed it, but Estonia, Poland, Slovenia and Bulgaria placed some special reservations and conditions (Tasch, 2010: 24).

power. The burden of execution of reforms is placed not on the supranational level (i.e. the EU officials) but on the very domestic level of politics (Spendzharova, 2003: 149).

On the side of the European Union and leaders of the member states, it should be remembered that the effectiveness of the pre-accession process is highly correlated with a clear membership perspective. As Vachudova (2005: 259) put it, the power and effectiveness of the EU's active leverage (conditionality mechanism) stems from the attractiveness of passive leverage (membership benefits and costs of exclusion). Debates like the "borders of Europe" and the introduction of alternative options to EU membership like "privileged partnership" or "special relationship" undermine the credibility, clarity, consistency and effectiveness of political conditionality (Anastasakis, 2008: 375).

CHAPTER III

GREECE AND TURKEY: THE ORIGINS OF MINORITY RIGHTS PROTECTION

While studying the empires as traditional political formations or systems of rule, Karen Barkey (2008: 5-7) highlighted the long time span of empires they owe to their flexibility and capacity to adapt and innovate. In her account, “longevity, resilience, and flexibility” are three key features of empire that have traditionally been “under-theorized”, and the Ottoman Empire was distinguished from others with its ability to absorb diverse populations and create new intermediary formations to manage horizontal segmentation. Since authority flowed through the central state to intermediary institutions and then to the local populations in the imperial model, the middle level of interactions and relations was crucial for the maintenance of legitimacy and diversity.

The Ottoman *millet* system as an organization of diversity and a form of constructed toleration is one of the important structures that contributed to the survival of the Ottoman Empire for a long time and over a large territory

encompassing three continents: Europe, Asia and Africa. Despite various efforts of the “nationalizing” elites of the new nation-states under focus to negate the Ottoman *ancien regime*, the main tenets of societal organization under the *millet* system has greatly influenced the identity formations and conceptualizations of minorities in Greece and Turkey. Even at the initial stages of the establishment of a system of minority protection during the Lausanne Treaty negotiations, and later during the population exchange or at the stage of implementation of the new provisions, the Ottoman legacy was undeniable.

3.1. The Ottoman Legacy: *Millet* System

Notwithstanding the popular belief that the *millet* system was firstly formulated by Sultan Mehmet II just after the conquest of Istanbul in order to extend privileges to the inhabitants of the city, it emerged gradually with the aim to protect the imperial order (*nizam*) with the incorporation of its non-Muslim subjects (*re'aya*). Gibb and Bowen (1962: 214) acknowledge that the Ottoman Empire was already applying such a model for the non-Muslim communities under their rule preceding the conquest of Istanbul. In the Islamic tradition as well, the “Peoples of the Book” (*ehl-i kitab*), or followers of the Abrahamic religions of Judaism and Christians, were allowed to reside in Muslim states and practice their religion freely under a special contract called *dhimma* (Ceylan, 2002: 248 and Barkey, 2005: 16). The *dhimmi*¹ (or in its Turkish pronunciation *Zimmi* which means “protected”) communities enjoyed a considerable degree of autonomy in their internal affairs as long as they respected the authority of the (Islamic) state, paid special poll tax (*jizya*) and obeyed several restrictions (Yetişkin, 2009: 141 and Zürcher, 1997: 12). It seems

¹ A detailed account of the *dhimma* tradition in Islam is available in Bat Ye'or (1985) and Braude and Lewis (1982).

like the Ottoman Sultans have developed a more sophisticated and remarkable system of self-governance on the basis of the Islamic tradition for an autonomous administration of non-Muslim communities.

Following the great importance attached to the concept of *umma*, or community of believers, the identity marker, or as Özkırımlı and Sofos (2008: 43) put it rightly “the main line of demarcation”, in the Ottoman Empire was religion. Different confessional groups of the Empire were legally separated from each other with various communal rights and privileges. Religious boundaries instituted the difference between communities, but also provided them with “enough space, movement, and parallel alternative structures to maintain a divided, yet cohesive and tolerant imperial society” (Barkey, 2005: 15). In this system of governance, the Muslim community enjoyed the privilege of monopolizing the political power with the status of “*millet-i hakime*”, or dominant *millet*.² The other legally recognized and socio-culturally autonomous non-Muslim communities, originally the Greek-Orthodox (*Rum*), Armenian (*Ermeni*) and Jewish (*Yahudi*) *millets*, had several privileges that went beyond religious issues. As listed by Soner (2004: 201), non-Muslim communities have enjoyed the following rights: freedom of religion and conscience, freedom of managing their educational institutions with full and unhindered control over their curriculum, freedom to have legal jurisdiction in their communal courts especially over the issues concerning their personal and family

² Despite the common English translation of the term *millet* as “nation”, it is literally derived from the word “*milla*” which was used in the Kur’an to denote religion (of Abraham). The Encyclopedia of Islam also defines the term *millet* (*milla*) as religion (Bulh, 1979: 317 quoted by Boztemur, 2005: 3). It looks like the term was later associated with “nation” with the rise of nationalist sentiment among different religious communities in the Ottoman Empire during the eighteenth century.

matters (marriage, divorce, inheritance, custody and the like), and authority to collect communal taxes to cover their followers' needs.³

While providing avenues for the maintenance of their religious, cultural and communal identities, the *millet* system expected the members of non-Muslim millets to honor their obligations towards the state (like paying a poll tax, or *cizye*, in return for non conscription to the military in addition to a special land tax, *harac*) as well as obeying certain limitations (like obtaining permissions to build new places of worship, avoiding open religious ceremonies, inability to carry arms, ride horses, marry Muslims, or dress like them). The non-Muslim subjects of the Ottoman Empire were connected to the patrimonial centre with patron-client relationships (Sunar, 74: 42) or intermediaries that generally overlapped with the existing authority structures of each community (Barkey, 2005: 16). Non-Muslim *millets* of the Empire were represented collectively by their leaders called *milletbaşı* (Ethnarch), who were responsible for sustaining loyalty to the Sublime Porte (*Bab-i Ali*) and provide order among their followers. In return, Ethnarchs, who were mostly the holders of the highest ecclesiastical offices that were allowed to be elected according to their own customs, were not only in charge of the religious institutions, but also educational and charitable establishments belonging to their community, at least until the *Tanzimat* reforms of 19th century.⁴

³ In her article challenging the foundational myths of the *millet* system, Braude (1982: 77-78) claims contrary to the popular belief that Sultan Mehmed II did not want to rely upon the ecclesiastical authority of the Patriarchate to control the Greek-Orthodox community. Only after the proven unreliability of the Grand Duke Lukas Notaras, he decided to install the new Patriarch after six months with a personally granted authority (*berat*) rather than a communally granted one. While disputing the foundational myths of the Armenian and Jewish millets, Braude (1982) argues that the Ottoman Sultan personally crafted the offices of the *Ethnarchs* (*milletbaşı*) rather than granting an institutional authority to the already existing clerical offices.

⁴ It should be noted here that despite the existence of a set of arrangements to protect different confessional groups, the main tenets of the system were only codified and systematized later in the 19th century (Barkey, 2005: 15-16). Braude (1982: 70-74) claims that there was no overall administrative system, structure, or set of institutions dealing with the non-Muslims, but a set of local arrangements with considerable variation over time and place. He argues further that the Ottomans did

In line with the role played by religion in the Ottoman Empire, the *millet* system “was blind to entholinguistic differences” (Özırmılı and Sofos, 2008: 44). *Millets* were conglomerations of believers of a religion from different ethnic, cultural or linguistic origins and from all geographic locations. For example, all Orthodox subjects of the Empire in the Balkans (like Greeks, Bulgarians, Serbians, Vlachs, Albanians, Arabs as well as Gagauz Turks) constituted the *Millet-i Rum*, or Greek-Orthodox community, whereas the Armenian *millet* included most of the Eastern Christians (the Assyrians, Chaldeans, Nestorians, and others).⁵ Respecting the self-identification of the inhabitants of Istanbul as *Romioi*, a medieval term claiming kinship with the colonizers of the city in 658 BC (Alexandris, 1992: 21), the Ottomans called their Orthodox subjects with its Turkish equivalent: *Rum*, whose most accurate English translation is “Greek-Orthodox” (Kechriotis: 2005: 55). Despite the relative prevalence of the Greek elements in its institutions as well as the dominance of the Greek language as *lingua franca* of major trade centers, the term *Rum* only indicated the Orthodox subjects of the Empire and had nothing to do with ethnicity (Gibb and Bowen, 1962: 234), while *Rumeli* was denoting the lands inhabited by them.⁶ The state-sanctioned authority of the Patriarchate, the use of Greek as the liturgical language and the appointment of ethnic Greeks further

not call these localized arrangements a *millet* system until the European lexicographic understanding started to creep into Ottoman usage in the 19th century.

⁵ With the nationalizing currents of the 19th century, the number of recognized *millets* increased from three to seventeen in 1914 (Karpas, 1973).

⁶ Later with the establishment of an independent Greek state in 1821 under the banner of the antique utopian ideal of *Hellas* (Özırmılı and Sofos, 2008: 78), there emerged a differentiation between the Greek-Orthodox subjects of the Ottoman Empire (i.e. *Rum*) and the citizens of the new Greek state (*Yunan* or *Helen*). The new Turkish Republic inherited this terminology (*Rum* vs. *Yunan*) to denote members of the Greek Orthodox minority, as opposed to the citizens of Greece who continued living in Istanbul first under the provisions of the population exchange agreement, and then within the scope of the 1930 agreements between Greece and Turkey. In their identity cards, however, the members of the minority were called “*Rum Ortodoks*”. In this thesis, with reference to the treatment of non-Muslim minorities in Turkey, the term “Greek-Orthodox” designates the members of the minority with Turkish citizenship, whereas “Hellenic” denotes the inhabitants of Istanbul with Greek citizenship.

solidified the bond between Eastern Orthodoxy and the Greek language (Hanioğlu, 2008: 36).

Despite the differential treatment of non-Muslims in the Ottoman Empire and their “second-class” position vis-à-vis Muslims that seem “inegalitarian” in the modern sense of the word, the Ottomans provided a certain degree of protection that enabled different confessional groups to retain their separate identities, which ultimately undermined subsequent attempts to unify them around a common Ottoman identity, facilitated the penetration of the nationalist ideas of the French Revolution (Özkırımlı and Sofos, 2008: 45), and provided the Great Powers of Europe with a pretext for intervention and intrigue among minorities (Alexandris, 1992: 24). As Mentzel (2000: 202) rightly put it, this did not mean that the modern Balkan nations were constructed completely on the basis of the *millet* system, but the latter provided a common ground for future developments, which might well be described as the “nationalization of religions”.

Parallel to the growing Western influence and modernization attempts of the Ottoman Empire in the eighteenth century, the ideological currents of the French Empire marked a growing influence on the literate members of the non-Muslim communities, who were well connected to the major European ports through their commercial connections. Together with the increasing polarization between the modernizing Muslim military/bureaucratic elite and the emerging non-Muslim bourgeoisie, the *millet* system fell short of meeting the ever-growing expectations of the non-Muslim communities. Being motivated by their political and economic interests in the Ottoman Empire, foreign powers guarded their commercial interests and the rights of their co-religionists, many of whom had become their clients under

the notorious *berat* system.⁷ The inegalitarian treatment of non-Muslims in the Ottoman Empire gave them the necessary leverage to press for reforms, while *millet* leaders were insisting on the conferral of new privileges in addition to the already existing ones as distinct religious communities rather than equal Ottoman citizens (Hanioğlu, 2008: 76).

In response to internal and external developments, the Ottomans have modified the traditional *millet* system with the introduction of the egalitarian project of *Ottomanism* (*Osmanlıcılık* or *ittihad-ı anasır*, unification of elements) to extend civic and political equality to all Ottoman subjects irrespective of their religious affiliation (Soner, 2004: 213-214). With the transformation of the traditional *millet* system, the aim was for non-Muslims to continue enjoying privileges in terms of their religious and communal matters, but once they achieved civic equality as Ottoman citizens, it was hoped that they would cease their nationalist aspirations. As a matter of fact, this transformation symbolized the end of the traditional system of autonomous religious communities and remarked the beginning of the system of protection of “minorities” that was alien to the Islamic tradition, which guaranteed the protection and protection of non-Muslims as long as they were separate and inferior (Lewis, 1968: 107).

In that vein, with the promulgation of the Noble Rescript of Rose Bower (*Gülhane Hatt-ı Şerifi*) in 1839, the Ottomans promised to undertake the necessary reforms to secure the life, honor, and property of their subjects, to introduce an orderly system to replace tax-farming, a regular system of military conscription, and

⁷ It designates an ever increasing group of Ottoman subjects (generally Greeks and Armenians) who were granted a status of a subject of a foreign power with the acquisition of *berats* (decrees of appointments) so that they could enjoy the capitulations of that power (Zürcher, 1997: 13). Extensive capitulations given to European powers and the emergence of *beratlıs* were two main reasons for the introduction of economic nationalization policies by the Committee of Union and Progress (CUP) that were later continued by the new Republic.

equality before the law for all subjects. During the *Tanzimat* (Re-organization) period (1839-1871), non-Muslims were granted proportional representation in the newly created provincial councils, and equal status in the new and secular penal (1843) and commercial codes (1850). The Imperial Rescript (*Hatt-ı Hümayun* or *Islahat Fermanı*) of 1856, which was prepared “under strong pressure of” (Lewis, 1968: 116) or “largely dictated by” (Zürcher, 1997: 57) the British and French Ambassadors, reiterated the determination of the Ottomans to extend full equality to all Ottoman subjects irrespective of their religion while extending the scope of their privileges.

Most of the inegalitarian aspects of the *millet* system were gradually removed: non-Muslims were rendered eligible for public employment, carrying arms, enrollment to all public and military schools, the obligation to ask for permission for the building of new places of worship was abolished, commercial tribunals were reorganized and later amalgamated with the mixed courts, special taxes for non-Muslims (*cizye* and *harac*) were cancelled, and non-Muslims were made liable for military service.⁸

In line with the attempts for secularization and the ultimate aim of creating a community of loyal Ottoman citizens directly connected to the state, the communal or corporate structure of the *millets* underwent a period of comprehensive reforms between 1857-1865 as well. It was expected that secular participation in the administration of religious communities would emancipate members of *millet* from the corporate control of religious leaders and direct their loyalties to the state, while undermining the probability of an external intervention due to the pretext of possible

⁸ Despite the fact that the poll-tax (*cizye*) was abolished, non-Muslims were not expected to serve in the military with the introduction of *bedel-i askeri* (service exemption tax), which pretty much amounted to the same thing. It was not until the constitutional amendments of 1909 that all male Ottoman subjects were asked to serve in the military (Zürcher, 1997: 105).

interference by the state to their communal administration (Soner, 2004: 224-225 and Osmanağaoğlu, 2010: 132-133). Such a reform in the communal administration of the *millets* was also demanded by the rich and self-confident non-Muslim bourgeoisie asking for an emancipation of the millet institutions from the exclusive control of the ecclesiastical authorities (Zürcher, 1997: 64).

As far as the Greek-Orthodox *millet* is concerned, following the order of the Ottoman government, an assembly of seven metropolitans and twenty-one lay members from the capital and provinces met in Istanbul in April 1857 to decide on the new institutional structure and division of communal labor. Having led to the resignation of Patriarch Cyril VII and five senior archbishops due to their disposition with the reform movement, reformed charters (*Rum Patrikligi Nizamati* or *Genikoi/Etnikoi Kanonismoi*) were finally prepared and approved by the Ottoman government in 1862. Eight different statutory charters (Aleksandris, 1992: 33 and Osmanağaoğlu, 2010: 131) defined in detail the selection procedure of the Patriarch, the recruitment of metropolitans, and the jurisdictions of the newly introduced permanent mixed council with the participation of eight lay members. According to the charters, the duties of the traditional Holy Synod composed of twelve senior archbishops were limited to ecclesiastical matters, while the responsibilities regarding the administration of educational and communal institutions were devolved to the new secular mixed council.⁹ The secular formulation of citizenship was further underlined with the introduction of the very first citizenship law of the Empire that

⁹ The Armenian and Jewish *millets* underwent similar reorganizations respectively in 1860 and 1865 with codification of some of the traditional privileges for the reorganization of ecclesiastical and communal matters that was fiercely rejected by the Ethnarchs and members of clergy since they perceived them as attempts to undermine their authority. Ironically, the secularizing pressures over the *millets* have gained them a formal institutionalization they never had in the Empire (Zürcher, 1997: 64-65), and brought the eventual nationalization of the *millet* communities without ever accepting the idea of Ottoman citizenship (Soner, 2004: 227).

extended Ottoman citizenship to all subjects born by an Ottoman father or mother, without giving any reference to their religions.

In addition to the resentment of the Muslim subjects of the Empire due to secularizing reforms and the privileged treatment of the non-Muslims under the banner of equality, Ottoman elite group known as the Young Ottomans heavily criticized the *Tanzimat* reforms as superficial, and asked for the introduction of a representative and constitutional regime to sustain the loyalty of all Ottoman subjects and to instill a true feeling of citizenship (Zürcher 1997: 71-72 and Lewis, 1968: 170-171). In order to realize the long-standing ideal of *Ottomanism*, the first Ottoman constitution of 1876 guaranteed civic and political equality between all subjects irrespective of their religions and provided them with individual rights and liberties while also securing the place of Islam and Turkish language as indispensable characteristics of the Muslim majority. In the first Ottoman Parliament, more than one third of the members that were elected through provincial councils were belonging to the non-Muslim communities, whose religious and communal privileges were constitutionally left intact.

The loss of large territories with the Treaty of Berlin (1878) and the subsequent domestic and international developments have proved that constitutionalism and parliamentary representation could not bring an end to the emerging nationalisms of different communities in the Ottoman Empire. After the suspension of the constitution, Abdulhamid II highlighted the policy of Islamism (or *ittihad-ı İslam*) to achieve unity of not only the Muslim subjects of the Empire, but also the Muslims of the world with the help of the institution of the Caliphate in order to achieve leverage against his European counterparts, while continuing with modernizing reforms unabated. Considering the fact that the 19th century globally

witnessed the proliferation of nation states, the projects of *Ottomanism* and *Islamism* ensued “a race against time” (Barkey, 2008: 3) and finally “fell into disrepute” (Özkırımlı and Sofos, 2008: 29).

The disillusionment and deep resentment of the Young Turks, as the next generation of governing elite, with previous policies largely affected their treatment of non-Muslim communities during the second constitutional period, especially after 1909.¹⁰ In their understanding, a sincere bond of Ottoman citizenship could only be established after the relinquishment of all legal, administrative and educational privileges extended to non-Muslims (Soner, 2004: 239-240). A new law on military service cancelled the service exemption tax and obliged all males, Muslim or non-Muslim, to conscription in 1909. The CUP rendered the Ministry of Education responsible for the supervision of curricula in the community schools by means of two educational laws in 1908 and 1915, while the teaching of Ottoman Turkish and history was introduced with the expectation of fostering unity. The new law of 1912 on pious foundations strengthened the state’s grip on them, while the new family law enacted in 1912 established civil marriage as the legally binding contract at the expense of religious marriage (Alexandris, 1992: 36).

The CUP’s version of *Ottomanism* was finally shattered in 1913 after the Balkan Wars, the annexation of Crete by Greece, the Albanian declaration of independence, and the negative disposition of the Arab provinces. The Empire lost all of its European territories in the Balkans, 60.000 square miles (83 % of its lands in Europe) with approximately four million inhabitants (69 % of the whole

¹⁰ According to the election results available in Kansu (1995), there were a total of 26 Greek-Orthodox deputies in the second Ottoman Parliament. Alexandris (1992: 41-43) reports that some of these deputies formed a “Greek Party”, but the Unionist deputies refused to join its ranks. Their number decreased to 15 (all on the Unionist ticket), when they refused the offer of the CUP to allocate 45 seats with the appointment of Senator Aristeidis Georgantzoglou as the Minister of Justice fearing that *Ottomanism* might jeopardize their jealously guarded millet privileges.

population) (Shaw, 1983: 359 quoted in Dündar, 2008: 245). The loss of the most developed provinces of the Empire brought disastrous humanitarian results with a massive wave of migration, let alone its political and economic consequences. It finally brought another ideological disposition, *Turkism* which had already been gaining influence among the CUP circles, to the forefront. The policy of Turkism, or the unity of Muslim Turks of the Empire as well as Turkification of non-Muslim elements, made itself felt in the new policy of the CUP through its call for the creation of a national economy and the relocation of non-Muslims from sensitive areas.

Zürcher (1997: 128-131) claims that the CUP initially, *circa* 1909-1913, supported free trade and encouraged the growth of trade and industry with the expectation of gaining the respect and cooperation of European powers and persuading them to relinquish the capitulations. Unable to attract further investment and secure loans, the CUP started advocating a nationalist economic policy following the example of the 19th century German industrialization. In September 1914, the CUP declared the unilateral abolishment of the capitulations and introduced a tariff system. With their struggle to create a “national bourgeoisie” from among Muslim community, they targeted non-Muslim traders who had acted as a “comprador bourgeoisie” and had aligned themselves with the foreign owners of capitulations under the notorious system of *berats*. The salaried middle class composed of non-Muslims and employed mostly by large European companies due to their language capabilities and high level of educational attainment were also affected.¹¹

¹¹ Alexandris (1992: 32) argued that the intensified social differentiation between Muslims and non-Muslims and the imbalance caused by economic growth “turned them into increasingly hostile groups, and ultimately undermined the multi-ethnic and multi religious foundations of the Ottoman Empire, letting alone stimulated the economic nationalism of the CUP”.

According to the Unionists, who deeply resented and were frustrated with the failure of their egalitarian project of *Ottomanism*, the traditional division of labour between religious communities was detrimental to the formation of national economy and a new Muslim bourgeoisie (Alexandris, 1992: 43). Non-Muslim traders and foreign firms were obliged to use Turkish in their dealings and shop windows, new joint stock companies mushroomed under the control of the newly established *Heyet-i Mahsusa-i Ticariye* (Special Trade Commission). Muslim enterprises enjoyed the active support of *Esnaf Cemiyeti* (Society of Guilds), the Bank of National Prestige (*İtibar-ı Milli Bankası*), and of course the CUP, as well as a monopoly on transport and distribution channels (Özkırımlı and Sofos, 2008: 162).

Partly to contribute to the attempts of building a national economy and solve the settlement problems due to the huge inflow of Muslim refugees, but mainly to circumvent the possibility of “fifth column” activities by non-Muslim communities that already supported the foreign powers or had a potential to do so, the CUP also employed a policy of deportations and relocations. Contrary to the popular belief, not only the Armenians, but also other non-Muslim communities (including Greek-Orthodoxs, Jews, Assyrians, Chaldeans, and Nestorians) of the Empire were subjected to deportations from the borderline territories that were deemed “sensitive” (Dündar, 2008: 65). In addition to the formal measures employed, the secret service organization of the CUP (*Teşkilat-ı Mahsusa*) and its uncommon methods were instrumentalized. Although a considerable number of deportees returned to their homes after the end of the World War I, some of them who had fled abroad did not come back.¹²

¹² Dündar (2008: 92-165) underlines the fact that the Muslim communities (including Kurds) were also relocated as a form of “social engineering” to prevent the conglomeration of different groups in certain regions. He claims that one third of the total population of the Ottoman Empire (17.5 million) was affected by the measures that have defined the current demographic features of modern Turkey

As demonstrated above, the transformation of the *millet* system and the respective treatment of non-Muslim communities were highly influenced by the ideological currents of the 19th century Ottoman Empire and political rivalry between different camps. The three main policies, namely Ottomanism, Islamism and Turkism that were later formulated by Yusuf Akçura's famous article (*Üç Tarz-ı Siyaset* or "Three Types of Policy" published in Cairo in 1904 as part of the periodical called *Türk*), were somehow considered by Ottoman intellectuals and statesmen to provide an answer for the eternal question of the period: how to save the (Ottoman) state? These three competing ideological dispositions were trying to reconcile the growing Western influence with the Ottoman tradition. Since they were not mutually exclusive, the developments that have affected the non-Muslim communities generally incorporated the traces of more than one ideological disposition that were pragmatically employed by the Ottomans to handle different issues.

3.2. Compulsory Exchange of Minorities in 1923

The Greek-Orthodox community of the Ottoman Empire gradually increased its members' involvement to imperial administration and trade especially after the seventeenth century with the rise of the *Phanariotes*, a group of wealthy and influential businessmen with political connections residing in the district of *Phanar* or *Fener* (Sarioglou, 2004: 23). As members of the most trusted community (*millet-i sadıka* or loyal community), the post of translator to the imperial council (*Divan*)

(Dündar, 1998: 250-251). Yıldırım (2006: 42) argues that the Greek-Orthodox people living in the coastal zone were relocated to the inner parts of Anatolia where they would not pose a security threat. He also underlines the fact that Said Halim Paşa, then head of the Ottoman government, was later held responsible for relocation measures and tried before the *Divan-ı Ali*. He defended these measures on the grounds that the Greek-Orthodox people were helping foreign military powers and Istanbul was exempted from relocation since there was not any military necessity.

were filled by them until 1821, when the Greek insurrection and irredentist activities of the Friendly Society (*Filiki Etaireia*) deeply impaired the relations between the Greek-Orthodox community and the Sublime Porte.¹³

With the *Tanzimat* reforms and the gradual increase of the representation of all communities as Ottomans in the state bureaucracy, members of the Greek-Orthodox community were appointed to the important posts and reached influential positions in the Ottoman government. As listed by Alexandris (1992: 27-32), eminent members of the *Rum milleti* were appointed to the newly established Council of Judicial Ordinances (*Meclis-i Vala-yı Ahkam-ı Adliye*) and Council of State (*Şura-i Devlet*), worked as senators in the second constitutional period, represented the Ottoman Empire abroad as members of the diplomatic corps, ambassadors (in London, Berlin, Rome, Washington and even Athens during the Cretan crisis), and Minister of Foreign Affairs (like in the case of prominent Ottoman diplomat Alexander Karatheodoris, 1833-1906).¹⁴

Nonetheless, the decline of the Ottoman Empire witnessed the revival of the long-cherished dream of for the “regeneration of the nation” among the Greek-Orthodox clerics (Alexandris, 1992: 37) and the gradual disillusionment of the Patriarchate with the *status quo* especially after the establishment of a separate Bulgarian Exarchate. After a brief period of flirtation with the idea of gradual prevalence of the Greek element in the Empire to achieve the great ideal, or *megali idea*,¹⁵ an increasing number of people gradually entangled with Venizelos and his

¹³ It is widely accepted that the Armenians had replaced the Greek-Orthodox community as the *millet-i sadıka* until the late nineteenth century. The departure of the last Greek-Orthodox official translator resulted in serious communication problems with increasing diplomatic contacts. In 1833, with the recruitment of young bureaucrats, a *Tercüme Odası* (Translation Office) was established and a new wave of appointments of Ottoman diplomats to major European capitals started (Zürcher, 1997: 46-47). The Translation office is generally seen as the origin of the Turkish foreign service.

¹⁴ Findley (1982: 343 quoted in Özkırımlı and Sofos, 2008: 165) shows that nearly 29 % of civil servants in the Foreign Ministry of the Ottoman Empire were of non-Muslim origin.

¹⁵ For further information regarding the *megali idea*, see Clogg (1988).

irredentist policies at the expense of Turkey, challenged even the authority of Patriarch Germanos V Kavakopoulos for the unification of all Greeks under a single Hellenic government. With the election of Dorotheos Mammelis as *locum tenens* (acting head) of the Patriarchate later in 1918, the Patriarchate embraced the cause of Greek irredentism to fulfill “its historic role” by providing leadership to the “unredeemed Greeks” (*alitrotoi Ellines*) (Alexandris, 1992: 55) .

Following the defeat of the Ottoman Empire in World War I and the occupation of Istanbul by the Allied Forces, secessionist and irredentist claims of the non-Muslim communities, especially the Greek-Orthodox and Armenian subjects of the Empire, were explicitly displayed. In most cases, non-Muslims did not only welcome the occupation with enthusiasm but actively participated in occupation or acted in collaboration with the occupying forces assisted by their irredentist associations. In order to influence the Paris Peace Conference that produced the disastrous Treaty of Sevres, the Patriarchal Council abolished the teaching of Turkish in community schools, adopted a resolution on 16 March 1919 for the “union with Greece” to obtain “complete national re-establishment” (that had also been demonstrated with the Greek flags and portraits of Venizelos),¹⁶ proclaimed that the Greek-Orthodox community was released from the Ottoman civic responsibilities that resulted in the abstention of its members from the last Ottoman municipal and general elections in December 1920, encouraged the development of Greek separatist organizations in Anatolia and particularly in the Black Sea region, and actively recruited volunteers and collected financial help to support the Greek Army that was resisted by the Turkish nationalists in Anatolia (Alexandris, 1992: 52-76). The

¹⁶ Milton (2009: 120) mentions the decoration of all Greek-Orthodox churches and parishes with Greek flags and the erection of a gigantic portrait of Venizelos in Taksim square. He also compares the landing of the French War hero, Marsal Franchet d’Esperey, and his assumption of the role of the Christian conqueror by riding to the French Embassy on a white horse – a gift from a Greek – with that of Sultan Mehmet II.

Patriarchate also prepared several books and reports, the most famous of which was known as the Black Book (*Mavri Vivlos*), to affect peace negotiations and/or to justify the Greek occupation (Macar, 2004: 78).

In addition to the manifestations of national independence displayed by the Patriarchate, the overwhelming reception granted to the Allied fleet occupying Istanbul (13 November 1918) and to the Greek Army occupying Izmir (15 May 1919 to impose the terms of the Treaty of Sevres while countering Italian territorial aspirations in the region)¹⁷ was strongly resented by the Muslim Turks. Both groups were greeted with “wild excitement and enthusiasm” and “hailed as liberators” to such an extent that the Allied Commander had to post a proclamation in the newspapers in four different languages (English, French, Italian and Greek) to cease demonstrations in favor of the “Allied man-of-war” (Milton, 2009: 114-116).

In order to counter the threats posed by the Allied powers and non-Muslim communities working in collaboration, the Muslim element in the Ottoman Empire was mobilized under nationalist societies called “Defense for the Rights” (or *Müdafa-i Hukuk Cemiyetleri*) and regional congresses of different ethnic and sectarian backgrounds. As Soner (2004: 257-264) documented on the basis of the documents produced by these societies and congresses, the nationalist front was composed of the Muslim residents of Anatolia that were bound to each other with feelings of mutual sacrifice and respect for their racial, communal, and environmental circumstances. Partly reflecting the Ottoman legacy for societal stratification and a pragmatic choice of nationalist leaders, the famous National Pact of 1920, which was adopted by the last Ottoman Parliament and led to its eventual

¹⁷ According to the official communication by the British Admiral Calthrope sent to the Governor of Izmir just before occupation, the official pretext of the occupation was the Article 7 of the Armistice of Mudros, which gave the Allies “the right to occupy any strategic points in the event of any situation arising which threatens the security of the Allies” (Erhan, 1999: 7). As a matter of fact, the landing of Greek troops to Izmir was approved by the Great Powers as a military offensive by proxy.

dissolution, embraced the idea of a new territorial nation state in the areas inhabited by an indivisible Ottoman Muslim majority, “united in religion, race and in aim” without making any explicit reference to words *Turk* or *Turkish* (Lewis, 1968: 352).¹⁸

Having drawn the territorial borders of the state to be preserved, the National Pact called for the security of Istanbul and the abolishment of capitulations for national economic development. The members of the nationalist movement also declared that they were ready to extend the very same rights defined by the treaties previously concluded between the Allied Powers and their enemies or collaborators to the (non-Muslim) minorities living in Turkey, with the expectation that Muslims in the neighboring countries would enjoy similar rights (Article 5). One of the earliest forms of exclusion/inclusion practices of the new regime on the basis of religious affiliation has plagued the minority rights regime of the new republic ever since.

While the leaders of the Turkish nationalist movement were on their way to the Lausanne Peace Conference against a background marked with deep feelings of frustration and resentment towards non-Muslim communities, the Greek delegation was extremely concerned with the massive influx of immigrants seeking refuge in Greece following the failure of the adventurous Greek military campaign in Anatolia. When the “National Schism” (*Ethnikos Dikhasmos*) in Greece between Royalists and Venizelists escalated and resulted in the electoral defeat of Venizelos in December

¹⁸ It was argued that the nationalist movement strategically recognized the ethno-cultural diversity of the Muslims in Turkey due to the requirements of the prevailing domestic and international conditions and to save the country against occupation (Özbudun, 1997). Mango (1999), for example, claims that Atatürk envisaged the idea of granting the Kurds with an autonomous status within the framework of local self-government to accommodate ethnic claims deriving from the multiethnic character of the new republic.

1920,¹⁹ the Allied Forces gradually withdrew their support from the Greek military. Having been alarmed by a possible retaliation against the large-scale atrocities against Muslims by the retreating Greek forces (Zürcher, 1997: 171), the Greek Orthodox population living in Western Anatolia and Istanbul, “who for three years made no secret of their delight in the Allied occupation” (Alexandris, 1992: 80), flooded *en masse* to the Aegean islands and mainland Greece.

The conclusive Turkish victory in Anatolia brought the signing of the Mudanya Armistice on 11 October 1922. Despite its earlier resistance, the military regime in Greece accepted the agreement three days later and retreated from Eastern Thrace. As required by the armistice, the parties concerned gathered in Lausanne for a peace conference to settle the terms of an agreement. Both the Final Act of Lausanne and the population exchange were perceived asymmetrically and interpreted differently in Greece and Turkey. Despite the fact that the agreements signed in Lausanne and subsequent practice set the ground for the creation and consolidation of rather homogenous nation-states on both sides of the Aegean, the Greek historiography presented a series of events leading to the Lausanne as “the catastrophe” (*mikrasiastiki katastrofi*). For Turkey, the Final Act of Lausanne represents the “birth certificate” of the new Republic, and the first and foremost diplomatic victory of the new regime established after a long war of independence. As far as the practice of population exchange is concerned, it turned out to be one of the main themes of the Greek historiography and literature, and constitutes the backbone of the Greek national identity as an important element in collective

¹⁹ During the elections, one of the main points of contention between Royalists and Venizelist was the Greek military offensive in Anatolia. While the former was propagating the vision of “small but honorable Greece” for the war-torn Greek people, the latter was firmly committed to their ideal of “Greece of two continents and five seas”. However, once in power, the latter was also committed strongly to the Greek territorial aspirations in Anatolia (Clogg, 2004: 95).

memory.²⁰ In the Turkish case, however, the population exchange was left under the shadow of the glorious Turkish War of Independence, mostly neglected and heavily under-studied, at least until recently. In other words, while Greek historians were placing the “the remembering” at the centre of their studies, their Turkish counterparts were prioritizing “the forgetting” to rewrite a brand new Turkish history (Yıldırım, 2006: 26-27).

Since the number of Greeks and Turks affected by the population exchange and their socio-economic profiles were disproportionate (Keyder, 2007: 60), such a mass population movement has affected Greece and Turkey asymmetrically. When the compulsory exchange of population was accomplished by both sides with the dissolution of the administrative body supervising the population movements, the total number of refugees constituted more than 20 % of the Greek population, whereas they comprised merely 4 % of the new Turkish state (Hirschon, 2007b: 19). Furthermore, Turkey had exchanged its rich and well-educated entrepreneurial and artisan class leading its economy and trade almost entirely with poor farmers and peasants.²¹

Similar to its disproportionate effects and differential treatment of the issue of population exchange in Greece and Turkey, the origins of the idea and its effects on world politics were highly contested. While some scholars, on the basis of the existence of previous proposals for a population exchange in 1913, attributed its origins to the Greek side and negotiations with Dr. Fridtjof Nansen²² (Ladas, 1932:

²⁰ For the role of large-scale refugee movements on the formation and reformation of national identity and the case of Greece, see Triadafilopoulos (1998).

²¹ As Yiannakopoulos (1992: 42) indicates, 1.000 of 7.000 registered members of Athens Chambers of Commerce were of refugee background, and in 1961, 20 % of Greek industrialists had been born in Anatolia.

²² A Norwegian explorer, scientist, diplomat and humanitarian that lived between 1861-1930. Upon the request of the League of Nations, he organized the repatriation of war prisoners held especially in Russia by issuing them special identity cards for travel, which came to be known later as “Nansen passports”. In 1921, he was assigned the High Commissioner for Refugees post by the League, and

337), some others claimed that the Greek delegation were firmly committed to the idea of voluntary rather than compulsory exchange of populations (Pentzopoulos, 2002: 64-65 and Psomiades, 2000) and its compulsory nature was formulated by the Turkish side and proposed by the British delegation (Dakin, 1973: 243). When it comes to the effects of the Greco-Turkish population exchange, most academic studies concentrated on its success in the bilateral displacement of two large population groups on the basis of internationally acclaimed rules, its role in creating ethnically homogenous nation-states, its contribution to peace by avoiding future problems and the inspiration it provided for future population movements (Yıldırım, 2006: 10). The trajectories of the people that suffered from the measure of the compulsory population exchange were recently addressed by some historians (like Hirschon, 1989 and Clark, 2006) placing the refugees at the centre of their studies.

Since the present study is dealing with one of the indirect consequences of the population exchange, i.e. the treatment of minorities that were left outside its scope, rather than its origins, it will dwell neither on the discussions on the origin of the idea nor on the analysis of its success or failure. It suffices to say that both sides came to the Lausanne Peace Conference with the idea of a compulsory population exchange in their minds (Yıldırım, 2006: 135), as it was obviously seen from Nansen's pre-Lausanne contacts with the Greek and Turkish governments. Greece was overwhelmed with the massive influx of refugees and desperately in need of devising necessary instruments for accommodating them. It was estimated that only in September and October 1922, some 500.000 to 750.000 people had fled Turkey to

accepted the mission of settling the problem of the Greek refugees in 1922. Following the request of Venizelos, on 15 October 1922, the High Commissioners of France, Great Britain, Italy and Japan in Istanbul formally invited Nansen "to take all possible steps to reach an agreement regarding the exchange of populations *as soon as possible* and *independently of peace negotiations*" (Pentzopoulos, 2002: 63, emphasis added). Nansen is the winner of the Nobel Peace Prize in 1922.

seek refuge in Greece.²³ Greece was hosting more than one million refugees by 1923 with the addition of other groups of immigrants that left the Ottoman Empire since the outbreak of the Balkan War in 1912.²⁴

As Pentzopoulos (2002: 63 and 104) rightly argued, Greece would have hardly solved the problem of settlement of refugees without the properties emptied by Turkish-Muslims that were subjected to the population exchange. Having realized the fact that the return of the refugees to their “lost homeland” was only a myth, Venizelos wanted to secure the deportation of Muslims from Greece and open up additional space for the settlement of refugees (Ladas, 1932: 465), while presenting this as a cruel process imposed by the Turks for domestic and international reasons (Petropoulos, 1976: 142 quoted in Yıldırım, 2006: 81). The Turkish side, on the other hand, initially planned to subject the “troublesome” Armenian and Greek-Orthodox communities to a compulsory population exchange.²⁵ According to Article 9 of the conference ordinances issued by the government for the use of the Turkish delegation in Lausanne, it was clearly stated that “the principle was a population exchange” (Şimşir, 1990: XIV). Later, faced with the counter arguments by the Allied Powers regarding the creation of an “Armenian Home”²⁶ and by Greece

²³ According to the British archives, the number of refugees was 500.000 (Baytok, 2007: 241), where the American Ambassador Morgenthau used the figure of 750.000 (Morgenthau 1929: 48 quoted in Aktar, 2007: 128).

²⁴ Aktar (2007: 122) claims that the Aegean islands were occupied by the British and Italian fleets after the Balkan Wars and Greece encouraged the settlement of the Ottoman Greek-Orthodox community to the Aegean islands in order to legitimize their claims on the islands concerning the numerior superiority of the Greek-speaking population that could be brought to the negotiation table while settling the ambiguity over their legal status.

²⁵ During the negotiations on the population exchange in the sub-commission, the head of the Turkish delegation has officially acknowledged that the real reason for proposing such a measure was “abolishing the Greek irredentism in Turkey” (Meray, 2001-II: 314). İnönü also mentioned the exchange of the whole Christian population of Turkey with the Muslims in Greece as “the most radical and humanitarian way” (Meray, 2001-I: 199).

²⁶ The British delegation and American representation in the Lausanne Peace Conference struggled hard to convince Turkey to establish “National Homeland” within its borders for the conglomeration of the Armenians that were scattered around the region during the First World War. Despite several memoranda by religious and non-governmental organizations (like the American Association for Armenia) and decision of the American Congress to dedicate 20 million USD for this purpose, the

concerning Western Thrace, İsmet Pasha proposed in a telegram to Ankara the exchange of the Greek-Orthodox population (with the exception of the Turkish speaking Orthodox community of central Anatolia called *Karamanlides*), and the extension of minority rights for *Karamanlides* as well as the Armenians (Şimşir, 1990: 124 and 147).

Furthermore, both sides were already familiar with the practice of the population exchange and therefore eager to accomplish it on a broader scale in Lausanne. The Balkan Wars of 1912-1913 brought population movements on a massive scale and necessitated special provisions for voluntary emigration. In an annex to the Treaty of Istanbul (29 September 1913) between the Ottoman Empire and the Kingdom of Bulgaria, the two sides agreed to provide compensation for 48.570 Turkish and 46.764 Bulgarian people, who had fled their homes situated in a radius of up to 15 kms from both sides of the border (Karpas, 2002: 769).

In a similar vein, according to a special convention annexed to the Treaty of Neuilly (27 November 1919) concerning the reciprocal emigration of people between Bulgaria and Greece, both sides recognized the right of their subjects belonging to racial, religious or linguistic minorities to emigrate voluntarily. Between 1923 and 1928, some 92.000 Bulgarian and 46.000 Greek people availed themselves to the possibility of emigrating (Henckaerts, 1995: 124). As a matter of fact, the Kingdom of Greece and the Ottoman Empire have also agreed to exchange (voluntarily) the Greek-Orthodox population of the region (*vilayet*) of İzmir (Aydın) and Eastern Thrace for the Turkish-Muslim population of Greek Macedonia, Western Thrace and

Turkish side was determined not to allow the creation of “a state within a state” and withdrew from one of the meetings of the Sub-commission on Minorities in protest (Meray, 2001-II: 243-247 and 280). The official ordinances issued by the Turkish government for the use of the Turkish delegation at the Conference ordered them to withdraw from negotiations only if the issues of “Armenian Homeland” and “capitulations” were opened (Şimşir, 1990: XIV).

Ioannina (*Yanya*) in 1914 (Karpas, 2002: 769).²⁷ However, the agreement could not be implemented due to the outbreak of the First World War.

That is to say, Greece and Turkey had already agreed to the principle of the exchange of populations, and as it was stated by the head of the British Delegation, Lord Curzon, “the compulsion would very probably be found necessary” for the quick settlement of the matter without causing any future problems (Meray, 2001-I: 126). The only remaining issues were the scope of the exchange and some details regarding the implementation of the whole process.

Only ten days after the opening of the peace conference on 1 December 1922, Lord Curzon opened-up the issue of the population exchange in the meeting of the Commission on National and Military Problems as an urgent matter concerning the welfare of the Greek and Turkish populations and invited Dr. Nansen to present his report on the matter, whereby the necessity of such a difficult and extreme measure was defended mostly by economic reasons (cultivation of agricultural products for the next summer). Being surprised with the introduction of a topic that was not officially included in the agenda of the meeting, İsmet İnönü argued such a measure should include the whole Greek-Orthodox population of Turkey including Istanbul and İzmir, whereas Venizelos reacted against the inclusion of Istanbul by referring to the possibility of a voluntary exchange of populations. Venizelos and representatives of the Allied Powers were claiming that Greece could not accommodate an additional 300.000 Greek-Orthodox refugees from Istanbul and the

²⁷ Article 143 of the Treaty of Sevres (10 August 1920) that was never ratified by the Turkish side also foresaw the reciprocal and voluntary emigration of persons belonging to racial minorities, if “the Allied Powers may consider it opportune”. The article continues as follows: “Within six months from the coming into force of the present Treaty, Greece and Turkey will enter into a special arrangement relating to the reciprocal and voluntary emigration of the populations of Turkish and Greek race in the territories transferred to Greece and remaining Turkish respectively. In case agreement cannot be reached as to such arrangement, Greece and Turkey will be entitled to apply to the Council of the League of Nations, which will fix the terms of such arrangement” (available at “http://www.pollitecon.com/html/treaties/Treaty_Of_Sevres_1.htm”, last accessed 3 November 2010).

departure of such an important group would hinder economic and industrial activity in the city.

Earlier on 22 November 1922 during the discussions on the border of Thrace, İsmet Pasha declared that Turkey would request a plebiscite for self-determination in Western Thrace leading to an autonomous administration and demonstrated his argument with detailed statistical information regarding demographical distribution and land ownership (Meray, 2001-I: 19-98).²⁸ Following the participation of the Bulgarian representative to claim a point of access to the Aegean Sea for his country, the issue turned out to be even more complex. Having argued that the situation of Western Thrace was previously settled by the Treaties of Bucharest (1913), Neuilly (1919) and Sevres (1920), and claiming that the demographic distribution in the region was changed in favor of Greece following the immigration of Greek-Orthodox people from Eastern Thrace,²⁹ Lord Curzon found the middle ground by proposing the establishment of a separate sub-commission on exchange of populations and offered a detailed examination of the possibility for reciprocal treatment of the two groups in Istanbul and Western Thrace (Meray, 2001-I: 33-35 and 127).

On the basis of the constructive spirit displayed by the sub-commission, Lord Curzon explicitly stated on 12 December 1922 that the Greek-Orthodox

²⁸ According to the Turkish statistics of 1914, the total population of Western Thrace (196.606) was divided among the three main elements as follows: Turks (132.666), Greek-Orthodox (35.271) and Bulgarians (26.266). *Aide Memoire* given by Venizelos to the Allied Powers on 30 December 1918 mentioned a total population of 188.479: Turks (114.810), Greek-Orthodox (44.686) and Bulgarians (28.983). While 84 % of the land was belonging to the Turks, Bulgarians and Greeks had 10 % and 5% respectively (Meray, 2001-I: 63). While Bulgarians were claiming their own demographic superiority by mentioning "Muslim Bulgarians (Pomaks)", Greeks were pretty much concerned with the situation in 1922, when the migration of Greek-Orthodox people from Eastern Thrace balanced the dominant Turkish element in the region. The Bulgarian community mentioned in the statistics were already exchanged and departed from the region within the framework of Greco-Bulgarian population exchange of 1919.

²⁹ Yildirim (2006: 85) argues that the retreat of the Greek Army from Eastern Thrace and settlement of the Greek-Orthodox population (200.000-250.000) of the region to Western Thrace provided Venizelos with the necessary arguments to be used against the Turkish proposal for a plebiscite. Such a population movement changed the demographical feature of the region forever.

population of Istanbul and Turkish-Muslim population of Western Thrace would be exempted from the population exchange and both groups would benefit from the provisions concerning the protection of minorities (Meray, 2001-I: 183). İnönü finally lifted his opposition regarding the Greek-Orthodox population of Istanbul in order to counter the aggressive stance of the Allies regarding the creation of an “Armenian Homeland”, proving that Turkey was fully committed to the idea of the protection of minorities (Yıldırım, 2006: 137).

With the exception of the issue of the Patriarchate that will be explored later, negotiations went smoothly in the sub-committee on population exchange. For a brief while, the Turkish side tried to enlarge the geographical area whose Turkish-Muslim population would be exempted from the exchange of populations in order to balance the numerous Greek-Orthodox community of Istanbul. By arguing that the western geographical border of Western Thrace was actually not the river of Nestos but Struma, the Turkish delegation tried to grant an exemption from population exchange to the residents of Kavala, Drama and Serres (Meray, 2001-II: 315 and 346). Since the Turkish imitation of economic arguments (granting an exemption for tobacco-growers of the region to avoid its negative effects to the Greek and world economy) found a limited audience, the members of the Turkish delegation spent more energy in limiting the number of Greek-Orthodox people in Istanbul.

Finally, Greece and Turkey signed the “Convention Concerning the Exchange of Greek and Turkish Populations” (No: IV) on 30 January 1923,³⁰ long before the finalization of the actual peace treaty. Article 2 of the Convention

³⁰ One of the 17 different acts and protocols concluded in the Lausanne Peace Conference on various issues. The list of all legal documents signed during the Lausanne Peace Conference, as well as their complete texts, are available in Meray (2001-VIII: 1-122). The English version of the Convention is available online at “http://www.mfa.gov.tr/lausanne-peace-treaty-vi_convention-concerning-the-exchange-of-greek-and-turkish-populations-signed-at-lausanne_en.mfa” (last accessed on 3 November 2010).

exempted the Greek-Orthodox inhabitants of Istanbul (as drawn by the municipal law of 1912), who were established in the city as of 30 October 1918 (the armistice of Mudros), and Turkish-Muslim residents of Western Thrace, a geographical area defined by the Treaty of Bucharest of 1913.

By covering the Greek and Turkish people, who had left their respective countries since 18 October 1912 (date of declaration of the first Balkan war), the convention also recognized the immigrant status of the refugees and rendered them liable to the same rights and obligations. The immigrants automatically received the nationality of their host country and were not allowed to return without the prior authorization of the respective Turkish or Greek governments. Although the immigrants were allowed to take their moveable properties with them (Article-8), all their immovable properties were liquidated by the Mixed Commission (Article-9) established with the participation of four Greek, four Turkish and three neutral members chosen by the Council of the League of Nations (Article-11), and immigrants were given a property of “equal value” in their host countries.

According to the official records of the Mixed Commission, 189.916 Greek-Orthodox people living in Turkey were exchanged with 355.635 Turkish-Muslim people (Ladas, 1932: 438).³¹ However, with the inclusion of more than one million Greek refugees, who had previously left Turkey, the Convention affected more than 1.2 million Greek-Orthodox people.³² Together with some 150.000 Turkish-Muslim refugees that arrived in Turkey before 1923, the Convention on the exchange of populations drastically altered the lives of an approximately 2 million

³¹ Hirschon (2007b: 19) reports that Eddy (1931: 201) mentions slightly different numbers despite using the very same resource: 192.356 Greek-Orthodox in exchange for 354.647 Turkish-Muslims.

³² The Greek census of 1928 confirms this number since it was officially stated that Greece was hosting a total of 1.221.849 people with a refugee background, and 1.104.216 of them were from Anatolia (Yıldırım, 2006: 152). For comparison, it should be noted that the total Greek population in that year amounted to 6.204.684.

people on both sides of the region (at least 1.2 million Greek-Orthodox and 500.000 Turkish-Muslim people).³³

3.3. The Lausanne Regime on Minorities

The Convention on the exchange of Greek and Turkish populations also brought the issue of minority protection for the population groups that were left outside the scope of the population exchange (around 110.000 Greek-Orthodox people in Istanbul and 130.000 Turkish-Muslims in Western Thrace) as well as other non-Muslims in Turkey on the agenda. On 12 December 1922, the head of the British Delegation Lord Curzon introduced the issue of the protection of minorities by reminding participants that the Turkish National Pact of 1920 promised the extension of the very same rights defined by the treaties signed by the Allied Powers and one of the preconditions for the transfer of Eastern Thrace to Turkey was the effective protection of ethnic and religious minorities under the guarantee of the League of Nations (Meray, 2001-I: 183).³⁴

After delivering a long speech about the protection of minorities under the Ottoman Empire and their gradual recruitment by foreign powers, İsmet Pasha claimed that the abolishment of any possibility for foreign intervention or external agitation was a must for the well-being of minorities in Turkey. This condition could only be achieved with the exchange of Greek and Turkish populations, and Turkey was ready to extend necessary guarantees for the minorities that would be exempted from such a population exchange with the expectation that they would fulfill their

³³ Later, between 1923 and 1933, Greece and Turkey signed three different agreements to settle problems stemming from the implementation of the Protocol on the compulsory exchange of populations.

³⁴ Lord Curzon argued that such a precondition was mentioned in the *Note Verbale* of the Allied Powers (22 September 1922) inviting the Turkish side to an armistice agreement. It was also argued that by declaring in her response of 4 October 1922 that the protection of minorities was one of the desires of the Turkish side, Turkey undertook the relevant responsibility.

responsibilities prescribed by the Turkish laws as Turkish citizens.³⁵ The participants agreed on the establishment of a separate sub-commission to work on the details.

In the sub-commission and the commission, the first issue that was raised by Rıza Nur and İsmet Paşa was limiting the definition of the minorities only to the religious communities, as opposed to the “racial, religious and linguistic minorities” which was accepted as an almost standard description in other peace treaties signed by the Allied Powers. Trying to base their arguments on the Ottoman tradition (*millet* system), the Turkish delegation argued that there were no “racial minority groups in Turkey”, “it was not possible to talk about a Muslim minority in a Muslim country”, and non-Turkish Muslim groups like Kurds, Circassian, and Arabs have always shared the same destiny and were “fully integrated with the Turkish population” by enjoying the very same rights (Meray, 2001-II: 152 and 172-174). Despite various counter-proposals,³⁶ the Turkish insistence to use the term “non-Muslim minorities” was accepted. Fully in line with their ideal to achieve the unity of the Muslim elements of the country (*ittihad-ı anasır-ı İslamiye*) and to foster a common “Turkish” identity by pragmatically utilizing the religious bond, the main Turkish concern was avoiding any possibility of the emergence of ethnic or linguistic minorities among the Muslim population of the country. The following quote from

³⁵ When İsmet Paşa presented once more the resentment and frustration of the Turkish side with the treasonous acts of non-Muslim minority groups in Turkey, Lord Curzon made his frequently quoted remark (“the solution [of population exchange] now being worked was a thoroughly bad and vicious one, for which the world would pay a heavy penalty for a hundred years to come”) most probably to avoid the possibility of the exchange of all minority groups including the Greek-Orthodox community, which was the desired solution for the Turks (Meray, 2001-I: 215)

³⁶ The proposals of the Allied Powers have originally mentioned “Muslim minorities” and the “Turkish citizens who belong to ethnic minorities in terms of religion and language”. It looks like they preferred referring to religion or language to define membership to ethnic minorities, whereas the Turkish side pragmatically utilized categories of “Muslims” and “non-Muslims” to create and foster the group identity around an “imagined community” of Muslim Turks. During the negotiations (and also in relation to the minority population in Western Thrace), the terms “Turk/Turkish” and “Muslim” were used interchangeably by almost all participants including the Greek representatives.

the memoirs of Dr. Rıza Nur (1962-III: 83) concerning the Lausanne negotiations clearly illustrates such an understanding:

“The Europeans is aware of three sorts of minorities in our country: racial minorities, linguistic minorities, and religious minorities. This is very significant for us, indeed a great danger. Against us, how thoughtful and considerate they are... By using race, they will add Circassians, Abkhazians, Bosnians, Kurds etc. to the Greek-Orthodox and Armenian people. By using language, they will recognize the Muslims, who speak other languages, as minorities. By religion, they will also make two million Alevis, who are pure Turkish, a minority group. Thus, they will tear us apart... When I heard such a classification, I was thrilled. I tried hard to abolish them”.

As a matter of fact a similar classification was also employed, albeit in a non-consistent and vague manner as it will be argued later, in the wording of the population exchange agreement. By using the terms of “Greek nationals of Muslim religion” and “Turkish nationals of the Greek-Orthodox religion”, both sides referred to a religious classification that brought the exchange of Turkish-speaking Greek-Orthodox community of Central Anatolia (*Karamanlides*) and Greek-speaking Muslims of Crete.³⁷ When the head of sub-commission of population exchange offered using the term of “Greek nationals of Turkish-Muslim religion”, this was objected by the Greek delegate to avoid future disagreements that might bring limitation of the total number of Muslims that would be deported from Greece (Meray, 2001-II: 345).

The second point of concern for the Turkish delegation was “the principle of reciprocity” as it was called during the negotiations. On the basis of Article-5 of the

³⁷ Keyder (2007: 57) calls such a classification a “religiously defined ethnicity”. However, when the situation of the Muslim Albanians residing in Epirus was discussed in the conference, both sides agreed on granting an exemption from population exchange. The Greek representative Caclamano argued that Muslim Albanians might share the same religion with the Turks, but they are not of the same descent while declaring that Greece has no intention whatsoever to subject them to a population exchange (Meray, 2001-II: 190-194), probably as an element of counterbalance against the Greek-Orthodox minority living in Albania. In the aftermath of the Second World War, the Muslim Albanians in Epirus were subjected to a range of extensive purges that brought their eventual extinction for collaborating with the occupying forces of Italy.

National Pact concerning minorities, the Turkish side requested the extension of the very same rights and obligations that Turkey was willing to extend to her non-Muslim minorities to the Muslims living in all Balkan States and neighboring countries (Meray, 2001-II: 160). The representatives of Romania and the Serb-Croat-Slovene State, however, reminded their previous treaty commitments undertaken unilaterally for the protection of minorities, and that they could not review or annul the terms of the previous agreements. Venizelos, on the other hand, declared that Greece accepted the principle of reciprocity, but requested the implementation of this principle only in Greece since there were no “Romanian or Serbian minorities in Turkey” (Meray, 2001-II: 190-194).³⁸ Having considered the fact that Greece and Turkey had already signed an agreement to exchange their respective minority populations, the delegations accepted such a principle of reciprocity between Greece and Turkey.

As opposed to negotiations on the population exchange, there were many issues of contention regarding the protection of minorities in Turkey. The Allied Powers fought hard to exempt non-Muslim minorities from military service by proposing the imitation of the Ottoman measure (payment of a special tax in return for an exemption), while the Turkish delegation made it clear from the beginning that they had been firmly committed to the principle of equality among Turkish citizens and all citizens were liable for military conscription since 1909. At some point, Venizelos proposed that Greece was ready to accept the relinquishment of the

³⁸ At this point Venizelos made a tactical move and declared, just after İnönü acknowledged the Turkish views on many issues like exemption of minority people from military service, presence of the League of Nations in Istanbul and especially the principle of reciprocity with all Balkan states, that Greece was ready to abandon the idea of a compulsory population exchange. Venizelos’ main aim was probably obtaining the sympathy of the other participants to overcome the Turkish objection since the agreement on population exchange was almost completed and ready to be signed.

political rights of non-Muslim minorities in exchange of an exemption from military service (Meray, 2001-II: 299), but such a proposal was not accepted.

The Allied Powers have also proposed the appointment of a special representative of the League of Nations in İstanbul “for being able to fully guarantee the implementation of the minority clauses” (Meray, 2001-II: 299). Although the Greek government approved a reciprocal appointment of a representative in Athens, far away from the homeland of the Turkish-Muslim minority, the Turkish side interpreted the appointment of a special representative in her territory (Istanbul) as an interference to her internal affairs. Turkey countered this proposal by promising that Turkey will consider joining the League after the peace conference, and they would not object to the placement of the minority provisions of the treaty under the League’s guarantee. In order to secure the full repatriation of all Turkish people, who have previously collaborated with the occupying forces, the Entente Powers negotiated to enlarge the scope of the general amnesty as much as possible. With the feelings of resentment and frustration running high, however, the Turkish side wanted to limit the amnesty only to non-Muslims living in Turkey.³⁹

Last but not least, the settlement of the family and personal matters of non-Muslims according to their own customs and traditions occupied the agenda of the sub-committee meetings. While the Greek side was proposing the continuation of the existing privileges of the minority groups regarding their personal matters, the Turkish side was willing to undertake a commitment only for the settlement of their

³⁹ Later, the Turkish side accepted declaring a general amnesty with the exception of 150 people defined by the Ankara government. This group was later known as *150’likler*, and its members sought refuge abroad until they were finally allowed to return. For the Turkish-Muslim Minority of Western Thrace, this development carries a specific importance since some anti-Kemalist fugitives were hosted by Greece in Western Thrace and created a deep rift among the society as progressives (*ilericiler*), proponents of the new regime in Turkey and its reforms, and conservatives (*gericiler*), opponents of the reforms with strong religious and moral attachments to the old regime. Following Turkey’s diplomatic efforts, Greece deported the leading members of the fugitives, like the last Ottoman *Şeyhülislam* (Mustafa Sabri) who left Greece for Alexandria.

family matters. At this point the Turkish side signaled the future preparation of the secular civil code by claiming that the personal matters of all Turkish citizens would soon be subject to the same rules (Meray, 2001-II: 230) and they will accept the regulation of personal matters according to non-Muslims' own customs and traditions until the enactment of such a regime. In order to avoid prolonged discussions, the sub-commission declared that Turkey will undertake measures concerning the family and personal status of minorities with the establishment of a special Commission composed of representatives of the Turkish Government and of each of the minorities concerned in equal number.

As a matter of fact, as Lord Curzon explained during the negotiations, the priority of the Allied Powers in Lausanne was achieving the codification of the traditional rights and privileges of the non-Muslims granted by the Ottoman Empire and the imposition of similar measures prevailing in previous peace treaties foreseeing the protection by the League of Nations (Meray, 2001-I: 225). However, according to the Turkish understanding, the traditional privileges of non-Muslims granted under the Ottoman *millet* system and especially their corporate dimension were responsible for the emergence of the ethnic conflicts that contributed to the dissolution of the Empire. In other words, rights and privileges were conferred upon the corporate personality of confessional groups. Since “corporate recognition of communal distinctions” contradicted “with the sovereign aspects and centralized functions of a modern state” (Soner, 2004: 285), the new Turkish regime was determined to circumvent the corporate dimension of minority rights and to conceptualize them as rights enjoyed by the Turkish nationals belonging to non-Muslim minority groups.⁴⁰

⁴⁰ In this respect, it might be argued that there was a continuity between the motivations of the late Ottoman reforms and the early Republican concerns to strip the communal dimension of the rights and

Therefore, the Turkish position trying to expel the Greek-Orthodox Patriarchate or, when faced with reaction, limiting strictly its prerogatives to purely ecclesiastical matters, denying the exemption of non-Muslims from military conscription, circumventing the legal privileges of non-Muslims for the settlement of their personal and calling upon minorities to relinquish from their legal privileges later in 1927 should be evaluated against such a background.

After long deliberations, the newly established Turkish state was obliged to provide numerous freedoms and rights to the non-Muslim minorities living in Turkey according to the separate section of the 1923 Lausanne Treaty on the protection of minorities and Articles 37-44 (available in Annex I). Article 45 of the said agreement states that “the rights conferred by the provisions of the present Section on the non-Moslem minorities of Turkey will be similarly conferred by Greece on the Moslem minority in her territory”. Despite several arguments on the nature of such a “reciprocity clause” as it was referred in the Lausanne negotiations, it is certain that the aforementioned article, even in its mildest form, puts forward “parallel obligations” for Greece and Turkey to recognize the following rights and freedoms to minorities:

- The superiority of the provisions of the Lausanne Treaty over any domestic laws, regulations, or official actions (Article 37)
- Freedom of life and liberty to all inhabitants, freedom of religion and conscience, freedom of movement and emigration (Article 38)
- Enjoyment of the same civil and political rights, equality before law, non-discrimination in public employment, exercise of professions or industries, freedom to use their own language in private life, commerce, religion, press, publications or public meetings, oral use of their language before the Courts (Article 39)
- Freedom to establish, manage, and control at their own expense any charitable, religious or social institutions, schools and other establishments for the instruction and education, the use of their own language and exercising their own religion (Article 40)

privileges extended to the minorities. For the protection of national and territorial identity, minority rights to be reformulated from corporate rights to “individual rights to be exercised in community with others”.

- In towns and districts populated heavily with minority people, provision of adequate facilities for ensuring primary school instruction through the medium of their own language, access to public funds for educational, religious, or charitable purposes (Article 41)
- Application of their own customs in settling their family law or personal status, full protection to religious establishments, pious foundations, existing religious and charitable institutions, and provision of necessary facilities for the establishment of new ones (Article 42)
- Exemption from any act which constitutes a violation of their faith or religious observances (with the exception of measures imposed on all other citizens for the protection of public order-Article 43)
- The guarantee of the League of Nations and the competence of the Permanent Court of International Justice if there exists any disputes (Article 44)

3.4. The Greek System of Triple Protection

The geographical borders of the Western Thrace region that was under the rule of the Ottoman Empire between 1363 and 1913 were first defined by the Treaty of Bucharest of 1913 that envisaged the transfer of the region to Bulgaria.⁴¹ Following the brief period of Bulgarian rule between 1913 and 1919 and the interim administration of the Allied Powers (*Thrace Interalliee* of 1919-1920), Western Thrace was annexed to Greece by the provisions of the Sevres Treaty (Relating to Thrace) of 10 August 1920 that was validated by a separate protocol concluded between the Allied Powers and Greece in Lausanne. As presented in Annex II, Western Thrace comprises the Greek land between rivers of Evros (*Meriç*) and Nestos (*Karasu*) and covers the prefectures of Evros (administrative center is the city

⁴¹ The Turkish-Muslim community in Western Thrace declared an independent state on 31 August 1913 against Bulgarian rule with the alleged participation of several members of the CUP. Greece was the first country recognizing the Independent Government of Western Thrace (*Garbi Trakya Hükümet-i Müstakilesi*), which was generally referred to the first republic established by Turks in history. Due to pressures from the Allied Powers on the new state as well as the Ottoman Empire, the state dissolved itself on 25 October 1913. The flag and national anthem of this short-lived state has been misused by the nationalist circles in Greece as proofs of alleged tendencies for self-determination. As a matter of fact, the Turkish-Muslims of Western Thrace have remained loyal citizens of Greece, fought in the Greek army and lost their lives especially during the 1940s. The title of the research project by Kevin Featherstone, Dimitris Papadimitriou, Argyris Mamarelis, and Georgios Niarchos is illustrative “The Enemy That Never Was: the Turkish-Muslim Minority of Thrace During the Axis Occupation and the Greek Civil War 1941-1949” (“http://www.lse.ac.uk/collections/HellenicObservatory/research/AHRC_the%20enemy_never_was.htm”, last accessed on 3 November 2010). The findings of their research are forthcoming under the book title of “the Last Ottomans”.

of Alexandroupolis, *Dedeğaç* in Turkish), Rodopi (administrative center is the city of Komotini, *Gümülcine* in Turkish) and Xanthi (administrative center is the city of Xanthi, *İskeçe* in Turkish). Articles 37-45 of the Lausanne Treaty were generally accepted as the *Magna Carta* of non-Muslims in Turkey (Sarioglou, 2004: 55). However, for the Turkish-Muslims of Western Thrace and other minority groups living in Greece (like Macedonians, Vlachs or Albanians), there are other protection mechanisms prescribed in previous treaty commitments signed up to by Greece.

At the beginning of the twentieth century, the military turmoil between Balkan States and the Ottoman Empire gave way to several bilateral peace treaties that were signed with neighboring countries continuing to acquire new lands from the Empire. In this respect, the Athens Peace Treaty of 14 November 1913 defines, *inter alia*, the obligations of Greece towards the Muslims living in its territory. In addition to recognizing the individual and communal land ownership of the Muslims, the provisions of the Athens Treaty define the religious freedoms including the powers and election procedure of Muslim religious leaders (Muftis), religious autonomy of the mosques and the waqfs, as well as the administration of waqf properties. There are also three protocols that were annexed to the 1913 Athens Treaty. The 3rd Protocol clarifies further the functioning and election of the Archmufti and Muftis. Notwithstanding the arguments disputing the validity of the Athens Treaty for the territories annexed to Greece after 1913, it was stated in Article 2 that the provisions of the 3rd Protocol would be valid for the whole country.

Although it is not known popularly in Greece and Turkey, on the very same day and place with the Sevres Treaty of 10 August 1920 that was never approved by Turkey, there concluded two more legal documents between the Allied Powers and Greece were concluded. One of these two agreements relates to the annexation of

Western Thrace by Greece, whereas the other one defined the rights of minority people living in the Greek territories (Oran, 1986: 43). “The Agreement on the Protection of Minorities in Greece” was signed between Britain, France, Italy and Japan on the one hand, and the Kingdom of Greece on the other.

According to its provisions similar to the ones contained in the Lausanne Treaty of 1923, all people living in Greece would be granted full and complete protection of life and liberty, free exercise of any creed, religion and belief irrespective of their language, race, religion or citizenship (Article 2). Furthermore, all Greek citizens would enjoy the same civil and political rights including admission to public employment, functions or honors, be free to use any language in private intercourse, commerce, religion, press, publications or at public meetings, access adequate facilities for the use of their own language before courts (Article 7), be allowed to establish, manage and control, at their own expense, charitable, religious and social institutions, schools and other educational establishments with the right to use their own language and to exercise their own religion (Article 8), access to primary school instruction through the medium of their own language and an equitable share in public funds for their educational, religious or charitable purposes in towns and districts populated mainly by the minority (Article 9), protection to the mosques, cemeteries and other Muslim religious establishments, regulation of questions regarding family law and personal status according to Muslim traditions and customs, and finally full recognition and assurance of all facilities to pious foundations (waqfs), as well as an introduction of an electoral system giving due consideration to the rights of racial minorities (Article 14).⁴²

⁴² Article 16 of the Treaty of Sevres (between the Allied Powers and Greece) states clearly that the provisions of the agreement are under the guarantee of the League of Nations, they cannot be changed without the majority decision of the Council of the League, and in case of a dispute, applicant

During 1980s, Greece claimed the invalidity of the 1913 Athens Agreement by arguing the replacement of the minority protection regime defined in the Athens Treaty with that of the Lausanne Treaty of 1923. Although it was approved by the Greek Parliament after the Lausanne Treaty of 24 July 1923, the Greek authorities choose not to mention Sevres Treaty of 1920 at all since they prefer the Lausanne regime and its embedded “reciprocity” over the unilateral obligations contained in the Athens Treaty of 1913 and the Sevres Treaty of 1920 (Oran, 1986: 61). However, the general measures contained in the Sevres Treaty of 1920 and the specific measures for the Turkish-Muslim Minority of Western Thrace minority agreed upon in the Lausanne Treaty of 1923 legally complement each other rather than providing an alternative (Oran, 1986: 64-68).⁴³

As a matter of fact, the validity of the Treaties of Athens and Sevres was confirmed by the head of the Greek delegation in Lausanne, Venizelos, whereby he encouraged Turkey to undertake similar measures for the protection of minorities (Meray, 2001-II: 170 and 190). In a similar vein, when the Turkish delegation asked for the expulsion of the Patriarchate from Istanbul during the Lausanne negotiations, the Greek representative to the sub-commission of minorities Caclamanos asked for the denouncement of the relevant provisions of the Athens Treaty regarding the popular election of Muftis and their competencies. The inability of the Lausanne

countries are capable of taking Greece to the Permanent Court of International Justice whose decisions would be final.

⁴³ Oran supports his arguments with reference to the official minutes of the Lausanne Conference where Greek state officially asked for broader measures of protection for minorities living in Turkey by giving 1913 Athens Treaty as an example (1986: 62), by referring to the legal documents published by the United Nations in 1950 and 1951 stating the legal validity of 1920 Sevres Treaty (1986: 66-67), and finally by quoting the decisions of the Greek Courts, which utilized the provisions of the 1913 Athens and 1920 Sevres Treaties (1986: 61 and 68). Cin (2003: 114) and Oran (1986: 68) argue that the provisions of the Protokol-III of the 1913 Athens Treaty, 1920 Sevres Treaty and the 1923 Lausanne Treaty are also valid for the Muslim-Turkish community living in the Dodecanese (*Menteşe*) Islands that were given to Greece by Peace Treaty of Paris (1947). For conflicting views, see Tsitselikis (1996) and Minaidis (1990).

Treaty to change the provisions of the previously signed agreements was explicitly stated (Meray, 2001-II: 221).

Furthermore, according to the Protocol regarding the implementation of the Sevres Treaty on the protection of minorities in Greece and the situation in Thrace (concluded between Britain, France, Italy, Japan and Greece), the parties are obliged to submit the certificates of approval of the Sevres Treaties (concerning minorities and Western Thrace) together with the ones belonging to the Lausanne Peace Agreement.⁴⁴ The wording of the aforementioned Protocol clearly disavows any interpretation that might question the validity of the Sevres Treaty for the Turkish-Muslim minority in Greece. The Protocol supports Oran's (1986: 68) and Cin's (2003 and 2009b) arguments on the complementary nature of the general provisions of the Sevres Treaty regarding "all" minority groups that might exist in Greece and the specific provisions of the Lausanne Treaty regarding the Western Thrace.⁴⁵ Therefore, the current minority protection regime in Greece is shaped mainly by the Athens Treaty of 1913 (Protocol III), the Sevres Treaty of 1920 (between Allied Powers and Greece) and the Lausanne Treaty of 1923.

⁴⁴ The Protocol stated clearly that only the second paragraph of Article 7 ("introduction of an electoral system giving due consideration to the rights of racial minorities"), and Article 15 (about the administration of Edirne by Greece) are abrogated. The text of the Protocol, which is only half a page long, is available at <http://www.austlii.edu.au/au/other/dfat/treaties/1924/8.html> (last accessed on 3 November 2010).

⁴⁵ As a matter of fact, Cin (2003: 115) reports that the Greek Parliament approved the Treaty of Sevres on 29 September 1923, and the agreement was published in the Official Gazette (ΦΕΚ 311/30.10.1923), one month after the Treaty of Lausanne was approved by the Greek Parliament (on 25 August 1923) and published in the Official Gazette (ΦΕΚ 238/25.09.1923). When all parties deposited their instrument of ratification, the Lausanne Treaty came into force on 6 August 1924, whereas the Treaty of Sevres became effective officially later on 30 August 1924. The chronology pertaining to the Treaties of Sevres and Lausanne also confirms the validity of the latter.

CHAPTER IV

MINORITY RIGHTS PROTECTION IN GREECE:

1923-1990

In the hierarchy of Greekness defined by the new nation state, the ethno-religious background of the citizens occupied a central place. As a reflection of the Ottoman *millet* legacy, the formulation of Greek citizenship and its exclusion/inclusion practices was largely dependent on the common religion which determined whether the different population groups in question were assimilable or not. As a prime example of the “nationalization of religion”, Greekness and citizenship in the new state were intricately connected with membership in the Greek Orthodox Church (Brunnbauer, 2001: 48).

The exclusive characteristics of Greek nationalism were explicitly formulated by the motto of the military dictatorship (1967-1974): “Greece of Christian Greeks” (*Ellas Ellinon Hristianon*). The homogenization strategy of Greek nationalism was “Hellenizing the Orthodox, but segregating the Muslims and

reducing their size” (Yağcıoğlu, 2004: 54). Differential treatment of the Greek-Orthodox and Turkish-Muslim populations was institutionalized by the legal incorporation of the categories of the Greek citizens “of the same (Greek) descent” (*omogenis*) as opposed to “foreign (non-Greek) descent” (*allogenis*).

Furthermore, in line with the role of the “other” accorded to the Turks in the Greek historiography, the Turkish-Muslim minority became a “suitable target for externalization as the descendants of those who kept the Greek nation ‘enslaved’ for four centuries and as potential allies of the most serious enemy” (Yağcıoğlu, 2004: 53). The members of the Turkish-Muslim minority of Western Thrace were automatically categorized as “foreign” elements that might engage in “fifth-column” activities with the “eternal enemy of the Greek nation” (*genos*). As it will be demonstrated below, the “non-assimilable” Turkish-Muslims were subjected to extensive denationalization measures and discrimination.

4.1. Denial of Ethnic Identity

The ethnic identity of the Turkish-Muslim minority of Western Thrace has proved to be one of the most controversial issues. Currently, the official Greek position, based on its own interpretation of the Lausanne Treaty, argues that the one and only officially recognized minority in the country is a religious (“Muslim”) one, and the collective ethnic identification (“Turkish”) of its members is not acceptable. However, the overwhelming majority of the Turkish-Muslim minority has placed the issue of ethnic identity of the minority on top of their list for minority rights claims.¹

¹ Members of the minority, minority associations and minority newspapers have historically identified the minority at a collective level as “Turkish” or “Turkish-Muslim”, but never endorsed the official Greek position (of “Muslim minority”). Since the minority rights claims analyzed in this thesis originate both from the minority’s ethnicity (like freedom of association and right to an education in Turkish) and religion (like election of Muftis and administration of pious foundations), this thesis uses

Historically speaking, one can argue that the official Greek position regarding the ethnicity of minority does not show a historical continuity and Greece has employed different stances mainly due to pragmatic reasons. Until the emergence of the Cyprus issue and the establishment of the notorious “Coordinative Committee of Thrace” (CCT) the Turkish ethnic identity of the minority had not been perceived as a problem.

For example, when the cooperation between Greece and Turkey reached its climax during the regionally and internationally favorable environment of the 1950s, the Greek education Law 3065/1954 recognized the minority as Turkish by defining the minority primary schools as “Turkish Schools of Elementary Education of Western Thrace” (Papanikolau, 2007: 108) and provided a curriculum for minority primary schools (Aarbakke, 2000: 135). On 28.01.1954, General Governor of Thrace (following the order of the Prime Minister) sent an official directive to the Prefects of Evros, Xanthi, Kavala and Drama to label all minority primary schools as “Turkish schools” rather than “Muslim schools”.² Furthermore, in official documents prepared for the members of minority (like passports and work permits), the ethnic identity of the minority was explicitly stated as “Turkish”.

Turkish scholars (like Oran, 1986: 15 and 85) underline the fact that the “Convention Concerning the Exchange of Greek and Turkish Populations” of 30 January 1923, one of the documents signed in the Lausanne Peace Conference, explicitly uses the term “Turkish” and “Greek”. Having considered the fact that the minority people living in Western Thrace and Istanbul were exempted from the

the terminology of “Turkish-Muslim Minority of Western Thrace” to emphasize both of these overlapping and reinforcing identities.

² The order was reading as follows: “Following the order of the Prime Minister, we order you that from now on and all occasions the terms ‘Turk-Turkish’ are used instead of the terms ‘Muslim-of Muslim’”. Some sources give the date of the first order as 27 December 1954, the order was repeated for two more times until 5 January 1955 to warn non-compliant authorities.

compulsory population exchange envisaged in this convention and the details of the minority regime to be employed for their protection was later agreed upon with the Lausanne Treaty, it seems like a logical conclusion that if the people that were exchanged were accepted as “Turkish”, then the ones that were exempted from the population exchange should also be accepted as Turkish. As stated in the previous chapter, the Turkish concern for the usage of a religious classification in Lausanne related to the fear of future creation of “Muslim minorities” within Turkey. As a matter of fact, Venizelos objected to a religious classification by arguing that “what really needs to be guaranteed for the minorities is their right to belong to a nation (*le droit de nationalite*) and their consciousness for their origins and kinship with other states” (Meray, 2001-II: 170).

Furthermore, on the basis of the provisions of the convention on population exchange, Greece and Turkey accepted the establishment of the “Mixed Commission for Population Exchange” with the participation of one Greek, one Turkish and one foreign member. One of the duties of several sub-commissions of the aforementioned Commission was determining the people who would qualify for the exemption from the compulsory population exchange as *etabli* (French term to indicate “resident” or “non-exchangeability”). The three-member sub-committee visited all villages in Western Thrace between 1923-1933 and registered a total of 103.989 people in 37 volumes of special records (Aarbakke, 2000: 139). While doing that they issued the so-called “*etabli* certificates” so that they could use them in their bureaucratic dealings. The certificates (a copy of which is presented in Annex III) with the seal of the mixed-commission and signatures of the Turkish, Greek and foreign members, stated, both in the Greek and French languages, that the person is declared *etabli*

(non-exchangeable) with the decision of the Mixed Commission in charge of the exchange of “Greek” and “Turkish” populations.

Last but not least, following the exchange of populations, Greece and Turkey accused each other for violating the terms of the convention. When the Turkish side complained for the large scale expropriations, requisitions and seizures of the properties belonging to the minority, the neutral members of the mixed commission carried an extensive inquiry and outlined their findings in the official memorandum of 28 May 1925 entitled “*Minorite Turque en Thrace Occidentale*”. Memorandums by the Greek government to the Secretary-General of the League of Nations also mentioned “the situation of the minority of Turkish race in Western Thrace” (Alexandris, 1992: 121 and 124). There are some other official documents of the League of Nations referring to the minority as “Turkish”, like C. 774 that was submitted to the Council on 23 December 1924 mentioning “Minorities of Turkish Race in Western Thrace”.

However, as several scholars like Alexandris (1991) and Meinardus (2002) argued, the Greek state perceived the previous usage of the term ‘Turk/Turkish’ as a “concession” given to Turkey and tried to formulate policies for “undoing” the mistakes of the past. For this aim, the policies formulated by the notorious “Coordinative Committee of Thrace” (CCT) was instrumental. The CCT as a symbol of “securitization” of the minority issue in Greece was established on 10 September 1959 with the secret directive of the Minister of Foreign Affairs (No. 41441) and continued its activities until its 61st meeting on 12 February 1969, when its duties and jurisdictions were transferred to another directive to the Ministry of Macedonia and Thrace (Iliadis, 2004: 21). Borrowing Iliadis’ (2004) definition, the activities of this “institutionalized para-state formation” remained secret until the turn of the new

millennium. CCT achieves that were uncovered by chance were first utilized by academics (Iliadis: 2004 and Papanikolau, 2007), publicly announced by national and local Greek newspapers (*Eleftherotypia*/17.04.2005 and *Paratiritis*/04.08.2007), and finally became the subject of a recent book (Kostopoulos: 2009).

Members of the CCT were the General Governor of Thrace, Prefects of Rodopi, Xanthi and Evros, the Head of the Political Affairs Bureau in Thrace, a high-ranking official from the military corps stationed in Thrace, representatives from the gendarmerie and secret services and, after 1966, the Inspector-General of Foreign and Minority Schools (Iliadis, 2004: 22). As the “main agent of minority policy in Thrace”, the CCT had the power to block directives of other public authorities and enforce the decisions it formulated (Papanikolau, 2007: 99-100). As listed by Iliadis (2004), the main priorities of the CCT were collecting information (both demographical and property ownership), interfering with minority education and denying the “Turkish” origin of the minority while concurrently fostering a policy of ethnic division among the members of the minority.

In one of its meetings in 1962, the President of the CCT confessed that usage of the term “Turkish” was “unfortunate” and it should be replaced by “Muslim” (Papanikolau, 2007: 108). Having decided in 1964 that the Law No. 3065/1954 should be changed, the CCT managed to force some school administrations to change their labels via secret initiatives between 1964-1972, and finally replaced the previous law with the new and “appropriate” one in 1972 (legislative decree no. 1109). Parallel to the policy of denial of Turkish identity of the minority, the CCT also adopted a policy differentiating the “Pomaks” and

“Roma” from the “Turks”. During the 47th meeting, the President of the CCT argued as follows (Papanikolau, 2007: 110).³

“Our Pomak Policy constitutes one of our major objectives. Our primary goal will be to separate them from the Turks. At the moment nothing should be said about their Hellenization and Christianization. The future will show how far we can go. For the time being, our aim is division”.

In order to win over “Pomaks” by distancing them from the Turks, the CCT proposed several measures like the establishment of a separate “Pomak” Mufti office, support to a “Pomak” politician to be elected to the Hellenic Parliament, the establishment of special high schools in the mountainous areas of Rodopi and Xanthi, and supporting research on the “Pomak” history and language (Iliadis, 2004). Despite the fact that the CCT was formally abolished in 1969, the monopoly of the Ministry of Foreign Affairs on minority issues has continued unabated. In Western Thrace, there exists a special branch of the aforementioned ministry headed by a career diplomat (Bureau of Political Affairs or *Ypiresia Politikon Ypotheseon*), “which supervises and coordinates all minority issues” (Papanikolau, 2007: 99). The headquarters of the bureau are located in Xanthi, whereas there are also its affiliated administrative units in Komotini and Alexandroupolis, which were ironically named the “Offices of Cultural Affairs” in the past.⁴

³ The population groups referred by Greece as “Pomak” and “Roma” constitute the “Turkish-Muslim Minority of Western Thrace” together with the rest of the minority population. The Roma/Gypsy members of the minority represent the most vulnerable segment due to their low socio-economic conditions. “Pomaks” are generally defined as Muslim inhabitants of the Balkans speaking a Slavic dialect which resembles to Bulgarian but also incorporates Turkish words. All the countries inhabited by “Pomaks” (mainly Bulgaria, Greece, Macedonia and Kosovo) claim that “Pomaks” are originally from their nation, whereas in some other anthropological studies their relationship to “Kuman” or “Kıpçak” Turks is underlined. However, in line with what was described as the “nationalization of religion” in the previous chapter and compliant with the hierarchy of ethnicities in the Balkans, “Pomaks” traditionally have a close affinity to the Turks and want to be called Turkish (Turan, 1999: 69-79). For other conflicting views of “Pomaks”, see Brunnbauer (2001) and Demetriou (2004).

⁴ Papanikolau (2007: 99) reports that the “Office of Cultural Affairs” (*Grafeio Politistikon Ypotheseon*) was renamed in 1998 as “Bureau of Political Affairs” with a Presidential Decree, according to which the Bureau is a service of the Ministry of Foreign Affairs at the periphery level

The wording of the Lausanne Treaty was also manipulated in Greece in order to justify the policy of division. According to the official Greek translation of the English and French originals of the Lausanne Treaty, the term “Muslim minority” in Article 45 was replaced with the term “Muslim minorities”.⁵ Based on the distortion of the original text and coupled with the policy of denial and division, the official Greek position argued that “the Muslim minority is composed of ‘Pomaks’, ‘Gypsies’ and ‘Turkhopones’ (*Tourkophonoi*) or ‘Turkish origin’ (*Tourkogeneis*)”.⁶ The policy of denial and division has gained pace during the military junta between 1967-1974, but it was shortly after the restoration of democracy in 1974 that the Turkish village names were replaced by Greek ones, and the usage of Turkish for official purposes was prohibited in 1977 (Poulton, 1993: 33).⁷

4.1.1. Closure of Existing Minority Associations

In Western Thrace, the minority has a vibrant tradition of civil society. There are several non-governmental organizations that were established by the minority in the 1920s. Although they functioned legally and peacefully without encountering any problems until the late 1960s, they have also been affected by

that *inter alia* “supervises and coordinates international treaties and educational protocols applying to the region”.

⁵ When the minority MP İlhan Ahmet brought the issue to the attention of the Parliament, the Ministry of Foreign Affairs acknowledged the mistake in the translation on 28 March 2005 (No: 21/146/AΣ-653) and confirmed that the term “minority” used in the French original was valid. Papanikolaou (2007: 13) shares the opinion that the translation mistake did not happen by change or accidentally, and it was indeed congruent to the policy of division of the Greek state in relation to the minority’s identity.

⁶ It should be noted here that even while pursuing the policy of division, the preferred official terminology is generally “Turkhopones” (*Tourkophonoi*), seldomly “Turkish origin” (*Tourkogeneis*), but only rarely “Turks” (*Tourkos*). The last census with questions on ethnicity and mother tongue in 1951 used the labels of “Turkhopones”, “Pomaks” and “Gypsies” (ANTIGONE, 2004: 30).

⁷ Oran (1986: 77) mentions the Law No: 1260/1973, which forbade the usage of Turkish names in communication, postal services, press and associations. De Jong (1980) is dealing with the issue of name changes in Western Thrace. Turkish names and surnames of the minority people were also distorted “for achieving their conformity with the Greek alphabet” (for example, “Ayşe Hüseyin” was recorded in public registrars as “Aise Chousein”).

hostilities over the Cyprus issue and the activities of the CCT. Papanikolau (2007: 109) demonstrates that it was as early as the 1960s that the CCT members started to deal with the issue of the dissolution of some minority associations that used the term “Turk” or “Turkish” in their titles. In its 40th meeting on 26 August 1965, the CCT argued that the “Union of Turkish Teachers of Western Thrace” was functioning illegally due to the fact that the association could not conduct regular elections ordered by its founding statute. Later on 2 September 1966, the President of the CCT sent a letter to the Prefect of Rodopi to request that he evaluates the possibility of renaming the aforementioned Association as the “Union of Muslim Teachers of Western Thrace”.

In 1971, the Greek Parliament enacted a new law on associations that all minority associations should reaffirm their founding statutes in the Courts of First Instance (Oran, 1986: 104). Aarbakke (2000: 344) claims that the aim of the military junta in Greece was to formally require the associations to change the words “Turk/Turkish” in their title.⁸ However, when the minority associations applied to the Greek courts, their founding statutes were not approved with pretexts such as the one claiming that “law and public order do not allow the use of the term ‘Turkish’ in the title of an association established by the *Greek* citizens” (emphasis added). Although the Greek administration was able to close down minority associations on the basis of court decisions issued within the framework of the new law, officials chose to pressurize the minority for a name change instead of enforcing Court decisions.

Nonetheless, just after the declaration on the establishment of the Turkish Republic of Northern Cyprus (TRNC) on 15 November 1983, the Greek authorities changed their stance and closed down the minority associations bearing the word

⁸ Oran (1986: 103) mentions that the minority associations were already forbidden to use Turkish signs outside their buildings in 1970.

Turk/Turkish in their title with the alleged reasoning that “these words might endanger public order and lead to a clash between local Christians and Muslims after the declaration of the ‘fake’ state [of TRNC] and Turkey’s recognition”. In their decisions, the Courts also underlined the fact that these minority associations have already been functioning unlawfully since 1972.

The oldest surviving minority association in Western Thrace was established on 14 April 1927 under the title of “Home of Xanthi Turkish Youth” (*Estia Tourkikis Neoleas Xanthis* or *İskeçe Türk Gençler Yurdu*). It acquired its current name later on 17 November 1936, when the “Home of Xanthi Turkish Union” merged with the “Xanthi Turkish Heart” (*Tourkiki Estias Xanthis* or *İskeçe Türk Ocağı*) that was founded on 11 May 1930 due to an internal disagreement among minority members (İskeçe Türk Birliği, 2003: 22). According to its founding statute, the “Home of Xanthi Turkish Youth” that was established by a total of 87 minority members aimed “to foster the spiritual, physical and moral education of Western Thrace Turks, to create sincere ties of friendship and solidarity among the members of the Minority, to endorse and spread the cultural, social and religious renovations established by the Turkish Revolution (of 1923)” (Article-8).

Although it was explicitly stated in its statute that Greek citizens of Turkish origin may apply for membership, the members’ registrar of the “Turkish Union of Xanthi-TUX” (*Tourkiki Enosis Xanthis-TEX* or *İskeçe Türk Birliği-İTB*) indicates that some Greek-Orthodox young men also joined the association as full members. It is also known from archival sources that some local Greek-Orthodox people played football with an official license of TUX, whereas others taught several music courses

in the Association.⁹ According to decision no. 3/1937, Crown Prince Pavlos was given the title of honorary member on 15 December 1937 and a golden decoration bearing the Greek acronym of the association (T.E.X.) was later presented to him.

Despite the fact that the TUX suspended its activities during the Second World War between 1940-1944, it has maintained a very active profile with various sports teams, music bands, dance groups and social and cultural activities. Although the legal prosecutions against the Turkish Union of Xanthi started as early as 1938, the arguments presented by the Attorney General of the Xanthi Court of First Instance were not found reasonable, and thereby the TUX had functioned without any major problem until 1970s. When the TUX's application for the reaffirmation of its founding statute was rejected (Papanikolau, 2007: 253 and Oran, 1986: 103), the Prefect of Xanthi did not take any action. However, in November 1983 (just after the declaration of the TRNC), the Prefect of Xanthi issued a decision prohibiting the TUX from using the term "Turkish" on any document, stamp or sign, and a few days later the police took down the relevant signs in Turkish outside the building. Following the application by the Prefect to the Court of First Instance of Xanthi to formally close down the TUX on 30 January 1984, the Union was dissolved on 11 March 1986 on the ground that its founding statute ran counter to public policy (ironically 59 years after its establishment), and created a misperception about the nationality of its members.

When the case was brought to the Court of Appeals of Thrace by the members of the association, the judges (decision no 117/1999) approved the previous decision on the grounds that "the reference to Western Thrace Turks in the founding

⁹ For example, Yeorgi Konstantin (member no: 196), Spiros Yanakopoulos (member no: 322) and Mihail Penoglou (member no: 328) became members officially on 09.12.1928, 02.01.1931 and 23.01.1931 (İskeçe Türk Birliği, 2003: 41-69). In a similar fashion, Hristos Tsagkalidis played in the football team in 1970-1971 season. Another Greek-Orthodox taught mandolin at TUX.

statute is misleading since it gives the impression that foreign nationals established an association in Greece”, “the statute is not in conformity with the Treaty of Lausanne which defines one and only religious (Muslim) minority in Greece”, and “TUX serves for the interests of a foreign state” (since some of its members raised their views about a “strongly oppressed minority” and its President participated in conferences organized in Turkey). Although the Supreme Court of Greece accepted the minority’s request for an appeal and rejected the case to the Court of Appeals of Thrace, the latter insisted on its decision. The Supreme Court of Greece finally concluded the case on 7 February 2005, when the TUX members lost their final hope for the reinstigation of their legal personality and applied to the European Court of Human Rights (ECtHR).¹⁰

The change in the official discourse of the Greek state to shut-down minority associations bearing the word “Turk/Turkish” in their titles also led to the closure of the “Turkish Youth Union of Komotini” (*Syllogos Tourkikis Neolaias Komotinis* or *Gümülcine Türk Gençler Birliği*)¹¹ and “Union of Turkish Teachers of Western Thrace” (*Syllogos Tourkon Daskalon Dytikis Thrakis* or *Batı Trakya Türk Öğretmenler Birliği*),¹² which were established in 1928 and 1936 respectively. When the Prefect of Ropodi applied to the Court of First Instance of Rodopi on 28 November 1983 to prohibit the usage of the term “Turkish”, the Court decided the next day that the founding statutes of these associations create confusion about the

¹⁰ Details of the favorable decision of the ECtHR (*Tourkiki Enosi Xanthis and Others v. Greece*, No: 26698/05) and the continuing legal struggle of the TUX will be analyzed in the next chapter.

¹¹ Originally established in 1928 as “Turkish Youth Union Hope Athletic Club” (“*Türk Gençler Birliği Ümit Spor Klübü*”). When another athletic club called “Star (*Yıldız*)” joined, it changed its name to the current one in 1938. Applications to reaffirm its statute were rejected in 1972 and 1973.

¹² Originally established as “Rodopi-Evros Union of Turkish Teachers”, it has later changed its name to the current one in 1966 to appeal to the teachers working in the Xanthi Prefecture as well. Contrary to the other minority associations, its application to reaffirm its statute was accepted by the Court of First Instance, but the decision was overruled by the Court of Appeals upon the application by the Prefect.

citizenship of their members, there is a potential of a clash between local Christians and Muslims, the usage of signs, letters, documents containing the words “Turk” and “Turkish” should not be discontinued, and the associations had already been functioning illegally since 1972 (due to non-compliance with the aforementioned legal change instigated by the junta).

Later, on 1 and 2 December 1983, the police removed their signs outside buildings, and the Prefect applied to the Court for the legal dissolution of the minority associations in Rodopi. In one of these court hearings, the public prosecutor proposed them to add the word “origin” in front of the term “Turkish”. Oran (1986: 106-7) claims that the applications to shut-down minority associations in Rodopi and Xanthi were almost identical, and the Prefects based their claims on the alleged elusiveness the words “Turk/Turkish” create about the nationality of their members.¹³

When the minority appealed the decisions for closure in the Greek higher courts, the case was finally brought upon the Supreme Court, which had approved the decisions on 4 November 1987. The decision of the Supreme Court to reject the minority’s application for an appeal carries a symbolic importance since it indirectly mobilized the minority to protest about the administrative harassments and human rights violations it suffered. On top of the negative verdict of the Court, the minority was especially worried about the subsequent statement of the government spokesman, Yannis Rubatis, who claimed that “there were no Turks in Western Thrace, but only Muslims of various descents” (Aarbakke, 2003: 345). The minority

¹³ He also finds it interesting that all three petitions finish with the same statement: “...however, the association is about the people who are of Islam religion, Turkish origin and Greek citizenship”. According to Oran (1986: 107), in order to make the message to Turkey within the context of the Cyprus issue clear, the Greek administration made a concession about the Turkish origin of the minority in the court decision. In this way, judges hinted that the measures are not directed to the minority, but to the Turkish initiative in Cyprus.

people, who were already suffering harsh human/minority rights violations, were getting ready to protest against the denial of their ethnic identity and closure of their historic associations.

4.1.2. Violence Against the Turkish Minority: 29 January 1990

When the minority learned the Supreme Court's decision concerning the associations in Rodopi on 5 January 1990, news were met with feelings of resentment and frustration. The unofficial umbrella organization of the Turkish-Muslim minority, "the Supreme Minority Board" (*Azınlık Yüksek Kurulu*),¹⁴ formed an "Executive Committee (*Yürütme Komitesi*)" from among its members to organize a protest march. As a matter of fact, such a mass mobilization of the minority was the reflection of their frustration that has been shaped by discriminatory measures and triggered by the resentment due to the latest court decisions targeting the identity of the minority (Aarbakke, 2000: 351). Moreover, the minority wanted to make its voice heard the Greek and Turkish Prime Ministers, who were scheduled to meet in Davos after a long period of confrontation over Cyprus.¹⁵ On 29 January 1988, some 10.000 minority people gathered peacefully in Komotini and expressed that they are

¹⁴ The Supreme Minority Board was established by the minority elite in the second half of the 1970s to lead the struggle of the Turkish-Muslim minority against discriminatory mass scale expropriations especially for the construction of the university campus. The board was later transformed into the "Consultative Committee of the Turkish Minority of Western Thrace" in 1994 and still maintains its functions with 74 members including minority deputies in the Hellenic Parliament, ex-deputies, (elected) Muftis, mayors, heads of minority associations, representatives from local administrations ("www.bttadk.org", last accessed on 3 November 2010).

¹⁵ Firat (2002: 117) argues that the Minority was also trying to make its voice heard by the Turkish government that had maintained a low profile concerning the human/minority rights violations in Western Thrace. She also reports that minority people got organized and sent telegrams to Özal and Papandreou, urging them to include Western Thrace in their agenda.

Turks and don't want to be treated as second-class citizens subjected to discriminations.¹⁶

Despite “the first and foremost cry of the minority” (Chousein, 2005: 83), the minority issue could not find a place in the overpopulated agenda of Davos. Ironically, both the Turkish and Greek Prime Ministers categorized the events as provocations aiming to spoil the “spirit of Davos” (Fırat, 2002: 117 and *Azınlık Postası*, 05.02.1988). However, demonstrations proved quite successful in terms of making the situation of the minority heard in national newspapers and the international community (though at the expense of a tougher stance employed by local officials in the following months).

Later, on the national elections of 18 June 1989, Dr. Sadık Ahmet was elected as the first independent minority MP. When none of the Greek political parties attained a majority to establish government alone,¹⁷ the New Democracy party made a coalition government with left-wing Sinaspismos to have the possibility of pressing corruption charges against PASOK and call for new elections (Clogg, 2004: 197). In the next elections on 5 November 1989, three independent candidates (Sadık Ahmet, İbrahim Şerif and İsmail Rodoplu) formed the minority election list called “Trust” (*Güven*)” and issued an announcement in which they called the minority “Turkish-Muslim”. The court, however, ruled out the candidacy of Sadık

¹⁶ While national Greek newspapers downplayed the importance of the demonstration and acknowledged that only 3.000 people participated, minority newspapers mentioned the participation of 25-30.000 people. The latter also reported that, Greek police blocked roads and bridges to prevent people in the villages going to Komotini. Some of the slogans appeared in the minority press as follows: “*Bugün Milletimizi Yarın Dinimizi İnkâr Eden Zihniyete Hayır* (No to those Who Reject Our Ethnicity Today and Our Religion Tomorrow”, “*İrkımız Türk, Dinimiz İslam, Şehirli Köylü Artık Uyan!* (Our Ethnicity is Turk and Our Religion is İslam, Villagers and Urban Residents Wake-Up)”, “*Bu Vatanı Türk ve Müslüman Olarak Yaşamak Ne Suç Ne de Günah* (It is Neither a Sin Nor a Crime to Live in this Homeland as a Turk and Muslim” (Chousein, 2005: 78).

¹⁷ It was just before the elections that PASOK changed the electoral law, which made it difficult for political parties to attain majority to form government. Contrary to the common belief, Aarbakke (2000: 389) argues that PASOK's election law did not make it easier for independent candidates to get elected, and, just as before, independent candidates had a difficult task to obtain enough votes in the first distribution of the votes to get elected.

Ahmet and İbrahim Şerif on the grounds that they did not fill-on the application form as indicated by the electoral law.¹⁸ Since Rodoplu was elected as the next independent minority MP and gained parliamentary immunity, the public prosecutor could only press charges against Ahmet and Şerif for “openly or indirectly inciting citizens to violence or creating rifts among the population at the expense of social peace” merely by describing the minority as “Turkish” in their campaign (Whitman, 1990: ii).¹⁹

Their trial on 25 January 1990 was attended by guests coming from Turkey (parliamentarians, lawyers, media), foreigners (German and Dutch press) and minority people (according to Greek sources 5.000, but according to minority sources 10.000).²⁰ The International Helsinki Watch described the trial as “the most egregious Greek action denying the ethnic identity of the Turkish minority” and criticized the behavior of the judges (Whitman, 1990: 17).²¹ Both Ahmet and Şerif were sentenced to eighteen months of imprisonment for disturbing the citizen’s peace. They were immediately sent to the prison in Thessaloniki and spent 64 days in jail paying a monetary fine for the remainder of their term in prison.

On 29 January 1990, the Supreme Minority Board organized a religious event (*mevlid*) in the Old Mosque of Komotini to commemorate the demonstrations of 29 January 1988. Two days before the event, a ghost organization (Thracian

¹⁸ Soltaridis (1990: 125) argued that Ahmet and Şerif did not indicate on the application form that “they are not a candidate in any other constituency”. The incidence was, however, generally perceived by the Turkish-Muslim population and minority newspapers as a “plot” since the forms belonging to the three independent candidates were filled at the same time by the same person at the court.

¹⁹ When Sadık Ahmet could not get elected in the next round of general elections and lost his parliamentary immunity, previous charges on him were also handled by the courts as described below.

²⁰ The minority people were shouting “We are Turks” outside the court building and expressing their frustration with discriminations (Aarbakke, 2000: 428).

²¹ Representative of the International Helsinki Watch reports an interesting stance adopted by the judges: “When the defendants told the court that they were of Turkish origin, the judges shouted back, ‘Then why don’t you go to Turkey’” (Whitman, 1990: 19 and *Milliyet*/31.01.1990). It was also reported that shouted while leaving the court room “I am being taken into prison just because I am Turk. If being a Turk is a crime, I repeat here that I am a Turk and I will remain so. My message to minority in Western Thrace is that they should not forget they are Turks”.

Pasificsts or *Thrakes Irinistes*) which had never been heard before issued press statement in a nationalist local newspaper (*Hronos*/27.02.1990), described the religious commemoration as “anti-Greek”, and calling on local Christians to struggle for unity in a counter demonstration to be staged on the very same day on the very same spot. In the background of the mobilization, there was the physical fight between a minority farmer and a Greek customs officer, which set the Greek customs officer into a coma.²²

Aarbakke (2000: 431) reports that a group of Christians gathered in front of the Old Mosque and tried to erect a Greek flag on top the mosque on 29 January 1990 as early as 10 a.m. Although police prevented the religious commemoration organized by the Turkish-Muslims, local Christians gathered under the leadership of Metropolitan Damascinos, Archbishop of Komotini-Maronia, at around 5 p.m., when the rumors were circulated among the gatherers that the Greek customs officer died.²³ With the eruption of violence, local Christians ran through streets and attacked minority people and smashed the shops belonging to them. In their article referring to the 6-7 September 1955 event in Turkey (“the Greek 1955”, *Scholiastis*, 85/March 1990), Aristis Yiannopulos and Dimitris Psarras reported that 300 Muslims, who came to attend the commemoration, quickly dispersed when they were confronted by superior numbers of Christian nationalists, the shops owned by Christians were labeled with the Greek flags in the form of stickers and left untouched, the special police units brought from Xanthi, Kavala, Serres, Drama, Alexandroupolis and Athens did not only follow but also discretely protected the

²² They were actually staying in adjacent beds in Komotini State Hospital when the Turkish farmer attacked him allegedly for his provocations.

²³ Greek customs officer, Solakidis, actually died on 21 February 1990, 24 days after the events containing vandalism (Firat, 2002: 447). Hasan Salih was later taken to prison in Thessaloniki, but when he was brought to Komotini for his trial, it was reported that “he had committed suicide by hanging himself with his belt in the prison”.

vandals, as well as encouraging the hesitant ones to participate (Aarbakke, 2000: 431-2 and Chousein, 2005: 87).²⁴

Helsinki Watch (Whitman, 1990: 20) reported that 400 shops belonging to the minority were damaged and 21 people were injured (including Mehmet Emin Ağa, who would later be elected the Mufti of Xanthi). When the Turkish authorities formally reacted to the events,²⁵ their Greek counterparts acknowledged that “every Greek citizen has a right to apply to courts to correct damages s/he may have suffered” (*Milliyet*/31.01.1990). Several minority sources quote that only five (Chousein, 2005: 88 quoting İsmail Rodoplu, minority MP of the time) or seven people (Aarbakke, 2000: 433 quoting Halil Haki owner of the *İleri* newspaper) applied to the courts, but none of them were duly compensated by the State.²⁶

The minority newspapers reported that during the events Metropolitan Damaskinos was calling on all local Christians for a “sacred duty” and “promising them that history will write their name with the golden letters”. Both the left-wing oriented Greek and local Turkish press were very skeptical of the involvement of the official Greek authorities. A group of politicians from Sinaspismos later visited Komotini to investigate the situation. They denounced the involvement of the para-state groups that aim to disturb Greco-Turkish relations and condemned the local Christian groups who attacked their delegation (*Milliyet*/02.02.1990).²⁷

²⁴ The 29 January 1990 events had an outstanding coverage in the Turkish press as well (“*Yunan Terörü*” or Greek Terrorism, *Milliyet*/30.01.1990, “*Gümölcine Hayalet Şehir*” or Komotini is a Ghost City, *Milliyet*/31.01.2010).

²⁵ “*Ankara’dan Sert Uyarı: Dışışleri Atina’yu Uyardı* (Serious Warning by Ankara: Foreign Affairs Warned Athens), *Milliyet*/30.01.1990. Foreign Minister of Turkey summoned the Greek Ambassador in Ankara and the NSC had an extraordinary meeting following the call by President Özal.

²⁶ Incidents of vandalism and physical attack continued after 29 January 1990 as well, and the office of the independent minority deputy İsmail Rodoplu was attacked couple of times (*Milliyet*/01.02.1990).

²⁷ Aarbakke (2000: 434) reports that the Sinaspismos group was not welcomed by local Christians and was disturbed by a group of 30 people, which forced them to flee Komotini.

The “mini-pogrom” or “mini Greek 6-7 September 1955” (Oran, 1999: 27 and Fırat, 2002: 448) that took place on 29 January 1990 had some important reflections on Greek minority policy, as well as the relations between Greece and Turkey. First of all, the events led to a serious diplomatic crisis between the two countries. The next day of the event, Turkish Consul General in Komotini, Kemal Gür, sent a letter to the Prefect of Rodopi stating that he would visit the shops owned by the minority (the word used in the letter was “our brethren”) and requested the necessary security measures be taken. The Greek side reacted against the word “brethren”, claimed that Turkey was trying to register the minority as of “Turkish” descent in contravention to the Lausanne Treaty, and asked the Turkish government to write a new letter with the “correct” word (“coreligionist”) or withdraw the Consul. While rejecting such a proposal, the Turkish Foreign Minister Mesut Yılmaz sent a letter to international organizations to focus on the situation in Western Thrace and protect the human rights of the minority on 31 January 1990.

On 3 February 1990, the Greek Foreign Minister Samaras acknowledged that “Turkey insists on characterizing the minority members as ‘kinsmen’ (*omogenis*), which means the ‘citizens belonging to the Turkish nation’ (*polites Tourkiki genis*)” and is in clear contradiction to the Lausanne Treaty that only recognizes the religious character of the minority. Since this action peaks the unacceptable interventions of Turkey in our internal matters, the Greek government is compelled to proceed with the expulsion of the Consul General of Turkey in Komotini” (*Eleftherotypia*/03.02.1990 quoted in Aarbakke, 2000: 438).²⁸ As a

²⁸ It looks as if the Greek authorities misinterpreted the Turkish word for “brethren” (*soydaş*) in a way that Turkey referred to the Turkish-Muslim minority as her own citizens. Due to the different connotations in the Greek translation of “brethren” (*omogenis*), Turkey proposed replacing the word “brethren” with “Greek citizens of Turkish origin”, but Greece insisted on Turkey to use the word “co-religionist” (*dindaş*) as a way of rectification (*Milliyet*/04.02.1990).

response to the Greek initiative, Turkey declared Consul General of Greece in Istanbul, Elias Clis, *persona non-grata* and asked him to leave the country in seven days.²⁹

The mini-pogrom of 29 January 1990 tured the attention of the international as well as Greek public opinion to Western Thrace. Since the minority was now exposed to the outside world and the minority-majority confrontation brought violence for the first time in the history of the region, state officials realized that they could not continue human rights violations and should gradually modify the non-sustainable minority policy to counter internal and external criticisms. That is to say, 29 January 1990 marked the beginning of a new era concerning the Greek policy vis-à-vis the Turkish-Muslim minority of Western Thrace.

4.1.3. Trials of Minority Journalists and Politicians

Regarding the ethnicity of the minority, the minority's representatives in the Hellenic Parliament and local politicians have traditionally been faced with a dilemma. Candidates felt a need to restrain themselves while describing the minority in order to be nominated by the mainstream political parties and to have the support of the party mechanism. However, they are also aware of the sensitivity of the identity issues for the minority people and as part of a strategy of vote-maximization they should address the electorate as “members of the Turkish minority” or “fellow brethren” (*soydaşlarım*) to mobilize supporters and appeal to their votes. With the exemption of the independent parliamentarians whose case will be presented later, this phenomenon has led to the development of a “double discourse” for the minority

²⁹ Greece was probably expecting Turkey to retaliate by expelling the Greek Consul in Edirne, but the Turkish Foreign Minister declared on 1 February 1990 that according to the Lausanne framework the equivalent of the Turkish Consulate General in Komotini is the Greek Consulate General in Istanbul (*Milliyet*/02.02.1990).

politicians, i.e. they chose to suffice themselves with the word “minority” while addressing the Greek media or fellow politicians in the Greek language, but when appealing to the minority people in Turkish they always utilize expressions such as “Turkish minority”, “Turkish-Muslim minority” or “brethren”.

Having realized the local balance of power and the need to maximize their candidate’s share of the minority votes, the Greek political parties have generally kept a closed eye on this double discourse, and did not interfere with the minority politicians’ electoral campaign in Turkish.³⁰ However, whenever the tension between Greece and Turkey or minority and majority increased, the references given by minority politicians to the ethnic identity of the minority led to legal prosecutions.

When the dose of criticisms exceeds a certain acceptable level, minority journalists have seldom been subjected to the same treatment. One early example of such an attitude goes back to early 1970s, when minority journalist Salahaddin Galip wrote several articles to complain about the discriminatory measures against the minority, as well as asking for an acceptance of the minority as Turkish.³¹ As a result of his articles, Salahaddin Galip was sentenced to 20 months of prison and a fine for “providing false information to the public” and “offending public servants”. He stayed in prison briefly until the general amnesty that was announced in the summer of 1973.

Similarly, when another minority journalist Halil Haki (*İleri*/21.04.1978) wrote that Turkey should consider imitating the Greek policy of expropriations in Western Thrace by placing two graders in front of Balıklı Greek-Orthodox Hospital (*Balıklı Rum Hastanesi*) to hint to the possible demolition of the properties belonging

³⁰ It is quite interesting that in local elections, even Greek-Orthodox candidates belonging to the majority population chose to address the minority as “Turkish minority” in the leaflets prepared in Turkish to maximize the votes of their lists, some members of which are from the minority.

³¹ *Azınlık Postası*, 23.01.1971 and 10.02.1973.

to the Greek-Orthodox minority foundations in Istanbul,³² he was found guilty of subversion and sentenced with three months of imprisonment, as a result of which Haki spent 34 days in prison. In January 1981, the Greek court found Hasan Hatipoğlu, ex-member of the Hellenic Parliament and the owner of another minority newspaper called *Akın*, guilty of “inciting communal tensions between the Orthodox and Muslim populations”, fined him with 15.000 Drachmas and closed his newspaper for three months (Alexandris, 1992: 311).

In 1985, the minority associations established in Germany by immigrant workers from Western Thrace coined the idea of organizing a signature campaign to send a petition to the Greek Parliament. Later on the idea was also discussed in Western Thrace by the University Graduates Association and Supreme Council of the Minority, but nobody took the initiative beyond mere support. At this point, Sadık Ahmet, a doctor who will later turn out to be the most prominent minority politician until his premature death in 1994, took the initiative and started to collect signatures from minority during his medical visits to the villages. On 9 August 1986, when he was on his way back from a minority village in Evros, he was stopped by police due to his activities and the police found 1.300 signatures in his car (Aarbakke, 2000: 362).

Sadık Ahmet was accused of spreading false information and collecting fake signatures, but was set free two days later. On 25 September 1987, Sadık Ahmet went to the international conference on human rights in Thessaloniki and distributed an English translation of the petition (“Grievances and Requests of the Turkish-Muslim Minority of Western Thrace”). Although he was not charged immediately

³² Aleksandris (1992: 311) claims that “he demanded the demolition of the property”, Haki argues that he just wanted Turkey to place graders outside the walls of the hospital as a threat of retaliation (*İleri*, 07.04.1989 and 06.09.1991).

for collecting signatures in August, the public prosecutor of Evros summoned him after distributing the petition to an international audience (Oran, 1991: 198). In his trial (22-24 June 1988), which was indeed transferred from Alexandroupolis to Thessaloniki and postponed three times due to the increased tension resulting from 29 January 1988, Sadık was mainly accused of “spreading false information that might cause public anxiety and fear, which might ultimately disturb public order and the international relations of the country” as well as collecting fake signatures. He was sentenced to two and a half years of prison and set free after his application for an appeal.

The minority institutions/people owned Sadık’s case as a “minority trial” and attended them regularly. In the parliamentary elections of 18 June 1989, Sadık Ahmet was elected an MP on the independent minority list called “Trust” and obtained parliamentary immunity. When he was not allowed to run for the next general elections on 5 November 1989, his previous case regarding the petition campaign was also brought to the court together with the new one regarding the description of minority as “Turkish” in the electoral campaign of “Trust”. Both Sadık Ahmet and İbrahim Şerif were sentenced to eighteen months of imprisonment. As mentioned before, they were immediately sent to prison in Thessaloniki and spent 64 days in jail by paying monetary fine for the remainder of their term in prison.³³

On 15 February 1991, the Supreme Court turned down Ahmet’s request for an appeal, and therefore he applied to the European Commission of Human Rights

³³After Andreas Politakis from the Athens-based “Abdi İpekçi Peace Prize Committee” visited Ahmet and Şerif in prison and asked them to declare in writing that “they are Greek citizens, of Muslim faith, and Turkish descent”, they were released on 30 April 1990 by the Patras Court of Appeal. Aarbakke (2000: 429) mentions that when the judge asked Sadık Ahmet whether he was a Greek citizen (“*Elliniki ithagenia*”), he answered negatively most probably due to his confusion with the Greek terminology. Sadık’s answer led to a huge controversy in the Greek press, and Politakis’s suggestion were allegedly aimed to end the controversy. Later, Ahmet’s imprisonment was decreased to 15 months, and he was given the opportunity to convert the remainder of his term to monetary fine by paying 1.000 Greek Drachmas for each day.

which decided that Greece violated Article 10 of the Convention (freedom of expression) and forwarded the case to the European Court of Human Rights (Ahmet Sadik v. Greece-1, No: 18871/91). However, the ECtHR found the case inadmissible by accepting the government's argument claiming that "Sadık Ahmet had not exhausted domestic remedies, not having raised before the national courts, even in substance, the complaint relating to a violation of Article 10". Although the ECtHR dismissed the case due to procedural reasons, the Commission and the Court both stated that Greece had indeed violated freedom of expression by sentencing a minority politician for using words denoting the ethnic identity of the minority.

4.2. Denial of Religious Freedoms

Although the Istanbul Agreement of 1881 contained some general measures concerning the religious freedom and autonomy of Muslims living in the territory of Greece, the Athens Agreement of 1913 and the Third Protocol annexed to the aforementioned agreement systematically spelled out the religious freedoms pertaining to the Turkish-Muslim Minority for the first time. Later, several measures were explicitly contained in the Treaty of Sevres between the Allied Powers and Greece (1920) and Treaty of Lausanne (1923). The provisions of the Athens Agreement and subsequent international treaties were incorporated to the domestic legislation of Greece with several laws and regulations that will be mentioned below.

4.2.1. Election of Muftis

Historically speaking, Muftis in the Ottoman Empire were clerics dealing with "fiqh" (*fıkıh*), or Islamic jurisprudence, and answering the religious questions of the Muslims by issuing "fatwas" (*fetva*). The so-called "s'heria" (*şeriat*), the holy

law of Koran, was practiced by Islamic judges called “kadı” to settle legal disputes between fellow Muslims. Despite the fact that these two institutions were separate during the Ottoman era, Greece chose to merge these two institutions by giving muftis the authority to practice *ş’heria* in legal matters pertaining to the personal and family status of the Muslims. When the Muslim-Turks living in the region became a minority in a country populated heavily with the Christians, Muftis turned out to be the social and political leader of the minority in addition to their traditional religious role. In this respect, the Muftis have a special status and importance in the context of Western Thrace as opposed to the Muftis in Turkey and other countries heavily populated by Muslims.

The duties and functioning of the Mufti offices in Greece were explicitly mentioned under Article 11 of the Athens Treaty of 1913, which stated that Muftis would be chosen by the Muslims in their regions, the candidates for the Archmufti (*Başmüftü*)³⁴ would be determined by the committee of all Muftis in Greece and appointed by the King of Greece. The article also put forward that Greece would inform *Şeyh-ül İslam* (the highest Islamic authority residing in the Ottoman capital) through her Embassy in Istanbul to acquire an approval and attestation (*berat*) for the Archmufti so that he could supervise other Muslims living in Greece.³⁵ It was also written that Muftis would exercise religious duties, supervise the administration of waqf properties, and settle legally the disputes of Muslims regarding their personal and family matters (like marriage, divorce, alimony, guardianship, age of consent,

³⁴ Aarbakke (2000: 327) argues that the Archmufti envisaged by the Greek authorities was thought of corresponding to the Greek-Orthodox Patriarch in Istanbul, and his relationship to the other Muftis was perceived as the relationship between the Patriarch and the Metropolitans.

³⁵ The Article also states that the name of the Ottoman Sultan will continue to be mentioned in the sermons at the mosques in Greece. The Athens Treaty envisaged a symbolic attachment between the Muslims in Greece and the Ottoman Sultan, as well as the imperial religious authority.

inheritance, will formation, donations for waqfs). Their decisions would duly be enforced by the Greek authorities.

The Third Protocol Annexed to the Athens Treaty of 1913 elaborated on the status of the Archmufti and Muftis by acknowledging that they will enjoy the same rights and obligations as Greek state officials. The Archmufti would inquire about the competency of Muftis, the documents prepared by Muftis would be duly examined and approved by the Archmufti, the Archmufti would audit the administration of waqfs and, the Archmufti and Muftis would supervise the education in Muslim schools together with the relevant Greek officials. Muftis would only be removed from their office according to the procedure described in Article 88 of the Constitution of the Kingdom of Greece, and Greece would open a special school to raise religious clergy in command of s'heria.³⁶ Furthermore, Article 40 and 42 of the Lausanne Treaty envisaged religious autonomy, protection for religious establishments and privileges for the legal settlement of personal and family matters of Turkish-Muslims.

The extensive provisions of the Athens Treaty regarding the Muftis were incorporated to the domestic legislation of Greece by the “Law on the Election of Muftis and Archmufti and Administration Waqf Properties Belonging to Muslim communities” (No: 2345, published in the Official Gazette ΦΕΚ 148/24.06-03.07.1920), which remained effective until new legal instruments were devised by Greece regarding waqfs (No. 1091 in 1980) and Muftis (No. 1920 in 1991).³⁷

³⁶ With reference to the never-ending dispute over building a mosque in Athens, it should be noted here that Article 4 of the Protocol III of the 1913 Athens Treaty reads as follows: “The Government of the Kingdom (of Greece) would build one mosque in the capital, and four mosques in the villages where there is a need, by covering any expenses attached”.

³⁷ The Jewish community in Greece was given the right to select its own Chief Rabbi and other Rabbis according to Law 2456 that was also enacted in 1920, and Jews have exercised this right in a relatively free manner.

According to the procedure about the election of Muftis as stipulated in Article 6 of Law 2345/1920, candidates apply with their dossiers to the Prefecture, who submits them to the Ministry of Education and Religious Affairs with his own assessment, and the Minister might approve their candidature and send the documents to the Archmufti. Upon the request of the Archmufti, the Prefecture conducts the elections with the participation of all Muslims living in the relevant district in a secret ballot. Once the election results are approved by the Court of First Instance, the Minister of Education and Religious Affairs legally appoints the Mufti, who undertakes an oath as a civil servant before the Prefect.

As regulated by Article 10 of Law 2345/1920, in addition to their ordinary duties (undertaking religious duties and deciding on the personal and family matters of Muslims), Muftis are entitled to tutelary powers over the administration of waqf properties, and over the people providing religious and educational services to the community. The legal decisions given by Muftis are null and void unless they are approved by the courts of first instance, which would examine whether there is a breach of competence. Muftis are entitled to use Turkish among themselves or in communication with minority institutions.

Although Article 1 of Law 2345/1920 mentioned that specific legislation would be prepared for the election of Muftis (enactment of a royal edict regarding elections was also foreseen in Article 6-8) and the administration of waqfs, Greece has never prepared any legislation regarding the election of Muftis, and the election of waqf administrators was made possible with the Royal Edicts in 1949.³⁸ While

³⁸ Aarbakke (2000: 76) reports that in the positive climate created by the Agreements between Greece and Turkey in 1930, the minority members of the Greek Parliament asked for a separate legislation to clarify the status of Muslim establishments (Muftis, pious foundations, school boards etc). The comprehensive draft law of the Venizelos government was presented to the Greek Parliament on 13 June 1930, but it was never ratified for reasons unknown. The draft law (available in Cin, 2003: 412)

avoiding to apply formally the provisions of Law 2345/1920, the Greek authorities appointed the Muftis after consultations with leading minority members. For example, the minority press reported that the Greek government appointed Yusuf Sabrioğlu as the acting Mufti of Komotini when (Hafız) Hasan Hilmi died in 23 June 1948. Two days later prominent minority figures organized a meeting under the leadership of the Head of Administrative Board of Waqfs in Komotini and agreed unanimously on (Hacı Hafız) Hüseyin Mustafa as the new Mufti. The administrative board of waqfs and minority MPs were authorized to undertake any initiative before the Greek authorities to secure his approval, the MPs applied to the Prefecture, who replaced Yusuf Sabrioğlu with (Hacı Hafız) Hüseyin Mustafa on 5 February 1949. During this episode, the minority press criticized the Greek authorities for appointing the mufti without even consulting the minority and referred to the provisions of the Law 2345/1920.³⁹

Similarly, when the Mufti of Xanthi died in 11 May 1949, the members of the Administrative Board of Waqfs in Xanthi organized a meeting with the representatives from villages to discuss the issue,⁴⁰ the minority MP from Xanthi, Hüseyin Zeybek personally secured the temporary (Acting Mufti or *Müftü Naibi*)

foresaw the election of Muftis, but also the appointment of the Ottoman-style Muslim judges (*kadis*) to deal with the personal and family matters of the minority. This is probably one of the earliest representations of the Greek official view regarding the separation of the judicial powers of Muftis and their religious duties. However, this did not imply the annulment of the implication of religious legal provisions whatsoever since Venizelos himself rejected such an offer by İnönü during his visit to Athens in October 1931 (Aarbakke, 2002: 85). His main concern was that such a move would mean the breach of agreements on minority protection and create a reaction of minority MPs. It looks as if the early Republican Turkish concern for limiting the influence of religious institutions was met with a resistance in Greece, who was also harboring fugitives expelled from Turkey in Western Thrace due to political considerations.

³⁹ “Trakya” Gazetesi, issues 364/28.06.1948 and 366/12.07.1948.

⁴⁰ “Trakya” Gazetesi, issues 400/23.05.1949, 404/20.06.1949 and 405/27.06.1949. Based on the news on the minority press, Cin (2003: 254) reported that the Prefecture issued an announcement for the minority people who would like to apply to the vacant Mufti position. There were 5 candidates including the Acting Mufti Mustafa Hilmi, the lawyer Halil Efendi was appointed in 1951, but his appointment was cancelled in the same day due to reaction from the minority.

appointment of Mustafa Hilmi Aga, who could only be appointed as fully crowned Mufti in 1957 due to an opposition against him among several members of the minority (Aarbakke, 2000: 329).

The selection of Mufti turned into a controversy when the Mufti of Komotini died in 1985 after 36 years of service, and Greece appointed Rüştü Ethem as an Acting Mufti without consulting the minority. Due to the reactions from the minority, he had to resign from his post the next day after his appointment. In the meantime, the Supreme Board of the Minority formed a committee composed of the minority MP, head of the administrative board of waqfs, President of the Western Thrace Minority University Graduates Association, religious personnel (members of the Sermon and Guidance Committee-*Vaaz ve İrşad Heyeti*-), and sent them to the Prefect to ask for the election of the Mufti according to the provisions of the 1913 Athens Treaty and Law 2345/1920. However, the Prefect chose to appoint Cemali Meço as acting Mufti in 16 December 1985,⁴¹ who was escorted by police while taking over his duty and legally crowned with the title later with the Council of Minister's Decision of 30.03.1990.

Since the Greek procedure for appointing the Mufti was “both authoritarian and questionable” (Aarbakke, 2000: 332), the minority protested vividly against the appointment of Cemali Meço and called on him to resign. When the minority deputy Mehmet Müftüoğlu presented a written question to the Minister of Education and Religious Affairs on the issue, it was argued that Law 2345/1920 was invalid and the appointment of Muftis was done according the customs and traditions since 1919

⁴¹ Cemali Meço completed his religious education in Saudi Arabia, which made him an appropriate candidate for Greece in order to limit Turkey's influence. It should be noted here that the minority did not react, at least initially, to the personality of Cemali Meço, but the procedure of appointment that breached domestic and international legislation concerning the status of Muftis.

(Cin, 2003: 258).⁴² In the meantime, the minority started to show their non-approval of the “appointed” Mufti by refereeing him as “traitor”, “occupier” and “puppet”.

The situation got tenser when the Mufti of Xanthi died on 12 February 1990 after 51 years of service. The Prefect appointed the son of late Mufti, Mehmet Emin Aga, who was already running the Mufti office as an employee due to his father’s old age, as Acting Mufti. As the country was getting prepared for the general elections in April, the Supreme Board of Minority advised him to accept such a temporary appointment conditionally upon the holding of elections envisaged in Law 2345/1920 as soon as possible. Despite his conditional acceptance, Mehmet Emin Aga resigned from his temporary post when the government appointed Cemali Meço permanently on 30 March 1990 contravening Law 2345/1920. Later the request of the minority to elect its own religious leaders was transmitted to the government via telegrams written by the minority MP, minority mayors and heads of communes, and minority members of local municipal councils.

Faced with the *immobilisme* of the officials to conduct elections for the Mufti office of Xanthi, the Supreme Council of Minority decided to organize elections in the mosques of Xanthi on 17 August 1990 following the Friday afternoon prayer. Aga took more than %80 of the votes cast by raising hands and was elected as Mufti of Xanthi. Ahmet Faikoğlu, independent minority MP from Xanthi, wrote to the Prefect of Xanthi and transmitted the minority’s wish for Aga to be appointed according to the results of the election. Having been inspired by the self-organized Mufti election in Xanthi, the minority people in Komotini started preparations for an election as well. On 15 December 1990, the Sermon and Guidance Committee selected three candidates and announced elections to be held on

⁴² In this way, Greece hinted that the provisions of the aforementioned law were never implemented.

28 December 1990. As a result of the elections conducted in the mosques of the Rodopi province, İbrahim Şerif got nearly 95% of the votes casted by raising hands and was elected as Mufti of Komotini.⁴³

Meanwhile, being alarmed with the Mufti elections in Xanthi, the Mitsotakis government prepared a new law on the appointment of Muftis to replace Law 2345/1920. New legislation was made effective in a great hurry six days before the Mufti elections in Komotini in accordance with Article 44 of the Greek Constitution, without feeling any need for a dialogue with minority (Aarbakke, 2000: 510).⁴⁴ When the new law was debated in the Hellenic Parliament, it was argued by the government that Muftis were also appointed in the “Muslim countries including Turkey” and the objections raised by the independent minority MPs were simply ignored. On top on the fact that the provisions of the new law were against the treaty obligations of Greece, it is also interesting to note that the elections of Muftis was common procedure in neighboring Balkan countries with Muslim minorities.

The Law 1920/1991 was “formulated so that it is possible for the Greek authorities to be in firm control of the selection process” (Aarbakke, 2000: 510). In case of a vacancy of the Mufti post, the new law envisaged that the Prefect would issue an announcement for the functioning imams, who are graduates of faculties of theology to submit their applications. Dossiers of the applicants would be submitted by the Prefect to the General Secretary of Eastern Macedonia and Thrace (who is the

⁴³ Nearly 8.000 people participated to the election in Xanthi, whereas 12.000 people took part in the elections in Komotini (*Akın*/01.01.1991).

⁴⁴ Aarbakke (2000: 510) indicates the urgency attached to the new legislation by reporting that the Prime Minister called the leaders of the two major opposition parties to his office before the law was introduced by a presidential decree. Such a consensus was necessary since presidential decrees with the power of law must be approved by the parliament within 40 days or they are rendered invalid according to the Article 44 of the Constitution, which reads as follows: “In exceptional circumstances, when an extremely urgent and unforeseeable need arises, the President of the Republic may, on the proposal of the Council of Ministers, adopt legislative acts. These acts must be submitted to Parliament for approval ... within forty days ...” (emphasis added).

highest appointed representative of the government in the region). The General Secretary would then form a committee of 11 religious functionaries or notable “Hellenic Muslims” that would work under the presidency of the Prefect and evaluate the candidates by preparing a report on their qualifications. Muftis are finally to appointed by the President for the duration of 10 years upon the proposition of the Minister of Education and Religious Affairs. It was also stated in the new law that the Muftis would be considered state officials of first class and paid as much as a General Director of any public institution.⁴⁵

Article 5 of the Law 1920/1991 described the duties of the Muftis and put forward that Muftis undertake religious duties specified by the holy Islamic law (*s’heria*), appoint, discharge, supervise and audit the religious staff and perform judicial powers in the personal and family matters of the Muslims (marriage, divorce, alimony, guardianship and inheritance). It was also clarified in the law that the disputed decisions of Muftis would be subject to a legal review by the Courts of First Instance who would evaluate them on the basis of their constitutionality and breach of competence by Muftis. The law envisaged an establishment of a theology division under the Special Pedagogical Academy in Thessaloniki to educate religious staff for Muslims.

The controversy over the execution of the new law turned into a real confrontation when the Prefect of Xanthi issued an announcement for the appointment of the Mufti of Xanthi on 6 May 1991, which brought the appointment

⁴⁵ In addition to the power of discretion assigned by the new law to the Secretary General while forming the committee, the new law also offered some exhaustive powers to the Prefect. For example, in case of a non-attendance of the members of the committee to evaluate Mufti candidates, the Prefect could prepare the report by himself (Article 1-5), he could appoint any *imam* , *hatip* or *vaiz* as an Acting Mufti until the permanent Mufti is appointed according to the procedure (Article-3). In order to legitimize the appointment of Cemali Meço in Komotini, the government put a special clause to the new law stating that “Muftis appointed before the publication of this law would be legal and carry out their duties for 10 years after the publication of the law” (Article1-7).

of Mehmet Emin Şinikoğlu to the post on 22 August 1991. The “elected” Mufti of Xanthi, Mehmet Emin Aga, and hundreds of his supporters protested the appointment by sitting in front of the Mufti office and declaring that Aga would not leave his office. On 24 August 1991, however, the “appointed” Mufti was escorted by the police to take over the office. Events went out of control and demonstrators were attacked by local nationalists, which led to the hospitalization of several minority people including Aga and the smashing of shops owned by the members of the minority.⁴⁶

The appointment of Muftis in Xanthi and Komotini was widely protested by the minority, whose members perceived those appointments as illegitimate and a breach of religious freedom enshrined in the Lausanne Treaty. The religious staff refused to read the call for prayers (*ezan*) in Xanthi, the mosques were kept close for two weeks in Xanthi and Komotini (*Milliyet*/28.08.1991), the authority of the “appointed Muftis” was not recognized and the mosques were evacuated immediately after the appearance of the “appointed” Muftis. In addition to various formal acknowledgements and demonstrations by the Turkish government, the Organization for Islamic Conference (the OIC) condemned this serious breach of religious freedom religious in its numerous decisions.⁴⁷

Ever since 1991, there is a “dual Mufti” system in Western Thrace: the ones “appointed” by the Greek state against the will of the minority and the ones elected by the minority as a response to state’s the lack of dialogue. While the “appointed”

⁴⁶ *Ileri* (06.09.1991) reports that some 20 to 50 minority people were injured and 10 shops were attacked, whereas Aarbakke (2000: 514), based on a Greek newspaper (*Rizospastis*/25.08.1991), mentions that “13 Muslims were injured”.

⁴⁷ The “Solidarity Association of Western Thrace Turks” established by the members of the minority immigrated to Turkey, decided to show its solidarity in a rather reciprocal manner, and blockaded the entrance of the Greek-Orthodox Patriarchate in Fener between 25-29 August 1991. The Ministry of Foreign Affairs of Turkey rejected accounts trying to accuse the Turkish government for the protest, and declared that “Turkey would not retaliate against the Patriarchate as a response to the Mufti question in Greece” (*Milliyet*/28.08.1991).

Muftis can only undertake their quasi-judicial duties listed in Law 1920/1991 regarding the personal and family matters of the minority people, as well as interact with the few religious staff they appointed to the mosques in the city centers of Komotini and Xanthi, the “elected” Muftis enjoy the esteem of the minority as religious/spiritual leaders, attend to invitations extended by the minority NGOs and people living in the villages, and regulate the religious services provided in the mosques especially in the rural areas.⁴⁸

While the “elected” Muftis act as the religious and spiritual leader of the minority, they faced legal obstacles and pressure. In 1991, the Public Prosecutor of Rodopi pressed charges against İbrahim Şerif, the elected Mufti of Komotini, for having usurped the functions of a minister of a “known religion” and for having publicly worn the dress of such a minister without being legally entitled to do so (Articles 175 and 176 of the Criminal Code). In a trial held in Thessaloniki “for security reasons”, the religious messages issued İbrahim Şerif for the minority on religious occasions (like *Regaip* and *Berat Kandilleri*), delivering keynote speeches in the events he was invited as “elected” Mufti, wearing a black gown in religious ceremonies, and finally exercising the quasi-judicial functions of “the lawfully appointed Mufti”. Şerif was ultimately sentenced to a commutable sentence of six months of imprisonment, which constituted the main reason for his application to the ECtHR that will be elaborated in the next chapter.

Compared to what İbrahim Şerif went through as an “elected” Mufti of Komotini, the situation of the “elected” Mufti of Xanthi was more dramatic. Between

⁴⁸ In fact, the dual existence of the “appointed” and “elected” Muftis in Komotini and Xanthi brought the *de-facto* implementation of the model of “Muftis and Religious Judges (*Kadı*)” envisaged in the futile draft law prepared by the Venizelos government in 1930 upon the request of minority MPs. It can be argued that currently the “appointed Muftis” function as religious judges by practicing the religious jurisdictions, whereas the “elected” Muftis organize the provision of religious services and act as the religious/spiritual leaders of the minority.

1994-1997, there was a total of 14 different set of proceedings against Mehmet Emin Aga for having usurped the functions of a minister of a known religion by issuing religious messages in the capacity of the Mufti of Xanthi. He was convicted to more than 100 months in prison and spent some 6 months in jail in 1995 until he was allowed to pay for the remainder of his sentence due to his deteriorating health condition. The imprisonment of Aga and never-ending legal persecutions led to official protests by Turkey and other international actors. The Greek Helsinki Watch and Minority Rights Group-Greece jointly described the prosecution of Mehmet Emin Aga as “certainly the most outrageous case of violation of human rights of an individual in Greece”.⁴⁹ Amnesty International declared that Greece was violating Mehmet Emin Aga’s freedom of thought, religion and conscience and considered adopting him as a “prisoner of conscience”.⁵⁰ As will be analyzed in the next chapter, Greece was convicted before the ECtHR four times for breach of freedom of religion and conscience only in the case of Aga.

4.2.2. Administration of Muslim Pious Foundations (Waqfs)

According to its Islamic definition, the term “waqf” denotes an inalienable religious endowment, or withdrawing a moveable or immovable property from market exchange and alienating it for a specific (charitable, pious or religious) purpose (Isin and Lefebvre, 2005: 11). With the help of this institution, donors had

⁴⁹ “Greece: Religious Discrimination and Related Violations of International Commitments”, A Joint NGO Report by Greek Helsinki Report and Minority Rights Group-Greece (11 March 1999), available on “<http://www.greekhelsinki.gr/english/reports/ghm22-3-1999.html>”. The Greek Helsinki Report has a separate file on Mehmet Emin Aga (“The Freedom of Religion and Expression on Trial: the Case of Mehmet Emin Aga”) available on “<http://www.greekhelsinki.gr/pdf/mehmet-emin.pdf>”, both last accessed on 3 November 2010).

⁵⁰ Amnesty International, News Service 31/98, “Greece: Possible Adoption of Mehmet Emin Aga as a Prisoner of Conscience”, available at “<http://www.amnesty.org/en/library/info/EUR25/014/1998/en>” (last accessed on 7 March 2010).

an opportunity to endow their inalienable revenue-bearing assets for the provision of a certain social service. As noted by Isin and Lefebvre (2005: 12), the Islamic world witnessed various endowments (from small-scale beneficence to large-scale public welfare projects like fountains, meadows, mosques, schools, hospitals, imarets) and beneficiaries (scholars, students, religious staff, indigents, family members).

In the Ottoman Empire, and within the framework of the *millet* system, the pious endowments were not limited to Muslims and played a crucial role in the social and economic organization of the Empire. It was estimated in the eighteenth century that the combined income of 20.000 waqfs existing in the Ottoman Empire equalled one-third of the imperial revenue (Kuran, 2001: 849). Furthermore, in addition to providing beneficence to people due to their spiritual or social status, the Ottoman waqfs generated a whole range of agents involved in supervising, managing and running them.⁵¹ Foundations of waqfs and appointment of supervisors, managers and trustees have inevitably created an “urban civic administration” (Isin and Lefebvre, 2005: 17).

Until the reforms introduced during the Tanzimat Era, each waqf were separately administered by the “board of trustees” (*mütevelli heyeti*) defined in their founding statutes. Later, in order to handle the issues pertaining to the waqfs and to prevent mismanagement, a separate ministry in charge of waqfs (*Evkaf Nezareti*) and its local branches were established. While the Ottoman Empire was on a gradual retreat from the Balkan (*Rumeli* or *Roumelia*) region, the Muslim-Turks remaining in the lost territories replaced those local branches of the *Evkaf* ministry with the “Muslim Community Administrations” (*Cemaat-i İslamiye İdareleri* or

⁵¹ Isin and Lefebvre (2005: 12) argued that beneficence is only one of the four socio-legal aspects of the Ottoman waqfs they have identified. The additional aspects were protection of property, safeguarding inheritance and capital accumulation.

Mousoulmaniki Dimogerontia) to centralize the administration of different waqfs in their city or town and to meet their social, religious and educational needs.⁵² In addition to the central administrative board, these Administrations had specialized committees in charge of waqfs (*evkaf komitesi*),⁵³ education (*maarif komitesi*), orphans (*eytam komitesi*), financial matters as well as their own secretary.

Having worked in close cooperation with the local religious leaders (Muftis), the Muslim Community Administrations undertook important functions like appointing the board of trustees for different waqfs, auditing their accounts, administering mosques and other religious institutions by financing all their expenses and paying the salaries of their staff, covering the expenses of Muslim schools, appointing and providing remuneration for their teachers, providing beneficence for the weak and poor, acting as legal guardians of the orphans, financially supporting Turkish newspapers and local religious courts (Adıyeke, 2001: 43-63). As one of the natural consequences of the compulsory population exchange between Greece and Turkey, all Muslim Community Administrations (except the ones in Western Thrace that were excluded from the population exchange) and all waqf properties were liquidated.⁵⁴

The legal status and autonomy of waqfs in Greece were first mentioned in the 1881 Istanbul Convention, but they were defined in detail in the 1913 Athens

⁵² Adıyeke (2001: 24) and Eren (1994: 2131) mention that Muslim Community Administrations might have first been introduced by the Ottoman Governor Mithat Paşa between 1864-1868 in order to centralize waqf administrations and to provide effective management for their properties.

⁵³ Muslim Community Administrations did not replace the board of trustees of individual waqfs, but they rather played a supervisory role. Considering that Muslim Community Administrations have also dealt with some other issues in addition to the administration of waqfs, in most places they delegated their supervisory role to sub-commissions called committee of waqfs (or *evkaf komisyonu*) (Adıyeke, 2001: 55). *Evkaf* is the plural form of the Ottoman word *vakıf*.

⁵⁴ After their liquidation, archives of the Muslim Community Administrations in Greece (except the ones in Western Thrace) were transferred to Turkey. They are currently preserved by the General Directorate of Waqfs-Regional Directorate of Istanbul and are open to scholars. Adıyeke's (2001) study represents one of the few, if not only, example of scholarly work utilizing these primary sources.

Treaty, according to which the hierarchical and administrative organization of the Muslim Community Administrations would remain intact, their moveable and immoveable properties would be protected, and their relationship to the religious leaders (Muftis), who had jurisdiction over the management and audit of waqf properties, would stay unhindered (Article 11). The waqf properties left in the evacuated territories would be managed by the Muslim Community Organizations, Muslim charitable/religious organizations would be eligible for state aid in case their revenues did not match their expenses (Article 12), and the legal personality of these organizations would be recognized (Protocol 3-Article 13).

The Treaty Concerning the Protection of Minorities in Greece (Sevres-1920) denotes that Greek nationals belonging to racial, religious or religious minorities shall have an equal right to establish, manage, and control charitable, religious and social institutions (Article 8). Greece shall ensure full recognition and all facilities to pious foundations (waqfs) and Muslim religious and charitable establishments, and not refuse the creation of new religious and charitable establishments and/or any of the necessary facilities guaranteed to other private establishments of this nature (Article 14). These progressive provisions of the 1920 Sevres Treaty were repeated in the 1923 Lausanne Treaty (Articles 40 and 42) with almost the same wording.

According to Article 12 of the “Law on the Election of Muftis and Archmufti and Administration Waqf Properties Belonging to Muslim Communities” (No: 2345, published in the Official Gazette ΦΕΚ 148/24.06-03.07.1920), which incorporated the provisions of the 1913 Athens Treaty into Greek domestic legislation, members of waqf committees would be elected by the Muslim electorate for the duration of three years. The number of committee members, their election

procedure and administration of waqf properties would be regulated by a Royal Edict.⁵⁵ These Committees would prepare their budget, by which the income derived from waqfs would be spent on education, honorarium and *per diem* paid to the Muftis and Head of Administrative Committees, the building and reconstruction of religious establishments and charities.

The Turkish-Muslim Minority of Western Thrace had to wait for nearly 30 years for the publication of the Royal Edict for the formation of administrative committees mentioned in Articles 12-14 of the Law 2345/1920. According to the Royal Edict on the formation and election of the administrative committees dated 16 June 1949,⁵⁶ committees would be composed of 12 members in Komotini and Xanthi, and 7 members in Alexandroupolis and Didymoticho. The General Governor of Thrace was in charge of conducting elections that would be attended by the Muslim electorate on the basis of the rules/regulations pertaining to local elections.

The Royal Edict also stated that committees would administer all properties belonging to the schools and religious establishments in the city centers, as long as they do not have their separate board of trustees (*mütevelli heyeti* for waqfs) or councils (*encümen heyeti* for schools). The administrative committees would also appoint and pay the salaries of the religious staff and teachers working in the establishments under their control. Administrative committees were legally placed under the close scrutiny of the General Governor of Thrace in such a way that their

⁵⁵ In the aforementioned article it was also stated that until the enactment of separate legislation, committees of 7 to 12 members would be set up in the Muftis offices and their President and Vice-President would be elected to legally represent the Committee. Article 14 foresaw the temporary supervision of waqf properties by the Muftis, who could not lend property for more than a year and could not spend more than the average expenses of the previous year due the temporary nature of their supervision.

⁵⁶ The Royal Edict mentioned here was published in the Official Gazette ΦΕΚ 164/29.07.1949. It should also be noted that another short Royal Edict was published in 28 September 1949 to change some provisions of the previous Edict regarding the announcement of elections as well as the date of commencement of the duty of the elected committees. The second edict was issued for practical purposes to ensure the smooth implementation of the first one.

annual budget needed to be approved by the General Governor, who had the power to discharge the members of the Committee in case of breach of duty, unethical conduct or loss of eligibility criteria.

Elections for the administrative committees took place in Komotini, Xanthi, Alexandroupolis and Didymoticho according to the procedure described in the Royal Edict between 1950-1961.⁵⁷ The leaders of the minority prepared separate lists of 7 or 12 members, and the list which acquired most of the votes got elected. However, in the elections of 16 July 1961, the governors obliged all candidates to compete in a single list, and the first 7 or 12 individuals with the highest number of votes got elected. Later in the elections of the 23 October 1964, the Turkish-Muslim Minority was only allowed to elect half of the members of the administrative committees (6 out of 12 or 3 out of 7), whereas the rest of the members were directly appointed by the state (Adıyeke, 2001: 43-63). While some scholars argued that changes in the last two elections introduced by separate Royal Edicts (No: 420 and 649) aimed to secure the candidates of the conservative fraction of the minority some places in the administrative boards (Oran, 1991: 157), deteriorating bilateral relations between Greece and Turkey might have also played a role.

In 1967, the waqf administrations of Turkish-Muslim Minority of Western Thrace were adversely affected by the Law 65/1967 that was published by the military junta and replaced all elected members of public legal personalities with the appointed ones to “restore public order” (Oran, 1991: 157).⁵⁸ Furthermore, the

⁵⁷ Adıyeke (2001: 32) claims that there were six administrative committee elections between 1950-1967, but she only reports the dates of 5 elections as follows: 22 January 1950, 25 October 1953, 2 June 1957, 16 July 1961 and 23 October 1964.

⁵⁸ Legally speaking, the waqfs and Muslim Community Administrations were private law legal personalities. Therefore, the application of the provisions of the Law No: 65/1967 by the junta to the historical institutions of the minority was indeed legally questionable. Oran (1991: 157) argues that the junta wanted to implement the same provisions to the administrative board of the Greek Jews, but could not proceed due to international pressure.

Muslim Community Administrations were officially renamed as “The Committee in Charge of Muslim Properties”. The change in the name of these historical institutions meant that the “Muslim Community Administrations” with extensive autonomous powers regarding the functioning of religious and educational establishments were merely reduced to the level of simple boards of accounting keeping track of several waqf properties. The military junta legally dissolved the administrative committee in the city of Alexandroupolis with the pretext that there was not a separate Mufti office in this town. Later, the administrative committee in Didymoticho was *de-facto* abolished when the acting Mufti in this city overtook the responsibility of managing waqf properties.

Last but not least, the military also appointed the board of trustees of the waqfs in the villages directly. In spite of the existence of a unified administration for the waqf properties in the four big cities (namely Komotini, Xanthi, Alexandroupolis and Didymoticho), the waqf properties in the hundreds of villages in Western Thrace were administered by the board of trustees elected popularly by the locals and subsequently appointed by the Mufti.⁵⁹

With the replacement of the elected members of the committees with the appointed ones that were under the direct control of the state authorities, the minority’s access to its one of the traditional institutions constituting the social and economic backbone of its communal life was prevented. In addition to the recruitment of religious staff and teachers for religious establishments and schools communally owned by the minority, the income derived from various waqf

⁵⁹ The minority is actually in favor of a central administration of all waqf properties in the Prefectures of Rodopi, Xanthi and Evros so that the ones in the villages would be placed under the authority of the administrative communities in the city centers. Aarbakke (2000: 86) mentions that minority MPs proposed a law for the unification of village waqfs with the Muslim Community Administrations in the cities in April 1927, but the General Governor of Thrace did not want such a centralized and strong administration.

properties had traditionally been used to finance the minority's communal life. The elected heads and members of the committees remained silent to the extensive expropriations of several valuable waqf properties and mismanagement of the existing ones. In fact, in most cases the expropriations were neither legal nor fairly compensated according to the market value of the property concerned. The elected heads and members did not contest the deliberate actions of the government targeting waqf properties and the minority at large did not have any means to raise its voice without having insider information about the administration of waqfs.⁶⁰ It was also reported that a non-Muslim Greek citizen was appointed as the head of an administrative committee in 1973 (Bahçeli, 1990: 181).

Traditionally speaking, the heads and members of the Muslim Community Administrations enjoyed a high degree of respect by the minority as their elected representatives, and in many cases the heads of these administrations were later elected as minority MPs if/when they participated in national elections. The direct interference of the Greek authorities in communal administration also hampered the emergence of the political leaders of the minority and thus indirectly limited its political representation. As Adıyeke (2001: 42) rightly pointed out, the issue of the waqf administrations is not only related to the management of Muslim pious foundations, but also the issue of collective representation of the minority vis-à-vis the Greek authorities and other international actors, including Turkey.

With the fall of the junta in 1974, the minority began to ponder the possibility of electing the members of the administrative communities in Komotini,

⁶⁰ The choice of the military junta to head administrative committees also reflects their intention. Despite the interference by the state authorities in the 1961 and 1964 committee elections, the elected committees were generally dominated the progressive members of the minority. The junta, however, appointed the conservative leader Hafız Yaşar as the head of the committee in Komotini and Şevket Hamdi in Xanthi.

Xanthi and Didymoticho. Nonetheless, the Hellenic Parliament produced a rather authoritarian draft law on the Muslim pious foundations in August 1979 to take advantage of Turkey's fragile domestic situation caused by inner political confrontation and violence (Oran, 1991: 271). Once the provisions of the new law were known by the Turkish-Muslim minority of Western Thrace, minority MPs and NGOs announced that the minority would not accept the new law.

Law 1091/1980 ("On the Administration of the Waqfs and Their Assets Belonging to the Muslim Minority in Western Thrace") enacted on 12 November 1980 made an explicit reference to the Lausanne Treaty of 1923 and principle of reciprocity.⁶¹ It also described each and every waqf as a separate "private law legal personality" belonging to the minority, and stated that these legal entities would be separately administered by a committee of 5 members, who would be elected by the minority people living in the municipality or village where the waqf exists. By partly imitating the situation of the non-Muslim foundations in Turkey, Greece aimed to bring an end to the central administration of waqfs in the city centers and decentralize the administration of each and every waqf. The minority rejected the separation of waqf administrations by claiming that most of waqfs in the cities have just one property, and they cannot survive on their own. The formation of separate committees for each and every waqf would inevitably make them unmanageable, and Greece obviously preferred such a chaotic and decentralized model over a unified and strong administration.

Another opposition from the minority was raised against the temporary provisions contained in Article 20 of Law 1091/1980, which obliged the existing administrative committees in the cities and board of trustees in the villages to submit

⁶¹ The new law was enacted in the Hellenic Parliament in the absence of the two minority deputies, who later protested the provisions of the law as well as the deliberate timing in the Parliament.

a list of immovable assets belonging to the foundations. Committees that were directly appointed by the state were supposed to prove their property ownerships by submitting a copy of the title deed. Considering the fact that most of these waqfs were established decades ago during the Ottoman administration, they did not possess the Ottoman title deeds or manage to keep them safe during the turbulent times of wars and occupations. The law also stated that if the waqfs failed to submit the lists with the necessary documentation, the assets would lose their charitable status and be transferred to the Greek Treasury. Once more, the Greek authorities tried to mimic the Turkish implementation of the 1936 declarations, the notorious interpretation of which by the Supreme Court in 1970s led to the confiscation of some of the waqf properties acquired by non-Muslim minorities after 1936.

Moreover, Law 1091/1980 vested the Governors with several authoritarian and excessive jurisdictions, which actually contradicts the autonomy granted to the administration of waqfs according to the Athens-Sevres-Lausanne Treaties. For example, the Governors were given the freedom to appoint any minority members to any independent waqf committee by taking into account their performance in elections (Article 11), and in case of a withdrawal of one or more members from duty, the Governor had the authority to appoint someone that had participated in the elections or anyone of his choice as a replacement (Article 14). For elections to be conducted, twice as many people to be appointed to the committees were required to volunteer for the duty.⁶² Moreover, the Governors were provided with a virtual opportunity to nominate three times as much as the number of people to be appointed (Article 5), which ultimately gave him an opportunity to control the elections. The financial and administrative management of the committees were placed under the

⁶² That practically meant the nomination of hundreds of people (the number of separate waqf administration x 5 x 2)

close scrutiny of the Governor, who could initiate a mechanism of auditing at anytime (Article 16). By the same article, the Ministries of Foreign Affairs and Finance were authorized to introduce new taxes or levies on the waqf properties, which was apparently devised as a precautionary measure just in case Turkey introduced new financial obligations for the Greek-Orthodox community foundations in Istanbul.⁶³

In order to make the authoritarian and unfavorable provisions of the law attractive and appealing to the minority people, the traditional voluntary nature of waqf administrations was changed and the head as well as the members of the committees were allowed to be compensated “fairly” for their services from among the waqf budget (Article 13). For the properties belonging to the minority schools, the new law also foresaw the establishment of separate waqf committees irrespective of the existence of the board of trustees. The dual control of the school properties would inevitably bring the elimination of the last remnants of the educational autonomy adjudged in international treaties.

When the new law was being debated in the Hellenic Parliament, its drawbacks were actually mentioned by Kostas Kappos, deputy from the Communist Party of Greece (KKE), who argued that the principle of reciprocity embedded in the new law was both dangerous and unacceptable. He claimed that the individual administration of each and every waqf by separate committees would make them unmanageable, and criticized the excessive powers vested in the Governors and the absence of dialogue in the preparatory stages. Regarding the requirement of the

⁶³ It was legally stated that the implementation would later be clarified with the publication of Presidential Decrees, but it was also noted that any provision of the aforementioned law could be changed or postponed by issuing a Presidential Decree (Article 16). This also raised suspicions since the governments would have an absolute control over the waqf administrations and could even change the provisions of the aforementioned law without feeling any need for consulting the Parliament.

submission of title deeds for waqf properties, Kappos claimed that the real aim was the liquidation of waqf properties since it was obvious that such a requirement was impossible to meet.

The minority organized several meetings under the leadership of the Muftis and declared that the minority rejected the application of the new law due to its unfavorable provisions. Both the appointed administrative committees in city centre and the board of trustees in the villages refused to implement the law. That's why the government made another unsuccessful attempt with the Presidential Decree of 28 December 1981 and authorized Governors to setup *ad hoc* committees from among the minority to prepare and submit these lists. When the minority categorically rejected the submission of a list of waqf properties, Greece continuously extended the one year duration foreseen for the submission of those lists until 2008.

In the meantime, the junta appointed the head of the administrative committee in Komotini, Hafız Yaşar, who faced some legal obstacles since the Greek courts did not accept him as the legal representative of the waqf administration in case of a legal dispute with the tenants of waqf properties by arguing that each waqf should have a separate administrative committee. Having been overwhelmed with the pressure coming from the minority at large, Hafız Yaşar and two other members of the committee resigned from their post on 8 August 1989. The Supreme Board of the Minority headed by the minority MP, Sadık Ahmet, announced that the minority was in favor of the restoration of the Law 2345/1920, and the minority members of the municipal council of Komotini, who had been elected popularly in the last local elections, would take over the administration of waqf properties for six months until new members could be elected according to Law 2345/1920 (Aarbakke, 2000: 469).

When a group of minority leaders went to the headquarters of the administrative committee to take over the administration as announced, they were rejected an entry by the police. The headquarters were then kept closed for four months to allow the officials of the Ministry of Finance to inspect the archive of the waqf administration, which aimed at the *de facto* implementation of the requirement contained in Article 20 of Law 1091/1980. Between 1990 and 1995, the appointed Mufti of Komotini was obliged to take care of the administration of Komotini waqfs, but he later resigned from this duty due to the legal problems caused by the absence of a concrete legal framework.⁶⁴

On 3 January 1991, Greece issued a Presidential Decree (No: 1) for the implementation of the provisions of Law 1091/1980 regarding the elections for the administrative committees of waqfs. Having faced the fierce opposition from the minority against the implementation of the authoritarian provisions of the law, the government could not take any further steps for conducting elections. In order to overcome the deadlocked situation regarding waqfs' administration and legal problems caused by the non-execution of Law 1091/1980, the government issued another Presidential Decree in 1996 (No: 91) and resorted back to the practice of directly appointing waqf administrators introduced by the military junta.

The Presidential Degree (91/1996) gave the Secretary General of the Eastern Macedonia and Thrace Region a jurisdiction to set up administrative committees for the management of waqf properties and to appoint five members for

⁶⁴ According to Article 10 of Law 2345/1920, Muftis had an authority to inspect the administration of the waqf properties and even the possibility to overtake the administration of waqf properties until the formation of administrative committees. The supervisory role of the Muftis over the administration of the waqf properties were later annulled with introduction of the Law 1920/1991, which anticipated the appointment of the Muftis rather than their popular election and limited their competencies with the administration of religious services and the exercise of judicial competencies on personal and family matters. Therefore, in addition to replacing the mechanism foreseen for the selection of Muftis, Law 1920/1991 has also brought an end to the traditional coexistence/coassistance between the Muftis and waqf administrations by circumventing their tutelary powers on Muslim pious foundations or waqfs.

the duration of three years. Ever since 1996, Greek governments have directly appointed the heads and members of the administrative committee in Komotini⁶⁵ and Xanthi.⁶⁶ The state-appointed heads and members of the committees are generally condemned by the rest of the minority and accused of ineffective management and negligence of waqf properties.

Due to the confrontation between the state and the minority regarding the administration of waqf properties and the mismanagement of the “appointed” administrations, community foundations belonging to the Turkish-Muslim Minority of Western Thrace have lost their important assets. Only in the city centre of Komotini, more than 70 immovable properties, including lands belonging to mosques or cemeteries, were expropriated by various state authorities between 1967 and 2002.⁶⁷ In many cases, the expropriations were not compensated fairly according to the market value of the properties and, even worse, the assets were used for some other purposed than the ones stated in the expropriation decisions.⁶⁸

⁶⁵ As mentioned before, the junta appointed head of the administrative committee in Komotini resigned from his post, which brought an interim administration by the “appointed” Mufti between 1990-1995. On 21 June 1996, Sabri Boşnak and four other minority people hand-picked by the state officials were appointed to administer waqfs. Boşnak mismanaged the waqf properties in such a bad manner that the four members of the committee refused to gather under his presidency, and he was later replaced by Hasan Deli Bekir. He has been heading the administrative committee in Komotini since 24 March 1999 with the help of various extensions of his originally three-year tenure.

⁶⁶ In Xanthi, the junta appointed head of the administrative committee, Şevket Hamdi, took an arbitrary care of waqf properties during 1967-1999. On 29 April 1999, he was re-appointed to the same post with some new carefully selected members. When he died on 5 January 2005, the Secretary General of Eastern Macedonia and Thrace appointed Faik Karadayı as the new head.

⁶⁷ According to the information made available on the websites of the “appointed” Muftis of Komotini and Xanthi, the annual income of the administrative committees derived only from the waqf properties in the city centers is 733.100,77 Euro (for Komotini in 2007) and 261.414,25 Euro (for Xanthi in 2005). The figures are available at “<http://www.muftikomotini.com/index.php?m=art&c=9&n=183>” and “<http://www.iskecemuftulugu.com/index.php?m=art&c=4&n=19>” (last accessed on 5 April 2010). It is estimated that only in Komotini, there are more than 120 shops, houses and land, as well as many plots of arable fields exceeding a total of 650.000 square meters.

⁶⁸ For example, in addition to the areas owned by minority members, five different plots of land (a total of 8.138 square meters) were expropriated in 1980 by the state with the aim of constructing public housing for the workers in the area known as “*Ektenepol*”. The appointed administrative committee in charge of waqfs refused claiming the low amount of compensation adjudged. Later, the project was annulled and the expropriated plots of land were sold to commercial companies. In 1969,

The situation has been almost the same regarding the waqf properties in the other cities. In Xanthi city centre, for example, the historical mosque called *Tabakhane Camii* and its annexes were demolished and expropriated within 24 four hours on 21 December 1972 for the construction of a building for the newly established university (state authorities reportedly paid only 700.000 Greek Drachmas, nearly 2.054 Euros, as compensation). Similarly, 30 shops owned by the waqf administration in Didymoticho were confiscated for the construction of a new city square (*plateia*), and the appointed administrative committee rejected claiming 3.500.000 Greek Drachmas (nearly 10.271 Euros) adjudged arguing that the amount was even below the land value of the shops.

Furthermore, arguing the principle of reciprocity, Greek tax authorities rejected collecting income and property taxes accrued for the properties owned by the waqf administrations since 1973. At first, tax officials informed appointed waqf administrators that their properties would be exempted from income tax like the properties belonging to the Church, but they continued obliging them to fill tax declaration forms. Later, they were told that no exemption is foreseen and they will continue paying the income tax, but this time officials argued that they did not have the authority to collect the taxes. As local tax offices continued calculating debts and sending tax notices for waqf properties despite the fact that they were ordered not to accept any payment, the administrative committees accumulated huge debts, which reportedly amounted to a total of 5.000.000 Euros for the waqf administrations in Komotini, Xanthi, Didymoticho and Alexandroupolis as of 2007.⁶⁹ Although it was

a total of 29 shops owned by the waqf administration were expropriated with a mere sum of 2.000.000 Greek Drachmas (nearly 5.868 Euros) paid as compensation.

⁶⁹ As it was argued by İbrahim Onsunoglu in one of the minority periodicals [“Yine Vakıf Borçları Hakkında (On the Issue of Waqf Debts Again) *Azınlıkça*-34/January 2007], authorities first started not collecting taxes in 1971. When authorities first hypothecated waqf property, administrators were told

the state authorities themselves who rejected collecting taxes, they hypothecated some of the properties for the accumulated debts. Only in Komotini, 23 shops and one farm belonging to a waqf administration are currently hypothecated and therefore the legal rights of the administrative committee on these properties are limited.

Since the minority could not reach any concrete information regarding these unlawful and/or unjust expropriations, they could not protect or maintain their waqf properties. Partly due to the confrontation between the state and the minority regarding the legal framework pertaining to the administration of waqfs, the “appointed” members could not fulfill their responsibility either. In fact, according to the Ottoman tradition shaped mainly by the relevant provisions of Islamic law, the waqf properties were considered sacred and therefore it was forbidden to sell, exchange, expropriate, or hypothecate them.

4.2.3. Mosques, Kur’an Courses and *Medreses*

It is often reported that there are around 260 mosques and 70 *mescits* (small places for Muslim prayers) and *tekkes* (dervish lodges) in Western Thrace (Kottakis, 2000: 99). From among a total of 350 places of worship, some were deserted due to population movement of the minority towards Turkey and Western Europe especially after the 1960s. According to the provisions of the 1913 Athens Treaty (Protocol III), mosques and Muslim cemeteries are considered parts of the waqf properties, and the 1920 Treaty of Sevres obliges Greece to “protect the mosques, cemeteries and other Muslim religious establishments” in addition to not refusing the creation of new

that “it was just a procedure and they will continue using their properties. The real problem is with the other side of the border” (i.e. Turkey). It looks as if Greece administratively retaliated against the Turkish practice of expropriating properties belonging to non-Muslim foundations due to their non-declaration in 1936.

religious or charitable institutions (Article 14). In the same fashion, Article 42 of the Lausanne Treaty (1923) granted full protection to the mosques and cemeteries, while Article 40 has given the minority an equal right to establish, manage and control any charitable, religious or social institutions.

In contravention to Article 40 of the Lausanne Treaty and the freedom of religion enshrined in Article 13 of the Greek Constitution,⁷⁰ the laws dating back to the Metaxas dictatorship (1936-1941) required an official authorization by the “recognized ecclesiastical authority” and the Ministry of Education and Religious Affairs for the erection and operation of a place of worship (Iatrides, 2002: 59). In addition the restriction brought by Law 1363/1938 as amended by Law 1672/1939, Law 1369/1938 stated that if the construction of a holy place is initiated without grating necessary licenses the responsible persons would be prosecuted and the place of worship would be demolished.⁷¹

⁷⁰ The Article 13 of the Greek Constitution reads as follows: “1. Freedom of religious conscience is inviolable. The enjoyment of civil rights and liberties does not depend on the individual's religious beliefs. 2. All known religions shall be free and their rites of worship shall be performed unhindered and under the protection of the law. The practice of rites of worship is not allowed to offend public order or the good usages. Proselytism is prohibited. 3. The ministers of all known religions shall be subject to the same supervision by the State and to the same obligations toward it as those of the prevailing religion. 4. No person shall be exempt from discharging his obligations to the State or may refuse to comply with the laws by reason of his religious convictions. 5. No oath shall be imposed or administered except as specified by law and in the form determined by law” (“<http://www.hri.org/docs/syntagma>” - last accessed on 3 November 2010).

⁷¹ Cin (2003: 191) mentions that the very same restrictions and penalties were repeated later in Laws 2200/1940 and 586/1941. According to the Royal Decree of 20 May/2 June 1939, the following steps had be followed to obtain authorization to construct or operate temples : a) application signed by fifty families claiming that the distance to the existing place of worship makes it difficult for them to observe their religious duties, b) the application shall be addressed to the local ecclesiastical authority and the signatures should be attested by the local police authority, c) the local police shall issue a reasoned opinion and send the file to Ministry of Education and Religious Affairs along with its own opinion. However, Article 3 of the same degree states that in the case of a construction or operation of a place of worship (i.e. not a temple), the Ministry determines on its own whether there are essential reasons for warranting the authorization, the persons concerned shall address the ministry through their priest, and the authenticity of signatures would be certified by mayor or chairman of the district council. In this respect, looking for an authorization by the recognized ecclesiastical authority for mosques or minarets constructions may not be in line with religious freedom. However, the Supreme Court of Greece (1107/1985) held that the expression “place of worship” refers to a “temple of a relatively small size, established in a private building and intended to be used for divine worship by a limited circle of persons as opposed to a building open to the public for the worship of God by

Since “the dominant religion in Greece is that of the Christian Eastern Orthodox Church” as specified in the Article 3 of the Greek Constitution, this unspecified “recognized ecclesiastical authority” was in reality the local Orthodox Church, which sought ways to block the granting of the permit in most cases. Furthermore, as the authenticity of the applicants’ signatures are legally attested by the local police authority and the file for authorization is directly sent to the Ministry of Education and Religious Affairs by the local police authority along with its own “reasoned opinion”, law enforcement officers had a role in the construction mosques or minarets as well.

Especially in the Thracian context, the local Orthodox Churches perceived the Turkish-Muslim minority as a potential threat to the homogeneity of their exclusive definition of the “Greek nation” based on religion. Therefore, especially until the ECtHR decision of 1996 adjudging a violation of freedom of religion, the members of the minority had faced various difficulties during the construction or renovation of mosques in the villages. In almost all cases, the Bishops of Maronia-Komotini or Xanthi did not allow the height of *minarets* to exceed the bell tower of churches.⁷² In some cases, the construction of a mosque was interrupted despite the existence of the necessary license, the permits to complete half-built minarets had not been granted for years, and the villagers who insisted on building proper mosques had been subject to legal persecutions.

everyone without distinction”. It looks as if the Greek authorities treat the mosques and their minarets as if they are “temples” rather than “places of worship”.

⁷² Legally speaking, the decisions of the Supreme Administrative Court of Greece (721/1969 and 1444/1991) reveals that the “authorization” of the local ecclesiastical authority was a mere opinion, which did not bind the Minister of Education and Religious Affairs. The minority and the Greek officials did not seem to be aware of the case law, and villagers might have preferred not to proceed with their application for the construction of a mosque or minaret after the dissenting opinion by the local Orthodox Church. The examples mentioned here regarding the withdrawal of previously issued construction permits, however, illustrate the power of the opinion of Church authorities and why the minority does not generally proceed with the applications that were not initially approved by them.

For example, when the nationalist media started the campaign against the expansion of the mosque and extension of the minaret in Kimmeria (*Koyunköy*) village in September 1996, the Urban Planning Bureau in the Prefecture of Xanthi withdrew the license with the pretext that a “technical soil study” was necessary. Later, the police arrested 23 individuals for “establishing and operating a place of worship of another denomination without authorization from the recognized ecclesiastical authorities and the Minister of Education and Religious Affairs”, which resulted in the persecution of the local imam and another 14 inhabitants of Kimmeria (Chousein, 2005: 151). Meanwhile, the inhabitants had to perform their religious duties during Ramadan in the storage facilities of a local shop (Cin, 2003: 193). The license was issued for political concerns just before the 1998 local elections, although the villagers could not build a minaret of a proper height. Similarly, the head of the local Orthodox Church asked for the construction of a lower minaret in Peleketi (*Bekirli*) although he initially gave the license for a minaret of 16 meters in December 1996 (Kottakis, 2000: 186).

In most cases, the mosques and the height of the minaret were perceived as a symbol of the existence of the Turkish-Muslim minority in the village. That’s why the Greek authorities had encouraged the building of churches even in villages only populated by the minority and had created difficulties for the erection of minarets (of 16 meters, which looks like a traditional standard in Western Thrace) or renovation of mosques especially until the relevant ECtHR decision in 1996.

In Western Thrace, a proper theological school for the education of Muslim religious staff does not exist. In 1920s, there were around 15 *Medreses* (Muslim theological school) left from the Ottoman era. They had gradually been closed down because of the changes in the education system and little interest (Aarbakke, 2000:

147). When the minority failed to raise religious and educational staff, the *Medrese-i Hayriye* was revived in Komotini under the auspices of the Mufti in 1949. Another *Medrese* was set-up in the Echinos (*Şahin*) village of Xanthi in 1956.

When graduates of the Turkish teacher colleges started working in the minority primary schools after 1960, they were not favored by the authorities since they were perceived as “representatives of Turkish nationalism” and “carriers of official Turkish ideology”. As a counter-measure for the growing influence of Turkey in minority education, the Greek authorities decided to create a teaching staff dependent of them based on the conservative element in the minority (Aarbakke, 2000: 147-149) and encouraged the establishment of “*Medrese Graduate Muslim Teachers Association*” (*Medrese Mezunu Müslüman Muallimler Cemiyeti-MMMMC*) in 1966. This was followed by the establishment of “the Special Pedagogical Academy in Thessaloniki (EPATH)” in 1968 and direct interference to the *Medreses* to recruit EPATH students from among their graduates. As a result, *Medreses* that were initially established by the minority to raise religious staff turned out to be the mere breeding mechanism for EPATH to recruit and educate students from among the most socio-economically disadvantaged segments of the society, who preferably had limited or no command of Turkish.

As part of Greek interference to the teaching at *Medreses*, first the number of courses offered in the Turkish language decreased over the years in such a way that most courses are thought in Greek, except for the courses that are directly related with the Turkish language and religious matters. In *Medreses*, only 1/3 of the teaching staff is from the minority (only the graduates of the Arabic countries are allowed to teach in *Medreses* with a few recent exceptions, where Turkish or English language teachers are recruited from among graduates of Turkey). Having realized

the fact that *Medreses* were functioning without any legal basis whatsoever, Greek authorities recognized them as an equivalent to the high schools with Law 2621/1998 by increasing the duration of instruction from 5 to 6 years. Their curriculum was defined later by the decision of the Ministry of Education and Religious Affairs in 1999 (G2/5560), and they started to accept female students as well.

Despite the fact that, there are currently over 500 minority students registered in *Medreses* (around 480 in Komotini but only 25 in Echinis/Xanthi), they simply serve as the breeding mechanism for EPATH and the easiest way to earn a secondary school diploma, which is the minimum requirement to obtain some of the citizenship rights in Greece (like having a driving license or owning a commercial shop). Most of *Medrese* students drop school after secondary level, and only few of them chose to work as a religious staff (generally under the jurisdiction of the “appointed” Muftis). They are under strict control by the Greek authorities and do not constitute part of autonomous system of minority education. Despite the formal existence of *Medreses*, the Turkish-Muslim minority is deprived of an opportunity to train and educate religious staff and a considerable number of students chose to attend *İmam-Hatip* schools in Turkey or other religious courses offered by the *Diyanet* (Directorate of Religious Affairs of the Republic of Turkey).

The unofficial religious instruction at the primary school level that has generally been offered by the religious staff in the mosques is not without problems either. State officials generally perceive voluntary Kur'an courses offered in the mosques as a method of “Turkification” and chose to harass these courses administratively. For example, in 1984, tax officers were sent to inspect three courses of this kind in Xanthi and Echinis, and four religious staff were issued several fines

since they did not issue any receipts to students. Even today, three of them continue receiving tax tickets and their total debt amounts to 60.000 Euros.

4.3. Problems in the Field of Minority Education

As part of the inheritance of the Ottoman *millet* system, minorities in Turkey and Greece retained their privileges in the field of education. The educational needs of the Turkish speakers in Greece were first acknowledged after the Istanbul Treaty of 1881 with the Law 1623 of 1882 (on the functioning of the Turkish and Jewish schools) long before the annexation of Western Thrace (Dimitrakopoulos, 2004: 45). Later, the private nature of the minority schools were mentioned in the Athens Treaty of 1913 (Protocol III-Article 15) while it was also stated that their revenue sources would remain intact to cover their needs.

However, the Sevres Treaty of 1920 (Articles 8-9) and Lausanne Treaty of 1923 (Articles 40-41) constitute the legal basis of the minority education in Greece. While their respective provisions (Articles 8 and 40) state that the Turkish-Muslim minority has a right to establish, manage and control, at its own expense, any schools and other establishments for instruction and education with the right to use its own language therein, Articles 9 and 41 go even further and oblige the state to grant adequate facilities for ensuring that primary school instruction would be given to the minority pupils through the medium of their own language. In the towns and districts, where a considerable proportion of people is of minority origin, community schools are also entitled to an equitable share from public funds (be it municipal or national) to be used for educational (as well as religious and charitable) purposes.

Despite the above-mentioned provisions regarding the autonomous nature of minority education, the legal status of minority schools in Greece combines the

elements of private and public education (Dimitrakopoulos, 2004: 45), in which “overwhelming state control relegates minority self-organizational structures to a subordinate position” (Tsitselikis and Mavrommatis, 2003: 9). The structural problems of the minority education in Greece, as well as major complaints by the Turkish-Muslims, will be analyzed under the following sub-headings.

4.3.1. Primary Education

The number of minority primary schools in Western Thrace increased from 86 in 1920 to 305 in 1931, whereas the number of pupils have doubled from some 6.000 to 12.000 within the framework of domestic legislation (like Law 2781/1922 and 3179/1924) passed by the Hellenic Parliament to honor Greece’s treaty obligations (Aarbakke, 2000: 127). Despite rudimentary buildings and lack of proper equipment of the minority schools, Turkish-Muslims were free to form boards of trustees for minority schools, recruit their own teachers and use Turkish as a language of instruction.

The first set of restrictions on minority schools were brought upon by the Metaksas dictatorship of 4 August 1936, which initiated a period of greater control by establishing the post of General Inspector for Foreign and Minority schools, appointing two inspectors for minority schools, introducing exams to test the language capabilities of minority teachers in Greek, and beginning of the teaching of Greek in minority schools (Aarbakke, 2000: 130).

Despite the fact that minority education was largely interrupted during the 1940s due to the unfavorable conditions caused by the occupation and Civil War, the improvement of Greek-Turkish relations and the 1951 Cultural Agreement between the two countries benefited the education system of their respective minorities.

Although the agreement did not have specific provisions regarding minority education, it rather functioned as a commitment device by envisaging the possibility of exchanging teachers and cultural as well as educational cooperation. In a similar fashion, when the deterioration in bilateral relations undermined the education of minorities in the 1960s, Greece and Turkey concluded a Cultural Protocol on 20 December 1968 after a series of meetings of the Permanent Mixed Commission envisaged in the 1951 Cultural Agreement. However, extensive measures contained in the 1968 Protocol to improve minority education could not be implemented fully due to political confrontation over the Cyprus issue.

Within the positive environment created by the Greco-Turkish friendship and the 1951 Cultural Agreement, the lack of an institutional and structural framework for the minority education was first addressed by Law 3065/1954. It was indeed one of the few documents where the minority was officially called “Turkish” by naming minority schools “Turkish schools”. The law explicitly stated the procedure to be followed for the opening of new Turkish schools, their curriculum, elections for the board of trustees in each minority school, appointment of minority teachers and minority school inspectors.

4.3.1.1. Schools and Curriculum

Within the framework of Law 3065/1954 and relevant subsequent orders, minority schools in Western Thrace officially used the name “Turkish schools” in their seals, emblems, documents and diplomas they issued in Greek and Turkish languages. However, the local educational authorities and representatives of the government continued calling them “Muslim schools” in their correspondence. As documented by Iliadis (2004), the Coordinative Committee of Thrace decided to

pressurize principals and teachers to avoid using the word “Turkish”.⁷³ Later, several provisions of the Law 3065/1954 were changed with the Law 1109/1972, which legally used the term “minority schools” and transferred the powers of the General Governor of Thrace to the Prefects (of Rodopi and Xanthi).⁷⁴ Later in 1977, Law 694 explicitly stated under Article 1-1 that “the word ‘minority’ refers to the *Muslim* minority in Western Thrace” (emphasis added). The educational affairs of the Turkish-Muslim Minority of Western Thrace were officially linked to the principle of reciprocity with the Law 694/1977 (Article 1-1-c).⁷⁵

According to Law 3065/1954, the minority was able to set up a new primary school by collecting a minimum of 15 signatures from any village or district and submitting the petition to the General Governor of Thrace. Law 694/1977 has put this procedure under the total discretion of the Governor, who would define the minimum number of applicants on the basis of the village/district concerned, total number of inhabitants in the village/district, and “principle of reciprocity” (Article 5). The permit for establishing minority school is issued (or withdrawn) by the Governor and approved by the Minister of Education, who has a jurisdiction regarding the equivalence of the minority schools to the state schools on the basis of reciprocity. Despite the fact that “the principle of reciprocity” was already mentioned

⁷³ Oran (1991: 121) mentions an episode, where the principal of the minority school in the village of Echinis (*Şahin*) was harassed by police authorities and purged since he laid a wreath with the text of “Turkish School of Echinis” in an official ceremony. He also refers to the press clippings from minority newspapers, where journalists criticized inspectors for addressing minority schools as “Muslim”.

⁷⁴ Oran (1991: 123) argues that the authorities have finally managed to legalize their practice of calling “Turkish” schools “minority schools” with Law 1109/1972. The law also abolished all previous privileges by stating in Article 12 that “all conflicting provisions and or provisions that might exceed the present law are abolished”.

⁷⁵ Article 1 of the Law 694/1977 reads as follows “The education of the Muslim minority in Western Thrace is conducted according to the a) provisions of the Lausanne Peace Treaty, b) provisions of the Law 309/1976 on general education, and c) in any case within the framework of the present law, with the exception of *the principle of reciprocity* between states” (emphasis added). Although the provisions of the Law 694/1977 were already very restrictive and authoritarian, Greece hinted that it could get even worse on condition of the Greek-Orthodox minority in Istanbul.

in the preamble of the Law 694/1977, the continuous reference to the same principle in the subsequent articles clearly displays the rigid understanding of Greece in one of the crucial minority rights, that is education.

Furthermore, similar to Article 1-3 of Law 3065/1954, Article 8-2 of Law 694/1977 also required all existing minority schools to submit an application to obtain permits for their establishment and operation. Although this requirement could be considered normal for Law 3065/1954, which was the first comprehensive legal instrument governing the status and operation of minority schools, the repetition of the same requirement in 1977 was nothing more than the tightening of administrative control and an attempt to make sure that all existing minority schools accepted and implemented the restrictive and authoritarian provisions of the new law to continue functioning.

Regarding the Boards of Trustees in each minority school, Law 3065/1954 stated in line with the customary functioning of minority schools that each school would have a separate administrative body to act as its founder and real owner. Article 5 of Law 3065/1954 adjudged that this three-member board would be chosen from among the parents or legal guardians of the students and the details of their elections would be decided by the General Governor of Thrace, who would approve the election results. The Boards of Trustees in minority schools manage the annual budget that is composed of the voluntary contribution of the parents, revenues generated from waqf properties (especially for schools in city centers), and state subsidies (if there are any). They are also entitled to make expenditures to keep the school running and most importantly to propose candidates for vacant teacher posts regarding the Turkish curriculum.

With the military *coup d'état* of 1967, the Boards of Trustees of all minority schools were discharged like all other elected bodies in Greece and replaced with people who were directly appointed by junta. Although the interference to the functioning of the autonomous school boards ended shortly before the fall of junta with Law 1109/1972 (Article 4), the new law enormously curtailed their powers by stating that minority teachers are appointed to the vacant posts in the Turkish curriculum by Prefects upon the proposition of inspector for minority schools, which might take the opinion of Boards of Trustees. In other words, their right to choose their own teacher and propose them to relevant authorities for appointment were cancelled.

Furthermore, Law 694/1977 changed the election procedure for the Boards of Trustees and empowered the representative of the government in the region with an ultimate jurisdiction. According to the new procedure described in Article 6, the parents or guardians of students prepare a list of 5 to 15 nominees by conducting elections in the schools, but the Prefect might freely appoint anyone in the list. If the number of candidates falls below 5, no elections are conducted and the Prefect directly appoints board members.

By curtailing their powers extensively and interfering heavily with their elections procedure, the status of the Boards of Trustees of minority schools was relegated from the founder and owner of the minority schools to its mere accountant. Despite their symbolic existence, the Greek government abolished elections altogether by a ministerial decision in 2000 and the Secretary General of Eastern Macedonia and Thrace directly appointed the board members between 2000-2002. With the intervention of the Greek Ombudsman and the minority's fierce opposition that was also brought to the attention of the Hellenic Parliament by minority

deputies, another ministerial decision (No 62092 issued on 10 June 2002) reinstigated the election system, whereby the minority elects 5 to 15 candidates and submits their list to the Secretary General of Eastern Macedonia and Thrace for an appointment of three people as the Board of Trustees.

As a result of the loss of power and decline in prestige of the Boards of Trustees, as well as the indirect election system, the Turkish-Muslim minority lost its interest in elections for one of the most historic institutions symbolizing the educational autonomy granted to the minority with relevant international treaties. In the last elections conducted on 16 December 2008 in 193 minority schools, elections could only take place in 93 schools since in other schools required number of people (legally five) did not show up as candidates. Therefore, the Secretary General directly appointed board members from among parents or guardians of the minority pupils.

Until the Law 3065/1954, the curriculum of the minority primary schools was not uniform, and it was also affected by the main ideological rivalry among the minority (i.e. conservatives vs. reformists). While conservatives (generally graduates of *Medreses*) were in favor of the Turkish introduction with the use of the old Arabic alphabet with special emphasis on religion, the reformists (graduates of Turkish teacher colleges) were fond of using the new Latin alphabet and treating education as a “vehicle of enlightenment”. At the beginning primary school education was only provided in Turkish, whereas the introduction of Greek language came into the scene later.

As specified in Law 3065/1954, a specific curriculum for minority schools was devised by a decision by the Greek Ministry of Education in consultation with the minority teachers (No 14925, date 28 October 1957). According to the

curriculum, three subjects (Greek language, History and Geography) were taught in Greek, whereas the rest of the subjects (Turkish, Religion, Life/Natural Sciences, Mathematics, Painting, Calligraphy, Music, and Physical Education) were taught in Turkish. In a six-class minority primary school, 20 hours weekly education in Turkish was complemented with 12 hours weekly education in Greek. In other words, out of 186 total hours of instruction at all six levels per week, 126 hours were instructed in Turkish language, whereas 60 hours were in Greek.⁷⁶

Over the years, the relevant departments of the Greek Ministry of Education have increased the number of courses and hours of instruction in the Greek language while reducing the Turkish part of the curriculum enormously. Among others,⁷⁷ the most crucial subject of the primary school education (Life/Natural Sciences or *Hayat Bilgisi*) was replaced from Turkish to the Greek curriculum in 1985. Beginning from the educational year of 1995-1996, all primary schools with 4 or more classes were obliged to recruit specialist teachers for the instruction of subjects on Painting, Music and Physical Education. Having been adversely affected by this general requirement, minority teachers cannot teach these subjects, which are normally listed under the Turkish part of the curriculum anymore.

With all these changes introduced after 1975, the Turkish instruction in a six-class minority primary school was decreased from its 1957 level of 126 hours per week to 83 hours per week, whereas the Greek instruction was increased over the

⁷⁶ The information regarding the curriculum of the minority primary schools was directly obtained from *Bati Trakya Türk İlkokulları Müdredat Programı* (1963), which was translated and published by Turkish Teachers' Association of Rodopi and Evros. The Association changed its name to Turkish Teachers' Association of Western Thrace in 1966, and subsequently closed by a court decision in 1984 due to the term "Turkish" in its title.

⁷⁷ The first change was done with the Circular No 33275 of 18 February 1975 that decreased the total Turkish instruction to 107 hours per week while increasing the Greek one to 79 hours. Circular No: 37384 of 13 March 1981 further decreased Turkish instruction to 97 by cutting off "technical subjects" (Painting, Music and Physical Education) and obliging minority teachers to merge those different subjects. In 1985, total Turkish instruction per week was decreased to 90 while the Greek part was elevated to 85 (Circular No: 2/636).

years from 60 hours to 112 hours. Furthermore, minority schools suffer from low number of school days since they are closed both on the Islamic religious days (including four days of *kandil*) and Greek-Orthodox feasts, in addition to other public holidays (Law 1109/1972, Article 8).

4.3.1.2. Teachers

Until the 1950s, most minority teachers working in the minority primary schools lacked necessary qualifications. A total of 277 teachers, who were working in the minority schools in 1929, had the following qualifications: 4 graduated from Turkish teacher schools, 20 had received teacher education, and 255 graduated from *Medreses* (Tsiumis, 1994: 225). While the teachers responsible for the teaching of subjects listed under the Turkish curriculum were paid by the school boards with voluntary contributions and subscriptions, the Greek-Orthodox teachers to be directly paid out of the state budget according to the provisions of Law 132/1936 (Sarioglou, 2004: 166), were appointed to the minority schools with the gradual introduction of the Greek language to the minority schools in the 1930s.

Soon after the 1951 Cultural Agreement and in an environment of Greco-Turkish friendship, both sides started to recruit the members of their respective minorities to receive relevant teacher formation in their kin states. Turkey invited the first group of minority students to teacher schools in 1954, and they came back to Western Thrace in 1960 to work as teachers in minority schools. Having been educated according to the model of an idealist teacher drawn by Kemal Atatürk himself, they attached great importance to the transformative role of education and vastly increased the standards of minority schools. However, the teachers educated in Turkey were not favored by Greek authorities, which created many obstacles to their

appointment (Aarbakke, 2000: 145). In some cases, the Prefects approved the appointment of Turkish teacher school graduates in the minority schools in the city centers or big villages, but they were never given an opportunity to work in the mountainous regions of Rodopi, Xanthi and Evros Prefectures (that were under the notorious “surveillance zone”) on the basis of the reports from school inspectors.

Between 1960-1966, from among 250 minority teachers that were educated in Turkish teacher colleges and came back to Western Thrace to work in minority primary schools, only some 150 had an opportunity to practice their job in the existing minority schools, whose numbers amounted to 300. Although the Board of Trustees of minority schools signed formal recruitment contracts with the rest and submitted their papers to the Prefecture, they could not obtain the approval especially after 1968. While some of the teachers educated in Turkey chose to stay in Western Thrace and waited to practice their profession (which was actually made impossible with the opening of EPATH in 1972 and 1977), most of them emigrated to Western Europe or Turkey.

With regard to graduates of Turkish teacher schools, who somehow managed to secure an appointment in minority schools, they were considered by the Greek authorities “carriers of a Kemalist ideology” (Dragonas and Frangoudaki, 2006: 29) or “Turkish ethnic ideology” (Boussiakou, 2007: 16). Many of them were sacked during the junta (1967-1974), but the harsh administrative measures and harassments continued until recently (Iliadis, 2004: 45-55 and Aarbakke, 2000: 145-147).⁷⁸ In one of those cases, on 26 February 1987, the Regional Primary Education

⁷⁸ In some cases, minority teachers were required to obtain certificates from local police authorities stating that they are “law abiding citizens” (*nomimofron*) to renew their contracts with the school boards. The ones failed to obtain these certificates could not continue practicing their jobs. Other measures used against the teachers included: non-renewal of working permits (following a period of temporary suspension like military service), using “inappropriate” teaching materials, or disturbing

Board of the Prefecture of Xanthi imposed on Adnan Raif Oglou, who has been working in the Xanthi 1st Minority School on a private law contract with the Board of Trustees, a disciplinary penalty of one year's suspension for "printing and distributing a document with the term 'Turkish teachers' when he was working in the Executive Committee of the Muslim (*sic* Turkish) Teachers Union of Western Thrace" that was dissolved by the Greek courts in 1984. Since the appeal lodged by Raif Oglou was rejected in 1992 as inadmissible by the Council of State, he was suspended from his duties between 4 February 1993 and 3 February 1994. After the fulfillment of his administrative punishment, the Prefect of Xanthi first rejected his application to resume his duties by arguing that there were no posts available in minority schools any more, and then dismissed him on 27 August 1996 (as of 2 February 1994) on the ground that "he had engaged in activities which could harm the interests of the State".

When Adnan Raif Oglou applied to the ECtHR (*Raif Oglou v. Greece*, No: 33738/96), his case was treated as an obvious case of discrimination. In order to avoid an unfavourable decision by the ECtHR, the Greek authorities reappointed him on 17 February 1998 and deposited in his favour the sum of 7.108.572 GRD (Greek Drachmas) that corresponds to the equivalent of his salaries and social security contributions for the duration of four years when he was not allowed to work.

In order to counter Turkey's growing influence in minority education vis-à-vis a uniform group of teachers educated in Turkish teacher colleges, Greece decided first to encourage the formation of "Medrese Graduate Muslim Teachers

the peace in the school (especially when there were confrontations between the graduates of Turkish teacher colleges and EPATH graduates). It is estimated that some 40 teachers were purged by the junta while the work permits of some 70 teachers were not renewed due to the abovementioned reasons. Even in the 1990s, some teachers (like Asım Çavuşoğlu in 1993 and Rasim Hint in 1996) were subject to punitive transfers for "promoting" the Turkish character of the minority (Aarbakke, 2000: 146).

Association” (*Medrese Mezunu Müslüman Muallimler Cemiyeti-MMMMMC*) in 1966 from among the teachers working in the minority schools with minimal qualifications and then established its own teachers’ college to create a loyal teacher corps and tighten its grip on minority schools (Aarbakke, 2000: 147-149). “The Special Pedagogical Academy of Thessaloniki” (E.P.A.TH or SÖPA)⁷⁹ was founded with the Royal Decree No. 31 of 22 October 1968 and its curriculum was defined by the Royal Decree No. 725 of 1969. The official mandate of EPATH was to educate minority students who would later work in the minority primary schools to teach the Turkish part of the curriculum (Papanikolaou, 2007: 131). They intended to replace minority teachers educated in Turkish teacher schools.

The minority opposed EPATH from the very beginning and the issue turned out to be one of the major issues of contention (Dragonas and Frangoudaki, 2006: 29). To begin with, the minority was well aware of the fact that EPATH graduates would replace the teachers educated in Turkey and they would be used for assimilatory purposes rather than integrationist education as the agents of the state. Strict austerity measures imposed on students recruited for EPATH, the authoritarian stance of its administrators and its curriculum have reflected the Greek understating of minority education.

In EPATH, studies initially lasted for only two years, and all subjects were taught in Greek despite the fact that EPATH graduates were supposed to teach courses listed under the Turkish curriculum. Apart from a weekly two hours course on Turkish Literature, students are not offered any courses in Turkish language, terminology or teaching methodology (Tsitselikis and Mavrommatis, 2003: 21). Having considered the fact that EPATH students were hand-picked by the state

⁷⁹ The Greek acronym E.P.A.TH stands for *Eidiki Paidagogiki Akadimia Thessalonikis*, whereas the Turkish acronym S.Ö.P.A. stands for *Selanik Özel Pedagoji Akademisi*.

officials from among the most disadvantaged social groups within the minority, so-called “Pomaks” living on the mountainous areas of Western Thrace, the student’s insufficient knowledge of Turkish has deteriorated the situation created by the virtual absence of Turkish instruction at EPATH.

In its first year of operation (1968-1969), most of the 11 students were (and still are) chosen from among *Medrese* graduates from mountainous areas (Aarbakke, 2000: 150). In addition to generous scholarships and benefits offered to those students, it should also be noted here that they had no other opportunity for social mobility, let alone for getting a proper education. For *Medrese* graduates, being appointed to the minority schools with the guaranteed status of civil servant was attractive.⁸⁰ Since the level of education in EPATH can only be described inadequate and definitely not suitable for the purposes minority schools (Boussiakou, 2007: 16), the Turkish-Muslim minority of Western Thrace generally complained about teachers’ low level of Turkish and inability to teach minority pupils.

Iliadis (2004) and Papanikolaou (2007) underline the CCT’s involvement in the establishment and functioning of the EPATH. According to minutes of CCT meetings, they welcomed the “historic” decision of establishing a special pedagogical academy to raise minority teachers and advised the Ministry of Education to set it up outside of Western Thrace. Furthermore, the CCT budget for the year 1969 included a subsidy for the per diem compensation for EPATH students, and graduates of the Academy were later assigned some “special missions”,

⁸⁰ Papanikolaou (2007: 133) indicated the fact that, EPATH graduates constituted the only group of minority people who had the possibility to become civil servants, since minority people were strictly excluded from the public sector until recently. This actually improved Greece’s records of minority rights protection on paper since the existence of EPATH graduates in minority schools was presented as an indication of the minority’s incorporation to the public sector.

which proves that the EPATH was a “special academy with special goals” (Papanikolaou, 2007: 134-135).⁸¹

When it was clear in 1972 that the appointment of Turkish teacher colleges were no longer approved by the Greek authorities, the Turkish Ambassador in Athens, Kamuran Gürün, made a formal offer to send Turkish professors to teach at EPATH and contribute to improvement of the Turkish instruction (Gürün, 1994: 212). However, Greek authorities have apparently declined the offer and took some further measures to secure exclusive appointment of EPATH graduates to minority schools after 1977.

As mentioned before, the legal framework concerning the administration of minority schools was changed with Laws 694/1977 and 695/1977 following the countrywide reform of education in 1976. While the former clearly states the aspects of minority education that would be governed by future decisions of the Ministry of Education and Religious Affairs, the latter described the procedure for the appointments of the General Inspector of Minority Schools, four Minority Schools Inspectors, EPATH staff and teachers of the minority schools. Article 3-7 of Law 694/1977 stated that “while appointing Muslim teachers to minority schools, EPATH graduates would be preferred” in order to close the door for minority schools for the teachers educated in other faculties in Greece or Turkey.

Moreover, contrary to the customary fashion of selection and nomination of teachers by the autonomous Boards of Trustees, Article 3-9 foresees the appointment of EPATH graduates as civil servants. In other words, the local Prefect enjoys

⁸¹ Aarbakke (2000: 149) mentioned that teachers already working in minority schools were obliged to attend some seminars conducted in Thessaloniki in the late 1960s, whereas Papanikolaou argues on the basis of CCT archives that the original idea was to set-up a “Muslim Department” within the Pedagogical Academy of Alexandroupolis in 1967. Oran (1991: 132) mentions the secret document, which was released by the Turkish press, indicating that EPATH aimed to destroy minority in the long term and educational staff working in EPATH was selected by the Greek secret service (then KYP).

exclusive discretion in appointing minority teachers to the primary schools, which is in contrast with the process of appointing Christian teachers in the same schools as stipulated in the Presidential Decree of 1024/1979 (Boussiakou, 2007: 16). Since the mid-1990s, educational authorities have imposed the policy of compulsory retirement of the teachers employed during the 1960s c with the pretext of an age (60) or service limits (35 years) to open up some space to appoint EPATH graduates.

Both the EPATH students themselves and members of the Turkish-Muslim minority of Western Thrace protested vividly against the enforcement of EPATH graduates as the only human resources alternative for minority schools and the low educational standard at the Academy. Between 1980 and 1983, EPATH students staged three different boycotts and asked for an appointment of a professor from Turkey for the Turkish language courses, the annulment of strict control imposed by the authorities within and outside the school,⁸² and the revision of the status of *Medreses* to bring it up to the level of a high-school so that their graduates could attend other higher education institutions rather than having EPATH as the only alternative. In almost all cases, they were faced with the strict reaction of the authorities that led, for example, to the dismissal of 7 students, followed by the voluntary departure of 26 students leaving in solidarity with them in February 1982 (Aarbakke, 152-154).

Once EPATH graduates started to be imposed on minority schools, in most villages parents reacted to their appointment by not sending their children to the school. For example, in 1973, minority parents in Oreon (*Yassiören*)-Xanthi boycotted the appointment of an EPATH graduate to their school and seven of them

⁸² Both Aarbakke (2000: 151) and Oran (1991: 132) mention that EPATH students were not allowed to speak Turkish among themselves, whereas they have been subjected to a continuous propaganda to redefine themselves as “Pomaks”, “Turkophone Muslims” or “Hellenic Muslims”.

were later sentenced to 40 days in prison. Similarly, the minority school in Melivia (*Elmalı*)-Xanthi remained closed for three years between 1985-1988, while another minority school in Simandra (*Karaçanlar*)-Rodopi was boycotted between 1982-1988 in addition to various protests in Satres (*Sinikova*) in Xanthi, Agiohorion (*Hacıköy*) and Mikro Orfano (*Küçük Öksüzlü*) in Rodopi. When parents in Simandra protested EPATH teachers that failed to teach their children how to read and write for four years, minority people clashed with police forces surrounding the school and two parents were imprisoned (Oran, 1991: 134).

Thanks to the EPATH model of recruiting and appointing minority teachers and through the retirement of the last two teachers that graduated from Turkish teacher colleges in 2008, almost 450 teachers working in the existing 193 minority schools are now graduates of EPATH. However, the “Association of EPATH Graduate Teachers from Prefectures of Rodopi and Evros” has constantly demanded the elevation of EPATH to the status of four-year Pedagogical Departments, the formal cooperation with Turkish authorities for the secondment of academics from Turkey, and in-service training to be conducted by the authors of Turkish books used in minority schools.⁸³

The situation regarding the training and appointment of the Christian teachers responsible for the Greek curriculum of the minority schools is not promising either. Firstly, as Boussiakou (2007: 15-17) argued the establishment of a Pedagogical Departments of Primary Education (PDPE) in the national universities has increased the educational gap between the minority and majority teachers.

⁸³ *Syllogos Apofiton EPATH N. Rodopis-Evrou or Rodop-Evros İlleri SÖPA Mezunu Öğretmenler Derneği* was established in 1993 in rivalry to the Turkish Teachers Association. It should be noted here that EPATH graduates were not accepted as a member to the latter since graduates of Turkish teacher schools never accepted their legitimacy. Strikingly, since they graduated from a “special” pedagogical academy, which does not resemble any other department in Greek universities, EPATH graduates are not accepted as members of the Teachers’ Union of Greece either.

Christian teachers are appointed to the minority schools as civil servants on a permanent (*monimoi*) or temporary (*prosorinoi*) basis. The absence of communication between Muslim and Christian teachers contributes to low level of education provided in the minority schools.

At least until the introduction of the EU funded “Education of Muslim Children” (PEM) programme in 1997, Christian teachers were not provided with the necessary training and skills to work in the multicultural environment and to teach students coming from a different background. Generally speaking, the Christian teachers, who did not have any special education whatsoever on the educational issues of the minority in Thrace, find working in the minority schools unattractive and choose to apply for relocation after serving for minimum a duration of five years as stipulated in Law 695/1977 (Article 4).

In line with the spirit of friendship and cooperation inherent in the 1951 Greco-Turkish Cultural Agreement, both sides agreed to exchange a total of 25 teachers to cover the need of their respective minority schools in Western Thrace and Istanbul. In its first year of implementation, 25 exchange teachers (*metaklitoi* or *kontenjan öğretmenleri*) came to Western Thrace in 1952-1953 academic year and participated in the Turkish instruction at minority schools. Later in 1955, upon the request of the Greek side expressed through diplomatic channels (*Note Verbale* of April 1955), the number of teachers was reciprocally increased to 35. At the beginning, the Turkish Embassy in Athens advised the Greek authorities on the minority schools that are in need of exchange teachers, and they generally followed the advice by appointing those teachers to minority schools in the city centers or villages of Evros, Rodopi and Xanthi Prefectures.

When the relations between the two countries deteriorated in the 1980s, Greece gradually and unilaterally decreased the number of exchange teachers by arguing that the educational needs of the Greek-Orthodox minority requires fewer teachers to be sent from Greece due to the decreasing number of students in Istanbul. At the same time, Greece gathered all Turkish exchange teachers to a few central minority primary schools and Celal Bayar Minority High-School, both of which are located in Komotini. Despite the consistent objection by the Turkish side and its insistence in submitting a list of 35 teachers to the Greek side, Greece only appointed 16 of them while submitting in exchange a list of 16 teachers for minority schools in Istanbul ever since 1990.

As it was revealed in the teachers issue in the minority primary schools, the relevant Greek authorities have exercised a tight control on minority education. During the 1950s, the minority schools were under the authority of the General Governor of Thrace and the General Inspector of Foreign and Minority Schools based in Thessaloniki. However, the Minority School Inspector and four inspectors seemed to be responsible for the local Prefects, who were directly appointed by the state (Aarbakke, 2000: 141). Later with Law 695/1977, it was stated that the General Inspector for Minority Schools and four Inspectors would be appointed by the President after the recommendation of the Ministry of Education and Religious Affairs-General Directorate for the Education of Diaspora Greeks. In the early 1980s, the General Inspector's office was renamed the Coordination Office for Minority Schools of Western Thrace. The Coordinator is authorized to communicate with the Ministry of Education and Religious Affairs-Directorate for the Education of Diaspora Greeks and Intercultural Education. A Special Secretary assigned in this Directorate undertakes the task of coordinating the minority education in Greece as well as the education of diaspora Greeks and immigrants.

4.3.1.3. Textbooks

Until the Metaksas dictatorship in 1936, the reformers instructing by use of the Latin alphabet in minority schools were allowed to import books and other teaching material directly from Istanbul. Minority School Inspectors controlled the books and cut away “objectionable pages” having Turkish flags, anthem, national symbols, nationalist poems and the like. In 1938, the circulation of teaching material imported from Turkey without the approval of Ministry of Education was forbidden. Conservative teachers, who graduated from *Medreses* and traditionally favored the usage of the Arabic script, were allowed and even encouraged to prepare and print their own books. The minority interpreted this as an attempt to tighten the control over minority education (Aarbakke, 2000: 131).

The Permanent Mixed Commission that was established according to Article 16 of the 1951 Greco-Turkish Cultural Agreement agreed on the reciprocal provision of books for their respective minority schools to improve education. Members of the Commission agreed to edit school books used in their own countries for the minorities’ use, submit them for approval of each other, and send the books published in their own countries for distribution in Western Thrace and Istanbul. Aarbakke (2000: 134) underlines the fact that the first set of books came to Western Thrace for the 1955-56 school year. Based on the explicit reference to the exchange of textbooks contained in 1968 Educational Protocol, both sides resumed this practice in 1969.

Nonetheless, Greek authorities did not approve the textbooks sent from Turkey in the following years by arguing that they were not appropriate for minority schools since they incorporated a reference to “Turkish lira” rather than “Greek Drachma” in mathematical exercises or calculations based on the distance between

Turkish cities rather than Greek cities (Whitman, 1991: 41). Therefore, minority pupils had to re-circulate books that arrived to Western Thrace in 1960s. When these old books were completely torn, Turkey reproduced the very same books in 1982 with the help of a printing house in Thessaloniki and asked for the distribution of the reproduced copies since they were already approved by the Greek side in the 1960s.⁸⁴

When Greek Prime Minister Mitsotakis visited Western Thrace in May 1991, it was announced that, if Turkey did not send textbooks acceptable for Greece, the Greek authorities would prepare the necessary Turkish textbooks for the education of minority children. Although Turkey submitted a new set of textbooks for an approval in October 1991, they were not found good enough to cover the educational needs of the minority (Chousein, 2005: 158). Despite strong reactions by minority politicians and associations for the continuation of the practice defined in the legal texts signed between Greece and Turkey in 1951 and 1968, a group of academics and teachers headed by Zenginidis prepared a new set of books for minority pupils. The protest against the books culminated in 12 November 1992 when a group of 51 minority people headed by minority deputies (Sadık Ahmet and Ahmet Faikoglu) went to Athens and returned the new books collected from minority schools to the Ministry of Education with full television coverage (Aarbakke, 2000: 541).

Moreover, in addition to the minority's reaction for not using the books prepared by Greek scholars, whose native language is not Turkish, some minority

⁸⁴ Oran (1991: 150) mentions that the Greek authorities have also contested some information contained in the books used for religious instruction. For example, they wanted the contribution of the Arabs to Islam to be mentioned along with the Ottoman influence. He also claims that the Turkish authorities have started scrutinizing textbooks sent by Greece for the use of Greek-Orthodox minority in Istanbul as a response, but Greek-Orthodox students were not as badly affected with this practice due to the existence of alternative schools of high educational caliber in Istanbul.

teachers and villagers also organized protests in the form of an abstention from minority schools. Some teachers and parents also entered school premises and removed the books, which resulted in a dismissal of a total of 14 minority teachers and convictions of parents in some villages like Ano Drosini (*Küçükören*) or Miki (*Mustafçova*). Greek authorities had to withdraw textbooks prepared by Zenginis followed by the wide international coverage of the minority's organized protests against the new books that were perceived by the minority as an "attempt for assimilation" and "usurpation of their rights" guaranteed by bilateral agreements between Greece and Turkey.

Due to the inherent problems of the minority's primary education, the number of minority schools in Western Thrace, whose number was once over 300, has gradually decreased to 193, whereas the total number of minority pupils that once exceeded 15.000 is now limited to around 6.500. The table produced by Tsitselikis and Mavrommatis (2003: 26) on the basis of information that was not, and to some extent still is, publicly disclosed illustrates the drastic fall in the number of minority pupils at minority primary schools.

Table-1: Number of Pupils at Minority Primary Schools in Western Thrace

School year	No. of pupils	School year	No. of pupils	School Year	No. of pupils	School year	No. of pupils
1960-61	11,268	1971-72	15,237	1982-83	11,633	1993-94	8,665
1961-62	11,399	1972-73	14,966	1983-84	11,495	1994-95	8,627
1962-63	11,880	1973-74	14,754	1984-85	11,295	1995-96	8,359
1963-64	12,165	1974-75	13,978	1985-86	10,965	1996-97	8,062
1964-65	13,040	1975-76	13,461	1986-87	10,474	1997-98	7,561
1965-66	13,646	1976-77	13,191	1987-88	10,328	1998-99	7,200
1966-67	14,276	1977-78	13,101	1988-89	9,931	1999-2000	7,046
1967-68	14,922	1978-79	12,885	1989-90	9,468	2000-01	7,107
1968-69	16,078	1979-80	12,500	1990-91	9,829	2001-02	6,842
1969-70	15,945	1980-81	12,307	1991-92	9,344	2002-03	6,694
1970-71	15,637	1981-82	12,085	1992-93	9,090		

Source: Tsitselikis and Mavrommatis (2003: 26)

4.3.2. Secondary Education

As opposed to the existence of primary education in minority schools in Western Thrace ever since 1923, the minority was deprived of bilingual modern secondary education until 1952. Graduates of minority primary schools had to attend *Medreses* for traditional religious instruction without proper legal status, go to highschools in Turkey or attend state schools with other majority pupils. When Greece and Turkey had cordial bilateral relations in the early 1950s, the first minority secondary and high school was established in Komotini through Law 2203/1952 on “the Establishment of the Celal Bayar Secondary School in Komotini”.⁸⁵ By using its political bargaining power, the minority obtained the permission to establish another minority secondary and high school of a private nature in Xanthi in 1965.⁸⁶

According to the provisions of their founding legal decrees or ministerial decisions, minority secondary schools in Komotini and Xanthi have bilingual curriculum where half of the courses (Turkish Language, Religion, Mathematics, Physics, Chemistry, Biology, English, Physical Education, Drawing and Music) are taught in Turkish by the minority teachers employed and paid directly by the Board or Trustees or exchange teachers coming from Turkey, whereas the other half (Modern and Ancient Greek, History, Geography, Philosophy, Civic Education and

⁸⁵ It was later modified with Law 2256/1953. The Turkish-Muslim minority donated one of the old cemeteries in the city centre for the construction of the minority secondary school, and the construction was reportedly undertaken by the Greek state. The opening ceremony of the school on 2 December 1952 was attended by the President of the Republic of Turkey Celal Bayar and the royal family of Greece, including King Pavlos and Queen Frederica. Despite the fact that the name of the school was later changed to “Komotini Minority Secondary and High School”, the minority still refers to the school as “Celal Bayar Minority School” (the commemoration ceremony organized on 2 December 2003 by the Board of Trustees for the 50th year of the school was attended by the grandchildren of the Turkish President Celal Bayar, Ms. Emine Gürsoy and Ms. Akile Gürsoy, *Öğretmenin Sesi Dergisi*/65)

⁸⁶ Decision of the Ministry of National Education and Religious Affairs No: 28767 of 10 May 1965. The school was officially named as “Private Minority Secondary and High School”, but it has been known by the minority as the “Xanthi Muzaffer Salihoğlu Minority Secondary and High School”.

Computer Literacy) is taught in Greek by teachers directly appointed and paid by the state. Both schools are legally categorized with other private schools operating in Greece. Although they are governed by a Board of Trustees (for minority secondary school in Komotini) or their owner (for the one in Xanthi), they are under the direct supervision of the Ministry of Education and Religious Affairs vis-à-vis the Coordination Office for Minority Schools of Western Thrace.

Similar to the minority primary schools, secondary schools have been faced with many problems regarding their operation, administration, infrastructure, and distribution of textbooks that are provided by Turkey. First of all, these two minority schools could only accommodate around 150 minority pupils for secondary education while more than 1.500 pupils graduate from minority primary schools every year. Despite the fact that the minority constitutes almost half of the population in Komotini, there is only one minority secondary-high school as opposed to 25 state schools. Likewise, there is only one minority secondary-high school in Xanthi against 37 state schools even though the minority comprises 45 % of the population.

As Boussiakou (2007: 10-12) indicates the traditional Greek view was arguing that the Treaty of Lausanne was obliging states to only provide primary school in the mother tongue of the minorities. This restrictive interpretation disregarding the gradual extension of compulsory education to 10 years has limited the minority's opportunity for secondary education visible from extremely high drop-out rates among minority pupils after primary school as well as their low educational attainment (Tsitselikis and Mavrommatis, 2003: 9 and Dragonas and Frangoudaki, 2006).

Due to the limited number of places in minority secondary-high schools, pupils were registered to these schools with entry exams. Until 1977, registrations for

all secondary schools in Greece were made according to final elementary exams,⁸⁷ which were later abolished with the extension of compulsory education to 9 years. However, as a result of an exemption that “went beyond the limits of constitutionalism” to discourage minority pupils from going to minority secondary-high schools (Boussiakou, 2007: 11), only the two minority schools left outside the scope of the aforementioned change in legislation and students continued to be admitted to on the basis of entry exams. When the entrance system was replaced with the lottery,⁸⁸ this caused even greater protests by the minority (Aarbakke, 2000: 159), which alerted the officials to solve the problem later in 1996.

The situation became more acute when the Ministry of Education and Religious Affairs obliged all students of “private schools” in Greece to have their final examinations in Greek before a special committee formed by the teachers working in other state schools.⁸⁹ In other words, the minority pupils were obliged to pass exams in the Greek language from the subjects they have studied for the whole year in the Turkish language (except Turkish language and religion). Therefore, the total number of students in Komotini minority secondary-high school decreased from 305 to 42 between 1984-1987, whereas the student number in Xanthi decreased from 227 to 85 over the same period (Oran, 1991: 146).

Faced with the strict policy of the Greek authorities to discourage minority schools by simply failing the students in the final exams, the minority had no option but to send its children to state schools, where the language of instruction is only

⁸⁷ Article 7(3) of Law 129/1967 regarding “the Organization and Structure of General Education and Other Provisions”.

⁸⁸ Ministerial Decision No Z2/205 of 20 May 1993 regarding “Procedure of Registration of the Students in Minority High Schools”.

⁸⁹ Decree of 460/1983 and the Ministerial Decision No Z2/277 of 17 May 1984.

Greek, or send them to Turkish schools across the border.⁹⁰ Only in the school year of 1990-1991, the Turkish Consulate in Komotini issued more than 3.000 visas for minority pupils to continue their education in Turkey (Oran, 1991: 147). Despite the fact that the final exam requirement for private schools was abolished in 1990 with Law 1982/1990 (Article 111/4), its implementation continued for the two minority schools until 1995 that led to the *de facto* closure of the high-school branch in Komotini since no single student managed to graduate for a brief while in early 1990s.

While the Greek authorities were keeping a close eye on the problems of the two minority secondary-high schools in Komotini and Xanthi, they built five different state secondary schools (Gymnasiums) in the mountainous areas of Xanthi (Sminthi, Echinós, Thermes, Glafki) and Rodopi (Organi) that are exclusively attended by minority pupils. In order to encourage enrollment to these schools, where the language of instruction was only Greek, they took measures like organizing special transportation schemes sponsored by the state budget to carry pupils from neighboring villages and canceling regular bus services from villages to Xanthi city centre, where the only minority secondary-high school was located. Minority families boycotted these schools at the beginning, but they gave it up due to the never-ending problems of the minority secondary schools. However, minority students had difficulties adjusting to the monolingual curriculum in those schools and failed to succeed (for example, none of the graduates of state school in Organi managed to continue with a university education in the last 15 years). As Aarbakke

⁹⁰ In order not to spend their time in minority secondary-high school, where passing their grade was made virtually impossible, minority pupils chose to submit “blank papers” in the entry examinations for minority schools. For example, out of 345 students from Komotini, who took the entry examinations in 1987, only 26 succeeded to register. In Xanthi, only 28 students passed the entry exam out of a total of 108 (*Gerçek*, 22.09.1987).

(2000: 1963) indicated the main aim was to segregate the minority and not to admit “Pomaks” to the minority secondary schools in Xanthi and Komotini.

4.3.3. Higher Education

Given the problems of the minority education at the secondary and high-school level, the number of minority students at the Greek universities has remained marginally low until the mid-1990s since they could not succeed in the entrance examinations. For a brief period in the 1970s, minority students registered in Turkish universities were able to transfer to Greek universities. When this practice became widespread within the minority, authorities changed the regulations to stop the transfers. Until 1995, the minority had relied heavily on Turkish universities for higher education.

However, the graduates of the Turkish universities suffered a lot when they were trying to get their diplomas recognized in Greece. When they applied to the DIKATSA,⁹¹ an affiliated institution to the Ministry of Education and Religious Affairs in charge of recognition of foreign diplomas, they had to pass exams to demonstrate their qualifications. It was reported by the minority press that DIKATSA stopped recognizing the degrees belonging to the members of the minority after 1984. Although the graduates of Turkish universities had countless examinations and filed numerous applications, none of them managed to pass and get his/her degree recognized. When students complained about inconclusive

⁹¹ DIKATSA (Interuniversity Centre for the Recognition of Foreign Diplomas) was established by Law 741/1977, and was later replaced by DOATAP (Hellenic National Academic Recognition and Information Center) in 2005 (Law 3328).

applications and exams, the authorities remained silent or referred them to the Ministry of Foreign Affairs.⁹²

In 1986, the victims of DIKATSA got organized and formed a “struggle committee” to reveal the discrimination and bring it to the attention of public opinion. They organized protest marches (3 February 1987, 16 June 1987 and 10 May 1988) that were also supported by some minority associations (Western Thrace Minority University Graduates Association) and (left-wing) Greek political parties, associations and university students. It was actually one of the few instances that the minority actively sought the support the Greek public opinion by distancing themselves from the controversial Greek-Turkish relations and presenting their cause as a “human rights violation”. Apart from giving recognition to one dentist and two doctors from the minority as an act of individual favoritism, Greece refused to halt the situation until the mid-1990s.

4.4. Limitations on Political Representation

Ever since the restoration of the Ottoman constitutional monarchy in 1908, the people of Western Thrace have had an opportunity to be politically represented in the Ottoman (1908⁹³ and 1912), Bulgarian (1914) and Greek Parliaments (since 1920). Between 1923 and 1934, the two officially recognized minority groups in Greece, namely Jews of Thessaloniki and Turkish-Muslims of Western Thrace were politically represented through separate electoral colleges, i.e. separation of minority

⁹² Actually, the discriminatory measure of not recognizing diplomas belonging to the minority is considered to be inspired by Deputy Minister of Foreign Affairs, Yannis Kapsis (Aarbakke, 2000: 316).

⁹³ In the Ottoman elections of 1908, three MPs were elected from Komotini and one MP from Alexandroupolis from Edirne electoral district. The different affiliation of these three deputies (Mehmet Arif Bey, İsmail Hakkı Bey and Hasan Fehmi Efendi) from Komotini was a representation of the political contestation between the Committee of Union and Progress and the liberal opposition headed by Prince Sebahaddin (Kansu, 1995: 372).

votes with a fixed number of mandates granted (Aarbakke, 2000: 73-74).⁹⁴ The Turkish-Muslim minority of Western Thrace has always been represented in the Greek parliament with MPs from Rodopi (with the exception of the 10 April 1993 elections as shown below) and Xanthi prefectures (with the exceptions of elections on 16 February 1964, 17 November 1974, 18 October 1981, 18 June 1989, 5 November 1989, 10 April 1993, 9 April 2000 and 7 March 2004 mainly due to the fragmentation of minority votes in this Prefecture).

The number of minority MPs generally fluctuated between one (in June and November 1989 elections as well as March 2004) to four (between 1926-1933 and March 1946) depending on the electoral systems, minority's affiliation with the political parties and intra-minority political conflicts (Öksüz, 2002: 143-151).⁹⁵ The minority made its presence felt in the local elections as well by directly electing mayors in small municipalities (*dimoi*) and communes (*koinotites*) or by electing members of the municipal councils in big cities like Komotini and Xanthi.

4.4.1. General Elections

Until the 1980s, the minority generally elected local notables (*ağa* or *bey*), who traditionally functioned as a “middlemen” in the minority's relation with the Greek and to some extent Turkish authorities (Aarbakke, 2000: 74). The local political formation that was based on the traditional clientelistic relations gave way to the emergence of political dynasties within the minority and the repetition of

⁹⁴ When the separate “electoral college of Muslims in Thrace” was found unconstitutional by the Council of State and was abolished, the minority resisted its abolition in a way that reflects their traditional attitude to keep their confessional identity and minority status intact (Aarbakke, 2000: 74).

⁹⁵ It is also reported that the minority managed to elect one deputy (Hafız Salih Efendi) for the Greek Senate as well in 1929 (*Gündem*/11.09.2009). The Senate was abolished in 1935.

parliamentary representation by same people.⁹⁶ Generally speaking, the minority did not develop a separate and reasoned political position independent from Greek political currents and tended to support the party in power. Since 1923, 37 different names have been elected to the Greek Parliament to represent the minority 68 times.

At least until recently, the minority was not integrated to the political parties, groupings or networks in Greece, and minority politicians sought to secure political support through *ad hoc* arrangements on the eve of the elections in the form of “political horse trading” (Aarbakke, 2000: 73) Since the integration of minority politicians to the Greek political parties were low, and in some cases their educational qualifications and Greek language capabilities were limited, they generally maintained a low profile in the Hellenic Parliament. In principle, when the political party they are affiliated to is in opposition, minority politicians make infrequent attempts to present the minority’s problems. However, if they are part of the governing political party, they often choose to remain silent and try to solve the individuals problems encountered by their electorate in their daily life (like having a proper hospital treatment, getting driving licenses, registering minority pupils to schools etc.) to serve in traditional role as middle-men.

Greek political parties, on the other hand, are in constant search for a “decent” minority politician, who would maximize minority votes for them, but would also follow the so-called “party discipline” regarding minority that is generally treated as “an issue of national concern”. Therefore, if and when minority

⁹⁶ Among others, the most noticeable political dynasty was represented by Hafız Galip, who has served in the Greek Parliament for 5 consecutive terms between 1926-1936, followed by his nephew Osman Nufi Fettahoğlu that was elected 8 times between 1946-1963, Sabahattin Galip (once in 1974) and Galip Galip (twice between 2000-2007). Hatip (Molla) Yusuf represented the conservative element within minority in the Greek parliament for five times between 1952-1964, and he was followed by Hafız Yaşar in 1974 and 1981 elections. In the same fashion, Osman Üstüner was elected five different times between 1946-1958 (Öksüz, 2002: 145-146).

politicians try to address human and minority rights violations faced by the members of the minority, they feel isolated and personally vulnerable, if not silenced. Moreover, minority politicians generally try to balance the “double dependency” they have for the mainstream political parties and Greek public opinion, which would prefer them to remain silent in these sensitive and conflict-prone matters on the one hand, and the minority electorate/institutions that would expect them advocate the minority actively and search for a better treatment in terms of their human and minority rights.⁹⁷

Until 1980s, there is a visible tendency in minority politics for the owners of the local newspapers taking an active part in political competition as candidates, and in most cases, MPs. Especially after 1974, the articles in these newspapers whose owners were politically active were dealing with how to persuade major political parties to accept minority candidates favored by the people. Minority candidates were facing the dilemma of approaching major political parties but not being accepted due to their advocacy of the minority and especially its ethnicity, or joining some small political parties that might not secure them a seat in Parliament due to peculiarities of a complicated electoral system. Furthermore, due to their isolation from mainstream Greek political life and alienation between majority and minority political systems, minority candidates that were not “approved” have questioned the legitimacy of party candidates, and the continued discrimination and oppression caused the minority to look desperately for alternative solutions (Aarbakke, 2000: 216).

⁹⁷ Aarbakke (2000: 234-236) describes the story of one of the minority deputies, Orhan Hacıbram, who tried to advocate minority’s problems actively with his background in legal matters as an attorney by making an appearance in the Greek Parliament. Following his initial initiatives in the Parliament for the first six months (December 1977-May 1978), he lost his seat in the controversial redistribution of seats between Prefectures according to the results of the second count of the votes.

On the eve of the general elections of 18 October 1981, some minority politicians, including Mehmet Bağdatlı, Hasan Hatipoğlu, Sebahattin Galip, Hasan İmamoğlu, Mehmet Müftüoğlu, discussed the possibility of forming an “independent minority list” in the Prefecture of Rodopi to protest the two big political parties for not selecting the candidates preferred by the minority.⁹⁸

Just after the closure of the minority associations having the word Turkish in their titles, deteriorating bilateral relations between Greece and Turkey mainly due to the Cyprus issue, and changes in the electoral system that would inevitably work against the minority by replacing the traditional cross of preference method with predefined lists of candidates, whose order were to be determined by political parties, the minority elaborated more on the idea of forming an independent lists for the general elections in 2 June 1985.⁹⁹ Otherwise, the minority candidates that were already quarrelling to be accepted in the lists of major political parties would not have any chance of getting elected (unless they were given the first or second place in the lists).

As a combined response to the political parties that were handpicking minority politicians and to compel parties to escalate the place of minority members in their lists, two independent tickets were formed for the first time in the Prefectures

⁹⁸ In 1981, PASOK and ND chose not to have the traditional political figures within the minority in their lists. Despite the virtual absence of these figures, the minority managed to elect two deputies (one from PASOK and one from ND) in Rodopi (out of a total 4) and lost the third seat with a very slim margin. The rumors about the electoral results, which are quite frequent in Western Thrace, are included in Aarbakke (2000, 254-255). He reports that the minority would have elected 3 deputies but the Prefect modified the electoral results for “national reasons” by changing the order of preferences belonging to another minority candidate from PASOK, Hasan Kaşıkçıoğlu. It is quite interesting that the electoral system was changed in the next elections in 1985, and the parties rather than the electorate determined the order of the candidates in their lists. Despite having the highest number of votes in the PASOK list previously, a minority deputy was listed as second in the 1985 elections. Allegedly, when the minority elected İsmail Rodoplu as an independent MP, the authorities wanted to repeat the same trick, but one of the Greek politicians who was left outside of the list prepared directly by PASOK, threatened to reveal everything.

⁹⁹ It should also be noted here that the total number of deputies to be elected in the Prefectures of Rodopi and Xanthi were reduced from 4 to 3 on the basis of the results of the 1981 census.

of Komotini (Sebahaddin Galip supported by Hasan Hatipoğlu) and Xanthi (Peace or *Barış* ticket composed of Mehmet Emin Aga, Celal Zeybek and Hikmet Cemiloğlu). In spite of the fact that they could not elect deputies mainly due to their lack of organization and proper campaign, the independent lists had relative success by attracting more than 20.000 votes in both prefectures.

In the following elections on 18 June 1989, however, new names in minority politics like Sadık Ahmet, İsmail Rodoplu and Sabahaddin Emin formed an independent list called “Trust (*Güven*)” in Rodopi, whereas some others headed by Mehmet Emin Aga formed another one called “Good Fortune (*İkbal*)” in Xanthi. Both lists claimed that the independent minority MPs would be able to voice discriminations and defend minority’s rights as opposed to the candidates from political parties, whose room for maneuver was generally restricted.¹⁰⁰ Despite some restrictive measures introduced by the Greek authorities like jamming TV broadcasts from Turkey, not granting the members of the independent lists the permissions to visit villages in the “Surveillance Zone”, the tightening of tax and traffic controls in the villages (Aarbakke, 2000: 402-3), the closing of the Turkish border with the pretext of a “strike” to restrain minority members living in Turkey from coming to Greece, the transferring of military regiments to the region and obliging civil servants registered in Rodopi and Xanthi to vote in these Prefectures rather than their place of residence (in order to increase the local electoral threshold that needs to be

¹⁰⁰ In the background of the elections, there was increasing tension between minority and majority that was shaped by the closure of minority organizations, the denial of its ethnic identity, Mufti controversy and 29 January 1988 demonstration. When the leader of ND, Mitsotakis, referred to the minority as “Greek Muslims” just before elections, the independent ticket centered its propaganda on the ethnic identity of the minority as well as the minority’s grievances. Later on 5 June 1989, Mitsotakis found it necessary to make a statement about his speech and announced that “he meant the Muslims with Greek citizenship, but did not refer to the descent of them” (Aarbakke, 2000: 401).

achieved by independents, Oran, 1991: 205), Sadık Ahmet was elected as the first independent minority MP from Rodopi.¹⁰¹

Since the ND could not secure enough seats to form a government, it opted for a temporary coalition government with Sinaspismos and called for new elections in four months. In the general election of 5 November 1989, the Peace (*Barış*) list in Rodopi was formed by Sadık Ahmet, İsmail Rodoplu and preacher (*vaiz*) İbrahim Şerif. Despite the fact that their applications for candidature was processed by the same person at the Court, it was announced shortly before the elections that Sadık Ahmet and İbrahim Şerif failed to fill in their application forms properly and their candidature was not accepted.¹⁰² When one of the ex-deputies from PASOK, Ahmet Faikoğlu, supported the Good Fortune (*İkbal*) in Xanthi, the independents increased their power as well.

In spite of such restrictive measures, whose scope also included canceling flights and bus services between Athens and Western Thrace, decreasing the number of ballot boxes to force the minority to travel for voting, early closing of voting in some districts, interruption of vote counting (Whitman, 1990: 29-30),¹⁰³ the independent lists increased their votes in both prefectures and chose İsmail Rodoplu as the second independent minority MP. Due to impossibility of forming a coalition government, political parties represented in the Parliament decided to form a national

¹⁰¹ Peace (*Barış*) list managed to achieve more than 25.000 votes in Rodopi, whereas minority candidates from political parties could only get around 3.000 votes. Good Fortune (*İkbal*) list in Xanthi, however, managed to attract only half of the minority vote since three ex-MPs (Ahmet Faikoğlu, Orhan Hacııbram and Celal Zeybek) decided to run from PASOK and ND.

¹⁰² The Court claimed that both Sadık and Şerif did not check the box indicating that they were not candidates in any other constituency in Greece (Aarbakke, 2000: 416 and Oran, 1991: 207).

¹⁰³ It was actually argued by some left wing Greek periodicals (*Scholiastis*, December 1989 in Aarbakke, 2000: 419-420) that the number of total votes casted in Rodopi was increased from 80.000 to 87.000 between the two elections by bussing in soldiers and obligations for civil servants to vote in Rodopi and Xanthi (some 10-12.000 votes were believed to belong to soldiers and civil servants). This increased the number of votes to be attained by political parties and independent candidates from 17.500 to 19.233 to elect a deputy (Oran, 1991: 206).

government largely composed of technocrats (Zolotas government) that would take the country to the next round of general elections in April 1990.

In the meantime, the minority was polarized even more with the pogrom of 29 January 1990 that also initiated the process of a gradual lifting of discriminations and a cease in human rights violations. With the presence of international observers from the Danish and Norwegian Helsinki Committees (Whitman, 1990: 30) as well as from the Council of Europe, the minority participated in the general election on 8 April 1990 in a relatively free manner and elected two independent MPs, Sadık Ahmet from Rodopi and Ahmet Faikoğlu from Xanthi, by increasing the votes casted for independent lists.

After three rounds of consecutive elections, the leader of ND Mitsotakis was able to form a government with the presence of 150 deputies required to obtain a vote of confidence. However, as Aarbakke (2000: 473) put it “the Greek political scene tended to treat independent minority MPs as something anomalous, and suspicion against them was further nourished by their open relationship to Turkey”, as well as by their activism regarding minority issues like the schoolbook controversy in 1993. Especially in the case of Sadık Ahmet, the independent deputies’ gradual isolation in the Greek Parliament led them to increase their nationalist rhetoric, which was criticized fiercely by Greek public opinion and led to proposals to lift their parliamentary immunity.

With the new Electoral Law (163/1990) that was passed by the Greek Parliament on 24 December 1990, the election of future independent MPs was prevented with the introduction of a 3% national electoral threshold that would be valid for independent lists and candidates as well as political parties and coalitions. The 3% threshold that was “essentially targeting the independent minority

candidates” (Anagnostou, 2001: 103) made it necessary for them to attain at least 200.000 votes countrywide, whereas the overall population of the minority was approximately 140-150.000. Despite some counter-arguments presented by Greek officials, the 3% threshold was not comparable to similar implementations in other countries since (a) they were not valid for the first distribution of votes or for single constituencies (Aarbakke, 2000: 5009), and (b) nowhere in Europe were independent candidates subjected to a national threshold. Although “The Friendship, Equality and Peace Party (*Dostluk, Eşitlik ve Barış-DEB Partisi*)” established by Sadık Ahmet on 13 September 1991 to prevent a diffusion of minority votes to the mainstream political parties came first and got 32.25% of total votes in Rodopi in the next elections on 10 October 1993, he could not be elected to Parliament.¹⁰⁴

Ever since the application of 3% electoral cut-off point in 1990, the Turkish-Muslim minority has lost the chance of being represented by independent candidates, and has been forced to elect its representatives through mainstream Greek political parties (Chousein, 2004: 132) that generally impose strict limitations on the presentation of minority issues in the parliament.

4.4.2. Local elections

As far as the political representation at the regional and local level is concerned, the minority found more opportunities for political representation in municipalities (*dimoi*) and communes (*koinotites*). Although the mayors in the city centers of Komotini and Xanthi always had a majority background, the minority managed to join municipal councils by forming alliances with the Christian leaders,

¹⁰⁴ Sadık Ahmet’s untimely death in a traffic accident on 24 July 1995 deprived the DEB of political leadership. Due to the 3% electoral threshold and intra-minority conflict caused by Sadık Ahmet’s controversial stance, the rest of the minority leaders and politicians did not pay much attention to the continuation of political struggle under the umbrella of DEB.

or by directly electing mayors for small municipalities and communes that were densely populated by the minority.

As opposed to the political parties traditionally engaged in numerous maneuvers not to include “undesired” minority politicians in their lists or exercising a high degree of tutelage on their actions especially regarding the ethnic affiliation of the minority, the local Christian politicians in Komotini and Xanthi did not refrain from calling the minority Turkish in their election bulletins in order to maximize their votes (Aarbakke, 2000: 267). Generally speaking, the political horse-trading is even more visible on the eve of local elections, and most of the minority’s problems pertaining to their daily life were addressed just before the elections as part of a vote maximizing strategy.

In the 1990s, the highly centralized local self-administration in Greece was reformed with a series of legislation that transformed the Prefectures to a second level self-administration by allowing their popular election, creating a Prefecture Council, giving them access to increased Community funding and allowing them to establish their own Regional Development Fund. However, while aiming to achieve greater democracy and efficiency at the local level, the Greek authorities were also concerned about the potential election of Prefects with a minority background in Rodopi and Xanthi.

Following the outcry by the Greek media not to allow the “Turks” to become Prefects (Marinos, 1994: 12)¹⁰⁵, the new Law (2218/1994) introducing the second degree of local self-administration was reformulated in such a way that the electoral districts that are densely populated with minority people were merged with neighboring prefectures, where most of the inhabitants are of majority background,

¹⁰⁵ “*Pros Teou, ochi kai tourkous nomarches*” (For God’s sake, not Turkish prefects) *Oikonomikos Tachydromos* (Greek periodical), 12 May 1994, p.12.

by the creation of a special category of so-called “enlarged prefectures” (*dievrímenes nomarchies*, Article 40).¹⁰⁶ With such a gerrymandering targeting the elimination of the possibility of the minority to elect a Prefect (Anagnostou and Triandafyllidou, 2003: 16 and Anagnostou, 2001: 110), the Rodopi prefecture was merged with neighboring Evros, whereas Xanthi was merged with the neighboring Drama and Kavala prefectures.

As stated by an official publication by the Ministry of Interior (2000: 3) “the district of each second level local authority coincides with the administrative district of the prefecture, with the *exception* of three expanded ones which are responsible for more than one prefectures (Athens-Pireus, Rodopi-Evros, Drama-Kavala-Xanthi)” (emphasis added). In fact, as Papanikolaou (2007: 10) argued, in order to alleviate criticisms on the discriminatory nature of such a practice and to conceal the real motivation, the Greek authorities have made this system valid in another region outside of Western Thrace (Athens-Pireus).

Furthermore, as an indirect consequence of the “Kapodistrias Plan”¹⁰⁷ for the reform of first level local self-administration by merging small ineffective municipalities and communes, the number of local administrative authorities headed by the members of the minority declined drastically, as well as the total number of minority people in the local councils. The new borders of the local self-

¹⁰⁶ The special category of “enlarged prefectures” was specified later in Law 2240/1994, which undercut the powers originally envisioned for Prefecture Councils and reintroduced the role of government appointed Prefect at a different level with the creation of the post of “General Secretary” of Regions (Anagnostou, 2001: 110). Enlarged prefectures were recently abolished with the new wave of regional reorganization called as “Kallikratis Reform” (Law 3852/2010) that envisaged replacement of state appointed Secretary Generals with popularly elected Regional Administrators and further reduction of the number of local self-administration units. In local elections on 7-14 November 2010, 8 members of the minority was elected to the regional assembly with a total of 51 members, 6 to the Municipal Council of Komotini (total 41 members), and 4 to the Municipal Council of Xanthi (total of 33 members).

¹⁰⁷ In line with Law 2539/1997, the “Kapodistrias Plan” merged 441 municipalities and 5382 communes into 900 municipalities and 133 communes. The total number of first level local self-administration authorities was reduced from 5775 to 1033 (the Ministry of Interior, 2000: 22). The “Kallikratis Reform” recently decreased this figure to 325 municipalities.

administrations were also carefully studied in order to minimize the political representation of the minority. According to results of the 2006 local elections, there were only 6 local administrators with a minority background in Rodopi (Mayors of Fillira, Arriana, Sostis, and Heads of Communes in Kechros, Organi, Amaksades), and 5 minority administrators in Xanthi (Mayors of Miki, Selero, and Heads of Communes in Thermes, Kotyli, Satres). Regarding the Municipal Councils in Komotini and Xanthi, only 3 members in each municipality were of a minority background out of a total of 27 members in each municipality.

Another factor that indirectly hindered the political power of the minority was the changes introduced in the demographical structure of Western Thrace. In line with Greek immigration policy prioritizing co-ethnic returnees from the former Soviet Republics, more than 150.000 Greeks settled in Greece and applied for citizenship under an especially rapid process since 1980 (Gropas and Triandafyllidou, 2005).¹⁰⁸ With a special settlement programme managed by the General Secretariat of Repatriating Greeks of the Ministry of Macedonia and Thrace in Thessaloniki, and the provision of economic incentives and special privileges by the National Foundation for Reception and Resettlement of Immigrants and Repatriate Greeks (EYIAPOE), a considerable portion of the immigrants were encouraged to settle in Western Thrace (Voutira, 2004: 536).¹⁰⁹ By changing the demographical balance between minority and majority populations, their resettlement

¹⁰⁸ There were some previous waves of migration from the Black Sea region in 1937-1939 and 1965-1967 (Vergeti, 1991).

¹⁰⁹ In addition to generous housing schemes and employment plans, the program included subsidized settlement in Eastern Macedonia and Thrace with an immediate financial contribution of 11 million Drachmas per family plus an additional 500,000 Drachmas per child and dependant adult. The loan was 30% interest-free and repayable over 15 years. With the design of the “zoning programme” dividing the country into 4 different regions, settlement into Zone-A (Eastern Macedonia, Thrace and the islands of the Northern Aegean) was privileged (Voutira, 2004: 536). It was also claimed that Rodop Prefecture was chosen as the largest district for the settlement, and the existence of refugees for national reasons cultivated a sense of discrimination among them against the minority (Papanikolaou 2007: 21-22).

in the regions has inevitably decreased the political power of the minority and circumvented its representation.

Last but not least, despite the fact that all Greek citizens were able to move their public registers to another place after living there more than two years, the minority people were not allowed to change their registers from the villages to Komotini or Xanthi city centers, most probably so as not to allow them to vote in their new residences. Some minority people living in the mountainous areas of Xanthi were allowed to work in the public sector in the 1980s on condition that they would move into Greece's large urban centers and transfer their voting rights there (Labrianidis, 2001: 97).

4.5. Human Rights Violations / Deprivation from Citizenship Rights

Despite the fact that some of the discriminatory measures can be traced back earlier, they generally started or intensified by the end of the golden era of the Greek-Turkish relations in late 1950s. In line with its “national minority policy” aiming to balance the population of the minority with that of the Greek-Orthodox minority in Istanbul, the series of policies formulated by the CCT and implemented by the Offices of Cultural Affairs during the 1960s could be grouped under three main headings as “restrictive measures (*perioristika metra*)”, “administrative harassments (*dioikitikes enochliseis*)” and “policies of discrimination (*politikes diakriseon*)” (Papanikolaou, 2007: 97). Most of the discriminatory measures were institutionalized during the military dictatorship (1967-1974) under the motto of “Greece of Christian Greeks” (*Ellas Ellinon Hristianon*), but they continued unabated after the restoration of democracy and especially during the 1980s when the problematic relations between the minority and the state escalated to the level of

conflict. Turkey's intervention to Cyprus and problems encountered by the Greek-Orthodox minority in Istanbul were used as pretexts for employing a rather problematic version of "reciprocity".

4.5.1. Travel Restrictions in Some Regions

Cold-war era travel restrictions for the mountainous areas of the Western Thrace along the Bulgarian border, which was originally designed to block the infiltration of the communists from the North, have been utilized to marginalize the minority people living in these areas and to distance them from the rest of the minority population. The status of the restricted or controlled zones (*epitiroumenes zones*) was defined by Law 376/1936, according to which entries and exits were controlled by checkpoints that was closed from midnight to 5 am. Even local residents were expected to present special identity cards to pass through checkpoints, and were only allowed travel within a radius of thirty kilometers from their homes (Chousein, 2005: 112). People living outside the controlled zone were required to have special permission to enter, whereas the entrance of foreigners was forbidden as a general rule.

Minority people living in the 69 villages in Xanthi, 49 villages in Rodopi and 5-7 villages in Evros Prefectures were affected from the implementation of the controlled zone scheme (Oran, 1991: 220). The number of people living there, one of the largest enclaves of the world covering nearly 1/8th of the geographical area of Western Thrace, was around 35-40.000 (Whitman, 1990: 14 and *Gündem*, 21.04.1998). Minority people in this zone were isolated from the rest of the minority and were living under difficult socio-economic conditions mainly shaped by

deprivation from basic facilities like infrastructure, communication, health, education etc.¹¹⁰

Apparently, the Coordinative Committee of Thrace (CCT) utilized the restricted zone to control the lives of minority people, and proposed its geographical expansion to the government twice in 1963 and 1966 to prevent “Turks from being able to reach these areas” (Papanikolaou, 2007: 118-19). The basic goal of the CCT was isolating so-called “Pomaks” geographically in order to foster divisions within the minority.¹¹¹ However, it brought an opposite result in the long-term since the people living in the mountainous areas felt discriminated with this spatial isolation, and the existence of the “physical border” facilitated their self-identification with the rest of the minority (Papanikolaou, 2007: 119). Despite the fact that controlled military buffer zones ceased to exist everywhere in Greece, they continued to be used as an instrument of political manipulation in Western Thrace until 1995 (Labrianidis, 2001: 91, see Annex IV for its implementation in Xanthi).

4.5.2. Article 19 of the Nationality Code and Problem of Statelessness

The restrictive or exclusive nature of “Greekness” was openly reflected in the domestic legal framework regarding citizenship. Following the spirit of the 1927 Presidential Decree anticipating the possibility of depriving the citizenship of a Greek citizen that that was of a “foreign (or different) descent”, the Greek Citizenship Law (3370/1955) differentiated between the Greek citizens “of the same

¹¹⁰ The study conducted by Labrianidis (2001) described the “internal frontier” as a hindrance to development and demonstrated statistically that telephone services, asphalted roads, electric consumption, housing, irrigated land and public spending on public works were limited in the controlled zone of Xanthi as opposed to other regions in the same prefecture.

¹¹¹ In her study based on the archives of CCT, Papanikolaou (2007: 140) mentioned that the CCT advised the Ministry of Foreign Affairs not to accept the formal request made by the Turkish Embassy in Athens for the granting of a permission to the Turkish Consul in Komotini to visit the mountainous areas of Xanthi, Rodopi and Evros in March 1967.

(Greek) descent” (*omogenis*) as opposed to “foreign (non-Greek) descent” (*allogenis*) with the following Article 19:¹¹²

“A person of non-Greek ethnic origin (*allogenis*) leaving Greece without the intention of returning may be declared as having lost Greek nationality. This also applies to a person of non-Greek ethnic origin born and domiciled abroad. His minor children living abroad may be declared as having lost Greek nationality if both their parents or the surviving parent have lost the same. The Ministry of Interior decides in these matters with the concurring opinion of the National Council (for citizenship)” (Chousein, 2005: 100-1).

Artic 19 obviously targeted minority groups that were found “inassimilable”, “lacked national consciousness” and henceforth were potential internal enemies of the state. The first group targeted through a withdrawal of citizenship within the framework of Article 19 was the Macedonian minority in Greece and communist insurgents that had left Greece especially after the end of the Greek Civil War in 1949 (Pananikolaou, 2007: 219). Later, as Anagnostou (2005: 338) indicated, this article was utilized as one of the broader set of informal but widespread restrictive measures (*katastaltika metra*) instituted by Greek governments to balance out the demographic decline of the Greek-Orthodox community in Istanbul. Article 19 was extensively used especially after the 1960s, despite the fact that it was in clear contradiction with Article 4 of the Greek Constitution regarding the equality of all Greek citizens before the law and withdrawal of citizenship only in cases of acquisition of another citizenship or undertaking service contrary to national interests

¹¹² While addressing the subjectivity and incoherence surrounding these socio-legal concepts (“*omogenis*” vs. “*allogenis*”), the Council of State made a direct reference to “national consciousness” that was demonstrated through actions (like actively taking part in “Macedonian organizations”) regarding the case of “Slav-speaking (Slavophonoï)” Greek citizens, who were also deprived of their citizenship. However, regarding the Turkish-Muslim minority of Western Thrace, the difference in religion automatically placed its members in the category of “*allogenis*” as a reflection of the survival of the Ottoman *millet* system (Kostopoulos, 2003: 6). This resemblance was also indicated by Aarbakke (2000: 578-579), who argued that the interpretation of the article is related to the traditional *millet* system and the fluid category of “Greek national consciousness”.

in a foreign country, let alone the Article 39 of the Lausanne Treaty on the enjoyment of the same civil and political rights as well as equality before law. Ironically, while the official Greek policy was denying the ethnicity of the minority in Western Thrace by continuous reference to its religious character, the members of the minority were being deprived of their citizenship with the pretext that they were “citizens of different ethnic origin” (*allogenis*).

As a matter of fact, the inherent contradiction of Article 19 of the citizenship code was explicitly mentioned in the Greek Constitution itself in Article 111 on “Temporary Provisions”, which states that “the provision of article 19 of legislative decree 3370/1955 on sanctioning of the Code of Greek citizenship shall remain in force until it is repealed by law”.¹¹³ Furthermore, some Greek lawyers argued that, in addition to the undemocratic nature of the withdrawal of citizenship, the procedure itself was also implemented unlawfully since decisions were taken in reality by the Offices of Cultural Affairs directly affiliated to the Ministry of Foreign Affairs with utter secrecy, despite the fact that a decision by the Ministry of Interior was necessary (*Oikonomikos Tachydromos*/20.08.1992 quoted in Aarbakke, 2000: 583).¹¹⁴ Generally speaking, first denationalization measures took place, afterwards the necessary paperwork required by law was prepared in one way or another.

Ambiguity surrounding categories like “foreign descent (*allogenis*)”, “national consciousness” and “intention of not returning”, as well as the arbitrary enforcement of Article 19, have victimized mainly the Turkish-Muslim minority of Western Thrace. According to the official answer given by the Minister of Interior

¹¹³ Sitaropoulos (2004: 213) interpreted Article 111 of the Greek Constitution as evidence for the non-existence of an intention by the post-dictatorial forces in Greece to challenge the tradition of suppressing principles of human rights and minority rights’ protection.

¹¹⁴ The involvement of the “Offices of Cultural Affairs” was also acknowledged by other scholars such as Anagnostou (2005: 338) and Papanikolaou (2007: 223), who have also underlined the involvement of the CCT in denationalization decisions.

(No 78400/8334) to the written request by minority MP İlhan Ahmet on 10 May 2005, “46.638 Muslims from Western Thrace and the Dodecanese islands” have lost their citizenship between the years 1955-1998 according to the Article 19, whereas the total number of people affected from this provision was 60.004 (Sitaropoulos, 2004: 205).

When members of the minority reacted against withdrawal of their citizenship, authorities generally remained silent and applicants were only told that they have left Greece without the intention of returning since they sold their house or migrated somewhere else as a family. In practice, however, the application of this criterion was both arbitrary and extremely subjective. In most cases, minority members were deprived of their citizenship while they were visiting their relatives (Oran, 1991: 214), sons or daughters living or studying in Turkey (*Rizospastis*/19.05.1986), cultivating their land in their villages (Sitaropoulos, 2004: 214), actively doing their military service in Greece (Whitman, 1990: 12), working in some other Greek cities (Aarbakke, 2000: 584) or in other European countries as “guest workers”. The Ministry of Interior prepared some decisions for the collective deprivations of citizenship for the members of the minority, and published them in the official gazette. However, the members of the minority were never informed about the decisions, and generally learned about their loss of citizenship when they applied to state authorities for various purposes like extending their passports, issuing driver licenses and getting their pension.

Another aspect of the policy of denationalization was passports specially modified for the members of the minority and their subsequent seizure. As opposed to the general policy of issuing Greek citizens passports that will be valid for five year for multiple trips “including return”, the authorities gave minority members

passports that would be valid for 6 months or one year. While doing so, authorities erased or crossed out the word “including return” and instructed minority people to apply to the Greek Consulates in Turkey to facilitate their return.¹¹⁵ Nonetheless, when they applied to the Greek Consulates, they were notified about the loss of their citizenship under Article 19 (Oran, 1991: 216-7 and Eren, 1997: 100). Sometimes, minority people were rejected an entry at the Greek borders, where the authorities cancelled their valid passports with a stamp (Aarbakke, 2000: 289). In some other cases, the authorities seized the passports belonging to the minority by arguing that they were not valid any more (Whitman, 1990: 13).

According to the unofficial denationalization statistics utilized by Kostopoulos (2003) and Sitaropoulos (2004), the vast majority of them (approximately 47.000) took place between 1955-1975. There exists a positive correlation between denationalizations and conflicts between majority and minority populations in Thrace, as well as worsening Greco-Turkish relations, like in the early 1960s, post-1974, and the late 1980s.

In addition to violating their right to a citizenship, denationalization measures have also caused the breach of some of their basic human rights like free movement, freedom to work, access to public services including education and health care. Since minority people were forced to live as “*heimatlos*” (stateless),¹¹⁶ they had to maintain their existence as “ghost people” (Papanikolaou, 2007: 237 and Aarbakke, 2000:

¹¹⁵ When the minority MP Mehmet Müftüoğlu brought passports without return to the attention of the Ministry of Interior, he was answered that “there is no discrimination in Western Thrace, and passports valid for less than 5 years are only issued in cases specified by law without any discrimination and irrespective of the applicant’s religion” (Aarbakke, 2000: 289).

¹¹⁶ The authorities did not even grant the status of “*heimatlos*” to the victims of Article 19 until December 1997, when human rights organizations (including Greek Helsinki Monitor and Minority Rights Group-Greece) issued a statement for the abolishment of denationalization measures and also revealed that Greece is required to grant special rights to the “stateless” people according to UN Convention Relating on the Status of Stateless Persons that was ratified by Greece in 1975 (available on “<http://www.hartford-hwp.com/archives/62/418.html>” last accessed on 3 November 2010). The statement was also signed by the three minority MPs of the time, Galip Galip (PASOK), Birol Akifoğlu (ND) and Mustafa Mustafa (Sinaspismos).

590). Although some of the applications for the annulment of denationalization decisions were accepted by the Council of State, most minority people could not opt for legal remedies since they were either left outside the country or had missed the two months' deadline to legally defend their rights against these decisions that were actually never communicated to them in a written form.¹¹⁷ When one of the families brought the issue before the ECtHR (*Zeibek v. Greece*, No: 34372/97), the Court acknowledged that the right to a nationality is not one of the rights and freedoms secured by the Convention, but the differential treatment of race might be capable of constituting degrading treatment prohibited under Article 3 of the Convention. Nevertheless, the application was found inadmissible since the applicants did not exhaust domestic remedies properly.¹¹⁸

4.5.3 Administrative Discriminations, Violations of Property Rights, Difficulties in Obtaining Permits and Licenses

Especially in the 1980s, members of the Turkish-Muslim minority of Western Thrace had major difficulties in obtaining driver licenses, building permits and permissions to conduct their professions. Since administrative discriminations and

¹¹⁷ There are some episodes in which the Ministry of Interior did not reconstitute the citizenship of the person despite the favorable decision of the Council of State (Aarbakke, 2000: 585). As it was acknowledged by a Greek lawyer, legal protection against expulsion was in reality non-existent, the applications to revoke expulsions were generally declined and applications to the Council of State were both time-consuming and expensive, if not overdue (*Oikonomikos Tachydromos*/20.08.1992 quoted in Aarbakke, 2000: 583).

¹¹⁸ Having learned that they were deprived of their nationality in 1985, the applicant Zeibek family returned illegally to Greece. On 2 June 1985, one of the applicants was found guilty of driving without a license. He argued that he could not possess a driving license because of his citizenship status, and the family lodged an application for the judicial review of the denationalization decision that was eventually rejected by the Council of State. The authorities revealed a document indicating that the family asked for the restitution of their citizenship on 10 November 1990, where they had referred to the denationalization decision against themselves. The Council of State argued that despite the fact that the applicants were *de facto* informed about the denationalization decision as early as 10 November 1990, they did not lodge a formal application for a judicial review in 60 days as required by law. By disregarding the fact that applicants were living in the village without access to proper legal help, ECtHR accepted this argument and decided that applicants did not exhaust domestic remedies properly. The drama of Aysel Zeibek, who could not get married due to her citizenship status, found much coverage later in the Greek media and national/international human rights organizations.

harassments were carried out by “secret directives”, there were not concrete proofs other than the stories of those that were affected. For example, members of the minority failed in driving tests especially for tractors that were crucial for cultivating their lands and earning an income. No matter how well the members of the minority were prepared for the tests, only very few of them (5%) could succeed as opposed to 95% of the rest of the population. It was later revealed by the national media that a secret directive prepared by the Deputy Minister of Foreign Affairs Yannis Kapsis had instructed local authorities to process all applications by the minority people at a rate of 19 applications by majority people against 1 minority one (Aarbakke, 2000: 205).¹¹⁹

As opposed to their neighbors, the Turkish-Muslim inhabitants of Western Thrace were not given permits required to construct new houses or repair the existing ones despite numerous applications to the relevant authorities. When coupled with the restrictions imposed on the minority for not allowing them to buy new houses or acquire new land, members of the minority were forced to live in desperate conditions. When few minority people had no option but to build or repair their houses without permission, they were faced with enormous fines that sometimes exceeded the actual value of their properties (Oran, 1991: 222), and even if they were not fined they could not apply for public services like water and electricity. The rudimentary situation of the houses owned by the minority and the lack of

¹¹⁹ The authorities probably defined this rate (5%) by looking at the ratio of the Greek-Orthodox minority in Istanbul as opposed to the Turkish-Muslim minority in Western Thrace. Even minority people residing in some other regions of Greece were told to take the tests for driving license in Western Thrace. Greek authorities chose answering criticisms regarding the driving licenses with reference to the minority’s non-proficiency of the Greek language (Whitman, 1990: 37).

infrastructure in the Turkish neighborhoods were noticed by Whitman (1990: 32-3).¹²⁰

The young and educated members of the minority (like pharmacists, dentists or accountants) faced some limitations when they applied for necessary permits to exercise their profession. In a striking example, Yüksel Nurioglu applied to open a pharmacy in the Prefecture of Xanthi after passing exams and having a license from the Greek Ministry of Health in 1982. Since the files he submitted to open up a pharmacy in Xanthi between 1982-1987 somehow disappeared three times, he applied two more times in 1988 and 1990 without any success. Having lost his hopes to open up a pharmacy in Xanthi, he applied in 1990 to the authorities in Komotini to exercise his profession in this city and then took his case to the Council of State against the silence of the authorities. Due to the continuous postponement of the court hearings, he applied to the ECtHR (*Nurioglu v. Greece*, No: 18545/91) as well. Following the ECtHR judgment of 17 May 1995 indicating the breach of Article 6 of the ECHR (freedom to a hearing within a reasonable time) due to the excessive length of the proceedings, he obtained a favorable decision from the Council of State and managed to open a pharmacy in Komotini.¹²¹

The first minority pharmacist, Cahit Çingür who was allowed to practice his profession, had a major disagreement with the Chamber of Pharmacists in Xanthi that did not allow him to work as an “on-duty pharmacist” on official holidays since

¹²⁰ Local authorities generally denied the existence of discrimination regarding permits for constructions or repairs, and referred to the low socio-economic status of the minority while explaining the desperate situation of their houses. Greek deputy Gondikas argued that authorities impose a tighter regime for issuing such permits to preserve architectural characteristics of the region, the local cultural heritage, environment and city plans (Oran, 1991: 223).

¹²¹ In line with the Committee of Minister’s concurring opinion with the ECtHR on 15 November 1996 and 28 January 1997, Greece also paid Yüksel Nurioglu a total of 9.534.400 GRD (Greek-drachmas) for pecuniary and non-pecuniary damages (Resolution DH(99) 11 concerning application No. 18545/91, *Nurioglu v. Greece*, 18 January 1999). Although Nurioglu is from Xanthi, he had no option but to work in Rodopi which is 45 kms away. He still travels from Xanthi to Komotini every single day.

he was not accepted for membership. Çingur got his license to open a pharmacy in Xanthi in September 1993 by using his contacts and taking advantage of the publicity of the Nurioglu case. When he applied for membership to the Chamber of Pharmacists in Xanthi, he was required to submit, among other usual documents, a result of a language test from a Greek university to demonstrate that “he was perfectly fluent in the Greek language”. He submitted a copy of his high-school diploma from a minority high school in Xanthi and refused to take a test by arguing that such documentation cannot be asked from Greek citizens. When his application failed, he applied to the Court of State in 1994 and brought the case to the attention of ECtHR after four years. As of January 1999 the Court of State annulled the decision of the Chamber, which had no option but accepting him as a member. The decision by the ECtHR (*Tsingour v. Greece*, No: 40437/98) that was announced on 6 July 2000 judged that Article 6 of the ECHR had been violated.¹²²

As Aarbakke (2000: 475-8) indicated, the difficulties confronted by these minority pharmacists was a result of a combination of administrative restrictions that was inherent to the Greek minority and the reaction of local interest groups that benefited from such restrictions. Existing pharmacists were afraid of losing a significant share of their Turkish-Muslim customers if some minority members opened up pharmacies. Therefore, even after the granting of licenses by the Council of State decisions following numerous ECtHR applications, local Chambers of Pharmacists reacted to these licenses and refused to register minority pharmacists as members. When the number of minority pharmacists increased, the Administrative Board of Chamber of Pharmacists in Rodopi resigned in protest, and assaulted their

¹²² Greece was obliged to pay a total of 5.000.000 GRD (Greek Drachmas) for pecuniary and non-pecuniary damages. Both Nurioglu and Çingur managed to secure a favorable decision by the Council of State only after submitting applications to the ECtHR. In the ECtHR judgment related to his case, Çingur underlines this point.

colleagues with minority background through the media as well as calling on the Minister of Health to revoke permissions.

Local taxi drivers have also reacted in the same fashion when discrimination against minority people regarding taxi permits ended in 1998. In 1990, minority MP Sadik Ahmet raised the issue in Parliament and argued that out of 600 total taxis operating in the region not even a single minority member was given the necessary permit. When the Prefecture of Xanthi granted the first taxi permit to a minority entrepreneur, 119 drivers from the Xanthi taxi drivers' association surrounded the Prefecture and asked for the revocation of the permission (Aarbakke, 2000: 478).

Whitman (1990: 31-8, 1992: 12-3) and Oran (1991: 227-8) mentioned that minority people had also been discriminated when they wanted to open their own workplaces, factories, electrical shops or when they wanted to buy new machinery for their businesses like bakeries or grocery stores. They also reported administrative harassment by state authorities (mainly the police and tax officials). Furthermore, until recently, the minority was virtually non-existent in public employment including local authorities (Prefectures or Municipalities) and organizations directly attached to them. The latter was of particular importance when one considers the fact that the minority constitutes almost half of the population in the Prefectures of Rodopi and Xanthi. Following the local elections of 2006, reported Papanikolaou (2007: 26), out of 300 employees working for different municipal organizations in Komotini, the number of minority members did not exceed 20 that in most cases worked on a contractual basis rather than having a permanent status.

The two main components of the “national minority policy” of Greece aiming at the reinforcement of the local majority population and extinction of the minority were “population” and “property” (Papanikolaou, 2000: 120). In addition to

the policy of creating divisions within the minority population, forcing minority people to migrate with discriminatory and restrictive measures, and undertaking extensive denationalization measures for the Turkish-Muslims, the authorities also monitored the demographical composition of the region by conducting secret censuses.¹²³

After the last official Greek census including questions on the mother tongue of the population in 1951, the Greek National Statistical Service removed the categories of national/ethnic origin and language use for “reasons of national policy” (Rozakis, 1996: 98). Figures on the religious distribution of the population were not shared with the public in subsequent censuses. Papanikolaou (2007: 120-121), on the basis of archival material, argues that the systematic collection of statistical demographic data was organized by the CCT under absolute secrecy and done by local officials following orders. According to the results that were found “disappointing”, several measures were instigated like forced immigration, denationalization measures, preventing minority members from purchasing any land or property, and granting loans to the local majority population to buy the land or property owned by the minority.

The policy of giving “national loans” to the local Christian majority to buy the land and property belonging to the minority was first initiated by the CCT in 1961 (Papanikolaou, 2007: 122) and later institutionalized with the agreement between the Central Bank of Greece and the Agricultural Bank of Greece on 22 November 1966 (Oran, 1991: 237). The Christian population living in the region was given the possibility of obtaining credits with favorable conditions if/when they

¹²³ It was interesting that the officials were asked to count local population under the banners of “Greeks” and “Muslims” (Papanikolaou, 2007: 121). The latter was apparently not considered “Greek” citizens.

prove that the current owner of the land was of minority origin.¹²⁴ These generous loans had a very low interest rate, long maturity dates (20 years) and required no installments to be paid for the first five years (Aarbakke, 2000: 560).

While the local majority population was encouraged to buy over the properties belonging to the Turkish-Muslim people, the minority was not allowed to acquire any immovables. According to (Law 1366/1938) regulating immovable property transactions in the regions defined as “border areas” (including the Prefectures of Evros, Rodopi and Xanthi in Western Thrace), all transactions by Greek citizens (including buying, rental agreements for more than 6 years and donations) were restricted and subjected to approval by a special Commission, composed of representatives from the Prefecture, Ministries of Defense, Foreign Affairs, Interior, Economics and Agriculture.¹²⁵ Despite the fact that members of the minority have filed numerous applications to acquire immovables, the special commissions in the prefectures have not approved them. This, in short, meant that the minority was only allowed to sell their property not to another member of the minority but to a member of the majority population.

In line with the policy of “land purchasing” by giving favorable credits to the majority and not allowing the minority to acquire new lands, the authorities also utilized several measures to confiscate or expropriate the properties owned by the

¹²⁴ In addition to the public employees living in the Western Thrace region, the population group that most profited from this measure was *Sarakatsanoi* (Christian Vlahs or *Karakacınlar* in Turkish) that were settled in Western Thrace (Oran, 1991: 238 and Papanikolaou, 2007: 123). In some cases, the buyers declared a higher value to claim more credit with favorable conditions and offered more money to minority people to remain silent. Faced with oppressive and restrictive measures, many families chose to sell their property and emigrate to Turkey. The ones that chose to stay in Western Thrace despite everything transferred most of their savings to Turkey since they thought investing in the kin-state was safer.

¹²⁵ Law 1366/1938 was not entitling foreigners to a land/property transaction in the border areas, and thereby was condemned by the European Community Court of Justice on 30 May 1989 (Case 305/87). Subsequent legislation (Law 1892/1990 - Article 25) allows “Greek nationals, individuals of Greek ethnic origin including Cypriots and EU nationals” for immovable property transactions in border areas subject to the approval of a special committee formed in the Prefectures as described above.

Turkish-Muslim minority. To begin with, different legal provisions (Laws 2536/1953,¹²⁶ 1539/1958 and 3958/1959) anticipated the administration of the properties belonging to the deportees, who have left Greece legally or illegally, by the state and eventual acquisition of their property after a while, (such as 3 to 10 years.) The land reform of the 1950s has also resulted in the expropriation of large estates belonging to the minority since Law 2185/1952 called for the redistribution of the land exceeding 500.000 m² for the farmers who were cultivating it themselves and 250.000 m² for the ones who were not. This measure has affected negatively the owners of large estates (*çiftlik*), some of whose descendants are still in search of legal remedies for a just compensation.¹²⁷

Moreover, the properties of minority farmers were expropriated on a collective basis for the construction of an industrial zone, military bases, the university campus or collective housing for the immigrants. The amount of compensation paid to the owners of expropriated land was so “ridiculously low” (Papanikolaou, 2007: 126) that some of them did not even claim their share. In most cases, the expropriated large areas that constituted the most fertile and arable lands belonging to minority farmers were either not utilized effectively or were even used for some other purposes. For example, 4.000 m² arable land near Komotini was expropriated between 1976-1980 for the construction of an industrial zone, but only half of it was used for the actual purpose while the rest was rented to other (mostly

¹²⁶ Aarbake (2000: 58) claims that the implementation of Law 2536/1953 that foresaw acquisition of the property of people who have left Greece and did not contact state authorities in the last three years were suspended for the members of minority the next year through Article 6 of Law 2781/1954. However, Oran (1991: 246) argues that this suspension was only temporary until 1971.

¹²⁷ In this regard, Andreadis (1956: 30-32 quoted in Aarbakke, 2000: 57) mentions the names of 11 *çiftlik*s, some of which are known by the minority as *Büyük Kaval*, *Küçük Kaval*, *Kara Musa*, *Anaköy*, *İlgın*, *Tepe*, *Koç Obası*, *Ferezler*, *Kalfalar* and *Küçük Osmanlı Çiftlikleri*.

Christian) farmers.¹²⁸ Similarly, in addition to the 4.300 m² expropriated mainly from members of the minority for military purposes, 3.200 m² of arable land in Komotini was expropriated for the construction of Democritus University of Thrace in 1978.¹²⁹ Considered that one of the biggest universities of Greece (Aristotle University of Thessaloniki) was constructed on 640 m² (Oran, 1991: 241), this area was four times bigger and 85 % of the expropriated land belonged to the minority (Whitman, 1990: 35). Today, out of a total of 3.200 m² that was expropriated, only 300 m² was used by university facilities whereas the rest is kept empty.¹³⁰

Furthermore, the government expropriated a total of 2.000 m² land, 95% of which belonged to members of the minority, to undertake a housing project and provide a shelter to immigrants from the ex-Soviet Republics. Although part of the project was completed after the settlement of nearly 220 families, it was not concluded as envisaged, and the rest of the expropriated land was sold out by the government (Oran, 1991: 238 and 242). Later in the beginning of the 1990s, the authorities decided to expropriate a large plot of land belonging to minority farmers for the construction of an open-air agricultural prison near the district of Sappes (*Şapçı*).¹³¹ Nonetheless, following the reaction of minority MPs, associations and

¹²⁸ Papanikolaou (2007: 126) claims that the magnitude of the total area expropriated was 3.000 m² and only 250 m² were used for the establishment of the industrial zone while the rest was given to the use of majority farmers. Whitman (1990: 35) claimed that 90% of the land belonged to the minority.

¹²⁹ The minority reacted against the decision to expropriate large quantities of arable land for the construction of university campus and offered the authorities to confiscate another nearby area that was also in possession of the minority but not that productive (Oran, 1991: 241). The offer was rejected and led to public demonstrations in January-February 1983, the second of its kind after the protests regarding the famous “Evlalo (*Inhanlı*) dispute”.

¹³⁰ It was quite interesting that the President of the very same Democritus University of Thrace announced publicly in a local newspaper (*Paratiritis*) on 5 February 2005 that the university was built in Western Thrace for “national reasons”. These national reasons must be counterbalancing the minority population with the continuous influx of students from different parts of Greece (Papanikolaou, 2007: 25). At some point in his interview, the President also mentioned the relation with Turkey’s intervention in Cyprus and the need to improve the psychology of the local majority population with the establishment of the University.

¹³¹ The prison was designed in such a way that the area to be affected from this measure would be a lot higher than the actual land to be expropriated. The resemblance of this measure with the open-air

institutions as well as the international coverage of the incident (Whitman, 1990:35 and 1992:5), the project was not realized.

In addition to expropriation measures, the minority was also affected negatively by the implementation of measures aiming at unifying scattered and therefore unproductive land as foreseen in Law 821/1948. Despite the fact that land unification (*anadasmos*) was undertaken following the application of the majority of farmers in a village or district, there were also measures anticipating “compulsory unification” if some unavoidable circumstances (like irrigation and floats) necessitate it. Members of the minority have also reported that this exceptional measure was used against them especially after 1974 and their arable and productive land was replaced with smaller and unproductive one (Eren, 1997: 104). In some cases, minority members lost their land since they could not present their title deeds, most of which dated back to Ottoman times and were lost during turbulent times of wars and occupations.

Last but not least, especially after 1974, despite the relevant provisions of domestic law validating the Ottoman title deeds (Law 147/1914 and Presidential Decree of 12 November 1929), Greek authorities started disputing the validity of deeds issued by the Ottoman Empire by arguing that they did not entitle their holders for possession. Denial of the validity of the Ottoman title deeds led to one of the first organized acts of resistance by the minority in 1982. When the authorities denied the validity of the Ottoman title deeds of the villagers residing in Evlalo (*İnhanlı*) near Xanthi and declared their land public property, they organized three different demonstrations on 17 March, 22 March and 3 April 1982, took their case to the Court

prison in Gökçeada, which was closed in 1990 and rented out for commercial purposes in 2008, is striking. Turkey’s decision to close the Gökçeada prison in 1990 should have also influenced the Greek decision in not proceeding with the original plan.

and brought the issue to the attention of national and international public opinion.¹³²

Although villagers were later allowed to cultivate and benefit their lands, no definite decision was made as “it has often been the case in the handling of the minority affairs in Greece and Turkey” (Aarbakke, 2000: 307).

As a result of the measures aiming to change the proportion of land ownership in Western Thrace between the minority and majority populations, the Turkish-Muslim minority’s share of private property has declined over the years from its pre-Lausanne rate of 84 % (Meray, 2001: 43 and 63) to a mere 25 %.

4.5.4. Economic Backwardness and Lack of Fundamental Public Services

The region of Thrace ranks at the low end of the EU-scale in terms of per capita income and overall development (Anagnostou, 2001: 101). Until the last wave of accession, Thrace had been the least developed region not only in Greece but also in the EU (Pananiolaou, 2007: 8). In this gloomy socio-economic situation, the minority’s status was especially stigmatized since mostly unofficial but elaborate practices and network of state employees and affiliated interest groups monitored and circumscribed all economic transactions involving the minority. Furthermore, the already scant public investments in the region have concentrated around the central towns of Komotini and Xanthi, or in the Christian-populated zones in the south as opposed to rural minority-populated areas in the north (Anagnostou, 2001: 105-6). The disparity in the socio-economic development of areas inhabited by the minority as opposed to the regions populated by the majority was also noticed by other Greek and foreign observers (like Labrianidis, 2001 and Whitman, 1990).¹³³

¹³² For a detailed account of the “Evlalo dispute” and minority’s mobilization to defend its rights, see Oran (1984) and Dede (2003).

¹³³ The socio-economic stagnation of the minority and the oppressive policies have stimulated the emigration of minority people to some Western European countries like Germany and Netherlands,

As the study on Thrace conducted by the Commercial Bank of Greece in 1986 underlined, “constraints of a strategic character have had inhibiting effects on the region’s development with restrictions on infrastructure improvements, as well as controls on the creation of industrial units and the development of ‘restricted zones’” (quoted in Anagnostou, 2001: 106). Although EC structural funds addressed regional disparities in 1980s by promoting some redistribution, Thrace was not affected and the Prefectures of Rodopi and Xanthi stayed in the list of disadvantaged ones, whereas public investments in 11 of 16 Prefectures in the Region of Eastern Macedonia and Thrace increased between 1979-1985 (Anagnostou, 2001: 122).

Despite the fact that border areas in general experience a high degree of socio-economic development by taking advantages of their permeability, the internal frontier created by the implementation of “controlled” or “restricted zones” adversely affected Western Thrace. In addition to its isolation from the leading economic centers in Greece, “controlled zones” have put many constraints especially on the development of the mountainous regions of Xanthi and Komotini, where the typical and unhindered development path was still not sustained even 15 years after their abolishment. Labrianidis (2001: 95) claims that spending on public works per person even in 1991 was 19 times lower within the “controlled zone” of Xanthi, which gave the visitors “a feeling of having entered into another era or a different, third world country”, and the population growth in the zone remained limited. Therefore, due to the general lack of infrastructure and facilities, the economic activities of the minority have mostly been restricted to centuries-old tobacco growing and animal breeding performed with traditional methods.

which constituted the basis of the diaspora minority organization called the “Association of Western Thrace Turks in Europe” (*Avrupa Batı Trakya Türk Federasyonu-ABTTF*, www.abttf.org).

CHAPTER V

EUROPEANIZATION OF MINORITY RIGHTS PROTECTION

IN GREECE: POST-1990

When Greece's accession negotiations to the EEC took place, there was not any clear-cut conditionality mechanism. As Grigoriadis (2008: 28) argued, "the lack of political criteria for EEC membership as well as of conditionality policies aiming to incite reform of minority rights resulted in Greece's EEC membership without a resolution of minority discrimination questions". However, the transformative character of the European Union, the gradual diffusion of European norms and the adoption of a "shaming" strategy by various European institutions facilitated a considerable improvement of minority rights in Greece in the 1990s.

On top of the growing international criticism (especially the one contained in annual human rights reports prepared by the US Department of State and reports prepared by several international NGOs like Helsinki Watch and Amnesty International) and pressure from other international organizations (especially the

Council of Europe), the escalation of the conflict and the eruption of violence on 29 January 1990 against the characteristically non-violent struggle of the Turkish-Muslim minority of Western Thrace had demonstrated that the traditional Greek policy for minority protection was both counterproductive and unsustainable (Yağcıoğlu, 2004: 90). The politicization of the minority (rise of Sadık Ahmet as a political figure), eruption of inter-communal tensions in the region, and worsening international environment for Greece's treatment of minorities, alarmed political leaders and led to a gradual relaxation of restrictive measures.

In order to define the main parameters of the new policy, on 31 January 1990, Prime Minister Xenofon Zolotas organized a meeting with the participation of relevant ministers and leaders of all political parties represented in the Hellenic Parliament.¹ In this non-publicized meeting, it was agreed that the dangers pertaining to the minority were the growth of minority population, land ownership of the minority, the financial power of the Muslim pious foundations which would be even strengthened under a unified administration, and the creation of a separate political entity by the minority (i.e. independent candidates that might be transformed into a political party). Having realized that the administrative harassments had not only proved ineffective, but also yielded opposite results that could be used to expose Greece internationally, the leaders decided to discontinue the counterproductive administrative harassments and determine new measures expected to reinforce the presence and authority of the state.

¹ Participant Ministers were Andonis Samaras (Minister for Foreign Affairs) and Tzannis Tzannetakis (Minister for Defence), whereas the political leaders were Konstandinos Mitsotakis (ND), Andreas Papandreou (PASOK) and Harilaos Florakis (Sinaspismos). The issues discussed in the meeting and the document agreed upon were later leaked by a periodical (*Scholiastis*/March 1990) and a national newspaper (*Eleftherotypia*/02.03.1990). The English translation of the document can be found in Aarbakke (2000: 765-6)

First of all, it was agreed to improve the current situation regarding the population and property distribution between majority and minority groups by implementing a special development program in Western Thrace for improving the living standards of the minority (with the expectation of a lower birth rate), settling “Pontian” refugees from ex-Soviet Republics, and buying land owned by the minority. In order to encourage the urbanization of the minority with the expectation of an increased mobility, the authorities considered for the first time affirmative educational measures, employment in the public sector and industries outside the region. It was also agreed to officially strip Muftis of their judicial competencies and allow for the democratic administration of wakf properties by allowing the election of numerous (and therefore fragmented) administrative committees.

Despite its positive elements at first glance, the document agreed upon by the leaders signaled the beginning of a new era that reflected the continuation of “the authoritarian features which have been part and parcel of Greek minority policy” (Aarbakke, 2000: 436). The merits of the new policy were announced later during the government of Konstantinos Mitsotakis, whose aim was to establish a strong links with Europe. In his historic visit to Western Thrace in 13-14 May 1991, he officially launched the new era concerning the treatment of the Turkish-Muslim minority. By underlining the religious character of the minority and restricting himself to the terminology of the Lausanne Treaty, Mitsotakis acknowledged in his speech in Xanthi (*Eleftherotypia*/14.05.1991) that the “Muslim minority is composed of three ethnic sub-groups (Turks, Pomaks and Roma) with different peculiarities and traditions that must be respected according to the Lausanne Treaty and respective Greek laws”. He acknowledged that Greece is determined to extend “legal equality” (*isonomia*) and “equal citizenship” (*isopolitia*) to all inhabitants of

(Western) Thrace. These two catchwords have later turned out to be the motto of the new era.

While admitting past mistakes, Mitsotakis argued that they were not conscious choices of the previous governments, but rather perpetuated by the negative climate caused by the mistreatment of the Greek-Orthodox minority in Turkey through violations of international treaties and the Turkish position vis-à-vis Cyprus. In his own words, the principle of reciprocity as the cornerstone of the Lausanne Treaty and the Turkish stance on different issues had repercussions on “Muslim Greek citizens”, and some outside circles tried to exploit the issue. Having underlined the success of Greece being the only EC member in the Balkans, Mitsotakis mentioned the Greek initiatives for confronting minority issues in the region within the framework of the Helsinki Final Act (of 1975 by the Conference on Security and Co-operation in Europe-CSCE). Finally, he mentioned development and prosperity as key to the future of (Western) Thrace, reminding that equal rights would also mean equal obligations towards the Greek state and compliance with law and order.

Aarbakke (2000: 547) claims that the new initiative was a result of long efforts in the Greek Ministry of Foreign Affairs by some experts, whose views were finally taken into account. Although Mitsotakis bravely acknowledged the wrongdoings in the past regarding the minority, the scope of the new policy was rather limited to the extension of equal rights to the minority, who has always been entitled to them as Greek citizens. In order to alleviate criticism raised internationally, Greece sufficed to extend citizenship rights (i.e. negative rights) to the minority people and end discriminations. It must have been taken for granted that the

development and prosperity of the region would automatically bring an end to the claims for minority rights (i.e. positive rights).

5.1. Progress Achieved

Greece's determination to adopt and abide by EU norms and practices and the quest for a deeper and constructive incorporation into EU policies and institutions have also encouraged a more liberal approach to the minority, and brought a gradual end to previous discriminatory measures (Niarchos, 2006: 42). To begin with, the restriction on the minority to buy land and property was lifted and the Turkish-Muslim people were given the necessary authorization to do their transactions starting from the 1990s.² Although it is widely believed by the minority that the policy of "national loans" still continues in Western Thrace,³ the end of restrictions have allowed the minority to join the quest for urbanization, especially in the city centers of Komotini and Xanthi by building apartments on their traditional but rudimentary homes. This development has drastically changed the architectural outlook of the districts populated by the minority. Likewise, the restrictions imposed on the minority in obtaining driving licenses or permits for opening certain businesses have gradually been lifted, especially after the favorable decisions by the ECtHR regarding pharmacists with minority background. Recently, although it is not

² Although some authors (Memişoğlu, 2007: 18) link this development with the replacement of the old law (No 1366/1938) with the new one (No 1892/1990) following the unfavorable decision by the European Community Court of Justice in 1989 (for prohibition of EU citizens from buying a land in "border areas" like all foreigners). Although it was true that the new law made EU nationals eligible to acquire land in the "border areas" under the same conditions with Greek citizens and foreigners with Greek-origin (*omogenis*), it did not abolish the requirement for an authorization by a special commission, which victimized the minority until the early 1990s. It was actually the discriminative attitude of the commission that later changed with the introduction of the new policy "*isonomia*" and "*isopolitia*".

³ Papanikolaou (2007: 122) mentions her recent encounter in the local branch of the Agricultural Bank of Greece during her field research. Although she previously contacted bank employees and saw the book of records entitled "Loans for the Purchase of Muslim Land", the branch director denied its existence when she asked for a permission to get a copy of it.

implemented yet, the Turkish language has been included in the list of “foreign languages” in which the written exam for obtaining a license can be taken together with English, German, Russian, Bulgarian and the like.⁴

Secondly, continuous criticisms by international organizations and human rights advocates against travel restrictions and human rights violations in the notorious “controlled zone” brought its abolishment that had long victimized the minority. Mainly due to the warnings by the EU that the controlled zone had caused divergences in employment opportunities, income levels and living standards within and internal frontiers within member states would not be tolerated, the Greek Minister of Defense Yerasimos Arsenis hinted to the abolishment of the “controlled zones” for the Greek citizens during his visit to Western Thrace on 17-18 May 1995.

Later, on 16 November 1995, Arsenis went to the checkpoint 21 kilometers north of Xanthi and officially announced its abolishment. Until 2000, only Greek citizens were traveling freely within the “controlled zone” where foreign correspondents, journalists and diplomats were still required to have special permission.⁵ When Arsenis’s successor, Akis Tsohatzopoulos, invited foreign journalists to participate in his visit to Thrace in November 2000, the travel restrictions in the controlled zones were *de facto* abolished for all groups.

Thirdly, in most of the critical reports by human rights advocates and international organizations, the first and foremost issue was the ongoing validity of the Article 19 of the Greek Citizenship Code. The human and minority rights regime shaped by the Council of Europe and OSCE confronted the Greek government, who

⁴ Delays in the implementation of driving exams were criticized recently by a left-wing oriented local newspaper (*Paratiritis* / 07.11.2009).

⁵ When members of the human rights commission from the Turkish Parliament wanted to visit the mountainous region of Xanthi in 1997, they were not allowed by the police. In April 2000, Turkish journalists were not allowed to monitor general elections in the same region (*Hürriyet* / 08.11.2000). Vemund Aarbakke (2000: 565) mentions a similar attitude when he wanted to visit the village of Echinos in September 1996.

could not maintain its position concerning openly discriminatory denationalization measures anymore as an EU member state.⁶ However, the Ministry of Foreign Affairs of Greece was extremely concerned with the possibility of opening a monitoring process against Greece that was raised after the submission of a report regarding the minority in the Parliamentary Assembly of the Council of Europe (PACE) in early 1997 and the field visit of some parliamentarians to Western Thrace in October 1997 (Aarbakke, 2000: 589).

It was, however, claimed that the Ministry of Interior opposed the annulment of Article 19 on the grounds of public reactions and the possibility of large number of people reacquiring their citizenship (Anagnostou, 2005: 349). Some nationalist groups and the Church raised strong objections by characterizing the annulment as “national betrayal” since it would result in the migration of 300.000-450.000 (!) people to Western Thrace. Similar viewpoints were expressed by some members of the Parliament while the annulment of the Article 19 was being discussed. While the government and several deputies were making frequent references to the country’s “international reputation”, the opposite camp mentioning the “national interest”, “territorial integrity”, “submission to external pressures” and the “rights of Hellenism that are product of long-time sacrifices and blood” (Papanikolaou, 2007: 228-9 and Anagnostou, 2005: 351-3).

At last, the infamous Article 19 of the Greek Citizenship Law was abolished on 9 June 1998 as part of legislation regarding electoral issues (Law 2623/1998 – Article 14). Nevertheless, the annulment did not have a retroactive effect and therefore did not provide thousands of stateless people with an opportunity

⁶ Despite the fact that its abolishment was first discussed publicly in 1991 by Prime Minister Mitsotakis, he could not succeed due to some pressures concerning the return of the stateless people and demographic change in the region.

to restore their citizenship.⁷ It was acknowledged that stateless people living in the territory of Greece may apply for the long and costly naturalization (*politografisi*) process that is available to all immigrants as long as they meet the necessary qualifications. The minority reacted fiercely since (a) most of the stateless people were already living abroad, and (b) there were no positive measures for the minority, who were denationalized with the arbitrary decisions of the state, and were obliged to go through naturalization like others by paying a fee of 1.500 Euro for long and uncertain process. Considering that Greek Citizenship Law had some positive measures including fee waivers for other “privileged” population groups like immigrants from the former Soviet Republics that were regarded as “*omogenis*” (of the same descent), the resentment and frustration of the minority was even higher.⁸

Furthermore, the nationality of Greek political refugees that fled the country following the Civil War were reinstated by an inter-ministerial decision of 1982, but such an automatic restoration was never considered for the minority as they were “advised” to go through naturalization (Sitaropoulos, 2004: 215). Due to the existence of thousands of stateless people in and out of Greece,⁹ the problem of stateless people still constitutes an element of discord between the minority and the state. Both human rights activists and multilateral organizations at the European and

⁷ Anagnostou (2005: 349) argues that such an annulment without a retroactive effect was the result of deliberations between the Ministries of Interior and Foreign Affairs since it satisfied both sides. In this way, Greece avoided further international criticisms for unlawful denationalizations, while the concerns of the Ministry of Interior and nationalist circles were answered by not instituting a corrective measure that would enable restoration of citizenships for more than 60.000 people that were affected from the measure. It was also argued that by not allowing such a restoration, the state legitimized and justified the past policies vis-à-vis the minority rather than acknowledging its mistake (Papanikolaou, 2007: 239-40).

⁸ Papanikolaou (2007: 238-243), Chousein (2004: 126) and Sitaropoulos (2004: 214) demonstrate that only few minority people applied and managed to regain their citizenship through naturalization. Between 1999-2004, out of 113 applications in total, 68 minority people were naturalized. Ministerial Decision published in the Official Gazette on 16 February 2007 announced the further naturalization of 36 stateless minority people.

⁹ Despite the fact that Turkey had offered 8.000 stateless minority people to Turkish citizenship until 1990 (Papanikolaou, 2007: 224-25), there existed 2.874 stateless people only in Turkey as of 2000 (Chousein, 2004: 125). It is known that a considerable number of minority people (guest-workers) were left stateless in several European countries as well and could not regain their citizenship.

international level continue to call upon Greece to find a sustainable solution to the problem.

Fourthly, Greek regional policy and local politics have started to change after the 1980s and were drastically reformed in the 1990s. The policies and administrative measures that have victimized the minority socio-economically until the mid-1990s were produced by the then “over-centralized” and “omnipotent” Greek state apparatus, in which centrally appointed Prefects and state employees in charge of minority affairs had played a crucial role. They were supported by local interest groups and nationalist organizations. As Verney and Papageorgiou (1992: 111) rightly put it, Greek regional policy without clear development properties was mostly based on arbitrary government decisions shaped by clientelistic relations. In Western Thrace, the overarching ideological imperative of national unity and the minority “threat” served to justify the reproduction of highly centralized state structures and distribution of resources (Anagnostou, 2001: 105).

The EU’s regional policy and the leverage of structural funds have been instrumental for breaking the resistance against the demands for decentralization that was raised after the Greek transition to democracy in 1974 and particularly after the advent to power of the socialist government of PASOK in 1981 (Anagnostou, 2001: 105). Firstly, the Prefecture Councils were introduced as an institution in 1982, and later in 1986 their role was enhanced in development planning, at the same time with the establishment of 13 administrative regions for planning purposes.

Despite raising awareness for decentralization in the 1980s and some limited reforms, the initial implementation of the EC’s regional development projects indicated the weakness of the Greek central state apparatus in coordinating and planning development projects, which required greater local involvement and the

creation of relevant sub-national structures above the first tier of local government. With the complete overhaul of the EU's regional policy in 1988-1989 that doubled structural funds and introduced the principles of subsidiarity and partnership between European, national and sub-national actors, the impetus for decentralization was no longer be ignored (Anagnostou, 2001: 109).

The new law on the transformation of Prefects to a second-degree local self-administration (2218/1994), that has also incorporated some special discriminatory measures to preempt the possibility of the election of a Prefect with minority background, turned the Prefecture Council into a directly elected body with increased powers for the socio-economic and cultural development of the regions. Furthermore, the minority started to be depicted for the first time as a "resource" rather than "burden" for regional development (Anagnostou, 2001: 110), and the enlarged Prefecture Council with elected members opened a space for the participation of the minority in decisions about resource distribution and regional development. Furthermore, the "Kapodistrias" territorial reforms of 1999, which have indirectly decreased the number of local administrative units governed by minority people, merged the fragmented and ineffective communes (*koinotites*) and transformed them into municipalities with greater resources and an active role in regional development.

By use of the increased capacity of Greece to benefit from structural funds under the Community Support Framework (CSF), local governments and Prefectures in Rodopi, Xanthi and Evros have received increased funding. Out of 13 regions, Eastern Macedonia-Thrace (including Western Thrace region populated by the minority) received the third largest fund from regional operational programmes for

the 1989-1993, 1994-1999 and 2000-2006¹⁰ periods (right after Attica and Central Macedonia regions).¹¹ Among others, large scale community funded infrastructure projects, like the construction of “*Egnatia Highway*” that crosses northern Greece from the port of Igoumenitsa (with direct links by boat to Italy) to the Kipi border point (across Turkey), have appeared to create a positive environment for regional development in Western Thrace as well as fostering its integration to the Greek economy.¹² Despite the increased funding for the Prefectures where the minority lives, the Turkish-Muslim people still complain about an unequal distribution of community funds between majority and minority populations, as well as frequent references to discriminatory practices in the implementation of projects regarding small and medium-sized enterprises (Memişoğlu, 2007:20-1).

It was generally argued that the Europeanization of Greek agriculture policy through the adoption of Common Agricultural Policy (CAP) had positive effects on the minority regarding strengthening the competitiveness of the agricultural sector and promoting the development of rural areas. However, the CAP reform of 2002 that envisaged the gradual abolishment of subsidies for tobacco growing between 2010-2013 and their eventual elimination after 2013 would drastically affect the

¹⁰ Figures for 2000-2006 are on “http://www.hellaskps.gr/Details_en.asp?L1=8&L2=1&L3=1&L4=2” (last accessed on 3 November 2010). The strategic development objective for the Eastern Macedonia and Thrace Region was stated as “*population increase*, with an emphasis on smooth *social integration of repatriated Greeks* and immigrants, fostered by the exploitation of the region’s economic potential and more widespread affluence” (emphasis added).

¹¹ For the years 2007-2013, the European Commission approved a joint operational programme for three neighboring Prefectures (Central Macedonia-Western Macedonia-Eastern Macedonia & Thrace). The Programme has a total budget of 3.265 billion Euro, 2.675 billion Euro of which is community assistance that corresponds to 13.34% of the total EU money invested in Greece for 2007-2013. On the basis of the priority areas listed at “http://ec.europa.eu/regional_policy/country/prordn/details_new.cfm?gv_PAY=GR&gv_reg=597&gv_PGM=1248&gv_defL=7&LAN=7”, it looks as if only 18% of the total budget is available to Eastern Macedonia & Thrace which also comprises Western Thrace.

¹² With the construction of the *Egnatia Highway* in Western Thrace, the minority has been integrated to the rest of the Greek economy and attracted more investment to the region, but also has a better connection to Turkey (the average travel time between Komotini and Turkish border decreased from almost two hours to 45 minutes). At least in the long run, this would have a potential to attract foreign direct investment by Turkish entrepreneurs, which has remained extraordinarily low as opposed to the border characteristics of the region. Details of the *Egnatia Highway* project are available on “<http://www.egnatia.gr>” (last accessed 3 November 2010).

minority people, whose primary income has traditionally been derived from tobacco growing.

With regard to the normative changes introduced by the Europeanization of Greek local administration and the introduction of the multi-level governance for the active participation of sub-national actors, it has been argued that the regional and prefecture authorities have been increasingly compelled to operate within the developmental framework of EU's structural policy rather than the traditional nationalist positions and interests in order to receive the "cheque from Brussels" (Anagnostou, 2001: 111). Prefecture Councils, for example, were no longer dominated by the national security and foreign policy considerations that victimized minority people. By providing a normative frame of references, the broader EU framework helped local administrations overcome nationalist opposition.

Fifth, Greece has undertaken some initiatives regarding the education of minority people and even introduced an important measure for the positive discrimination of minority students in university entrance examinations. With the incorporation of an affirmative measure into the Law 2341/1995 ("Regulations of Issues of the Educational Personnel of the Minority Schools of Thrace and the Special Pedagogical Academy of Thessaloniki and other Provisions"), the Minister of Education was permitted to give special consideration to Muslim students for admission to universities and other higher education institutions of a technical nature to raise the educational standards of the minority and facilitate its integration (Tsitselikis, 1996: 359). In this framework, minority students were allocated a quota of 0.5 % in Greek universities. Since this was initially interpreted as "an attempt to decrease Turkish ethnic ideology 'imported' from Turkey" (Boussiakou, 2007: 13), the number of students who had initially shown interest were rather limited in its

early-stage implementation. Partly due to the insurmountable obstacles faced by the minority graduating from Turkish universities in its application for the recognition of its degrees in Greece, the number of beneficiaries has gradually increased.

According to information published in one of the minority periodicals, *Azınlıkça*-39/August 2008, a total of 2.311 students were found eligible to get registered to different departments of Greek universities between 1996 and 2007. Considering the fact that 424 and 361 minority students were accepted respectively in the years 2008 and 2009, this means that a total of 3.096 students with minority background were potentially admitted. However, there is no accurate information on the number of Turkish-Muslim students who actually got registered, actively pursued their higher education at Greek universities and finally graduated.¹³ It is widely accepted by the minority that a considerably smaller number chooses to register every year and the number of graduates is even fewer mainly due to their lack of quality education at the minority schools and inability to compete with other students.¹⁴

As far as the problems pertaining to the registration of minority students to the two minority secondary-high schools in Komotini and Xanthi (i.e. imposition of final elementary exams that were later replaced with a system of lottery) are concerned, Greek authorities have rectified the procedure that was unlawfully victimizing the minority. In Autumn 1996, the then Minister of Education George

¹³ Generally speaking, minority students take the entrance exam repeatedly to secure a place in the department they want, and there are others who chose not to register and go to Turkey for higher education.

¹⁴ As a matter of fact, the actual distribution of student positions in Greek universities does not accompany the promising picture presented by overall statistics. In the year 2009 for example, 168 of the total 361 seats reserved for minority students were in the vocational schools offering a higher education of a technical nature for three years rather than university studies for 4 or more years leading to a degree. Furthermore, out of 193 places allocated at the Greek universities, only 17 of them were in the Democritus University of Thrace and 34 in the Aristotle University of Thessaloniki that are near the Prefectures of Rodopi, Xanthi and Evros populated by minority. Many minority students choose not to pursue their university education in some distant parts of Greece like the Aegean islands or Peloponnese.

Papandreou promised that all applicants would be accepted to minority secondary-high schools, and the capacity of both schools was increased. Concerning the obligation to pass final examinations at all grades and from all subjects no matter whether they were studied in, the educational authorities finally implemented the provisions of Law 1982/1990 for the minority schools as well in 1996, and abolished them with the exception of students in their final year. However, final-year students graduating from minority high-schools, as in other private schools in Greece, are obliged to take all final examinations in Greek to graduate, including the subjects taught in Turkish by minority teachers.

With the gradual relaxation of the restrictive measures and the normative change accompanying the new minority policy of Greece, some of the problems regarding minority primary schools that constitute the backbone of the minority education have, albeit partly, also been addressed. For example, according to provisions of Article 1(2) of Law No 2341 of 1995, teachers in minority schools that are responsible from the Greek part of curriculum are appointed, provided they have passed a special examination to work in minority schools. As a matter of fact, the main aspect of the new minority policy of Greece was the reform of minority education “to reduce educational and social inequalities” (Mountouvalou, 2009: 483).

In 1997, the Greek Ministry of Education and Religious Affairs managed to secure funding from the European Social Fund to initiate a large-scale interdisciplinary project called “Project for Reform in the Education of Muslim Children (PEM)”.¹⁵ Having noticed the minority pupils’ incompetency in the Greek language and the high drop-out rates especially after six years of primary education,

¹⁵ The official webpage of the project is <http://www.museduc.gr/en/index.php> (last accessed on 3 November 2010)

the PEM aimed to reform the Greek part of the curriculum in the bilingual primary schools in Western Thrace. Under the leadership of two academics, Anna Franguodaki and Thalia Dragonas from the University of Athens, more than 200 specialists in different fields like educational sciences, linguistics, sociology, psychology, anthropology participated in the project. In the first phase of the project (1997-2000), the PEM produced new textbooks for the subjects taught in Greek at the minority primary schools which had been utilizing the very same books written for the majority Greek children studying at public schools. The PEM also provided supplementary material for the teaching of Greek as a second language, as well as intensive training of teachers from both a majority and minority background. The second phase of the project concentrated more on secondary education by producing special text-books for minority children, training secondary school teachers on how to approach the students from different backgrounds, and the organization of extra-curricular classes.

In order to incorporate the parents and minority to the process of educational reform and provide counseling, two community support centers (KESPEMs) were established in Komotini and Xanthi that were staffed by minority and majority people, as well as numerous mobile units to access mountainous regions. Some panels and workshops were organized within the framework of PEM, in which staff members presented their findings regarding the educational situation of minority students on the basis of surveys and qualitative studies. According to the information disseminated by the Permanent Mission of Greece to the UN during the “UN Forum on Minority Issues” (Geneva, 15-16 December 2008),¹⁶ over the period

¹⁶ Interventions by the Greek delegation are available on the website of the UN Forum as of 3 November 2010 (“http://www2.ohchr.org/english/bodies/hrcouncil/minority/oral_statements_forum_minority_2008.htm”), but the actual leaflet titled “Greek Thrace: A Modern, European Model of Minority Education” that was distributed in the forum is not available online.

of 1997-2008, a total of 16.990.000 Euros were spent for PEM activities (80% funded by the EU), 55 new books were prepared for Greek language-learning or subjects taught in Greek, and 850 teachers (both from majority and minority) have received in-service training.

In addition to the preparation of new textbooks in Greek for minority students under the PEM, the controversy over the exchange of textbooks was also resolved in 1999, mainly as a follow-up of the Greco-Turkish rapprochement instigated with the display of solidarity following the earthquakes in both countries. The Greek Pedagogical Institute reviewed and approved 19 new textbooks sent by Turkey for distribution to minority pupils. The new textbooks that arrived in Western Thrace in December 1999 were distributed in February 2000. Ever since, subsequent exchanges of textbooks took place without any major problems. The remaining challenges concerning the minority education in Western Thrace will be addressed in the next section.

In the 2006-2007 school year, Greece introduced optional Turkish language courses at five different secondary and high schools in Western Thrace on a pilot basis. The minority did not welcome this development since it perceived that the state was trying to replace its right to an education in its mother tongue with optional language courses, in which Turkish would be taught for two or three hours per week like any other foreign language. Since these courses were instituted at a time when the minority's demands for the improvement of secondary education at minority schools were not taken into account, suspicions were expressed concerning such an initiative. As Mantouvalou (2009) argued, it might be more productive for the Greek state to develop a liberal democratic approach for familiarization (i.e. integrating the Greek curriculum in minority schools with that of the public schools, while leaving

the Turkish curriculum within the sphere of the minority's control) with the active participation of the minority, rather than artificially trying to consolidate bilingual education by instrumentalising the official language while disregarding the inherent identity component in the mother tongue.

Sixth, in the field of religious rights, the partial transformation of the Greek attitude regarding administrative and judicial harassments against the elected Muftis of Komotini and Xanthi, and the gradual relaxation of the restrictive measures on the building or renovation of mosques or minarets were mainly driven by the relevant ECtHR decisions. Due to the judicial harassments against the elected Muftis under the pretext of usurping the functions of a minister of a known religion, issuing religious messages and wearing a religious outfit in public, İbrahim Şerif was the first to bring his case to the then European Commission of Human Rights on 29 September 1997.

In its verdict of 14 December 1999 (Case of Serif v. Greece, No. 38178/97), the ECtHR mentioned the provisions of all international agreements (1913 Athens, 1920 Sevres and 1923 Lausanne) regarding the functions and qualifications of Muftis as well as their elections.¹⁷ The Court unanimously held that Article 9 of the ECHR (freedom of thought, conscience and religion) was violated since the conviction of İbrahim Şerif for issuing messages on religious days, delivering a speech at a religious gathering, and appearing in public wearing the dress of a religious leader constitutes an interference with the freedom of religion, which also includes “freedom, *in community with others* and *in public* ..., to manifest his religion ... in

¹⁷ In the aforementioned ECHR decision and three other decisions regarding the “elected” Mufti of Xanthi, Mehmet Emin Aga, the Court indicated that the Supreme Court of Greece confirmed the validity of the three agreements concerning the protection of minorities in Greece in its decision (no.1723 delivered in 1980). Paragraph 23 of the Serif decision of the ECtHR reads as follows: “In its decision no. 1723/80 the Court of Cassation considered that it was obliged to apply Islamic law in certain disputes between Muslims by virtue of the Treaty of Peace of Athens of 1913, the Treaty for the Protection of Minorities of Sèvres of 1920 and the Treaty of Peace of Lausanne of 1923”.

worship [and] teaching” (emphasis added). Furthermore, his conviction was not justified by “a pressing social need”, the interference to his right to manifest his religion in community with others and in public was “not necessary in a democratic society for the protection of public order”. The Court also recalled that there was no indication that the elected Mufti attempted to exercise the judicial and administrative functions described in the law, and there was no need in democratic societies to take measures to ensure that religious communities maintained or were brought under a unified leadership.¹⁸

In the same vein, when the elected Mufti of Xanthi, Emin Aga, applied to the ECtHR in 1999 against the first eight set of proceedings against himself (Agga v. Greece-2, No: 50776/99 and 52912/99), the Court considered unanimously that his conviction amounted to an interference with his right under Article 9 of the ECHR, “in community with others and in public ..., to manifest his religion ... in worship [and] teaching” by referring to the same reasons outlined in its Serif decision.

The implementation of the ECtHR decisions in Greece regarding the Serif and Aga cases was brought upon the agenda of the Committee of Ministers (decision-making body of the Council of Europe, which, *inter alia*, monitors the execution of ECtHR decisions in member states) on 26 October 2005.¹⁹ Having been satisfied with the information provided by Greece about the measures to remedy the consequences of the violations found, to prevent similar violations in the future, and with the payment of the amount of just satisfaction in the Serif case, the Council of Ministers dropped both cases from its agenda.

¹⁸ The ECtHR also awarded İbrahim Şerif 2.000.000 GRD (Greek Drachmas) for non-pecuniary damage, and he donated the sum amounting to 10.000 USD given by the government to the national campaign organized for the sufferers of the 1999 Athens earthquake.

¹⁹ Council of Europe, Committee of Ministers, “Resolution ResDH(2005)88 concerning judgments of the ECtHR concerning the conviction of Muslim leaders in violation of their freedom of religion”, available at “https://wcd.coe.int/ViewDoc.jsp?id=923141&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383#P269_23374” (last accessed on 3 November 2010).

Despite the formal guarantee extended by the Greek government to prevent similar violations regarding the freedom of religion and conscience, the ECtHR concluded on 13 July 2006 that the very same violation took place in two more cases about the “elected” Mufti of Xanthi (Agga v. Greece-3, No. 32186/02 and Agga v. Greece, No. 3331/02). The Committee of Ministers recently included both cases into its agenda since they proved that further general measures are necessary in Greece to prevent human rights violations of a similar nature.

A detailed analysis of the legal arguments presented by Greece and contained in ECtHR decisions regarding the elected Muftis reveal that the main tenets of the argumentation was changed immediately after the Serif decision. In order to defend the conviction of Serif and to persuade the Court that it was foreseeable, the State Legal Council of Greece firstly argued as follows (paragraph 40):

“In any event, the Government argued that Law no. 2345 had fallen into disuse. Moreover, the provisions of the Treaty of Peace of Athens, which had been concluded when Thrace was not part of Greece, became devoid of purpose after the compulsory exchange of populations in 1923. This was when Greece exchanged all the Muslims who were living on the territories in its possession when the Treaty of Peace of Athens had been concluded. In the alternative, the Government argued that the provisions of the Treaty of Peace of Athens had been superseded by the provisions of the Treaty of Sèvres for the Protection of Minorities in Greece and the Treaty of Peace of Lausanne, and these treaties made no provision for the election of the muftis”.

However, when the attorney of Şerif successfully defended the validity of the 1913 Athens Treaty by referring to the official minutes of the Lausanne Peace Conference and various decisions of the Supreme Court of Greece, Greece resorted to a different line of argument in the cases of Aga, whereby it was argued that “Muftis are appointed by the State in many countries” and Muftis cannot be elected

by the people since they “exercise important judicial functions and judges cannot be elected by the people”.²⁰

Having been at the international center of attention with five different ECtHR decisions adjudging violations of freedom of religion, as well as due the interference by Committee of Ministers and international human rights organizations, Greece finally adopted an indifferent stance against the elected Muftis of Komotini and Xanthi and stopped harassing them, administratively and judicially. Despite their unrecognized status and the continuation of the notorious practice of appointing the Muftis, they could at least manage to fulfill their function as the religious and spiritual leaders of the Turkish-Muslim minority, albeit under harsh conditions due to their lack of access to the institutional facilities of the Mufti offices. Although administrative and judicial harassments of the elected Muftis ceased to exist to a large extent, there are many challenges concerning the Mufti controversy as they will be elaborated in the next section.

The authoritarian bureaucratic procedure regarding the construction and operation of places of worship have been also condemned by the ECtHR (Manoussakis and Others v. Greece, No: 18748/91) on 26 September 1996. When four Greek citizens living in the island of Crete rented a room “for all kinds of meetings, weddings or similar activities of Jehovah's Witnesses” and directly applied to the Ministry of Education and Religious Affairs, the Heraklion public prosecutor initiated criminal proceedings against the applicants on the basis of the complaint filed by the local church. The Court sentenced each of the accused to three months’ imprisonment convertible into a pecuniary penalty of 400 GRD per day of detention,

²⁰ Compared to the Greek governments’ previous disregard of the 1920 Sevres Treaty, the validity of the 1920 Sevres Treaty was admitted explicitly in the ECtHR decision about Şerif. Similarly, the *de-facto* validity of both the 1913 Athens and 1920 Sevres Treaties was acknowledged in the Greek defense regarding the case of Aga, whereby the judicial powers of Muftis were presented as obstacle to their election.

and fined them 20,000 GRD each. On 20 September 1993 the Heraklion police placed seals on the front door of the room rented by the applicants.

After exhausting the domestic jurisdiction, Manoussakis brought the case to the ECtHR, and argued that the obligation to seek an authorization to establish a place of worship (Law 1363/1938) contravened Article 13 of the Greek Constitution and Article 9 (freedom of religion) of the European Convention on Human Rights. The ECtHR adjudged that the authorization requirement under Law 1363/1938 and the decree of 20 May/2 June 1939 would only be consistent with Article 9 of the ECHR insofar as it intended to allow the Minister to verify whether the formal conditions laid down in those enactments were satisfied. Since it was decided that the Ministry of Education and Religious Affairs discretionally rejected the application for an authorization by Manoussakis, the Court held that the freedom of religion of the applicants was violated.²¹

Following the ECtHR decision, the Ministry of Education and Religious Affairs has gradually stopped asking the authorization of the local ecclesiastical authorities for the erection and operation of places of worship belonging to other religious. Despite the continuance of occasional discriminations concerning the applications of the Turkish-Muslim minority of Western Thrace as it will be

²¹ Greece argued before the ECtHR on the basis of previous verdicts of the Supreme Court that the power of the Minister of Education and Religious Affairs to grant or refuse the authorization requested was not discretionary, and he was under a duty to grant the authorization if he found that the three conditions set down in Article 13 para. 2 of the Constitution were satisfied (namely in respect of a known religion, be no risk of prejudicing public order or public morals and no danger of proselytism). Therefore, if the minority took discriminations concerning the building of a mosque or minaret to the courts, it would have had a strong case at home and the ECtHR. Even if the authorities would resort to the argument that public order would be at stake if the height of a minaret exceeded the height of a bell tower, this argument would definitely not find an audience in the ECtHR, which observed that, in reviewing the lawfulness of refusals to grant the authorization, the Supreme Administrative Court has developed case law by limiting the Minister's power in this matter and accorded the local ecclesiastical authority a purely consultative role.

elaborated in the next section, the formal requirement to obtain the approval of church authorities was finally lifted by Law 3467/2006.²²

Concerning the administration of Muslim pious foundations (waqfs), Greece has also introduced some corrective measures. As it was mentioned in the previous chapter, the Greek tax authorities have rejected collecting income and property taxes for the waqf properties since 1973 while continuing accruing taxes for them. Due to this administrative measure allegedly developed on the basis of the reciprocity with the Greek-Orthodox foundations in Turkey, administrative boards of waqfs in Komotini, Xanthi, Alexandroupolis and Didymoticho accumulated huge debts exceeding a total of 5 million Euros.

The Karamanlis government instituted a special provision in the Law 3554/2007 to waive any financial liabilities of waqfs stemming from their existing debts.²³ However, when the “appointed” waqf administration in Komotini applied to the local tax authorities for the discontinuation of mortgages on waqf properties due to their accumulated debt, it was revealed that the new legislation could not solve the problem at all. Tax officials argued that they cannot delete or erase mortgages on waqf properties since the administration still has some debts against the Greek Treasury for the income they derived from renting waqf properties, fines for unauthorized constructions or renovations on waqf properties. Since their limited

²² Article 27 of the Law 3647/2006 of 21 June 2006 reads as follows “There is no need to obtain a permission or consenting opinion of the Orthodox Church of Greece for functioning or operation of the places of worship or temples belonging to other religious or sects except the Orthodox Church of Greece. All other provisions regulating this issue differently are abrogated. Petitions for the establishment, construction and operation of the places of worship belonging to other sects or religions than the Orthodox Church of Greece are directly submitted to the Ministry of National Education and Religious Affairs rather than the local ecclesiastical authority”.

²³ According to Article 7 of the Law 3554/2007(ΦΕΚ 80-A/16.04.2007), the existing debts of the legal personalities stated under Law 1091/1980 stemming from income and property taxes as well as related surcharges and fines were cancelled. It also foresees that all mortgages and seizures on waqf properties will be deleted and erased from the land registrar, and waqf administrations should declare all their properties to benefit from the provisions of the aforementioned law. It looks as if the Greek authorities obliged the “appointed” waqf administrators once more to submit the list of their properties that they could not succeed under the provisions of Law 1091/1980 due to the minority’s resistance.

budget did not allow settling their existing liabilities, their debts have started snowballing once more.

In short, while expecting a full recovery from their financial obligations, the “appointed” waqf administration in Komotini learned in December 2008 that they still owed 775.463 Euro to the Treasury (subject to a surcharge if not settled), and mortgages on their properties not be deleted.²⁴ Even worse, the Komotini tax office has instituted a new mortgage on one of the plots of land belonging to the waqf administration in the beginning of 2009. In addition to the debt accrued even after the passing of the legal provisions to waive their existing financial obligations, there are currently numerous mortgages on 23 shops and one farm belonging to the Komotini waqf administration.²⁵ As Tsitselikis (2008: 11) indicated, the waqfs in the Dodecanese islands of Rhodes and Kos were ignored by keeping in for an obsolete Italian decree (12/1925) and allowing their management by “Organizations of Muslim Properties”, whose members were directly appointed by the state.

Seventh, in line with the acknowledgements by Minister of Foreign Affairs Dora Bakoyanni during her visit to Western Thrace on 5-7 February 2007 and by virtue of the new law on the administration of minority waqfs (Law 3647/2008), Greece has instituted the second affirmative measure towards members of the minority. Article 23 of the aforementioned law stated that minority members would be allocated a quota of 0.5 % in all public recruitments in Greece. Considering the fact that Greek authorities previously referred to the number of teachers with public servant status at minority schools as a sign of the minority’s participation in public

²⁴ Information contained in the presentation by Western Thrace Minority University Graduates Association in OSCE Human Dimension Implementation Meeting 28 September-9 October 2009 (“Violation of Religious Rights in Western Thrace”), available at http://www.osce.org/documents/odihr/2009/09/39911_en.pdf (last accessed 3 November 2010).

²⁵ Since they are still governed by “appointed” administrators in a non-transparent fashion, the financial situation of the waqf administrations in other cities are not exactly known. It was rumored that in Xanthi administrators settled with the tax authorities, and started paying their remaining debt within the framework of a long-term redemption plan.

employment and the limited Greek language skills of minority people as an excuse for further recruitment in the state, reserving a quota for the minority in public recruitment was a brave move. As a matter of fact, the introduction of the second affirmative measure for minority in employment should be seen as a continuation of the first one that was instituted in 1996 for university entrance examinations. Greece must have felt a responsibility for securing places for the graduates of the Greek universities, who were admitted within the framework of an affirmative measure.

As it will be elaborated in the next section, the Turkish-Muslim minority did not endorse the provisions of the law regarding the administration of the waqfs, but they welcomed the new measure for positive discrimination in employment. A considerable segment of the minority, however, claims that the affirmative action should primarily be implemented for employment in the public offices in Western Thrace, where the minority has been drastically under-represented. The first implementation of the new measure in 2009 was for the recruitment of an ambulance driver in Athens.

Moreover, the implementation of another affirmative measure that the Turkish-Muslim minority apparently had in the Police Academy indicates the danger of potential discrimination among the minority population at the stage of execution. According to the findings of a “diversity audit report” jointly prepared by the ANTIGONE and Panhellenic Federation of the Greek Police (2004: 16),²⁶ Article 12 of Law 2552/1997 stipulates that “3% of the candidates accepted in the Police Academy must originate from the Muslim Minority of Thrace ... as a reflection of

²⁶ ANTIGONE stands for the “information and documentation centre on racism, ecology, peace and non-violence”. The study analyzed “minority representation in the police organization” and was funded by the European Commission (DG Employment and Social Affairs). Full-text of the report is available online at “http://www.antigone.gr/en/projects/files/project_deliverables/AUDIT_REPORT_GREECE_EN.pdf” (last accessed on 3 November 2010). Such an affirmative measure in the Police Academy has apparently not been publicized by authorities and is not known by the minority.

general affirmative action in favor of the minority in tertiary education” (i.e. Law 2341/1995). However, the very same report states that “according to the General Secretary of the Ministry of Public Order, “an *informal effort* has been made in recent years to include members of the minority groups in the police forces, such as *Pomaks* in the Border Police and *Gypsies* in the Greek Police” (emphasis added). Although it is not known exactly what kind of “informal efforts” were meant, the aforementioned statements demonstrate the fact that the traditional Greek policy of fostering divisions among the minority continue even in the implementation of affirmative measures; some members of the minority, which are perceived as “dangerous” or “untrustable”, might be excluded. As a matter of fact, the mentality on the irreconcilability of “Turkishness” and “Greekness” was also mentioned in the report (2004: 22), according to which interviewees feared that “some (minority) members have a Turkish national consciousness ...not a Greek one (and) they would be acting as agents of Turkey inside the (police) force”.

5.2. Challenges Ahead

One of the biggest challenges facing the Greek minority policy is the self-determination of the ethnic identity of the members of the Turkish-Muslim minority. Despite several statements by different Greek governments underlining freedom of determination of one’s own identity at the personal level, denial of the collective identification of the minority especially with reference to its Turkish ethnicity still continues unabated despite the existence of various ECtHR decisions. In this respect, three minority associations that had carried their activities legally and peacefully for decades still remain closed, whereas the establishment of new minority associations bearing the words “Turk/Turkish” and even “minority” is still hindered.

Regarding the Turkish Union of Xanthi (TUX), the ECtHR held unanimously on 27 March 2008 (*Tourkiki Enosi Xanthis and Others v. Greece*, No: 26698/05) that Greece violated Article 11 (freedom of assembly and association) and Article 6 (right to a fair hearing within a reasonable time) of the European Convention of Human Rights (ECHR).²⁷ The Court awarded the TUX 8,000 Euros in respect of non-pecuniary damage. The ECtHR underlined the “radical” nature of the measure of dissolving the TUX, which had pursued its activities unhindered for more than half a century. It was also stated that, while dissolving the association, the Greek courts did not identify any element in the title or statute of the association that might be contrary to public order. Furthermore, the Court has argued that there was no evidence that the president or members of the TUX had ever called for the use of violence, an uprising or any other form of rejection of democratic principles.

The ECtHR also challenged the Greek denial of the ethnic identity of the minority with the following verdict indicating the fact that the freedom of association involves the right of everyone to express lawfully their beliefs about their ethnic identity:

“The Court observed that even supposing that the real aim of the applicant association had been to promote the idea that there was an ethnic minority in Greece, this could not be said to constitute a threat to democratic society. It reiterated that the existence of minorities and different cultures in a country was a historical fact that a democratic society had to tolerate and even protect and support according to the principles of international law” (Press Release by ECtHR, 27.03.2008/215).

For an execution of the ECtHR decision, the attorney of the TUX, Orhan Hacıbram, lodged two applications with Greek courts. In his first application to the

²⁷ Three days before the deadline for raising an objection to the ECtHR, the Spokesman of the Greek Ministry of Foreign Affairs announced publicly that Greece was going to appeal the decision. However, the request for an appeal was rejected by the Grand Chamber on 29 September 2008, when the decision of the ECtHR became final and effective.

Court of First Instance of Xanthi, the TUX demanded the annulment of the decision 36/1986 that closed the association following the application of the Prefect, and the reinstigation of its legal personality. In his second application to the Court of Appeals of Thrace, the association demanded the abolishment of the Court's decision (31/2002), which rejected their application for an appeal. In both applications, Hacıbram based his arguments on Greece's treaty obligations to comply with the ECtHR decisions (Article 46 of ECHR), as well as the provisions of Greek Civil Law (Article 758), which allow the Court to review its previous decision when/if new circumstances arise or the conditions related with the case change.

However, the Greek courts rejected both applications respectively on 18 May 2009 (decision no 12/2009) and 14 December 2009 (decision no 477/2009) by arguing that ECtHR decisions do not directly infuse into national legislation and change previous decisions, the ECtHR decisions are not necessarily binding, the provisions of the Greek civil law do not foresee a mechanism for a retrial, and therefore the payment of a just satisfaction awarded by the ECtHR should be seen enough for the reparation. Since the TUX was not able to recover its legal personality and open-up a formal bank account, it could not claim the 8.000 Euros awarded by the ECtHR either.²⁸

In addition to the closure of three different minority associations in 1984, the Greek policy of non-recognition of the ethnic identity of the members of the minority has disabled the establishment of new minority associations as well. In this respect, the case of the "Cultural Association of the Turkish Women of the Prefecture of Rodopi" (*Politistikos Syllogos Tourkon Gynaikon N. Rodopis or Rodop İli Türk Kadınları Kültür Derneği*) is exemplary since Greek courts did not even

²⁸ Further details on the legal struggle of the TUX are available on its web site at "http://www.iskeceturkbirligi.org/hukuk_mucadele.php" (last accessed on 3 November 2010).

allow the functioning of the said association on similar grounds.²⁹ On 5 April 2001, a group of minority women applied to the Court of First Instance of Rodopi to set up a cultural association in order to create a “meeting place for women of the county of Rodopi” and to work for “social, moral and spiritual exaltation and establish bonds of sisterhood between its members”. The Court, however, argued that the word “Turkish” misleads the public about the origin of the members of the association and threatens public order.

While validating this decision, the Supreme Court of Greece (No: 586/2005) reached the conclusion that the applicants indirectly identified the minority as Turkish and aimed to create the impression of the existence of a “national Turkish minority in Western Thrace”, which is against international agreements. During the proceedings, the judge claimed that setting up an association with the word “Turkish” in its title is an example of “collective self-identification”, which cannot be legally allowed as opposed to “individual self-identification”. After proposing to the attorney of the association to change the word “Turkish” in the title with “Greek Muslim”, he also warned the attorney that even if the case is taken to ECtHR, “the application would be rejected since the ECtHR is only involved with human rights cases, but not with the ones dealing with minority rights and right of collective self-definition”.³⁰

In the ECtHR decision (*Emin and Others v. Greece*, No: 34144/05), which was acknowledged on the very same day with the decision on the TUX (27 March 2008), however, the Court reached the conclusion that Article 11 of the ECHR had

²⁹ It should be noted here that Greek civil courts have an administrative jurisdiction of approving statutes of new associations and registering them in the associations’ registrar. In Turkey, this duty is not carried by the Courts, but by the governors’ offices.

³⁰ The Supreme Court postponed the case twice and awaited the judgment regarding the TUX. Papanikolaou (2007: 258) reports that the judge asked some irrelevant questions in the hearing like “What does the term Turkish mean to you?” and “Do you know how many Greeks are left in Istanbul?”

been violated (freedom of assembly and association). It underlined that the state is not in a position to verify the intentions of the applicants in practice, which allegedly threatened public order, as the association had never been registered. Similar to its decision about the TUX, the ECtHR argued that even if the real aim of the association would be advocating the existence of an ethnic minority in Greece, this could not be said to constitute a threat to democratic society (unless violence or undemocratic/unconstitutional means were advocated). The ECtHR rightfully argued that if the association was allowed to function and operated unlawfully in practice, the Greek courts would have had the power to dissolve the association.³¹

Following the ECtHR decision, attorneys of the aforementioned association, Orhan Hacıibram and İlhan Ahmet, applied to the Court of First Instance of Rodopi and asked the annulment of its previous decision in line with the relevant ECtHR decision. The court, however, rejected their application in February 2009 on similar grounds arguing the non-applicability of the ECtHR decisions in the Greek domestic law, non-binding nature of the ECtHR decisions and non-existence of a legal mechanism for legal review in civil law cases (*Azınlıkça*/March 2010).

The official Greek policy did not only forbid the usage of the word “Turk/Turkish”, it also did not allow the establishment of the minority associations having the word “minority” in their titles. In 1995, some members of the minority living in the Prefecture of Evros applied to the Court of First Instance of Alexandroupolis to set up an association called the “Evros Prefecture Minority Youth Association” (*Syllogos Meionotitas Neolaias Evrou* or *Meriç Azınlık Gençleri Derneği*). As written in its founding statute, the objective of the association was “to harness the intellectual potential of young people belonging to the minority,

³¹ The Greek government contested the decision of the ECtHR in this case as well, but the application was one more turned down by the Grand Chamber on 1 December 2009.

safeguard and promote minority traditions, develop relations between its members and protect democracy, human rights and friendship especially between the Greek and Turkish peoples”.

Similar to the previous case of minority women’s association, the Court rejected the application by arguing that “the Treaty of Lausanne recognized only a Muslim, not a Turkish, minority in Western Thrace, the title of the association was confusing since it supposedly created the impression that nationals of a foreign country residing in Greece set up the association. In the minority’s first application for an appeal, the Supreme Court of Greece found these motives behind the rejection vague and void. However, when the Supreme Court handled the case for the second time due to the insistence of the Court of Appeals of Thrace in its decision, it approved the decision, which was legally imposed to prevent “public disorder”.

The ECtHR’s decision regarding the “Evros Prefecture Minority Youth Association” (Bekir-Ousta and Others v. Greece, No: 35151/05, dated: 11 October 2007) is the first international verdict acknowledging violation of Article 11 of the ECHR (freedom of assembly and association) regarding minority NGOs. The judges claimed that the intention of the association’s members has never been tested in practice as the association was never registered.³² It was also striking that the Greek authorities have not even tolerated the word “minority” in the case of the Prefecture of Evros, which has traditionally been subjected to harsher measures for the

³² Similar to the other cases, it was further argued that: “even assuming that the true aim of the association had been to promote the idea that an ethnic minority existed in Greece, that did not amount to a threat to a democratic society,[...] the Greek courts had the power to order that an association be dissolved if its aims were contrary to the law or at variance with those set forth in its articles of association”

expulsion of minority people due to the geographical proximity of the region to Turkey.³³

Similar to the other two cases, when the attorney of the aforementioned association Adem Bekiroğlu applied to the Court of First Instance of Alexandroupolis for the registration of the association in the light of the ECtHR ruling, the Court (decision no. 405/2008) concluded that “the ECtHR decisions do not have the ability to infuse into domestic law and automatically change any previous decision”, “the ECtHR decisions are not binding”, “the acknowledgement by the ECtHR regarding a violation should suffice”, “there is no need to reexamine the case and the ECHR does not oblige the contracting parties to adopt a judicial remedy for retrial”. The application by the attorney for an appeal was also rejected on 15 December 2009 by the Court of Appeals of Thrace (decision no. 423/2009). In another recent example, a group of minority people from southern Evros applied to set up an association called “Western Thrace Minority Southern Evros Culture and Education Association”, but their application was rejected twice in March and December 2009 despite the existence of three different ECtHR decisions.³⁴

The prohibition of the ethnic identity of minority groups has also violated the freedom of association of the members of the Macedonian minority, whose existence is disputed by the Greek authorities. When the ECtHR adjudged in the past that Greece violated the freedom of association by not registering the “Home of

³³ It is interesting that there are many other minority associations in Rodopi and Xanthi Prefectures, whose titles contain the word “minority”. The oldest example is the most active minority NGO called “Western Thrace Minority University Graduates Association” (“*Sillogos Epistimonov Meionotitas Ditikis Thrakis*” or “*Batı Trakya Azınlığı Yüksek Tahsilliler Derneği*” (established in 1982). There are some other recent examples like “Minority Education and Culture Association of Sappes or *Şapçı Azınlık Kültür ve Eğitim Derneği*” (established in 2008).

³⁴ The courts have resorted to the exact same reasoning (it is not possible to identify whether the applicants meant a religious minority as stipulated in the Lausanne Treaty, or they are trying to put forward an ethnic minority). It was obvious from the Greek Courts’ decisions regarding minority associations in Evros Prefecture that they are more sensitive to the ethnic affiliation of minority people in this region, and they would have preferred the titles of associations containing an explicit reference to their religious identity.

Macedonian Culture” (Sidiropoulos and Others vs. Greece, No: 26695/95), state authorities defended themselves by acknowledging the “exceptional nature of such a judicial error” and requested the removal of the case from the agenda of Council of Ministers by extending formal guarantees on the direct applicability of the ECtHR decisions in Greek Law as well as the prevention of future violations of the same nature.³⁵ When the same group re-applied for the establishment of the Macedonian association, the Supreme Court rejected their application on the grounds that their aims stated in the founding statute of the association endangered the Greek State and threatened public order and security.³⁶ Cases concerning the minority associations in Western Thrace and the recent decision of the Supreme Court concerning the “Home of Macedonian Culture” have invalidated previous commitments by Greece concerning the implementation of ECtHR decisions and the prevention of future violations regarding freedom of association.

All of the cases concerning different minority associations mentioned above indicate a structural deficiency in Greece concerning freedom of association and ethnic self-identification. Considering the fact that the self-determination of identity has an undisputable collective dimension and that the religious denomination of the minority cannot by any means prohibit the use of any other term for the designation of its identity, Greece will have to end the traditional “hide-and-seek” policy vis-à-vis the ethnic identity of the minority (Borou, 2009: 7-9).³⁷ The existence of a

³⁵ Council of Ministers, Resolution DH (2000)99.

³⁶ Supreme Court of Greece, Decision No: 1448/2009 of 11 June 2009 (available online at “http://cm.greekhelsinki.gr/uploads/2009_files/ap_d_politiko_stegi_mak_pol_1448-2009.pdf” last accessed on 3 November 2010. Declared aims of the association is “protecting and disseminating the Macedonian culture” and “protecting and developing the Macedonian language”).

³⁷ Papanikolau (2007: 255-257) finds it interesting that the discourse permeating the Greek courts’ decisions have remained more or less the same when one compares the cases of the “old” minority associations that were shut-down with the cases of the “new” minority associations that were not even allowed to be established and function. Having underlined the resemblance of the Courts’ rhetoric to the decisions regarding minority associations during the military junta (especially in 1972 and 1973 regarding their statutes), she argues that this is only one example of many, which indicates the

religious identity marker should not be used by Greece as an excuse to deny the Turkish ethnic identity of the members of the minority.³⁸ The Turkish-Muslim minority might be internally heterogeneous at different levels and refer to each other as “Pomak”, “Çitak”, “Roma”, “low-lander” (*ovalı*), “hillsider” (*yakalı*), “highlander” (*Balkanlı*), but externally speaking, and only with few exceptions, they have a strong tendency to claim a homogenous Turkish-Muslim identity to defend their rights and privileges.

Furthermore, some serious challenges still await Greece in terms of religious freedom defined in Lausanne Treaty and other international covenants. Problems in this domain remain either unaddressed or unconstructively handled without any dialogue with the minority. First of all, Greece has failed to formulate a solution concerning the election of Muslim religious and spiritual leaders. Administrative and judicial harassments against the elected Muftis might have been discontinued, especially after the five different ECtHR decisions adjudging violation of religious freedom, yet the Mufti issue still remain as a major controversy. At least rhetorically, Greek authorities refer to the judicial competencies of the Muftis concerning the personal and family matters of the minority (like marriage, divorce, alimony, guardianship, age of consent, inheritance, will formation, and donations for waqfs) and signal that if the minority would like to obtain one of the rights stipulated under the Athens-Sevres-Lausanne Treaties (i.e. election of Muftis), it should renounce another right stipulated in the aforementioned treaties (i.e. settlement of

continuity of the Greek state’s overall minority policy, which was not affected by different political regimes and changes in government as a “national policy”.

³⁸ UN Independent Expert on Minority Issues Gay McDougall, in her report of 18 February 2009, recommended Greece to “retreat from the dispute over whether there is a Macedonian minority or a Turkish minority, place its full focus on protecting the rights to self-identification, freedom of expression and freedom of association of those communities, and comply with the judgments of the ECtHR (full text available online at “<http://www.unhcr.org/refworld/docid/49b7b2e52.html>”, last accessed on 3 November 2010).

personal and family matters according to their own customs).³⁹ In order to win support for abolishing the judicial competencies of Muftis, several decisions taken by “appointed” Muftis and victimized minority children and women have been given high publicity in Greek media, and have been complemented by several comments on the irreconcilable nature of the ECHR and the Greek constitution with the so-called *s’heria*.

Such an understanding has some serious flaws and is definitely not appropriate for finding a solution to this chronic problem. First of all, the settlement of personal and family matters by Muftis constitutes a non-obligatory legal alternative for the Turkish-Muslim minority. Unless all parties declare in writing their formal consent, Muftis cannot adjudge on the family and personal matters of the members of the minority. Secondly, according to current legislation, the jurisdictions of the Muftis are subject to legal review and approval of civil courts on the basis of their constitutionality and possible breach of competence by Muftis. Since Muftis’ decisions are considered null and void unless approved by the Greek courts, they are not totally outside the Greek legal system. Thirdly, having been inspired by the establishment of Muslim Arbitration Tribunals in the UK⁴⁰ for facilitating the integration of Muslim citizens, many European scholars and politicians are nowadays arguing for the possible accommodation between Islamic law and Western legal

³⁹ Settlement of family and personal matters of the minority people was envisaged in the aforementioned treaties and later incorporated into the Greek law with Article 4 of Law 147/1914 (“On the Law and Legal Order in the Newly Acquired Territories”, Article 10 of Law 2345/1920 (and Article 5 of Law 1920/1991 that replaced it). As it will be demonstrated in the next chapter, the Greek-Orthodox minority in Istanbul renounced the same privilege on 27 November 1925 within the framework of the new and secular Civil Code adopted by the Turkish Parliament. Apparently, Greece is trying to even the score with Turkey by subjecting the election of Muftis on the condition of renouncement of the aforementioned privilege.

⁴⁰ Muslim Arbitration Tribunals in the UK are founded in 2007 and are supported by Archbishop of Canterbury Dr. Rowan Williams. They operate under the Arbitration Act of 1996 and their rulings on family and personal matters of Muslims are binding once both parties have given authority to the arbitrator. Similar religious arbitration also exist in the US and Canada (“Whose Law Counts Most? The Economist/14.10.2010, available online at “http://www.economist.com/node/17249634?story_id=17249634” last accessed on 3 November 2010). Tribunals cannot deal with divorce proceedings (other than a religious divorce), child custody and criminal matters.

codes (The Economist/14.10.2010). Greece should rather consider the relative advantages and disadvantages of the existing system that was inherited from the Ottoman period in addition to the potential reactions by the minority who perceives the settlement of its family and personal matters according to traditions as part of its identity.⁴¹

On top of such a blackmailing attitude that has failed to solve the problem, Greece added insult to injury by incorporating special provisions to Law 3536/2007 concerning the appointment of 240 preachers (*imams*) to the mosques in Greece with the status of a contractual public servant (“seminary teachers” or “*ierodidaskali*”).⁴² As a matter of fact, such a measure was first announced by Minister of Foreign Affairs Dora Bakoyanni during her visit to Western Thrace on 5-7 February 2007 and was strongly condemned by several minority institutions as breach of religious freedom envisaged first and foremost in Article 43 of the Lausanne Treaty.⁴³ According to the provisions of the aforementioned law, a total of 240 *imams* were to be appointed to work under the authority of “appointed” Muftis.⁴⁴ The duty of selecting *imams* is vested on a special committee composed of the representatives of the Ministries of Interior, Foreign Affairs, and National Education and Religious Affairs and two experts on Islamic theology. In other words, *imams* of the Turkish-Muslim minority would be selected directly by a committee of five Christians.

⁴¹ As a matter of fact, members of the minority choose not to address themselves to the authority of the “appointed” Muftis for the settlement of their personal and family matters and the number of applications to the Muftis is generally very limited. However, members of the minority attach a symbolic importance to the religious marriages conducted by the Muftis. In Greece, religious marriages between Christians in churches (and between Jews in synagogues) are legally recognized.

⁴² Articles 36-39 of Law 3536/2007 concerning “Special Provisions Concerning Immigration Policy and Other Matters within the Jurisdiction of Ministry of Interior”.

⁴³ The highest unofficial decision making body of the minority, the Consultative Committee of the Turkish Minority of Western Thrace (BTTADK: www.bttadk.org) has publicly condemned the practice of state-appointed Imams on various occasions.

⁴⁴ Appointed *imams* were distributed as follows: Komotini (100), Xanthi (100) and Didymoticho (40). The aforementioned law also envisaged the appointment of 10 administrative staff (4 in Komotini, 4 in Xanthi and 2 in Didymoticho) to take care of bureaucratic issues concerning 240 *imams*. According to the report of the Council of Accounts, Greece envisaged spending an annual sum of 5 million Euros for the recruitment of imams.

Although it was stated in the aforementioned law that graduates of foreign theology faculties, *Medreses* in Western Thrace and secondary schools are eligible to apply, primary school graduates were allowed to apply for a temporary period of five years to recruit as many people as possible. State-appointed imams are supposed to work on a contract between September-May for the duration of 9 months with the possibility of a renewal. According to the announcement for the recruitment of *imams* that was published on the website of the Ministry of Education and Religious Affairs,⁴⁵ applicants were required to submit their documents to the offices of “appointed” Muftis, who would evaluate and submit their dossiers to the final selection of the aforementioned committee.

According to the Greece-International Religious Freedom Report 2009 that was prepared by the US Department of State, in its first year of implementation Greece has appointed a total of 183 imams on a contractual basis.⁴⁶ However, when the Association of Religious Staff in Western Thrace Mosques (*Bati Trakya Camileri Din Görevlileri Derneği*) organized a petition campaign to renounce the findings of the religious freedom report, it was revealed that the ones applied for the post, despite fierce reactions by the minority institutions, had nothing to do with the provision of religious services and could just not resist the financial incentive.⁴⁷ Later, it was reported by the local press that the provisions concerning the appointment of *imams* fell into disuse due to the objection of the “appointed” Mufti of Komotini and the ones who have previously benefited from its implementation sued him.

⁴⁵ Announcement of 12 August 2008 (No. 106535/A3) was also published in the Official Gazette of Greece and made available at the official website of the ministry (“www.ypepth.gr”).

⁴⁶ Full-text of the report available online at “<http://www.state.gov/g/drl/rls/irf/2009/127313.htm>” (last accessed on 3 November 2010).

⁴⁷ Announcement by the aforementioned association is available at “http://www.azinlikca.net/index.php?option=com_content&view=article&id=916:bat-trakya-camileri-din-gorevlileri-derneg-basin-aciklamas&catid=50:bat-trakya-haber&Itemid=29” (last accessed on 3 November 2010).

In addition to the aim of empowering the “appointed” Muftis with the recruitment of 240 staff under their jurisdiction, the strategy of state-appointed imams has definitely constituted an interference to the freedom of religion of the Turkish-Muslim minority of Western Thrace, whose members have traditionally recruited their own imams to be employed in the mosques vis-à-vis community foundations in the villages and covered their expenses with annual voluntary contributions. Prime Minister Papandreou acknowledged on 24 October 2010 during his visit to Alexandroupolis that “the provisions of the law concerning state-appointed imams have created social problems and his government considers introducing changes”, but it is yet to be revealed how exactly Greece intends to solve the issue of state-appointed imams and the issue of the election of Muftis.

Despite the formal abolishment of the requirement to obtain the approval of church authorities for the construction or renovation of mosques or minarets (by Law 3467/2006), the members of the Turkish-Muslim minority of Western Thrace are still faced with various difficulties. As of November 2010, eight minarets or mosques in the villages of the Prefectures of Evros, Rodopi and Xanthi are waiting to be completed since their application was not answered by the Ministry of Education and Religious Affairs.⁴⁸ Furthermore, despite the fact the state authorities are no longer interfering in the functioning of Kur’an courses at mosques with various administrative pretexts, three teachers have been receiving tax tickets for the so-called inspections by tax officers in 1984, and their total debt amounted to 60.000 Euros.

⁴⁸ In addition to a requirement for an approval from the Ministry of Education and Religious Affairs for the construction of a church or minaret, Article 22 of General Construction Law (1577/1985) states that the deviation from the height restrictions for special buildings like “church towers” could be authorized by the Prefects. It was reported that despite an approval of deviation by the Prefects, the Ministry of Education and Religious Affairs do not give its consent for the erection of minarets of 16 meters in addition to the requests for building new mosques.

In parallel to the developments concerning the administration of community foundations in Turkey, Foreign Minister Dora Bakoyanni acknowledged during her visit to Western Thrace on 5-7 February 2007 that the government has been working on a draft law to make the election of waqf administrators possible. In the form of an “unofficial dialogue” with the minority, the government has provided minority MP with a copy of the new law with the expectation that it will be evaluated with members of the minority.⁴⁹ Under the auspices of the “Consultative Committee of the Turkish Minority of Western Thrace” with an unofficial status, the oldest registered minority association comprising minority members with higher education (“Western Thrace Minority University Graduates Association-WTMUGA”) has prepared and sent an official letter to the government, including the minority’s concerns and requests for amendments. In their letter of 28 December 2007, the WTMUGA also indicated that the other two officially recognized minority associations (“Association of Religious Staff at Western Thrace Mosques” and “Culture and Education Foundation of Western Thrace Minority”) are also ready to be invited to the negotiations in the Hellenic Parliament and provide additional information regarding the minority’s concerns.

Despite the WTMUGA’s call for a constructive dialogue, the new law was approved by the Hellenic Parliament on 13 February 2008 without taking into account the minority’s comments and request. According to the provisions of the new law (3647/2008) on “Administration and Management of the Waqfs and Their Properties of the Muslim Minority in Western Thrace”,⁵⁰ the long-standing request

⁴⁹ Minority MP from New Democracy, İlhan Ahmet who is a lawyer in profession, also submitted his own draft to the government that was eventually not taken into account.

⁵⁰ The new law was published in the Official Gazette on 29.02.2008 (ΦΕΚ 37-A). Original version of the law is available online at “<http://www.prosvasis.com/gr/publica/?p=1930>”, whereas unofficial English translation is online at “http://www.pekem.org/userfiles/law_no_3647.pdf” (last accessed on 3 November 2010).

for the popular election of the waqf administrators was finally met. Article 10 stated that the waqf properties within the borders of the municipalities of Komotini, Xanthi and Didymoticho are going to be managed by the “Management Committees” composed of five people that are elected in a secret ballot by Muslims residing in those municipalities. Elections are to be carried out according to the relevant provisions of the Law on Municipalities and Communes and joint decisions that might be issued by the Ministers of Interior, Finance, Foreign Affairs and Education and Religious Affairs (Article 11). Having decided among themselves the division of labour as the President, Vice-president, General Secretary and Cashier, the president of the “Management Committee” ‘informs the Secretary General of Eastern Macedonia and Thrace and the Mufti (Article 12).

Nonetheless, the minority was disappointed with some of the provisions of the new law that was previously mentioned in WTMUGD’s letter to state officials.⁵¹ To begin with, the minority has reacted to the excessive jurisdictions vested to the Secretary General of Eastern Macedonia and Thrace and the “appointed” Muftis. In addition to his jurisdictions to decide on the eligibility of the candidates, Article 10-2 allows the Secretary General to exceptionally form special management committees for the administration of various waqf properties within the municipalities of Komotini, Xanthi and Alexandroupolis if and when where s/he deems it useful. Since such a jurisdiction would result in the disintegration of the financially weak and segregated waqf properties, the minority has objected to interference by the

⁵¹ For a comprehensive account of the minority’s reaction to the new law, see minority newspaper *Gündem*/20.01.2008, “Ne Umdük, Ne Bulduk! (We did not find what we expected)” (available online at “http://www.gundemgazetesi.com/news/detay01.php?h_id=215&0561&20-01-2008”, last accessed on 3 November 2010).

representative of the state in the region.⁵² Furthermore, Article 13 allowed the Secretary General to directly appoint members to the management committees in case of the absence of alternate members. Similarly, in case of failure to conduct elections or existence of other conditions that make it impossible for the establishment or functioning of management committees, the Secretary General might appoint a temporary committee, whose tenure might extend as long as three years, by taking into consideration the opinion of the Mufti (Article 24).⁵³

The position of the Secretary General of Eastern Macedonia and Thrace was also decisive on the resolution of outstanding disputes regarding the ownership of waqf properties, since Article 21 foresaw the formation of a special committee directly by him with the participation of a representative from the Ministry of Economy and Finance, a law school graduate to be selected by the Ministry of Foreign Affairs, a representative from the Secretariat General and two members of the relevant waqf or management committee. In addition to its inconsistency with the principle of autonomous administration of waqfs according to the Athens-Sevres-Lausanne Treaties, excessive jurisdictions vested to a state official from another religious denomination also contradict the Islamic tradition since waqfs are, by their definition, religious endowments of properties for provision of religious, social, and communal services.

The new law has explicitly underlined the duties of Muftis for the surveillance and inspection over waqf properties as their natural guardian. Article 3-3 stated that waqf administrators are obliged to respect Islamic principles and

⁵² As a matter of fact, the minority was concerned about the separate administration of the profitable and revenue-generating properties (like the ones belonging to *Medrese-i Hayriye* in Komotini) that would render the new central management committee weak and vulnerable.

⁵³ Considering that the law was rendered effective as of expiration of the tenure of the existing “appointed” waqf administrations (Article 24) and the jurisdiction to extend the tenure of the existing committees in case of a difficulty of implementing the new law, it looks as if Greece has instituted some safety valves just in case the new law falls into disuse like its predecessor (Law 1091/1980).

traditions, whose observance would be monitored by Muftis, while managing charitable properties. Furthermore, all transactions regarding waqf properties are to be made upon the Muftis' concurrent opinion (Article 3-5). In line with current practice in the rural areas, the formation of the small three-member "Waqf Committees" in the villages that are generally managing properties belonging to the mosques and their revenue bearing asset, is ratified by Muftis and their names are transmitted by Muftis to the Secretary General. Waqf Committees are directly accountable to the Mufti regarding their accounts and effective management (Article 9), and Muftis' concurrent opinion should also be secured if and when one waqf committee would like to take over the administration of waqf properties in the neighboring uninhabited area (Article 20).

Despite the fact that jurisdictions vested over Muftis are in line with the Islamic traditions and relevant treaties, the minority felt uneasy due to the continuing problem concerning their election. Taking into account the struggle that has been waged by the minority since the mid-1980s concerning the dispute over "appointed" vs. "elected" Muftis, some members of the minority were suspicious of "plots" to oblige them to the authority of the "appointed" Muftis to be able to acquire their right for administering waqf properties. Considering that the new and elected waqf administrators, especially in the city centers, are expected to work in collaboration with Muftis, providing a viable solution to the Mufti controversy with the recognition of elected Muftis before electing waqf administrators would avert future conflicts that might create new tensions in state-minority relations.

Furthermore, Article 19 of the new law vested the administration of properties belonging to the minority schools to the Board of Trustees of each school. The minority has also objected to the further fragmentation of waqf properties

belonging to the schools and wanted the administration of school waqfs by the “waqf committees” in the villages or “management committees” in the city centers (Komotini, Xanthi and Didymoticho). Considering that waqf administrations in the city centers have traditionally contributed to the expenses of central minority schools, the implementation of this provision is expected to create some additional problems for the already suffering minority education. Due to the previous interferences by state authorities, members of the school boards are no longer directly elected by the minority.

Lastly, the minority has also asked for some small changes to be made in the new law to render it compliant with its customs and traditions. For example, the new law described the duties of waqf administration in relation to “the mosques, other places of worship, cemeteries, dormitories, and protection of people in need” (Article 3), but the minority requested the addition of schools and nurseries for elderly people in accordance with the educational and charity functions of waqfs. Similarly, since the new law limited the duty of waqf administration to “maintenance and renovation”, the minority also asked for the authorization for the construction of new charitable, educational and religious institutions. Contrary to the Islamic tradition prohibiting the selling of the waqf properties that were alienated for communal and/or religious purposes, the new law mentioned the sale of existing properties as one of jurisdictions of elected waqf administrations. Furthermore, for full compliance with the provisions of the Law on Municipalities and Communes, according to which the elections for waqf administrations would be conducted, the minority requested the election of 11 rather than 5 members and extension of their tenure to 4 rather than 3 years.

When the new legislation was passed in the parliament by ignoring the minority's calls for a constructive dialogue, the President of the Consultative Committee of the Turkish Minority of Western Thrace, Çetin Mandacı-MP from PASOK, sent a letter to the President of the Hellenic Parliament as well as relevant Ministers on 12 May 2008, and argued that the provisions of the new law (especially the tutelary powers of the Secretary General and fragmentation of school waqfs) fell short of meeting minority's expectations despite promising elections for the administrative committees for waqfs. It was requested once more from state authorities to take minority's views into account to introduce changes to the legislation to avoid future confrontations like the one that had blocked the implementation of the previous law (1091/1980).

Neither the minority's numerous requests for an amendment were taken into account, nor the new law has not been implemented yet. Tenure of the existing "appointed" waqf administrators was simply extended. Mismanagement of the waqf properties by "appointed" and non-recognized persons and the non-existence of a clear legal framework continue to tear down existing communal assets in the villages and cities with unjust expropriations and unlawful occupations. For example, in 2009 the so-called "Pontian" organization in the Prefecture of Rodopi constructed a church on a plot of land belonging to the waqf administration in the village of Nimfea (*Yanikköy*).⁵⁴ Despite the existence of Ottoman title deeds and other documents regarding the waqf status of the plot of land, the minority could not wage an effective legal struggle due to the complexity of the situation and the non-existence of elected

⁵⁴ For the story of the construction of a church on a pious land, see minority newspaper *Millet*/08.04.2010 ("http://www.millet.gr/goruntule.php?sayi=225"). When the minority protested against the initiative, the association argued that they have been organizing their annual festivals on the very same land for several years, local administrators have previously participated in these events, and they even secured their material and financial support for events and the construction of the church.

and legitimate representatives) of the minority (i.e. Mufti and waqf administrators) to guide them.

Another challenge facing the minority policy of Greece vis-à-vis the Turkish-Muslims of Western Thrace relates to the members of the minority that were denationalized with the former Article 19 of Greek Citizenship Code abolished in 1998 without any retroactive effect. As mentioned in the previous section, victims of Article 19, who currently reside outside of Greece, are not entitled to reacquire their Greek, and therefore EU citizenship. The stateless (*heimatlos*) people living in Greece are obliged to make a request for the long and expensive naturalization process whose outcome is not always certain. Moreover, the new Citizenship Law of Greece (3284/2004) retained the traditional differentiation between “*omogenis*” (of Greek descent) and “*allogenis*” (of foreign descent) concerning the acquisition of the Greek citizenship through naturalization (*politografisi*). While the applicants of Greek descent were subjected to a relatively easy and costless process, the ones of another descent including the members of the Turkish-Muslim Minority of Western Thrace, who were denationalized with the implementation of the notorious Article 19 of the old Citizenship Law, were obliged to go through a lengthy and expensive naturalization process (Çavuşoğlu, 2007: 10 and 77).

The insufficient nature of the mere abolishment of Article 19 and the need to resolve the case of persons still affected by previous denationalization measures were also raised by the Council of Europe in Resolution 1704⁵⁵ adopted on 27 January 2010 (“Freedom of religion and other human rights for non-Muslim minorities in Turkey and for the Muslim minority in Thrace-Eastern Greece”)⁵⁶,

⁵⁵ Available at “<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta10/ERES1704.htm>” (last accessed on 3 November 2010).

⁵⁶ Full text of the report prepared by the French Parliamentarian Michel Hunault on behalf of the Committee on Legal Affairs and Human Rights (Doc. 11860) is available at

report of the Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg, concerning the human rights of minorities in Turkey,⁵⁷ and also the 2009 country monitoring report of ECRI (European Commission Against Racism and Intolerance).⁵⁸

The existing problems of the ailing minority education are even more pressing for the Greek policy concerning the Turkish-Muslim minority of Western Thrace. As demonstrated earlier, Greece has undertaken a long and comprehensive reform programme with substantial financial contribution from the EU. However the minority's reaction to the PEM (Project for Reform in the Education of Muslim Children) has been controversial from its inception. First of all, the earlier discriminatory measures and restrictive policies instituted against the minority poisoned people's trust in the government and has made them suspicious towards unilateral state initiatives (Mantouvalou, 2009: 484 and 496). As it was exemplified in the previous chapter, education was "the area" in which the minority has always felt the intervention by the state that in most cases resulted in the deterioration of the existing situation at minority schools. The problem of trust was actually reflected in the low levels of participation in the first years of its application.

Secondly, by allegedly limiting itself to the framework drawn at the Lausanne Treaty regarding the education of minorities, the PEM only addressed the Greek part of the curriculum while leaving the Turkish curriculum that has long been stigmatized with inadequate teachers (EPATH graduates) and lack of educational material (textbook issue) intact. Despite the fact that the existing agreements and

"<http://assembly.coe.int/Documents/WorkingDocs/Doc09/EDOC11860.pdf>" (last accessed on 3 November 2010).

⁵⁷ CommDH(2009)30, full text available at "<https://wcd.coe.int/ViewDoc.jsp?id=1409353>" (last accessed on 3 November 2010).

⁵⁸ CRI (2009)31 full text available at "<http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-IV-2009-031-ENG.pdf>" (last accessed on 3 November 2010).

protocols on educational matters encourage cooperation, the Greek authorities chose not to approach the Turkish side for developing and implementing an integrated project to reform both sides of the curriculum. Having witnessed that PEM only supported the Greek curriculum and the kin-state was not invited to take part in the project, let alone being consulted, most of the minority members had the perception that it was aiming at assimilation.

Third, but not least, the blatant criticism openly waged by project leaders against the bilingual minority education system contributed to the distrust of the minority. At many instances, by disregarding the merits of the academic debate on the bilingual education and simply ignoring successful examples in Europe and elsewhere, Dragonas and Frangoudaki (2006: 33) described the bilingual minority education as “outdated”, “unsuccessful” or “ghetto schools leading to academic failure or underachievement”. Even worse, in some other cases, they argued that bilingual minority schools and the minority’s insistence on Turkish education have silenced the right to education in mother tongue for some other groups in the minority, who are allegedly not of “Turkish origin” (i.e. “Pomaks” and “Roma”). The PEM’s interference to one of the most controversial issues for the minority regarding its ethnic identity or self-identification was also seen as a proof of the existence of some ulterior motives.

As is generally agreed (Dragonas and Frangoudaki, 2006 and Mantouvalou, 2009) the reform of the Greek curriculum in the minority primary schools and secondary schools under PEM contributed to the development of students’ ability in Greek, decreased the drop-out rate after minority primary schools and increased the teachers’ awareness about the different background of the minority students. An increase of 50% in the number of students attending public secondary and high

schools in Western Thrace and an incremental increase in the number of minority pupils attending public rather than minority primary schools is generally accounted due to the success of the PEM.

Although the PEM staff present it as a general tendency on the side of the minority to choose public schools with monolingual (Greek) instruction over bilingual (Turkish and Greek) minority schools, it comes as a natural consequence of the project since the PEM only preoccupied itself with the Greek curriculum while leaving the Turkish part, that was often criticized by the members of the project, intact. As long as the capacity of the two existing minority secondary-high schools are not increased and the chronic problems at the minority schools are not addressed, preferably in a joint initiative with Turkey, the minority will not be in a position to choose between alternatives according to its own will.⁵⁹ At this point, continuing limitations concerning the functioning of the existing minority secondary schools have also poisoned the minority's trust for the PEM. The Minority Secondary-High School in Xanthi applied in 2006 to the Ministry of Education and Religious Affairs for permission to build an education complex in the city center of Xanthi and open a branch in one of the villages to increase its limited capacity, but the aforementioned application so far remained unanswered. When the Municipal Council of Fillira decided to allocate a plot of land in the village of Dokos (Domruköy) the newly founded "Culture and Education Foundation of the Western Thrace Minority" (PEKEM) for the construction of a new minority secondary school, the Secretary

⁵⁹ The tender for the continuation of the PEM was announced in 2010, and the project is expected to continue with some additional activities. It looks as if the next phase of the project will touch upon some aspects of the Turkish curriculum but again without any cooperation with the Turkish side, who has traditionally been providing the educational material.

General of the Eastern Macedonia and Thrace Region refused to approve the aforementioned decision three consecutive times for various reasons.⁶⁰

Furthermore, the minority attaches great importance to bilingual education especially at the primary school level for the preservation of its language, identity and culture. It would be more rational and less conflict-prone for Greece to look for ways to improve bilingual minority education rather than keeping it intact with the expectation to run its course. The same holds true concerning the minority's request for a bilingual minority pre-school education.

Compulsory education in Greece used to consist of primary and secondary schools, i.e. from 1st to 9th grade for the students who are between 6 to 15 years old. Since the Article 73 of the Law 3518/2007 has made the second year of the pre-school education obligatory for all Greek pupils, compulsory education has increased to 10 years as of the 2007-2008 school year (Katsarou and Tsafos, 2010: 51). With this development, the visibility of the minority's long-lasting demand for bilingual pre-school education has increased. The Turkish-Muslim Minority of Western Thrace has asked for the opening of bilingual minority kindergartens, where their children could have pre-school education in Greek and Turkish languages, the same as minority primary schools that have been serving in Western Thrace ever since 1923.

As Greece has not responded positively to the demand of the minority for the opening of minority kindergartens for bilingual pre-school education, pupils with a different linguistic background are obliged to follow compulsory pre-school education that is only offered in Greek. While countering the minority's claim for

⁶⁰ P.E.K.E.M (*Politistiki Ekpedefiki Eteria tis Mionotitas tis Dikitis Thrakis* or *Batı Trakya Azınlığı Kültür ve Eğitim Şirketi-BAKEŞ*) was established as a non-profit society by 44 founding members in Xanthi with the aim of undertaking initiatives for supporting minority education. For details of the Secretary General's rejection, see *Gündem*/21.08.2009 or "<http://pekem.net/tr/default.asp?P=PressRead&id=3>" (last accessed on 3 November 2010).

minority kindergartens, state authorities argued that Article 41 of the Lausanne Treaty obliged Greece only for the provision of primary education through the medium of the minority's own language. By limiting herself with the wording of the Treaty and disregarding the fact that the concept of pre-school education was neither institutionalized nor obligatory at the time of signing the Lausanne Treaty, Greece advised the minority to send their children to monolingual public kindergartens. According to official data presented by Greece in the UN Forum on Minority Issues in December 2008,⁶¹ there are a total of 65 (monolingual) public kindergartens operating in Western Thrace, and 33 of them were built after 2004 in the prefectures of Evros, Rodopi and Xanthi.

In a few instances, like Foreign Minister Dora Bakoyanni's visit to Western Thrace on 5-7 February 2007 or the meeting organized by former Minister of Education Evripidis Stilyanidis in Komotini on 9 July 2009, it was acknowledged that "multicultural" kindergartens might be opened in the region. However, the implementation has shown that these schools are not the "minority kindergartens" demanded by the Turkish-Muslim people, but rather public kindergartens where members of the minority would be recruited as mere "translators" on a contractual basis as opposed to Greek-Orthodox pre-school teachers with the status of civil servants.⁶² When educational authorities established four "multicultural" kindergartens of this sort in the Municipality of Fillira at the beginning of the school year of 2009-2010, the minority boycotted these schools and minority teachers declined the offers for short-term employment as translators.

⁶¹ Available at: "http://www2.ohchr.org/english/bodies/hrcouncil/minority/oral_statements_forum_minority_2008.htm" (last accessed on 3 November 2010).

⁶² For a critique of the Greek policy on pre-school education, see "*Çağdaş Avrupai Azınlık Politikası? (Contemporary European Minority Policy?)*" *Azınlıkça*/49, available online at www.azinlikca.net.

Having considered the fact that the minority primary education in Western Thrace has been offered in Greek and Turkish languages since 1923 and the overwhelming majority of parents choose to send their children to minority primary schools after their pre-school education due to identity considerations, it seems likely that Greek authorities would prefer using monolingual (Greek) pre-school education to reverse the trend for minority primary schools with the expectation that their attendees would naturally chose monolingual public primary schools in time. However, the potential long-term adverse pedagogical effects of such a policy choice seem to be heavily neglected. Some researchers have demonstrated that many skills acquired in the mother tongue can also be transferred to the second language, and students who learned basic reading and writing skills in their mother tongue perform better than those whose basic education is solely through a second language (Dedezade, 2009: 8-14).

Furthermore, it is also claimed that in order to develop better cognitive, comprehensive and linguistic skills, students should improve their Basic Interpersonal Communication Skills (BSIC) to the level of Cognitive Academic Language Proficiency (CALP), which could only be acquired by instruction in the mother tongue for at least 5-7 years (Dedezade, 2009: 3). It is more interesting that students could learn the second language better if and when they improve their language skills in their mother tongue to the CALP level since reading skills and pleasure of reading transfer from one language to another, and reading in the first language provides knowledge of the world that makes second-language texts more comprehensible (Krashen, 2004).

Since developing literacy in the mother tongue is the key to developing literacy in the second language as well as developing cognitive and comprehensive

skills, Greece makes it harder for minority students to grow up as talented individuals and to learn Greek by not providing them with an access to bilingual pre-school education and discouraging existing minority primary schools with Greek and Turkish instruction. This pedagogically inconsistent attitude is also far behind the international legal instruments concerning minority education and the stance adopted by international organizations. For example, according to the recommendations of the UN Forum on Minority Issues (Geneva, 15-16 December 2008), “education should be made available at all levels for minorities, from preschool to tertiary education, ... on a basis of equality with other learners” and “states should take appropriate measures, which are most critical in preschool and primary schools, so that persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.”⁶³

One of the main problems in minority education was the training and education of quality teachers from the members of the minority that would be responsible for the Turkish part of the curriculum at minority primary schools in Western Thrace. As will be recalled, Greece established in 1968 a special pedagogical academy in Thessaloniki (EPATH) to train minority teachers that would replace the graduates of Turkish teachers colleges. EPATH was infamous for the low quality of its education and virtual absence of the Turkish language, despite the fact that its graduates gradually overtook the teaching of the Turkish curriculum in minority primary schools. With the legal restriction (Law 694/1977) against the recruitment of any other teachers than the graduates of EPATH, all 455 minority teachers working in the existing 193 minority schools were composed of EPATH graduates with civil servant status, whose salaries were paid directly by the state.

⁶³ Document No: A/HRC/10/11/Add.1, available at the webpage of the Office of the United Nations High Commissioner for Human Rights, available as of 3 November 2010 at “<http://www2.ohchr.org/english/bodies/hrcouncil/docs/10session/A.HRC.10.11.Add.1.pdf>”.

When all other pedagogical academies offering education for two years for the training of teachers were replaced with the pedagogical faculties offering tertiary education for the duration of 4 years in 1988,⁶⁴ EPATH was excluded from the aforementioned policy change due to its “special” status. Therefore, teachers of minority schools in charge of the Turkish curriculum have been receiving a low quality education for the duration of two years as opposed to their Christian colleagues, who were teaching the Greek curriculum.⁶⁵ Having been obliged to the low quality education offered by the EPATH graduates, many parents have chosen not to send their children to the minority primary schools, which accelerated the decrease in the number of minority schools due to the interventionist Greek policies. As a result of the minority’s never ending request for the abolishment of the notorious EPATH and the establishment of a separate higher education institution offering a quality Turkish education with the cooperation of relevant authorities in Turkey, the ND government of 2004-2009 discussed the possibility of elevating EPATH’s level of education with the introduction of postgraduate courses for the teaching of Turkish following the graduation from normal pedagogical faculties.

The newly elected PASOK government of 2009 looks determined to reform the ailing and inadequate EPATH. The Special Secretary of the Education of Diaspora Greeks and Intercultural Education, who is also responsible for the minority education, constructed a mechanism of dialogue with the participation of minority deputies, non-governmental associations and teachers. On 26 June 2010, a full-day conference was organized in Komotini under the auspices of the special

⁶⁴ Article 46 of the Law 1268/1982 and Presidential Decree No. 527 of 1988. Since the 2002-2003 school year, the duration of education at EPATH has been increased to three years with the inclusion of a preparatory class (Ministerial Decision No. 76102/Z2), Official Gazette 936/26.07.2002.

⁶⁵ When the Turkish Ministry of Education offered an in-service training opportunity to some of the EPATH graduates over the summer in the 1990s to improve their linguistic and pedagogical skills, its attendees were subsequently fired and lost their jobs.

secretary with the participation of representatives from the minority and majority on “the Past, Present and Future of EPATH”.⁶⁶ For the first time in many years, the Turkish-Muslim minority had an opportunity to explain its opinion to the authorities.

Nonetheless, some of the views expressed by the participants from Greek state departments and the Secretary General herself have created suspicions for the new institutional configuration for the teaching and education of minority teachers. First of all, by disregarding the provisions of the Lausanne Treaty and the existence of other affirmative measures previously introduced by Greece,⁶⁷ officials argued that an exclusive recruitment of minority students to the new university department would be against the Greek Constitution since it would violate the principle of equality, and secondly it was hinted that Greek-Orthodox teachers might also be appointed to minority primary schools to undertake the teaching of the Turkish curriculum, which has been taught by the minority teachers since 1923.

Without finalizing and publicly announcing the new institutional framework that is going to replace EPATH, the Special Secretary Thalia Dragona suspended the recruitment of new students to the academy as of the 2010-2011 school year.⁶⁸ Following the fact that the suspension of future recruitments signaled the abolishment of EPATH, several deputies from the ND and the far-right People’s Orthodox Rally (LAOS) submitted written questions to be answered by the Minister

⁶⁶ Full coverage of the conference as well as the full texts of the speeches by participants are available in *Azınlıkça*/July-2010 and its website (“www.azinlikca.net”).

⁶⁷ EPATH has only recruited minority students between 1969-2009 without facing any problems concerning its constitutionality. As a matter of fact, EPATH was established directly ‘by’ the state ‘for’ the minority under Article 40 of the Lausanne Treaty (freedom to establish schools and other establishments of instruction and education with the right to use its own language). Furthermore, Article 37 states that the rights and privileges of Lausanne will be recognized as fundamental laws, and “no law, no regulation, nor official action shall conflict or interfere with these stipulations, nor shall any law, regulation, nor official action prevail over them”. As a matter of fact, a group of nationalists reportedly disputed the constitutionality of an affirmative measure in the university entrance examinations, but the Court rejected such a claim.

⁶⁸ Ministerial Decision No. 95403/Z2 of 30 July 2010. Available on the official website of EPATH at “<http://www.epath.edu.gr/anakoinoseis/mataiosi-eisagogikon.pdf>” (last accessed on 3 November 2010).

of Education and interpreted such a move as a concession to Turkey.⁶⁹ Since the Special Secretary Dragona recently resigned from her post due to a controversy over the teaching of history courses in the new type of high-schools,⁷⁰ the future of teaching and education of new minority teachers remain uncertain.

Concerning the freedom of media, administrative and judicial harassments against the minority newspapers and journalists, these have ceased over the decades with the exception of the alleged impartial decisions given by the courts in personal cases, in which minority newspapers are sued by members of the majority. There is an active community of Turkish newspapers, periodicals and radio stations in Western Thrace. Nonetheless, the new Greek media law on “Concentration and Licensing of Media Enterprises” (3592/2007) introduced several restrictive provisions that might potentially inhibit freedom of press, expression and dissemination of information that is also enshrined in Article 14 of the Greek Constitution. The new law requires media entrepreneurs to deposit 30.000-100.000 Euros and recruit 5 to 20 staff depending on their specialization, use the Greek language as the main language in their broadcasting. The OSCE Representative on Freedom of Media stated in his press release of 27 July 2007 that the new law sets high and unnecessarily rigid thresholds that might have adverse affects on the minority, community or low-cost broadcasters.⁷¹

In November 2009, the National Board of Radio and Television of Greece (ESR) sent an official warning to the oldest minority radio station in Xanthi, “Tele Radio” that has been broadcasting in Turkish uninterruptedly since 1994. Having

⁶⁹ *Hronos*/15.09.2010

⁷⁰ Athens News/24.10.2010

⁷¹ Press Release of Miklos Haraszti is available online at “http://www.osce.org/fom/item_1_25793.html” (last accessed on 3 November 2010). The Director of the International Press Institute (IPI) and Secretary-General of the South East Europe Media Organization (SEEMO) also raised their objections in a letter sent to Greek authorities.

resorted to the Article 8 of the new media law, the ESR argued that the main broadcasting language (at least 25% of the total air time) should be Greek, and envisaged harsher measures in case of non-compliance.⁷² Future implementations of the new media law might endanger pluralism and minority rights and create a new element of discord in state-minority relations.

Last but not least, the decentralizing reforms promulgated by the Europeanization process might have provided an overarching framework to redefine regional policy and undertake difficult reforms for socio-economic development in addition to leading to a partial distancing of local administration from national interests and building of bridges with the minority (Anagnostou, 2001: 113). It should also be noted, however, that the institutional framework for active participation of local actors that was created by the Europeanization process cannot be utilized fully due to the non-existence of an efficient communication network between local governments and central government, and a lack of communication and cooperation between the minority and local authorities (Memisoglu, 2007: 23). What is more, Western Thrace continues to be one of the least developed regions in Greece and EU. According to the results of a recent study published in BMC Public Health journal (Papastergiou et.al.: 2008), the region of Thrace records the highest mortality rate among the ten Greek regions over the period of 1984-2004. There has apparently been a high degree of correlation between the mortality rates and GDP per capita (lowest in Greece: 11.123 Euro), ratio of Physicians (lowest in Greece: 284) and ratio of hospital beds per population of 100.000 (lowest in Greece: 268) in the Thrace region.

⁷² *Paratiritis*/17.12.2009.

Considering the recent economic crisis confronting Greece, one might argue that there also exists an economic challenge concerning the socio-economic status of the Turkish-Muslim minority of Western Thrace. Due to “national security” and “foreign policy” considerations, Greece has not utilized the economic potential of the region that is located at the doorstep of the biggest economic hubs of Turkey (including Çorlu and Istanbul). The de-securitization of the minority policy of Greece vis-à-vis her Turkish-Muslim community may finally create economic opportunities for the members of the minority to fulfill their desired mission of building bridges between Greece and Turkey by taking advantage of their bilingual character and acquaintance with both cultures.

CHAPTER VI

MINORITY RIGHTS PROTECTION IN TURKEY:

1923-1987

Despite the existence of extensive rights and privileges listed under the Lausanne Treaty of 1923, non-Muslim minorities in Turkey had several difficulties in utilizing them. First of all, the Ottoman legacy of societal compartmentalization, religious affiliations as in Muslims vs. non-Muslims and the bitter memories of the past have affected their utilization of minority rights since non-Muslims were generally conceived as “alien”, “dangerous” and “untrustworthy” elements and viewed generally with suspicion. Secondly, the Republican formulation of the new Turkish identity and the parameters employed for their eventual inclusion or exclusion have created some insurmountable obstacles. The present chapter will illustrate the trajectory of the only officially recognized minority group in Turkey (non-Muslims) with reference to the life of the Greek-Orthodox community of Istanbul.

6.1. Reformulation of the Turkish Identity and non-Muslim Minorities

As indicated before, the new Turkish regime inherited from the Ottoman past the usage of religious distinctions in order to foster the unity of the Muslim elements (*anasır-ı İslamiye*) living in the territory of the new Republic. In order to mobilize the masses for the national struggle, the new regime pragmatically adopted a pluralist understanding of the nation that embraced all cultural identities with an emphasis on their common religious affiliation as Muslims. The first priority for the new Republic was achieving “unity within diversity”, but with the consolidation of the regime the “Turkish” character of the new regime was much more pronounced (Özbudun, 1997: ?).

As early as 1924, there was a clear-cut differentiation between ethno-cultural membership (nationality or *milliyet*) and membership to a state (citizenship or *tabiyet*). During the parliamentary discussions, some members of the Parliament reacted against the original formulation of the Article 88 and insisted on the underlining of the bond of citizenship as opposed to nationality concerning non-Muslim minorities.¹ In its modified version, Article 88 read: “All inhabitants of Turkey are named as Turks *in terms of citizenship* regardless of their religion and race” (emphasis added). Such a reformulation meant that non-Muslim minorities had the same rights and obligations as equal citizens, but were not sociologically accepted as “Turks” (Özbudun, 1997: ?).

Despite the secularist credentials of the new Republic, religion paradoxically continued to be an intrinsic part of Turkishness. It should be noted here that the founder of the Turkish Republic, Kemal Atatürk who was heavily influenced

¹ Original form of the Article was as follows: “All inhabitants of Turkey are named as Turks regardless of their religion and race” (*Türkiye ahalisine din ve ırk farkı olmaksızın Türk itlak olunur*)”.

by the philosophy of Ziya Gökalp, embraced a subjective and cultural understanding of the “nation” emphasizing common history, culture, language, and attachment to the territory of the state as opposed to an ethnic understanding underlining objective criteria like ethnicity or race. However, in Gökalp’s understanding, one of the main constituents of culture (*hars*) was religion that is preferably “Turkified” and confined to the private life of individuals. Furthermore, having observed that traditional practices had hardly produced cultural unity between Muslim and non-Muslim citizens of the Republic, religion played an implicit role in the determination of Turkishness (Soner, 2004: 307).

The implementation of the Republican formulation of the Turkish nation was both inclusive as far as the Muslim population belonging to different ethno-linguistic backgrounds was concerned and exclusive towards non-Muslim minorities. It was possible for all Muslim citizens of the Republic to voluntarily assimilate into the newly formulated Turkish-Muslim identity created by “melding of all the various Ottoman-Islamic communities, including the Turks, into a new form of political organization” (Karpas, 1985: 57). Ethno-lingual distinctions among the Muslim nationals were superseded for the sake of the “indivisible unity of the state with its nation and territory” as it was formulated constitutionally. In return, they were guaranteed formal/legal equality, non-discrimination and equal treatment. Non-Muslims, however, could only become “Turkish citizens”, only if they spoke Turkish and shared the ideals of the new Republic, but not “Turks” (Özkırımlı and Sofos, 2008: 165). To put it differently, non-Muslims were accepted as “Turkish citizens”, but not as “Turkish nationals”.

Due to the duality between “nationality” and “citizenship” described above, the concept of citizenship in Turkey was not completely neutralized against ethno-

religious distinctions. As Soner (2004: 309) argued, this gave way to the emergence of two categories of citizenship as “national citizenship” (citizens by nationality) and “formal citizenship” (citizens by law). It was against such a background that there are displays of continuity with the Ottoman *millet* system in terms of the role played by religion. The formal citizens of Turkey (i.e. non-Muslim minorities) have suffered from the ethnocentric policies of the single party era that were also shaped, to some extent, by the global racist swing of the 1930s. Through the adoption of the cultural and inclusive formulation of the nation vis-à-vis Muslim population and policies for “Turkification” exemplified below, the early Republican elite was claiming the “Turkishness” of all Muslims to enlarge the boundaries of the conceptualization of “us”.² However, such an understanding inevitably put the non-Muslim minorities living in the country by preserving their own distinct culture identity to the category of the “other” (Aktar, 2008: 97).

As part of the attempts to create a “national history” ornamented with the elements of the glorious past of the Turkish civilization, the “Turkish History Thesis” was discussed in the two History Congresses held in Ankara in 1932 and 1937. While bypassing the connection with the immediate Ottoman past that had lost its legitimacy after the dissolution of the Empire, the thesis portrayed the Turks as the architects of glorious civilizations in Central Asia and contributors to the world’s major civilizations when they were forced to migrate due to climate change (Özkırımlı and Sofos, 2008: 91 and Ersanlı-Behar, 1992: 12). The task of repositioning the Turkish civilization within the group of civilized Western nations

² Aktar (2008: 92) argues that the early Republican period did not witness a racist understanding claiming superiority of the Turkish race vis-à-vis others despite various efforts for the creation of a “Turkish ethnic identity”. Aktar also argues that if the early Republican elite had embraced racism, they would not have tried to Turkify different segments of the society but simply exterminate them. In this respect, the term “ethnocentric” might describe better various policies formulated during the single party period.

and reminding the Turkish nation of their contributions to western civilizations was undertaken by the Society for the Study of Turkish History that was later converted to Turkish Historical Society in 1935.

The newly formulated language theory of the new Republic, the so-called “Sun-Language Theory” (*Güneş Dil Teorisi*) occupied a central place in the Turkish history thesis. By drawing attention to similar words with the family of Indo-European languages, the theory tried to demonstrate that the Turkish language was the origin of all languages (Ersanlı-Behar, 1992: 176).³ This formidable task was vested to the Society for the Study of the Turkish Language that was later converted to the Turkish Language Society in 1936 together with the additional tasks of purifying the language by ridding it of its non-Turkish components and coining new “authentic” words to replace them (Aytürk, 2004: 1).⁴ In addition to the replacement of the Arabic script with the Latin one and efforts to achieve linguistic purity, the unofficial country-wide campaign of “Citizen, Speak Turkish” (*Vatandaş, Türkçe Konuş*) targeted Muslims who did not speak Turkish and non-Muslim minority groups. Non-Muslims were “advised to use Turkish” speak in their mother tongue in public places like restaurants, cinemas, theaters and hotels (Güven, 2009: 114). The campaign was originally launched on 13 January 1928 at the annual congress of the student society in Istanbul University Law Faculty, but enjoyed the support of the government and the press since linguistic homogeneity was perceived as the most demonstrable aspect of national homogeneity (Özkırımlı and Sofos, 2008: 167).⁵

³ The “Sun-Language Theory” attributed a special role to the sun in the birth of the language and drew continuity with the ancient Turkic act of worshiping in the cult of the sun (Aytürk, 2004: 17).

⁴ Both the “Turkish History Thesis” and “Sun-Language Theory” gradually lost their influence after the 1940s.

⁵ Yıldız (2007: 239) mentions the “secret circular” issued by the Ministry of Interior in 1930 instructing the governors to take the following measures to “win over Turks with foreign dialects” (like Bosnians, Tatars, Circassians, Kurds, Georgians, Lazs and others): prevention of their conglomeration in separate villages, encouraging the marriage of Turkish women with non-Turkish speaking men, recruitment of Turkish speaking persons to local public offices, changing names of the

One of the severe reflections of the campaign was in the islands of Bozcaada and Gökçeada, where the mayor announced an official decision (no. 386 of 12 October 1936) envisaging that “those who know Turkish but don’t speak or those who will not have learnt the Turkish language within six months, as well as those who talk to each other in any language other than Turkish will be arrested and penalized” (Sarioglou, 2004: 128).

According to the Law of Family Names of 1934 (No. 2805), Turkish citizens were not allowed to use family names denoting occupation, position, tribe and foreign nationality. Faced with the necessity of selecting their surnames from among Turkish words, both Muslims and non-Muslims were prohibited from using traditional suffixes and prefixes like “-yan, -of, -ef, -viç, -iç, -is, -dis, -pulos, -aki, -zade, mahdumu, veled and bin” (Yıldız, 2007: 236) in their newly acquired surnames.⁶

Having been influenced by the nationalist movements in Italy and Germany, the pendulum of Turkish nationalism swung between cultural and ethnocentric understandings during the 1930s. The Turkish government aimed to bring the Muslim-Turkish refugees from the Balkan and Caucasus regions to the areas traditionally settled by the Kurds with the Settlement Law of 1934 (no. 2510). Despite the fact that the law referred to the “loyalty to the Turkish culture” and “ability to speak Turkish”, it differentiated between the Turkish refugees that are of “Turkish race” versus the ones that are not ethnically Turkish but “loyal to the Turkish culture” in terms of the procedures to be followed regarding their

villages, in short governors were ordered to “Turkify their languages, customs, ideals, and incorporate them to the history and destiny of Turks”.

⁶ The Greek-Orthodox minority dropped from their surnames the endings of –dis and –poulos (Alexandris 1992: 183) generally for the Turkish sounding suffix of –oglu. Sarioglou (2004: 143) reports that the Greek origin surname “*Ksantho-poulos*” was translated into the Turkish equivalent of “*Sari*” and added with the traditional and popular Turkish ending “*oğlu*”.

settlement.⁷ While compartmentalizing the regions for settlement, the law also mentioned the territories that would be emptied (from population groups that did not speak Turkish and belonged to the Turkish culture) and closed for settlement due to geographical, health related, economical, cultural, and military considerations (Yıldız, 2007: 248).⁸

Furthermore, Article 11 of the Settlement Law gave the jurisdiction of deporting and resettling Turkish citizens whose mother tongue was not Turkish to other parts of the country due to security, military, cultural and social reasons (Yıldız, 2007: 254). It looks as if the spirit of the Law already motivated the government to take some *de facto* measures to ensure the evacuation of the sensitive areas and the concentration of all non-Muslim minorities in Istanbul. Firstly, as reported in American archives, a small group of Armenians were resettled in Istanbul even before the adoption of the law in the Parliament (Aktar, 2008: 93).⁹ One week after the law was passed, the notorious “events of Thrace” targeted the Jewish population living in the Thrace region. The acts of physical aggression, threats, economic boycotting, raiding homes and looting of properties began in Çanakkale on 21 June 1934 and quickly spread to the whole region including Edirne, Kırklareli, Uzunköprü, Tekirdağ and Babaeski. Jews generally took trains to Istanbul and sought

⁷ The refugees of Turkish race were eligible for an immigrant visa without any prior authorization by the Ministry of Interior, whereas the others had to wait for authorization and determination of their final destination in Turkey even if they did not ask for a government subsidy for their settlement (Kirişçi, 2000). Having been considered in the first category, a considerable group of the Turkish-Muslim Minority of Western Thrace immigrated to Turkey. Yıldız (2007: 253) claims that the deportations of the Kurdish population and the settlement of refugees was discontinued shortly after due to financial considerations, as well as the resistance of the Kurds against assimilation and the possibility of them to assimilate refugees in their own culture and identity.

⁸ There were mainly three regions for settlement: the areas where the number of people loyal to the Turkish culture should increase (i.e. settlement of refugees to the East and South East Anatolia), the areas to be populated by the people to be assimilated to the Turkish culture (i.e. the resettlement of the Kurds in Central Anatolia), and the strategic regions described above (mainly Straits and Thrace) (Yıldız, 2007: 248).

⁹ Güven (2009: 130-132) argues that some 6.373 Armenians living in Central Anatolia migrated to Syria in 1929-1930 without any direct involvement of the Turkish state. However, later in 1934, when the local Muslim population refused agitation attempts to incite the local Armenian population, officials of the state told Armenians to immediately migrate to Istanbul.

refuge with their relatives. Despite the fact that high-level state officials condemned the events as inconsiderate and reckless acts of some local nationalists influenced by anti-Semitism that was declared to be an alien and unacceptable current in Turkey,¹⁰ Aktar (2008: 82) reported from the British archives that the government was determined to gradually expel the Jewish community of Thrace and instructed local officials verbally to take “the necessary measures”. However, the events went out of control due to irresponsible local officials and over-enthusiastic response of the local forces (sports clubs, press, chambers of commerce etc.).¹¹

Notwithstanding several scholarly attempts to explain the events in Thrace with the rise of anti-Semitism in Turkey, they rather constituted part and parcel of the ethnocentrism of the single party period. With the growth of territorial aspirations of Italy in the Mediterranean basin and the deterioration of the Turkish-Italian relations, the Thracian Jews, as an “alien” and “potentially dangerous” element, were perceived as a liability in the case of war.¹² It was estimated that, out of 13.000 Jews in Thrace, 7-8.000 departed their hometown to settle in Istanbul, whereas a few others left for Palestine (Güven, 2009: 128).

As far as the compulsory military service was concerned, non-Muslim Turkish citizens were also viewed with deep suspicion. With growing international

¹⁰ Following the investigations, the Mayor of Kırklareli, the Head of the Security Department and the Head of the Chamber of Commerce were arrested, the anti-semitic journal of *Milli İnkılap* (National Revolution) was closed down, and General Secretary of the RPP sent a circular to all local branches of the Party to explain why they did not inform the party headquarters on time about the events. However, government also declared following the events of Thrace that “Jews were insisting to embrace a foreign culture and language and harbor spies in their community that were undertaking harmful activities against the state in the demilitarized regions (of Thrace)” (Aktar, 2008: 87).

¹¹ Güven (2009: 128) argues that similar plans were also made for terrorizing the Jews and foreigners living in Izmir, but they were aborted at the last minute. Despite such an abolishment, several incidents took place with the pretext of the “usage of a foreign language” rather than Turkish.

¹² In his famous speech on 18 March 1934, Mussolini referred to the Mediterranean Sea as “our sea” (*mare nostrum*) and hinted at the expansion of Italy towards the southeast. With the militarization of the Dodecanese islands in the Aegean and Atatürk’s oft-quoted encounter with the Italian Ambassador, Turkey was feeling under threat. As Aktar (2008: 86) mentioned, Turkey was of the opinion that a potential Italian offensive would first target Albania, and then Thrace and the Turkish Straits with the participation of Bulgaria. Concurrently with the events in Thrace, Turkey undertook military precautions in Thrace and the Straits.

tension in 1939, the new legislation abolished shooting practices for non-Muslims, who were generally assigned to extra-military activities. After Hitler launched an offensive towards the Balkans in April 1941, all non-Muslim males between the ages of 20 and 45 were first militarily mobilized and then sent to the special work battalions in Anatolia starting from June 1941 (generally known in Turkish as “*Yirmi Kur’a Askerlik*” or “*Yirmi Kur’a İhtiyatlar Olayı*”, in Greek as “*Ikosi Iliseis*”). They were placed under the jurisdiction of the Ministry of Public Works and engaged in non-combat activities like construction or road-building with special uniforms (Akgönül, 2007: 101). On 8 December 1941, males between the ages of 38 and 45 were released, whereas the rest spent some six months more until their eventual release on 27 July 1942.

Since non-Muslim minorities were seen as “untrustworthy” and expected to engage in “fifth column activities” in case of war, the main aim was to keep them away from strategically important regions like Istanbul and Thrace. Nonetheless, such a radical measure created a feeling of deep resentment and mistrust among the non-Muslim Turkish citizens since they understood that they were not “equal” citizens after all.¹³

Non-Muslim minorities were also affected from the reforms aiming to create a secular legal order in Turkey. As part of the secular reforms accomplished by the new regime (like the abolishment of the Caliphate, the elimination of the office of the *Şeyhülislam*, unification of education with the dissolution of religious

¹³ It should be noted here that “work battalions” were not specifically created for non-Muslims, and Muslim Turkish citizens were also recruited to work in extra-military activities within the scope of general measures for mobilization. However, with their different backgrounds and levels of educational attainments, non-Muslims were disproportionately affected. In addition to the negative effects on the economic well-being of non-Muslims, the Jews were especially concerned with such a mobilization with a fear that it might turn to extermination like elsewhere in Europe (Akgönül, 2007: 99-110). These concerns were indeed unsubstantiated, and Turkey did not hesitate, for example, in hosting Jewish academics fleeing Germany and Turkish diplomats risked their lives to save Jews in Europe with the granting of Turkish passports.

schools, the ban on religious headgear and fez as well as the adoption of the western one, the usage of the Gregorian calendar etc.), Turkey replaced the Ottoman civil code (*mecelle*) with the new civil code adopted from the Swiss one on 17 February 1926. In parallel to preparations for the new universal and secular legal order, non-Muslim minorities were asked to renounce formally the privilege given by Article 42 of the Lausanne Treaty for the continuation of the settlement of problems concerning their personal and family status according to their own customs and traditions. In order to comply formally with the aforementioned provisions of the Lausanne Treaty, the government appointed three separate mixed committees with the participation of two non-Muslims that would evaluate the emerging secular legal order and possibility of the relinquishment of their traditional privileges.

Both the Jewish and Armenian committees made a formal declaration respectively on 15 September 1925 and 17 October 1925 to voluntarily renounce their legal privileges, and accepted the separation of religious and secular matters with the annulment of all prerogatives enjoyed by their religious institutions on minority communal institutions (Akgönül, 2007: 71), something that the Turkish delegation had already secured concerning the Greek-Orthodox Patriarchate in the Lausanne negotiations. However, when faced with the opposition of the Greek-Orthodox committee, the government appointed an additional sub-committee of six minority members to work on the matter and present its opinion to the community. Since the sub-committee was also inclined to resist, the government continuously increased the number of committee members with the appointment of minority people “who were particularly susceptible to official pressure” (Alexandris, 1992: 137). Following the detainment of three sub-committee members opposing the relinquishment of legal privileges, the Committee decided on 27 November 1925 to

renounce Article 42 of the Lausanne Treaty with the favorable vote of 55 members out of a total of 75.

When the Greek government brought the issue to the League of Nations in September 1926 by arguing that the Turkish side breached her treaty obligations, the Turkish government presented the official declarations by the Armenian, Jewish and Greek-Orthodox minorities to the League of Nations on 9 March 1927 and argued that the minorities were satisfied with the Turkish assurances about the universal and indiscriminate applications of the new secular civil code for all Turkish citizens (Alexandris, 1992: 139). It is generally accepted that both Muslim and non-Muslim clergy opposed the new civil code since it brought the curtailment of their religious prerogatives and the adoption of the new code technically brought the end of the *millet* system (Akgönül, 2007: 71 and 73). As a matter of fact, the “legal Turkification” of the minorities was achieved with the adoption of the new civil code and relinquishment of legal privileges (Aktar, 2008: 113).

Reflecting the inconsistency of the Turkish policy vis-à-vis non-Muslim minorities and indicating the correlation between the treatment of the Greek-Orthodox minority and Greco-Turkish relations, it should also be noted here that the aforementioned minority also enjoyed the benefits of the *rapprochement* between the two countries. According to the first census of the new Republic conducted in 1927 (Akgönül, 2007: 67), the total population of the Greek-Orthodox minority was around 110.000 including 5-6.000 people living in the islands of Gökçeada (*Imvros*) and Bozcaada (*Tenedos*) and 26.431 Hellenic citizens¹⁴ (Alexandris, 1992: 281), whose non-exchangeable (*etabli*) status was recognized according to the convention

¹⁴ These were actually Ottoman-Greeks, who had acquired a foreign (Hellenic) citizenship extra-legally under the Ottoman capitulations (Clark, 1972: 206). They were indeed the by-product of the attestation (*beratli*) system described in Chapter-III and allowed to stay in Istanbul for seven years since they qualified the conditions stipulated in the population exchange convention.

on the exchange of populations and who were living side-by-side and heavily intermingled with the Greek-Orthodox minority in terms of their family and commercial ties.

When Venizelos was back in power in 1928, one of his primary concerns was improving relations with Turkey and settling the existing problems stemming from the implementation of the population exchange. With the role of the joint Bulgarian, Italian and Soviet threats, the Turkish Premier İnönü approached positively and the two finally counties settled their problems concerning the population exchange with the Ankara Agreement of 10 June 1930.¹⁵ Following the reciprocal visits, “the Greco-Turkish *Entente Cordiale* that was one of the most durable diplomatic engagements concluded during the interwar period” (Alexandris, 1992: 179) was crowned with three agreements in October 1930: Treaty of Peace, Neutrality, Conciliation and Arbitration, Convention of Establishment, Commerce and Navigation, Protocol on the Limitation of Naval Armaments.

The terms of the Convention of Establishment, Commerce and Navigation were extremely important for the Greek-Orthodox minority since it created a possibility of return and resettlement for the ex-residents of Istanbul, who were subjected to the exchange of populations and later acquired the Greek citizenship, as well as clarifying the status of residence of the non-exchangeable Hellenic citizens

¹⁵ Both governments agreed that the Greek and Turkish claims concerning the property of the exchangeables balanced each others and all properties left behind were deemed state property. Regarding some 30.000 Ottoman Greek-Orthodox, who were resident in Istanbul before 30 October 1918 but fled the city with Ottoman passports with the defeat of the Greek army in 1922, Greece renounced her claim for their non-exchangeable (*etabli*) status (Alexandris, 1992: 178-179). Such a move disappointed the Ottoman Greeks longing for a solution to access their properties, and pushed them towards alternative political formations like communism (Yıldırım, 2006: 196). The Turkish side, in return, has accepted the non-exchangeable status of all Greek-Orthodox population, who later acquired Greek citizenship, the forceful expropriation of 7.000.000 m2 land belonging to the Turkish-Muslim minority of Western Thrace in addition to waiving the sum promised by the Greek government by the Athens Treaty of 1926.

previously exempted from the population exchange.¹⁶ In the atmosphere of peace and friendship, many Greek theater companies, football teams, associations visited Istanbul under the terms of the Convention, travel restrictions imposed on the members of the Greek-Orthodox minority were lifted,¹⁷ the seizure of the property and bank deposits of Hellenic citizens were abolished, some members of the Greek-Orthodox community returned to Istanbul, the first Greek-Orthodox member of the Turkish Parliament, Nikolas Taptas, was elected in 1935 on an independent ticket (Bali, 2009: 62). Both Venizelos and İnönü enjoyed a cordial reception when they visited each other's country, and the mosque of Ayasofya (*Hagia Sophia*) was converted to a museum on Atatürk's personal order in 1934 under such a positive climate.

6.2. Creation of the “National” Economy and the Greek-Orthodox Minority

The new Turkish Republic continued unabatedly the policy of creating a “national bourgeoisie” and eliminating the dominant economic position of non-Muslim minorities, who had accumulated large fortunes by acting as local agents of foreign capital enjoying capitulations. As was described in Chapter-III, the first set of measures was introduced by the Committee of Union and Progress around 1914. Although the priority of the Turkish delegation in Lausanne was to sustain ethnic homogeneity, there are some accounts underlining the economic effects of the

¹⁶ As mentioned above, a slightly less than one third of the total Greek-Orthodox community of İstanbul was constituted by non-exchangeable Hellenic citizens. Sarioglou (2004: 16) claims that this group, like all other Allied citizens, was permitted to stay freely in Turkey for a seven-year period according to the Article 20 of the Lausanne Convention on Establishment and Judicial Jurisdiction of 24 July 1923 (available in Meray, 2001-VIII: 71) and 1930 Convention have enabled them continue staying in Turkey.

¹⁷ Alexandris (1992: 140) reports that the Turkish government declared on 26 February 1925 that the members of the Greek-Orthodox minority were able to travel beyond the prefectural limits of Istanbul with permission (similar announcement was made for Armenians on 29 March 1924, whereas Jews were able to travel freely) in such a way the free movement was envisaged in Lausanne. Bureaucratic delays have made it a restriction rather than an extension of a particular right.

population exchange vis-à-vis the rich and prosperous Greek-Orthodox community (Keyder, 2007: 63 and Aktar, 2007: 141-147).¹⁸

In 1922, only 28 % of the commercial establishments in Istanbul (1.202 of 4.267) were reported to belong to Turkish-Muslim entrepreneurs and they were virtually absent in some sectors like foreign trade, port operation, stocks and bonds markets, banking, provisions of public services (Aktar, 2007: 148). In order to get organized and enjoy the support of the government in a corporate manner, the group of Turkish businessmen calling themselves “national merchant” (*milli tüccar*) established the National Turkish Commercial Union (*Milli Türk Ticaret Birliği*) in December 1922, joined the National Congress of Economy in İzmir (March 1923),¹⁹ took over the administration of the Istanbul Chamber of Commerce, initiated and financed several companies like the Turkish National Import and Export Company (*Türkiye Milli İthalat ve İhracat Anonim Şirketi*) with the active participation of deputies and bureaucrats as well as taking over the companies established by the departing Greeks (Alexandris, 1992: 107).

Furthermore, as reflected in the British archives (Güven, 2009: 110), foreign companies in Turkey were pressurized to replace their non-Muslim employees, who were generally favored due to their foreign language capabilities, with the help of formal measures like the introduction of the “Law on the Obligatory Usage of Turkish in Commercial Establishments” in 1926 (no. 805) to oblige them to

¹⁸ The exchange of populations might have eliminated a substantial portion of non-Muslim bourgeoisie, but it also created a huge gap of entrepreneurs, skilled laborers and artisans that paralyzed the Turkish economy at least for quite some time following the population exchange. Aktar (2007:142-143) mentions, for example, the virtual absence of house-builders and artisans in Bursa and the sudden break of communications with exporters that made it impossible for British firms to buy dried raisin, fig and plum from İzmir.

¹⁹ Akgönül (2007: 82) finds it meaningful that not even a single non-Muslim tradesman joined the famous National Economy Congress in İzmir.

use Turkish in all their business contacts and records (Akgönül, 2007: 78).²⁰ The Law of Attorneys of 1924 (no. 460) prohibited several non-Muslims from practicing law on moral grounds or for engaging in businesses (like public service or trade) incompatible with their profession. Out of 960 attorneys registered to the Bar of Istanbul, only 431 were allowed to continue their practice. Although the number of disqualified Muslim attorneys were the highest (274 out of 587, most due to their positions in the public service), the case of Greek-Orthodox (120 out of 162), Armenian (105 out of 144) and Jewish (26 out of 60) attorneys were outstanding since they were generally disqualified on “moral grounds” (Bali, 1999: 225).²¹

Furthermore, the non-representation of non-Muslims in the public bureaucracy was generally attributed to Article 4 of the Public Personnel Law (no. 788 of 18 March 1926) that stated “being Turk” as one of the preconditions for recruitment in the public sector. Although, the implementation concerning the (non)recruitment of non-Muslim did not change much, this aforementioned article was replaced much later on 14 July 1965 with Article 48 of the present Public Personnel Law (no. 657) using the term “being a Turkish citizen”. In the late 1930s, a few notices for recruitment published in major newspapers listed “being a member of Turkish race” or “Turkish origin” among the eligibility criteria for military school of veterinary, recruitment in the Command of War Colleges or Turkish Aviation Society in addition to “being a Turkish citizen” or “being a Turk”, which generally indicated the “Turkish” origin of the candidates rather than their citizenship status

²⁰ It was reported by the British representatives in Istanbul that the Turkish authorities unofficially instructed all foreign shops and companies to recruit at least 75 % of their staff from among the Turkish Muslims, and took some measures like not renewing driving licenses of foreigners and non-Muslims (Güven, 2007: 111). Ministry of Commerce circulated a questionnaire to all insurance firms operating in Turkey, where they were also asked to declare their employee profiles as “Muslim Turks”, “non-Muslim Turks” and “Foreigners” (Aktar, 2008: 114 and 116).

²¹ The Greek government protested to the League of Nations for the disqualification of one third of the Greek-Orthodox attorneys in Istanbul, but the Turkish side draw attention to the number of Greek-Orthodox attorneys continuing their practices and argued that the rest failed to meet the criteria described in the relevant law (Alexandris, 1992: 112)

(Yıldız, 2007: 327-333).²² Güven (2009: 113) mentions the establishment of special committees in local security departments to evaluate whether the applicants of the military schools were of “Turkish” race.

One of the most outrageous restrictions, which generally affected the members of the Greek-Orthodox community in Istanbul with Hellenic nationality, was the restriction of certain professions to the Turkish citizens. As mentioned briefly, in some specific sectors (stock markets, industrial establishments, insurance firms) and certain professions (like lawyers, doctors, pharmacists), the recruitment of staff or the exercise of professions was already restricted to Turkish citizens according to the provisions of certain laws.²³ With the adoption of the oft-quoted Law for the Restriction of Certain Arts and Professions to Turkish Citizens (no. 2007 of 4 June 1932), however, an exhaustive list of sectors and professions was adopted. In addition to jobs requiring a high level of education (like pilots or train drivers), some low-skilled jobs (like chauffeurs, tailors, shoemakers, street peddlers, sewers, construction workers, waitresses and door keepers) were also restricted to Turkish citizens. In a parliamentary speech, the Minister of Interior, Şükrü Kaya, presented the adoption of the *regime d'etrangers* as a continuation of the abolishment of capitulations, and argued that they restricted the professions that were a) directly related to public security or necessitated by economic conditions (like doctors, pharmacists, and for security concerns drivers and door keepers), b) envisaging public provision of services (like porters), and c) requiring low capital and skill (like street peddlers) (Aktar, 2008: 121-125).

²² In some cases, it was especially underlined that the candidates should be “Turkish citizens of Turkish race” or “origin” (*Türkiye Cumhuriyeti tebaasından ve Türk ırkından/soyundan olmak*).

²³ Detailed information concerning the names and numbers of the aforementioned legal provisions is available in Yıldız (2007: 234-235) and Akgönül (2007: 83).

In addition to the more than 5.000 Hellenic citizens with non-exchangeable status that had lost their jobs by 1926 due to their replacement with Turkish employees (Alexandris, 1992: 110 and Güven, 2009: 110), another 9.000 lost their jobs and fled Turkey after restrictions of some professions to the Turkish citizens *per se* (Aktar, 2007: 151). As documented by the population statistics, the number of Hellenic citizens decreased from their 1927 level of 26.431 to 17.642 as of 1935. The return of Hellenic citizens due to economic concerns also affected their relatives and business partners, who were of Turkish citizenship and part of the Greek-Orthodox minority of Istanbul. When members of households had no option but to accompany the Hellenic returnees to maintain the unity of their family, some of their business partners had to liquidate their assets and in some cases joined them to maintain their partnership in Greece.

When the Turkish economy was struggling to overcome the devastating effects of the Second World War and the continuous mobilization of the military in early 1940s,²⁴ the twin phenomena of war profiteering (*harp zenginleri*) and tax evasions gradually troubled policy makers as well as public opinion that was generally pointing fingers to the rich minority entrepreneurs. Since the Turkish treasury was increasing the money in circulation to cope with the worsening economic situation, the rising price levels sky-rocketed inflation. In order to charge for the accumulated wealth of the war profiteers and withdraw some money from circulation, the Turkish government was in search of an introduction of a new tax, a cause that was wholeheartedly embraced by the newly appointed Prime Minister Şükrü Saraçoğlu, who was known as a staunch nationalist and supporter of the German cause.

²⁴ Alexandris (1992: 211) mentions that the British Ambassador in Turkey reported on the drastic economic situation of the country, and anticipated “a more or less complete breakdown in the Turkish economy by the end of 1942”.

On 11 November 1942, the Turkish Parliament accepted the notorious Wealth Tax (*Varlık Vergisi* no. 4305) to introduce a one-time tax for the possessors of wealth and income owners. According to its provisions, the following groups were liable to pay the new tax: a) clerks and wage earners (companies and individuals engaged in business since 1939), b) farmers (owners of the large estates), c) owners of immovable property, and d) middlemen and commissioners. The law foresaw the establishment of special committees with the participation of representatives from Chambers of Commerce/Agriculture and Municipal Councils to determine the estimated amount of the tax to be levied. In principle, the committees were asked to take into account documents concerning the financial status of the tax payers. However, since they were asked to complete their evaluations in 15 days and were not legally bound by the documents, they generally decided solely on their discretion. With the exception of a few cases involving dual accruals, the decision of the committees were final and legally non-disputable.

Tax payers were obliged to deposit the amount charged on their wealth only in 15 days, and even worse, tax authorities were authorized to confiscate their property as a precaution whenever they deemed it appropriate. In cases where tax payers and their family members shared the same residence, properties belonging to their family members could also be confiscated and auctioned publicly to cover their debt. If they could not pay their taxes in the extra 15 days that could be granted (with the accrual of an extra 1% for the first week and 2% for the second as a fine) and if the value of their properties to be auctioned could not cover their debt, the defaulters were to be liable to forced labor in public or municipal works, and half of the money they earned in these camps would be held towards their debt.

From the outset, the imposition of the wealth tax looked like an authoritarian austerity measure to save the troubling economy and the wording of the text was not discriminatory. However, the implementation of the wealth tax targeted non-Muslim minorities in an extremely disproportionate manner. Despite the fact that Prime Minister Saraçoğlu defended the law with reference to its economic merits in the relevant parliamentary session, he revealed the real motivation behind the enactment of such a law with the following words pronounced in the group meeting of the RPP that was closed to the public: “The law is revolutionary. It is an opportunity to win our economic independence. We will eliminate *foreigners* dominating the market, and give the *Turkish* market to the hands of *Turks*” (emphasis added, Barutçu, 1977: 263 quoted in Aktar, 2008: 148). Once more, non-Muslims were perceived as a foreign element and targeted by the subsequent measure intending the Turkification of economy.²⁵

As a matter of fact, the Head of the Istanbul Finance Office Faik Ökte acknowledged later in his memoirs that he was ordered by Ankara to identify war profiteers with the expectation of enactment of a special law, and to prepare a separate list for non-Muslims. He claims that the list of tax-payers were initially divided into two groups as “M” (Muslims) and “G” (*Gayrimüslim* or non-Muslim), and two further categories were added later as “D” (*Dönmes* or Jewish converts to Islam) and “E” (*Ecnebi* or foreigners).²⁶ While those in the “D” list were charged

²⁵ On 16 January 1943, Prime Minister Saraçoğlu gave an interview to *Times* whereby he stated that the provisions of the new law would be implemented fully for the ones “who became rich in Turkey by taking advantage of her hospitality, but failed to pay their dues in this fragile period...Frankly speaking, most of them are not foreigners, but some alleged Turkish people we inherited from the Ottoman Empire and could not liquidate yet” (Akgönül, 2007: 132).

²⁶ *Dönmes* are accepted as the followers of Sabetay (Sabbatai) Sevi (Zevi), or Aziz Mehmed Efendi, the self-proclaimed Messiah converted to Islam in the 17th century. He stayed in Thessaloniki for a brief while and drastically affected substantial part of the city’s Jewish community, whose members converted to Islam *en masse* following his teachings. As Mazower (2005: 75) indicated, the community of Judeo-Spanish-speaking Muslim community of around 10.000 people was one of the most extraordinary and influential elements in the confessional mosaic of the Ottoman Empire. With

twice as much as Muslims, non-Muslims in the “G” list were expected to pay ten times more than Muslims. Only in Istanbul, tax authorities identified 62.575 tax-payers, 87% of which were respectively non-Muslims and foreigners. The remaining 6% composed mainly of the richest segment of non-Muslims belonged to the special group called “extraordinary tax-payers” (*fevkalede mükellefler*) and were expected to pay 54% of the whole amount calculated for Istanbul (Ökte, 1951: 47-48). According to the report of a British entrepreneur in Istanbul analyzing the situation of the top 100 firms, the most adversely affected minority group was the Armenians to be followed by the Jews and the Greek-Orthodox business owners (Güven, 2009: 140).²⁷

Under the terms of the wealth tax, foreigners were to be taxed at the same rates with Muslims, but due to improper economic intelligence they were generally placed under the category of non-Muslims. With the exception of the 3.000 Hellenic citizens, who were liable to wealth tax and whose interests were not effectively protected by Greece that was under occupation,²⁸ foreigners generally secured considerable readjustments and reductions in their taxes as a result of intense diplomatic pressures.

the population exchange of 1923, *Ma'min* (or the “faithful” as they called themselves) were generally settled in İzmir and İstanbul and played a considerable role in the bureaucratic and economic circles of the new Republic. Conspiracy theorists generally suspected their Muslim credentials and argued that they remained crypto-Jews. During the episode of the wealth tax, they were victimized twice due to, albeit limited, the rise of anti-Semitist current in Turkey and the anti-minority stance adopted by the governing elite as well as the mass media. As Alexandris (1992: 220) quoted from the Turkish press, they “were worse than the Jews, because they pretended to be Turks and wanted to have the best of both worlds”.

²⁷ While the Armenian firms were expected to pay an amount corresponding to 232% of their capitals, Jewish, Greek-Orthodox and Muslims were expected to pay respectively 184 %, 159 % and 4.9 % of their capitals.

²⁸ Having perceived “the wealth tax” purely as an “anti-Greek measure aiming to persecute Constantinopolitan Greeks”, the Greek government-in-exile argued in an *aide-memoire* to the British government that “at any other time, Muslims of Thrace would have constituted in themselves a guarantee, ... but this deterrent was lost with the occupation of Greek Thrace by German and Bulgarian forces, and Greece could do very little to reverse the Turkish policy” (Alexandris, 1992: 231).

In addition to the non-Muslim merchants and business owners, small wage-earners of non-Muslim origin (like craftsmen, peddlers and shoe-shiners) were taxed up ten to fifteen times of their monthly earnings as opposed to their Muslim counterparts that were totally exempted (Clark, 1972: 206). When the thirty days allowed for the tax-payers officially expired on 21 January 1943, confiscations and public auctioning of the properties belonging to tax-payers and their families started. Although the total number of properties that were individually sold by tax-payers to cover their debt is not known, there were property auctions for 885 immovable properties in addition to the 43 properties that were entrusted to the Treasury (Ökte, 1951: 160 and Çetinoğlu, 2009: 406-484).

On the basis of the regulations concerning the imposition of forced labor for the repayment of unpaid debts of wealth tax, the first group of 32 non-Muslims was sent to Aşkale-Erzurum on 27 January 1943, while the rest was interned in Sirkeci Train Station under unfavorable conditions to speed up a potential payment by their relatives (Aktar, 2008: 197-199).²⁹ Out of 1869 non-Muslim defaulters interned in Sirkeci-Istanbul, 640 paid their tax debts before their deportation to Aşkale or while they were in the camps, whereas a total of 1.400 persons served in the labor camp including few others from Bursa and İzmir (Ökte, 1951: 157). Although “little, if any, inhumane treatment occurred” in labor camps (Clark, 1972: 208), a total of 21 persons, eleven of which were members of the Greek-Orthodox minority, died due to old age and diseases in Aşkale (Akgönül, 2007: 140 and Alexandris, 1992: 224).³⁰

²⁹ As Ökte (1951: 57 and 154) indicates, Muslim defaulters were exempted from the obligation for public work. In labor camps, defaulters were paid two Turkish Liras per day, and half of it was counted against their accumulated debt. It was estimated that defaulters were supposed to work for 250 years to pay back their entire tax debt.

³⁰ The diary of a member of Greek-Orthodox minority in Istanbul, who had experienced the work battalion in Aşkale, was recently edited and published by Irini Sarioglou (2009) with considerable press coverage in Greece.

Some 900 defaulters were later transferred to Sivrihisar-Eskişehir on 8 August 1943 to work in the road construction (Aktar, 2008: 151).

Partly due to international reaction concerning the victimization of non-Muslims with such an economic measure and the defeat of Germany on many fronts, the government first waived the debts of small-wage earners, released all detainees in the labor camp in December 1943 and finally abolished the law on 15 March 1944 with the enactment of another law (no. 5657). An overall assessment of the episode of wealth tax revealed that a total of 114.3668 people were taxed, 62.575 of them (54 %) were in Istanbul, and 74.3 % of the total amount accrued was collected until the annulment of the tax. However, in terms of the money collected countrywide, tax payers in Istanbul, mostly with non-Muslim background, constituted 70 % of the whole amount collected in Turkey (Aktar, 2008: 140). Concerning the confessional distribution of the amount collected nationwide, it was argued that 280.000.000 TL of the 315.000.000 (or 88.8%) came from non-Muslims (Ökte, 1951: 127-128).³¹

The persons and the firms managed to survive through the imposition of the wealth tax quickly reflected their losses to the prices of the commodities they produced and the new owners of the small and medium sized enterprises opted for a quick enrichment with their lack of experience (Akgönül, 2007: 141-146). With galloping price levels and an unstoppable increase in the currency in circulation, the wealth tax could not achieve its difficult mission of putting the Turkish economy back on track. Notwithstanding its economic failure, the wealth tax accomplished its “ulterior motivation” for the so-called Turkification of the economy. Most of the

³¹ According to Greek sources (Alexandris, 1992: 227), the total amount of tax assessed for the Greek-orthodox minority in Istanbul was estimated at around 60.000.000, whereas a total of 3.000 Hellenic citizens were charged with almost 20.000.000 (Alexandris, 1992: 226 and Ökte, 1951: 125). On the basis of the figures provided in Aktar (2008: 140), this amount corresponds to 18.9 % of the total assessed for Istanbul or 12.8 % of the total assessed countrywide. In 1940s, the total population of the Greek-orthodox minority corresponded to 0.50 % of the Turkish population, whereas the ration of non-Muslims was around 1.50 % (Aktar, 2008: 243).

commercial establishments and immoveable properties sold by non-Muslims or auctioned by state authorities for the payment of tax debts were taken over by members of the newly emerging Turkish bourgeoisie. According to the findings of the study on the exchanges of immoveable properties in the six districts of Istanbul during the episode of the wealth tax (Aktar, 2008: 203), 440 transactions involving 543 immoveable properties were identified as directly related with the wealth tax. While Muslims constituted less than 1 % of the total number of sellers, non-Muslims and companies owned by them accounted for 90 %.³² On the side of the buyers, the portrait was more dramatic since almost 98 % of the properties sold by non-Muslims for the payment of their wealth tax were bought by Muslim Turks (67.7 %) and “national” companies or state agencies (30%).³³

Both the members of the Greek-Orthodox minority and some 3.000 Hellenic citizens living intrinsically with the minority were deeply affected by the wealth tax. Although the imposition of the tax did not bring a large scale migration of the members of the minority as witnessed in the case of Jews,³⁴ it undermined their confidence towards the regime and constituted one of the main reasons for the non-Muslim minorities’ massive support to the Democratic Party (DP) during Turkey’s transition to a multi-party regime in 1946. Discriminatory traits of the implementation of the aforementioned law led British diplomatic observers to refer

³² Distribution of the owners of 543 properties sold due to wealth tax was as follows: Armenians (211-39.8%), Jews (151-29.8%), Greek-Orthodox (124-23.8%) (Aktar, 2008: 203). Although the total value of the properties sold by Jews were greater, statistics concerning the sale of immoveable properties confirm that the Armenians was the most adversely affected non-Muslim minority group to be followed respectively by the Jews and the Greek-Orthodox.

³³ When the state-owned *Sümerbank* purchased from an Armenian businessman the building hosting the company called “His Master’s Voice” in Beyoğlu and allotted it for the famous “Market for Domestic Products”, the Turkish newspaper *Cumhuriyet* displayed his pleasure for the “nationalization (*millileştirme*) of another beautiful building” (Akgönül, 2007: 145).

³⁴ In the years 1948-1949 following the establishment of the state of Israel, around 30.000 Jews of Istanbul migrated to Israel with the feeling of resentment reflected in the following words “there was no reason to stay” (Aktar, 2008: 207-208).

to the episode as “probably the most serious breach of the minority provisions of the Lausanne Treaty” (Güven, 2009: 144-145).³⁵

Despite the bitter memories surrounding the episode of the wealth tax and a brief period of contention over the status of the Dodecanese islands that were annexed to Greece in 1947 with the Treaty of Paris, the Greco-Turkish rapprochement continued after a period of stagnation during the Second World War. With the emergence of the bi-polar international system, the axis between Greece and Turkey was even more crucial as demonstrated with their joint entry to NATO on 15 February 1952 and the signing of a pact of mutual assistance between Greece, Turkey and Yugoslavia on 9 August 1954.

The Greek-Orthodox minority of Istanbul, similar to its Turkish-Muslim counterpart living in Western Thrace, benefited from the good bilateral relations between Greece and Turkey. The signing of a Cultural Agreement in 1951 contributed to the improvement of minority education, and problems concerning the administration of charitable foundations were solved. The exchange of bilateral visits by King Paul and Queen Frederika of Greece and President Celal Bayar of Turkey crowned the cordial relations between Greece and Turkey. As a matter of fact, the years between 1948 and 1955 are generally accepted as one of the happiest periods for the Greek-Orthodox and Turkish-Muslim minorities (Akgönül, 2007: 170), as they could pursue their distinctive ethnic, linguistic, religious and cultural characteristics without any substantial interruption by state authorities.

³⁵ The British Foreign Office were of the opinion that the provisions of the Treaty had been “a dead letter” since “strong Allied reaction undoubtedly represent in Turkish eyes a derogation of their sovereignty analogous to the Capitulations” (Güven, 2009:144-145 and Alexandris, 1992: 232).

6.3. The Cyprus Issue and Its Reflections on the Greek-Orthodox Minority

The vulnerability of the Greek-Orthodox minority in Istanbul increased since the mid-1950s with the emergence of the Cyprus issue as one of the main points of contention in the relations between Greece and Turkey. In this respect, the Greek-Orthodox community suffered mainly from the ethnocentric policies in addition to being victimized to gain an upper hand in the diplomatic negotiations on the future status of Cyprus as a vehicle to transmit the signals to the Greek government whenever bi-communal relations were strained on the island.

In parallel to the growth of the anti-colonial movement against the British rule after the Second World War and under the leadership of the Autocephalous Church of Cyprus Archbishop Makarios, the Greek-Orthodox community living in the island demanded unification with Greece (the so-called *enosis*) that was actively supported by the Greek governments. It was hinted by Greece and Greek-Cypriots that the Turkish population in the island would be accorded a minority status. Turkey, on the other hand, argued that she relinquished her rights on the island with the Treaty of Lausanne in favor of Britain, not Greece, and would not accept the violation of her, as well as her brethrens', rights in case of a change in the *status quo*. Due to the armed conflict initiated by EOKA (National Organization of Cypriot Fighters or *Ethniki Organosis Kyprion Agoniston*) against the British interests in the island and later against the Turkish community, the tension escalated further in 1955.

6.3.1. The September 1955 Events

Prime Minister Menderes and other members of the Democratic Party (DP) government took advantage of the Cyprus problem to divert public opinion from

domestic problems.³⁶ The media coverage of the Cyprus issue and demonstrations by civil society organizations to display solidarity with the Turks living on the island peaked in 1955. Newspapers were especially concerned with the minority status to be accorded to the Turkish community, and they published “comparative” studies on the respective treatment of Greek-Orthodox and Turkish-Muslim minorities (Güven, 2009: 163). While the grievances of the Turkish-Muslim minority in Greece were highlighted in the press, the rich and prosperous life of the Greek-Orthodox minority was also mentioned. While implicitly underlining the potential dangers of a future minority status of the Turks in Cyprus on the basis of the current (mal)treatment of Turks in Greece, the Greek-Orthodox minority was continuously targeted and rendered vulnerable.

Despite the agreement reached in the Lausanne negotiations on the restriction of the Patriarchal jurisdictions solely with ecclesiastical matters, some members of the Turkish press were inviting Patriarch Athenagoras to “discipline” Archbishop Makarios, who was not under the direct authority of the Patriarchate as the head of the Autocephalous Church of Cyprus, and to condemn the atrocities committed by the EOKA. The press campaign headed by *Tercüman*, *Hürriyet* and *Yeni Sabah* interpreted the silence of the Patriarchate as an implicit support to Makarios and even argued that some members of the Greek-Orthodox clergy was collecting money from the members of the minority to support EOKA activities (Akgönül, 2007: 183-186). *Cumhuriyet*, on the other hand, was drawing attention to the similarities between the news published by the mainland Greek newspapers and the Greek-Orthodox press of Istanbul (Güven, 2009: 165).

³⁶ For the socio-economic problems encountered by the Menderes government and the austerity measures to silence-out all possible opposition to DP policies, see Güven (2009: 184-192) who also argues, on the basis of German consular reports, that the government already decided on 24 August 1955 to declare martial law.

The early 1950s also witnessed the mushrooming of civil society organizations to support the Turkish cause in Cyprus. Among others, the burgeoning “Cyprus is Turkish Association” (*Kıbrıs Türktür Cemiyeti*) was of primary importance in terms of its country-wide organization, wide-scale activities and alleged support of the government. Originally established in August 1954 as a joint committee of other student unions (like National Turkish Student Foundation-*Milli Türk Talebe Birliği*, Turkish National Student Federation-*Türkiye Milli Talebe Federasyonu*, and National Youth Organization of Turkey-*Türkiye Milli Gençlik Teşkilatı*) to organize joint activities concerning Cyprus, it soon turned into an association on 2 October 1954 with the participation of members with high profile, such as journalists. The Chairman of the Association, Hikmet Bil journalist and lawyer, enjoyed the personal trust of Prime Minister Menderes and maintained close contacts with government circles (Güven, 2009: 75-83). Furthermore, the Association has established strong links with the nationalist trade unions and recruited many new members from among the working class.

Tension increased further just before the departure of the Turkish delegation for the Tripartite London Conference (29 August-7 September 1955) on the future of Cyprus. In order to mobilize public support and as a display of determination just before the Conference, Prime Minister Menderes delivered a speech in Liman Restaurant-Istanbul, whereby he drew examples from the history including the Turkish proposal in Lausanne for a plebiscite in Western Thrace and the peaceful coexistence with the Greek-Orthodox minority in Istanbul. Rumors circulated in the press about the preparations by the Greek Cypriots for a large-scale massacre of the Turkish community leading to various demonstrations countrywide (like the ones in İzmir and İstanbul on 26 August 1955). Following the Victory Day

celebrations of 30 August 1955, the press also mentioned several episodes of intra-communal tensions between the members of the Greek-Orthodox community and Turkish inhabitants of Istanbul (Akgönül, 2009: 190-191).

On 6 September 1955, the state radio announced at 13:00 that the house of Kemal Atatürk in Thessaloniki was attacked and small material damage had been caused.³⁷ The news was widely distributed by the evening edition of one of the tabloid newspapers called *İstanbul Express*. On the basis of the call of the “Cyprus is Turkish Association” and efforts of different student unions, tens of thousands of people gathered in Taksim square. The demonstration soon turned into a destructive riot against the Greek-Orthodox minority of Istanbul as well as few other non-Muslim groups. The looting of properties and acts of vandalism were especially concentrated in the Greek-Orthodox quarters of the city until the midnight arrival of military forces. Small-scale demonstrations in İzmir attended by some 400 people also acquired a destructive character with the attacks to the Greek pavilion at the trade fair, the houses of the Greek officers working at the headquarters of NATO South-East Command, one church, and also the total destruction of the Greek consulate.³⁸ In some other big cities, where there were not any non-Muslims, demonstrations remained at the level of student gatherings in central locations without any violent character.

According to Greek sources, 1004 houses, 4348 shops, 27 pharmacies and laboratories, 21 factories, 110 restaurants, cafes and hotels were damaged during the night of 6 September 1955, a damage equaling 165.000.000 Turkish Liras, or

³⁷ Just after midnight on 6 September 1955, there occurred an explosion in the courtyard of the Turkish Consulate in Thessaloniki where Atatürk’s house was located. Greek authorities arrested a member of the Turkish-Muslim Minority of Western Thrace, Oktay Engin, who was studying law in the Aristotle University of Thessaloniki. Following his temporary release, he fled Greece and settled in Turkey.

³⁸ In İzmir, the building of the British Council, 6 shops and 14 houses (including the ones occupied by the Greek officers) were also damaged. While 7 people were seriously wounded, the human casualties in İzmir were limited to 50 people (Güven, 2009: 39-42).

60.000.000 US Dollars (Alexandris, 1992: 259).³⁹ The communal institutions of the Greek-Orthodox minority were also affected as follows: 73 churches (29 of which were completely destroyed), 26 minority schools, 2 cemeteries and 5 athletic clubs. Despite the fact that the number of Greek-Orthodox people who were physically attacked is not exactly known, Helsinki Watch reported five members of the Greek-Orthodox clergy and 10 other people as dead (Whitman, 1992: 20). While German archives mention that half of the shops damaged on 6 September 1955 belonged to the Greek-Orthodox minority, the categorization of the US State Department reached the following distribution of damaged properties: Greek-Orthodox (59 % of shops, 80 % of homes), Armenians (17 % of shops, 9 % of homes), Jews (12 % of shops, 3 % houses) and Muslims (10 % of shops, 5 % of homes (Güven, 2009: 49).

Having learned that the events went out of control and led to a complete destruction of Beyoğlu, President Celal Bayar and Prime Minister Adnan Menderes, who had departed from Istanbul to Ankara soon after the outbreak of demonstrations, immediately returned to the city. The government declared martial law to control the events and arrested the instigators of the events.⁴⁰ In addition to the Minister of Interior, who resigned from his post due to the failure of security forces in the episode, the duties of the Head of National Security Department, Governor of Izmir, Head of Security Department in Istanbul, and three military generals were suspended for not taking effective measures to prevent the outbreak of violence. Only in Istanbul 5.104 people, including 87 leading members of the “Cyprus is Turkish Association” were arrested together with 424 in Izmir and 171 in Ankara. As a result

³⁹ Alexandris (1992: 259) argues that the investigation by the World Council of Churches estimated the damage inflicted only to Greek-Orthodox churches to have been approximately 150.000.000 US Dollars.

⁴⁰ It should be noted here that anti-Greek demonstrations and attacks to the Greek-Orthodox community continued until the end of September 1955, and the instigators of the subsequent events were arrested by the security forces (Güven, 2009: 44-45). Therefore, taking into account the events before and after 6-7 September, violent demonstrations should be conceptualized as the peak of the intra-communal tension due to the strained Greco-Turkish relations over Cyprus.

of the trials by three special tribunals set-up by the government in Istanbul, 3.525 people in Istanbul were acquitted by December 1955 (Güven, 2009: 45 and 70-72).

Soon after the destructive events, the government declared several measures that would be taken to help the sufferers (like tax weavers, credit facilities, provision of some money and essential goods by the Turkish Red Crescent) and announced that the losses would duly be indemnified. Under the auspices of President Celal Bayar, a specific committee (*Mağdurlara Yardım Komitesi* or Committee for the Help to the Sufferers) was established to collect voluntary contributions from among the Turkish people. According to the report of the committee available in Kocabaşoğlu (1999: 47), a total of 4.473 applications were submitted for the compensation of 69.579.244 Turkish Liras, whereas the committee accepted the payment of 3.247 people with a sum equaling 6.533.856 Turkish Liras.⁴¹ On the basis of its assessments, the committee partially covered the small losses incurred by firms, person and minority schools, and the government spent around 60.000.000 Turkish Liras from the state budget with the adoption of a special law for the high losses including the ones belonging to the Churches. The losses of the Greek state for the consulate building in İzmir were also compensated and a special ceremony was organized on 24 October 1955 for the opening of the new building with the participation of the Minister of Transport representing the government to “compensate the disgraceful attack on the Greek uniform” (Güven, 2009: 66).

The Turkish government initially described the events as a “communist plot”, whereby the fractions belonging to the extreme left profited from the already

⁴¹ On the basis of the existence of several non-Muslim firms and persons who contributed financially to the campaign and alleged pressures by the officials in the committee, the works of the special committee was interpreted as the imposition of a new wealth tax in the German consular documents (Güven, 2009: 58).

increased tension and transformed the peaceful demonstrations into vandalism targeting the rich and prosperous.⁴² In line with the “MacCarthyist” tendencies that had dominated Turkish politics in early 1950s, some left wing activists were initially arrested, but without any credible evidence proving their involvement they were soon released. Later, Prime Minister Menderes declared that the strain caused by the events in Cyprus led to a national psychosis (Özkırımlı and Sofos, 2008: 172) and criticized the Greek position in the Cyprus problem.

The government’s responsibility in the organization of the 6-7 September 1955 events has turned out to be the mostly debated aspect of the whole episode. As a matter of fact, direct responsibility in the events was one of the many accusations directed to members of the Democratic Party (DP) in the notorious Yassiada Tribunals that were set-up after the military *coup d’etat* on 27 May 1960.⁴³ President Bayar, Prime Minister Menderes, Minister of Foreign Affairs Zorlu, Governor of İzmir Kemal Hadımlı and seven other persons were charged with direct responsibility for the events. The over-enthusiastic tribunal members of a military background enjoyed every opportunity to take “revenge” from the DP government, arguing that the accused were responsible for provoking the demonstrations that were carefully engineered well before by the “Cyprus is Turkish Association” under the personal order of Prime Minister Menderes.

⁴² During the Yassiada tribunals explained below, the former Minister of Foreign Affairs stated in his testimony that the events were inspired by his successor Zorlu and organized by Prime Minister Menderes. He argued that the idea of putting the blame on “communists” was suggested by Allen Dulles, the Head of the US Central Intelligence Agency who was in İstanbul for attending a criminology congress (Alexandris, 1992: 265). Dulles’s presence in İstanbul on the night of 6 September 1955 was highlighted in some accounts to hint at the American and British involvement in the organization of the demonstration.

⁴³ The military felt challenged by the DP’s populist politics and the authoritarian measures against the opposition and the public. For a comparative analysis of the roles of the Greek and Turkish militaries in politics and the Europeanization of civil-military relations in both countries, see Duman and Tsarouhas (2006).

Similar to the arguments they raised in the parliamentary meetings following the events, the accused accepted that they had prior knowledge of a possible demonstration about Cyprus, but they did not know the exact timing and the scope. Mainly based on the personal and subjective statements of the witnesses, the Court finally concluded that the DP government had organized an anti-Greek demonstration in Istanbul to highlight the Turkish stance in the Cyprus issue, and Menderes, Zorlu, and Hadımlı were found guilty of inciting the Turkish population against the Greek-Orthodox and other minorities in Turkey, especially when relations between Greece and Turkey had deteriorated (Alexandris, 1992: 266).⁴⁴

Although the highly political nature of the military tribunals formed under extraordinary circumstances and their generally accepted lack of legitimacy might cast a shadow on the merits of their decisions, there are also several academic studies drawing attention to the role of the “Cyprus is Turkish Association”, its alleged relations with state circles and trade unions that provided extra inflow of workers from neighboring Anatolian cities, the coded telegram of Zorlu asking for the support of Prime Minister to stand his ground in London, and further details of an advanced planning of the events (Alexandris, 1992: 252-266). In some other accounts, special attention is paid to the British interest concerning Cyprus and the Greek government’s miscalculations regarding the Turkish position (Güven, 2009).⁴⁵ No

⁴⁴ It should be noted here that both Menderes and Zorlu were executed by the military government as a result of the Yassıada tribunals.

⁴⁵ Güven (2009: 202) argues that Britain might have provoked Turkey to guarantee its full involvement to the Cyprus issue to counterbalance Greek claims, to avoid the accusations concerning the imperial policies they pursued and finally to maintain the *status quo* in the island. She even mentions the report by the British Ambassador in Athens back in August 1954 indicating the fragile nature of the Greco-Turkish relations and the possibility that even a very tiny shock “like an unimportant event similar to writing a slogan on the wall of the house of Atatürk” might suffice to create turmoil. Another officer in the British Foreign Affairs acknowledged that “a few demonstrations in Ankara would have suited British interests”. With the immediate withdrawal of the Greek and Turkish delegations from the London conference, the whole world was aware of the controversy over Cyprus that necessitated the continuation of the status quo as well as securing the support of the US, who were especially concerned about the possible emergence of a deep rift in the Southeast wing of the transatlantic alliance.

matter who the instigators of the events of 6-7 September 1955 were and what constituted their primary motivations, the result of the events for the Greek-Orthodox minority in Istanbul was traumatic.

On top of the feelings of inequality, otherness and resentment gradually developed by non-Muslim minorities due to the ethnocentric policies victimizing them, the September 1955 events added the feelings of insecurity and fear for the first time. The Greek-Orthodox minority of Istanbul realized its inferior role in the diplomatic tug-of-war between Greece and Turkey. From then on, they were generally treated as hostages and penalized whenever subsequent Turkish governments wanted to send a signal to the Greek government over the fate of the Turkish community in Cyprus.

Contrary to popular belief, however, the massive wave of immigration of the Greek-Orthodox minority did not start with the 6-7 September 1955 events. Despite the fact that these psychologically destructive events occupied a central place in the collective memory of the minority, especially for the preservation of their distinct identity vis-à-vis different generations, the results of the 1960 census even displayed a slight increase in the population of the Greek-Orthodox minority (Dündar, 1999: 127).⁴⁶ However, since the minority lost its feeling of trust in the abovementioned episode, they would inevitably follow the Hellenic citizens departing Turkey later in 1964 (Akgönül, 2007: 223).

Due to the fears of retaliation on the other side of the Aegean concerning the Turkish-Muslim Minority of Western Thrace and earlier warnings by the Greek

⁴⁶ Despite the census results, it should be noted that the Greek accounts generally accept 6-7 September 1955 as the beginning of “the exodus” of the minority. On the basis of the observations of the British representatives in Turkey, it was argued for example that 8.000 Hellenic and Turkish citizens of Greek-Orthodox origin had left Turkey between September-December 1955 (Sarioglou, 2004: 177), whereas German archives mention 5.000 mostly Hellenic citizens departing from Istanbul one year after the events (Güven, 2009: 178).

officials for the adoption of a “tooth for tooth” and “eye for eye” stance (Alexandris, 1992: 269), members of the Turkish-Muslim minority expressed their sympathies with the Greek-Orthodox community in Istanbul. Although it might seem that Greece did not retaliate directly in Western Thrace, extensive denationalization measures that stripped the Turkish-Muslim minority of their citizenship increased after 1955. Moreover, the Greek side felt an urge to hint at a possible retaliation in Western Thrace to avoid potential victimization of her own brethren in Istanbul similar to the 6-7 September events (Akgönül, 2007: 227). The treatment accorded to the two minority groups has always been analogous to the relations between Greece and Turkey. Greek-Orthodox and Turkish-Muslim minorities were used as “significant trump cards” or population groups with a high “hostage value” (Alexandris, 1992: 274).

Until the attainment of a settlement in Cyprus with the Zurich and London negotiations and the conclusion of the London Agreement in February 1959, the press campaign and austerity measures against the Greek-Orthodox community continued unabated. While the press was questioning the historical role of the Greek-Orthodox Patriarchate, the government took some measures against the Hellenic Union of Istanbul (*Elliniki Enosis Constantinoupoliton*, one of the oldest philanthropical and cultural associations established in 1933), searched the premises of the union on 10 November 1956 and arrested some of its members with Hellenic nationality for publishing documents (mostly on the islands of Gökçeada and Bozcaada and 6-7 September events) inimical to Greco-Turkish friendship (Sarioglou, 2004: 175). Finally, the Union was officially shut down with a court decision underlining that its activities were detrimental to the Turkish interests and the

secretary general of the Union was imprisoned.⁴⁷ In order to contribute to earlier efforts for creating a homogenous nation, the Special Commission for Name Change (*Ad Değiştirme İhtisas Komisyonu*) that was established under the auspices of the Ministry of Interior initiated a systematic process of “Turkification of place names” (Özkırmılı and Sofos, 2008: 133-134). In this context, the historical names of the districts occupied mainly by the Greek-Orthodox minority were changed as well (like *Galata-Karaköy*, *Samatya-Kocamustafapaşa* and *Tatavla-Kurtuluş*).⁴⁸

6.3.2. Beginning of the “Exodus”: Departure of the Hellenic Citizens (1964)

With the suspension of the intra-communal tension and the reestablishment of the Greco-Turkish relations between 1959 and 1964, the treatment of the minorities was among the first issues to be addressed reciprocally. Following the visit of Greek Prime Minister Karamanlis and Foreign Minister Averoff Tossitsas to Turkey on 7 May-12 July 1959, both sides agreed on the appointment of two senior diplomats to analyze the situation of the Greek-Orthodox and Turkish-Muslim minorities and prepare a list of recommendations to solve their outstanding problems. “Report of the Two” (*Rapport des Deux*) prepared by the Greek representative Dimitri Bitsios and his Turkish counterpart Zeki Kuneralp addressed almost all the issues affecting the lives of the two minority groups like their educational problems, their communal and religious issues etc. (Kuneralp, 1981: 256-263). Although the report envisaged the establishment of an *ad hoc* commission to work on their recommendations and to inquire the possibility of a bilateral agreement, with the

⁴⁷ Alexandris (1992: 272-273) argues that the secretary general of the Hellenic Union of Istanbul, Lambros Goulakis, was “perhaps the only one who could legitimately be regarded as having engaged himself in anti-Turkish activities” from among “all other Hellenes expelled ostensibly on charges of spying”. Akgönül (2007: 229) mentioned that his activities were also confirmed by *The Times* (07.06.1957).

⁴⁸ It was estimated that some 12.000 out of a total of about 40.000 village names had been changed by 1977 (Özkırmılı and Sofos, 2008: 134).

military *coup d'état* of 12 May 1960 ousting the Turkish government, none of the recommendations in the report could be materialized.

When Makarios attempted to introduce constitutional changes that were fiercely rejected by the Turkish Cypriots, violence re-erupted between the two communities living on the island. Apparently, Turkey was holding Greece responsible for encouraging Makarios in his quest for the alteration of the bi-communal system and the Turkish press once more started a press campaign against the Greek-Orthodox community and the Patriarchate. The privileges granted to citizens of the Hellenic Republic living in Turkey under the provisions of the 1930 agreement were especially mentioned. Recalling the 6-7 September 1955 events, the Greek-Orthodox minority instantly condemned the violence in Cyprus and tried to display its solidarity with the rest of the Turkish nation even by contributing to donation campaigns for the war veterans fought in the island (Demir and Akar, 1994: 30).

Nonetheless, the Turkish government chose to give a strong signal to Greece for disciplining Makarios by not renewing and renouncing the 1930 Convention on Establishment, Commerce and Navigation on 16 March 1964, stipulating the conditions of residence and work for then 10.000 Hellenic citizens that were established in Istanbul according to the provisions of the 1923 population exchange and the 1930 settlement conventions.⁴⁹ Although the Turkish side was required to give a 6 months' notification for the non-renewal of the Convention and then take appropriate action, the government could not wait any more for cornering

⁴⁹ As mentioned before, the number of Hellenic citizens were 26.431 in 1927, but their numbers gradually decreased over the years as follows: 17.672 in 1935, 13.598 in 1945, 11.879 in 1955 and 10.488 in 1960 (Alexandris, 1992: 281).

Greece due to increased tension and violence in Cyprus.⁵⁰ Therefore, by exercising the provisions enabling contracting parties to take necessary measures in cases threatening their security and public order, the Turkish side started instant expulsions of Hellenic citizens, including few members of the Greek-Orthodox clergy, as of 24 March 1964.

Deportees were generally taken from their homes, brought to the security department, and told to sign a declaration admitting “having committed currency offences”, “having been a member of the dissolved Hellenic Union of Istanbul”, “having sent money to Greek terrorists in Cyprus”, and “leaving Turkey of their personal will” (Alexandris, 1992: 284 and Demir and Akar, 1994: 76). The Turkish government acknowledged formally that “it was terminating the privileged treatment accorded to the Hellenic nationals on the basis of current evaluations” and “the expulsions by the Ministry of Interior of several Hellenic citizens for security reasons had nothing to do with the non-renewal of the Convention” (Demir and Akar, 1994: 71).

Press coverage of the expulsions of the Hellenic citizens and the “crimes” they committed were extensive and the newspapers were establishing a link between the government’s decision for expulsions and the Greek policy in Cyprus. The treatment accorded to the deportees was not humane and they were only allowed to take with them a luggage of 20 kilograms composed of their personal belongings and cash not exceeding 200 Turkish Liras (equivalent to 22 US Dollars) (Demir and Akar, 1994: 72). On 6 April 1964, Turkey also unilaterally renounced the convention on the abolishment of visas that was concluded in 1955, when some members of the Hellenic community in Istanbul were in Greece to celebrate Easter with their friends

⁵⁰ As a matter of fact, Article 36 of the Convention stated that the Convention would remain in force unless one of the parties cancels it with a 6 months’ prior notice.

and relatives. Since they required a visa to come back to Istanbul, they were *de facto* deported.

Simultaneously with the expulsions of the Hellenic citizens, all immoveable property transactions involving them were frozen, their bank accounts suspended, and all their remaining goods and personal belongings impounded as a precautionary measure against possible defaults on taxes or other financial responsibilities in Turkey (Alexandris, 1992: 284). Years later, it was publicly disclosed that the immoveable property transactions and bank accounts of the Hellenic citizens were suspended with the “confidential” decree of 6/3801 of 2 November 1964.⁵¹ According to the provisions of the aforementioned decree whose text is available in Akgönül (2007: 271-272), the Turkish government took these measures as a precaution for a possible retaliation of Greece against the Turkish citizens living there.⁵² The income derived from the immoveable properties of Hellenic citizens have accumulated in a special account in the Turkish Central Bank, and as it will be mentioned later, the Hellenic citizens could only regain access to their properties in 1988 when the decree was finally abolished by Özal in the friendly atmosphere created by the Davos meetings.⁵³

According to the 1965 census results, the expulsions of the Hellenic citizens after 1964 drastically altered the demographics of the Greek-Orthodox minority in

⁵¹ In the ECtHR decision concerning the inheritance of the property of a Hellenic citizen (Fokas v. Turkey, No. 31206/02), it was mentioned that there was another decree concerning the property transactions of deported Hellenic citizens in 1964 (No. 6/3706 of 2 November 1964).

⁵² After the abrogation of the 1930 treaty on their free settlement, the Hellenic citizens that were expelled were subjected to the Article 35 of the Title Deed Law that limited the foreigner’s ownership of immoveable property according to the principle of reciprocity (Sarioglou, 2004: 220).

⁵³ It was publicly announced in 1988 that the total number of immoveable properties belonging to the Hellenic citizens were 2.902, whose value corresponded to 200.000.000 US Dollars according to the Turkish estimates and 500.000.000 US Dollars according to the counter estimates by Greece (Akgönül, 2007: 273 and Alexandris, 1992: 285). It was known that Hellenic citizens could not claim their compensation for the properties that were expropriated by the public authorities without their knowledge, and a considerable number of properties were illegally occupied or sold over to other persons in the due time.

Istanbul. Around 10.000 remaining Hellenic citizens, who were established in Istanbul according to the provisions of the 1923 population exchange convention and the 1930 convention on settlement, were very well integrated to the Greek-Orthodox minority with strong family and commercial ties. Therefore, their expulsions also brought an immigration of an additional 20.000 members of the Greek-Orthodox minority, who followed their relatives or business partners in their compulsory journey to Greece. The population of the Greek-Orthodox minority, whose trust and belief in the state was already shattered in many occasions, finally decreased to around 75.000 (Akgönül, 2007: 290-291). From 1964 onwards, the remaining members of the Greek-Orthodox minority were in deep conviction that they might not have a future in Turkey and initiated an unstoppable wave of immigration towards Greece.

6.4. Minority Education⁵⁴

In line with the privileges granted to the legally recognized and socio-culturally autonomous non-Muslim communities under the Ottoman *millet* system, the Greek-Orthodox population of the Empire also enjoyed certain privileges in educational matters, including free and unhindered management of its schools and control over the curriculum. Although the Greek-Orthodox educational establishments were initially under the virtual control of the clergy, local community leaders (*demogerondes*) overtook the responsibility for establishing and funding the schools with the gradual secularization of the Ottoman *millets* in the 18th century.⁵⁵

⁵⁴ This part largely draws on the authoritative study concerning the education of the Greek-Orthodox minority by Sarioglou (2004) *Turkish Policy Towards Greek Education in Istanbul 1923-1974: Secondary Education and Cultural Identity*, Athens: Hellenic Literary and Historical Archive (ELIA).

⁵⁵ It should be kept in mind that the reformed charters (*Rum Patrikligi Nizamati* or *Genikoi/Etnikoi Kanonismoi*) of the Greek-Orthodox community approved by the Ottoman government in 1862 limited the responsibilities of the Church to ecclesiastical matters. The responsibilities concerning the

Furthermore, the notable members of the Greek-Orthodox community engaged in the “*syllogos*” movement (proliferation of cultural and literary societies to support and improve the socio-cultural status of the minority) were also interested in playing an active role in encouraging Ottoman Greek-Orthodox education (Sarioglou, 2004: 25).⁵⁶

In this framework, the network of Greek-Orthodox educational establishments reached 105 schools and 15.000 pupils in 1870s and the number of community schools subsequently increased to 113 by 1912 (Alexandris, 1992: 45). Similar to the practice concerning minority schools in Western Thrace, the Greek-Orthodox educational establishments in the Ottoman Empire were financed by endowments and subscriptions and administered by the school boards or committees in charge of pious foundations (*eforeia* or *epitropi*) (Sarioglou, 2004: 24). There were also numerous privately established high-schools, the prime example of which is the Patriarchal high school that claimed to have been in operation since the Byzantine Era.⁵⁷ The school (known in Turkish as *Özel Fener Rum Erkek Lisesi*) was (re)annexed to the Patriarchate around 1850 with the title of “great school of nation” (*Patriarxiki Megali tou Genous Scholi*). The other prominent high schools that are still in operation were founded respectively in 1857 and 1890 with the contributions

educational and communal institutions of the community were devolved to the newly established permanent mixed council (*To Diarkes Etnikon Mikton Symvoulion*) created with the participation of eight lay members.

⁵⁶ Alexandris (1992: 45) reports that there were some 26 cultural and literary societies (*syllogoi*) only in Istanbul as of 1870s. One of the most important societies was the Greek Literary Society of Istanbul (*Ellinikos Filologikos Sillogos Konstantinoupoleos*) that was established in 1861. Following the Treaty of Lausanne, it was closed under the provisions of the law concerning associations. The archives and library materials were distributed among the Turkish libraries, whereas the building was used as an orphanage and court of justice.

⁵⁷ The continuation between the Patriarchal high school and Byzantine Patriarchal Academy has been questioned since the school was not in operation between 1664-1668 and it was transferred by the secular Greek aristocracy known as the *Phanariotes* to the Bosphorus suburb of Kuruçeşme in 1803 (Alexandris, 1992: 46-47).

of Constantine Zappas (*Özel Zapyon Rum Lisesi* or *Zappeion Parthenagogeion*) and Christaki Zographos (*Özel Zografyon Rum Lisesi* or *Zografeion*).

With the help of such an extensive network of educational establishments and the absence of any serious interference by the state, the Greek-Orthodox community had preserved its language and distinctive characteristics under the Ottoman Empire, and the Hellenic influences gathering support for irredentism could freely circulate among the members of the aforementioned community. Central supervision of the curriculums of the community schools attended by non-Muslims, and the introduction of Turkish language⁵⁸ and history as compulsory subjects with the two educational laws in 1908 and 1915 could not succeed in establishing a sincere bond of equal Ottoman citizenship.

The formation of “national education policies” for the construction of a homogenous nation state unified around the attainment of the “national ideal” inevitably affected the education of the Greek-Orthodox minority that was left outside the scope of the population exchange and was generally perceived as a “foreign” element. The new regime attached special emphasis to the transformative role of education, and educational institutions of the non-Muslim minorities that were perceived as a “threat for the infiltration of foreign influences” were not immune from the new nationalist outlook. As of the 1925-1926 school year, there were a total of 64 Greek-Orthodox minority schools (5 for secondary education) in greater Istanbul with a total of 9.312 students and 507 teachers (345 Greek-Orthodox and 162 Turkish-Muslim) (Sarioglou, 2004: 64).

Since the Turkish language has occupied a pivotal position for the new regime, all Greek-Orthodox teachers were obliged to sit an exam to demonstrate their

⁵⁸ In some sources, it was reported that the compulsory Turkish language classes began in 1895 (Sarioglou, 2004: 39).

language capabilities in Turkish. Following the introduction of a language requirement, teachers holding Hellenic citizenship were not allowed to teach in minority schools.⁵⁹ With the introduction of the compulsory teaching in Turkish of history, geography, patriotic and physical subjects, all minority schools were obliged with a circular to employ state-appointed Turkish-Muslim teachers “at a suitable rate of remuneration” and warned that the failure to pay the salaries of the Turkish-Muslim teachers would lead to their closure.

Greek-Orthodox minority schools that were traditionally financed through voluntary donations and subscriptions faced an extreme financial difficulty to pay the salaries of Turkish-Muslim teachers from the school budget and appealed to Greece for increased financial aid. In the 1928-1929 school year, the Turkish government dedicated for the first time a subsidy for the exclusive use of the Greek-Orthodox minority schools (Alexandris, 1992: 134-135).⁶⁰ The educational authorities of the new Republic increased their grip on minority schools that were interpreted in some cases as an intervention to the principle of autonomous minority education envisaged in the Treaty of Lausanne. As a mirror image of developments in the schools of the Turkish-Muslim minority in Western Thrace, the hours devoted to the teaching in Turkish was increasing at the expense of teaching in Greek. Textbooks and other educational material were subject to prior inspection and approval by the authorities concerning content that might be found “threatening”. In minority schools, all grades, diplomas, signs, stamps, signatures had to be written exclusively in the Turkish language.

⁵⁹ This measure was most probably instituted since there were not any Turkish nationals, except some members of the *150'likler* (the fundamentalists found refugee in Greece), working in the minority schools in Western Thrace. By 1924, 156 teachers (104 with Turkish and 52 with Hellenic nationality) were found “unfit to teach in the schools of the Turkish Republic” and were dismissed (Alexandris, 1992: 133).

⁶⁰ It was reported that the Turkish government provided public funding, although negligible and symbolic, to the Greek-Orthodox minority schools until 1974 (Kurban and Tsitselikis, 2010: 7).

While school boards were discouraged from directly intervening in the functioning of the school, only the principal of the minority schools and a person nominated by the school board as the “founder” of the school (both with Greek-Orthodox origin) were eligible for involving in the school’s management and undertaking the necessary paperwork, like the annual renewal of the permission to function (Sarioglou, 1992: 95). The administration of the minority schools was negatively affected later by the relevant provisions of the Law on Foundations (2762 of 1935) that envisaged the appointment of the sole trustee (*tek mütevellî*) for the administration of all communal properties belonging to the different minority foundations, at least until the restoration of the previous system of collective administration by persons elected directly by the Greek-Orthodox minority with Law 5404 in 1949.

During the Wealth Tax episode, communal properties (like churches and schools) of the Greek-Orthodox minority were also taxed heavily in addition to salaried individuals (like priests or teachers), which eventually necessitated minority schools to turn to the Greek state for emergency funding (Sarioglou, 2004: 123). On the other hand, the educational establishments of the Greek-Orthodox minority also benefited directly from the periods of Greco-Turkish *rapprochement* and agreements or protocols concerning the minority education (like the Cultural Agreement of 1951 and the Protocol of 1968). In addition to the measures encouraging the exchange of teachers and books, the minority welcomed the decision by the Turkish government to pay directly the Turkish-Muslim teachers working in the minority schools from the state budget as of 1951 and to allocate small but symbolically important subsidies from the Municipality of Istanbul (Sarioglou, 2004: 158).⁶¹

⁶¹ Teachers of Turkish subjects started to be appointed and paid directly by the state from among the teachers employed by the Ministry of National Education with the status of public servants in 1955

Following the 6-7 September 1955 events, which also targeted 26 minority schools in Istanbul, the education network of the Greek-Orthodox minority suffered a serious blow with the demographical decline. In 1961, all minority schools were categorized as “private schools” and placed under the relevant department of the Turkish Ministry of National Education with Law 222. This development was interpreted as the end of the status of “communal/minority schools” accorded to them with the provisions of the Lausanne Treaty. With stringent measures introduced especially after the deterioration of Greco-Turkish relations due to the Cyprus problem and in line with the new “private” nature of the minority schools, the appointment of the Turkish-Muslim vice-principals was made compulsory in April 1963 with the decree no 246/7 (Alexandris, 1992: 286). As a matter of fact, Article 24 of the Law on Private Education Institutions (625/1965) concerning “the appointment of Turkish vice-principals (*Türk müdür başyardımcısı*) to the private schools opened by foreigners” has been applied to minority schools as well (Akgönül, 2007: 296). While acknowledging the qualifications of the vice-principals, the aforementioned article referred to “being a Turkish citizen of Turkish origin” in a rather awkward denotation.⁶² It was generally reported that the actual duty of Vice-Principals directly appointed by the Ministry of Education was to sustain full compliance with strict rules and regulations and they acted like *de facto* principals with their extensive jurisdictions.

During the 1960s, the bilateral exchange of textbooks for the minorities’ use and the bilateral appointment of exchange teachers were seriously delayed. Furthermore, Orthodox clerics were prohibited from entering the premises of the

with Law 6581 (“On the Teachers of Turkish and Culture Lessons in Minority Schools” available at “http://mevzuat.meb.gov.tr/html/9013_6581.html” last accessed on 3 November 2010).

⁶² In the new Law on the Private Education Institutions (No. 5580) that was adopted by the Turkish Parliament on 14 February 2007, this phrase was replaced with “Turkish citizen”.

Greek-Orthodox minority schools (the decree no 410/16 of 27 March and 1964), and Greek-Orthodox prayers were strictly forbidden in Greek textbooks and lessons (Alexandris, 1992: 287). The operation of the Greek-Orthodox orphanage on the island of Büyükada (*Prinkipo*) was suspended in April 1964 on the basis of the claim that the building was not safe for the orphans' accommodation due to a possible danger of fire. 117 boys and 46 girls were evacuated from the building (Sarioglou, 2004: 197).

As a countermeasure to the establishment of the Special Pedagogical Academy in Thessaloniki (EPATH) in 1968 and the restriction brought against the graduates of Teacher Academies in Turkey for their employment in minority schools in Greece, Turkey started not giving permission for the appointment of any Turkish citizen of Greek-Orthodox origin who had completed his/her studies in Greece to the minority schools in Istanbul.

After the deportations of more than 10.000 Hellenic citizens together with 20.000 members of the Greek-Orthodox minority in Istanbul, who were closely attached to the deportees mostly through family ties, the closures of the minority schools accelerated at an increasing rate. Only in 1967, six minority schools were closed down on the grounds that they did not have enough students and the quality of education was below standards. Probably to avoid the replacement of the departing Greek-Orthodox students with Orthodox Christian students of Assyrian origin living in Istanbul, the enrollment of Assyrian students to the Greek-Orthodox minority schools was prohibited and the ones that were already registered were ordered to transfer their registration to state schools (Sarioglou, 2004: 213). When the number of Assyrians migrating to Istanbul due to terrorist attacks in South-East Anatolia increased, they were allowed to register to Greek-Orthodox minority schools.

Although the inflow of Arabic speaking Assyrian students might have averted the virtual disappearance of the minority schools by providing extra students, they posed a difficulty in terms of the conduct of the Greek curriculum due to their different mother tongue.

In short, the educational network catering to the needs of the Greek-Orthodox minority as well as its members suffered from the Turkish understanding of “national” education. Most of the policies and educational measures, which were generally formulated against the Greek measures in Western Thrace or vice versa, contravened the relevant provisions of the Lausanne Treaty as well as other bilateral and multilateral documents envisaging the protection of human and minority rights. Due to the outflow of the Greek-Orthodox minority *en masse*, most of the historical minority schools were closed down.

As Sarioglou (2004: 67 and 165) indicated, in addition to the increased governmental control, the long-established network of foreign schools contributed to the erosion of the minority education in Istanbul (in 1951 for example, only 16-17 % of the Greek-Orthodox children were studying at minority schools).⁶³ As of today, there remain 3 secondary and 9 primary schools struggling to function adequately with less than 250 students. The following table, which was produced mainly on the basis of the statistical information contained in Sarioglou (2004), demonstrates the magnitude of the erosion of Greek-Orthodox minority schools in Istanbul.

⁶³ The problem was so acute that members of the Greek-Orthodox minority established in 1947 (just after the attainment of the lowest number of students in the school year 1945-1946 with 3.712 students) the Society for the Encouragement of Minority Schools (*Sindesmos Pros Enisxisin Ton Scholon*) that managed to double the total number of students enrolled in minority educational institutions in the 1950s (Sarioglou, 2004: 157-158).

Table-2: The Number of Greek-Orthodox Minority Schools and Their Students in Istanbul

School Year	Number of Schools		Number of Students	
	Primary	Secondary	Primary	Secondary
1925-1926	64		9.132	
	59	5		
1933-1934 (‘Turkification’ measures)	53 ⁶⁴		7.667	
	47	6		
1945-1946 (Episode of Wealth Tax)			3.712 ⁶⁵	
			3.140	572
1955-1956 (6-7 September events)	41		6.589	
	36	5	5.380	1209
1964-1965 (Before the Expulsions)			7.417	
1980 ⁶⁶	26		816	
	20	6		
2002-2003	12		249	
	9	3		

6.5. Religious Freedom

As opposed to the many provisions of the 1923 Lausanne Treaty concerning other aspects of the communal life of the Greek-Orthodox minority of Istanbul like education, administration of pious foundations, non-discrimination and freedom of movement, the freedom of religion of the minority was generally well respected and not hindered by direct measures. As Akgönül (2007: 55) rightly put it, one can only mention several issues that are indirectly affecting religious freedom like measures inhibiting the education and functioning of the Greek-Orthodox clergy.

⁶⁴ Alexandris (1992: 192) confirms the total number of students as 7.667, but reports the total number of minority schools as 44 (38 primary and 6 secondary schools).

⁶⁵ This figure was the lowest recorded in the history of the Greek-Orthodox minority education in Istanbul and related to the preference of foreign schools over minority schools rather than the episode of the Wealth Tax. It necessitated that members of the minority take the measure mentioned in the previous page, which increased the total number of students in minority schools to 5.030 in 1947 and even further in the first half of the 1950s.

⁶⁶ The corresponding numbers for this year is taken from Alexandris (1992: 287).

When it comes to the status of the Greek-Orthodox Patriarchate in Phanar (*Fener Rum Patrikhanesi*), it is debatable whether the issues and problems pertaining to the Patriarchate are directly related to the daily life of the Greek-Orthodox minority in Istanbul. According to the results of a survey conducted among the members of the Greek-Orthodox minority, respondents were asked to list three important issues for the minority, and only a very few of them (6 out of 145 or 8.7 %) mentioned the issue of the Patriarchate.⁶⁷ This result shows that the members of the Greek-Orthodox minority do not perceive the issues pertaining to the Patriarchate as a determining factor regarding Turkey's minority policy. That is also why the following section will not dwell into the status of the Greek-Orthodox Patriarchate, which could be a separate dissertation topic of its own.

When it comes to the administration and property issues of the Greek-Orthodox pious foundations, however, there have been many issues that were in direct contravention with the provisions of the Lausanne Treaty. The issue of community foundations will be analyzed in a historical and analytical perspective below.

6.5.1. The Greek-Orthodox Patriarchate in Fener (*Phanar*)

Due to the wholehearted support of the Greek-Orthodox Patriarchate to Greek irredentism, its enthusiastic welcome to and collaboration with the occupying forces, and also the resolution adopted on 16 March 1919 for the union with Greece to obtain "complete national re-establishment" that mentioned in Chapter-III, the Turkish delegation in Lausanne was extremely concerned with the future status of

⁶⁷ According to the survey results, important issues mentioned by the members of the Greek-Orthodox community were minority education (49 %), political/administrative pressures (46 %), immigration and demographical change (34 %), foundations, and their properties (29 %) (Akgönül, 2007: 358-359).

the Patriarchate. For the members of the Turkish delegation, the defeat of Turkey in World War I and subsequent occupation by the Allied Powers and Greece gave the Patriarchate “its long-awaited opportunity to throw off its allegiance to Turkey and transfer it to Greece” (Rüstem, 1925: 606). Such manifestations of national independence on behalf of the Greek-Orthodox community were strongly resented by the Turks (Alexandris, 1992: 64).

As discussed in the Turkish press before the Lausanne negotiations, the best possible “remedy” for the “untrustworthy” Greek-Orthodox community living in the Western shores of Anatolia was the “population exchange” and for the Turkish speaking ones living in Central Anatolia (*Karamanlıs*) was the establishment of a separate “Anatolian Patriarchate” (“*sahil Rumlarının ilacı mübadele, dahil Rumlarının ilacı Anadolu Patrikliğidir*”, Yıldırım, 2006: 77).⁶⁸ In this understanding, since all of the Greek-Orthodox population of Istanbul was to be departed and a new separate Patriarchate was to be established for the Turkish-Orthodox citizens, there would not be any need for the Greek-Orthodox Patriarchate to stay in the city.

As argued before, the initial strategy of İsmet İnönü in Lausanne was persuading his counterparts on the merits of a comprehensive population exchange that would also render the presence of the Greek-Orthodox Patriarchate in Istanbul meaningless by the departure of its followers. He was ready to extend, however, minority rights to the Turkish speaking Orthodox population of Central Anatolia, Jews and at a later stage Armenians. On the other hand, Venizelos was strongly against the inclusion of the Greek-Orthodox community in Istanbul to the population exchange apparently due to Greece’s inability to absorb such a large group of

⁶⁸ Expulsion of the Greek-Orthodox Patriarchate in Istanbul (together with population exchange) and the establishment of a separate “Anatolian Patriarchate” for the Turkish speaking Orthodox community in Anatolia (following the break of diplomatic relations with Greece) were first formulated respectively in 1914 and 1917 by the CUP government (Macar, 2004: 63 and 85).

refugees and because of economic reasons. Having realized the danger expecting the historical presence of the Greek-Orthodox Patriarchate, the real motivation of the Greek delegation was securing the settlement of a group of followers for this institution.

In order to strengthen his position during the negotiations in Lausanne, İnönü asked from Ankara to speed-up the process of the establishment of the new Anatolian Patriarchate, and received an answer on the formation of the “Turkish Orthodox Patriarchate” and appointment of its clergy in several towns in Anatolia (Konya, Kayseri, Ankara) (Şimşir, 1990: 296-297). As a matter of fact, the Turkish speaking community of Central Anatolia was already disillusioned with the irredentism of the Greek-Orthodox Patriarchate in Istanbul, but the personal initiative of the Bishop of Keskin, Pavlos Karahisaridis or Papa Efthim, and the support he secured from among bureaucratic circles finally materialized the project for the establishment of a separate Patriarchate for the Turkish Orthodox community, the possibility of which was long evaluated by the new regime (Yıldırım, 2006: 128).

When the Turkish delegation met with a strong resistance by the Allied Powers against the exchange of the Greek-Orthodox community of Istanbul, it was officially declared that Turkey would consent to their continued settlement in Istanbul only if the Greek-Orthodox Patriarchate was removed from Istanbul (Meray, 2001-I: 325). Reiterating once more that Turkey was ready to grant non-Muslim minorities “rights identical with those that had been granted to the minorities in the States enlarged or newly created as a result of the World War”, Dr. Rıza Nur argued that the old set of privileges were granted to the non-Muslim communities by the theocratic monarchy of the Ottoman Empire, and the separation of the Caliphate and the establishment of the new democratic regime with the abolishment of the

monarchy would automatically mean that the heads of these communities would not be able to benefit from any rights or privileges with the exception of their purely spiritual titles.

Dr. Rıza Nur claimed that the new regime would maintain direct relations with the charitable, educational and temporal institutions of non-Muslims that would eventually eliminate the traditional intermediary status of the heads of non-Muslim communities. By also promising that the new regime would accord complete religious freedom comparable to the one in other Western countries, he demanded the removal of the Patriarchate (to Mounth Athos-*Aynaroz* in Greece) that had been a hitherto political institution, since its past activities would prevent it from adopting itself to the new situation to be created with the removal of the temporal authorities of the Patriarchate and its affiliated institutions (Meray, 2001-I: 328-329).

The British representative Lord Curzon underlined the fact that the Patriarch, despite his status as the head of the Greek-Orthodox Church, has always been a public servant of the Turkish state and his approval had been duly approved by the Turkish authorities. After underlining the worldwide support for the preservation of the Patriarchate including the one by the US government, Curzon argued that the Turkish claims regarding its political activities might suffice to change, limit or abolish the political privileges of this institution, but there was no reason to discontinue its spiritual and ecclesiastical jurisdictions (Meray, 2001-I: 325).⁶⁹ He and other delegates repeatedly acknowledged that the sentiment of Christianity would be shocked if the Patriarchate was removed from its historical and

⁶⁹ While Alexandris (1992: 91) claimed that the retention of the historical seat of the Patriarchate in exchange for the abolishment of all its temporal privileges was proposed by the French delegation on 26 December 1922, Rıza Nur and İsmet İnönü mentioned it in their memoirs as a British formula. Macar (2004) indicates that British intelligence encoded the Turkish telegraphic communication and might have realized the secondary importance attached to the issue of the expulsion of the Patriarchate.

traditional setting. Venizelos supported the British argumentation by underlining the differential legal treatment of Muslims and non-Muslims in Turkey and the role of the Patriarchate in application of the canonical law. Despite the fact that Venizelos referred to the Patriarchate as a “Turkish institution” and acknowledged that Greece had no direct say in the matter (Alexandris, 1992: 89-90), he assured that Greece was ready to undertake a facilitating role for the replacement of the current Patriarch, whose illegal election was contested by the Turks (Meray, 2001-I: 325).

A few minutes before the end of the meeting of the commission, İnönü acknowledged that “he accepts the official verbal undertakings by the representatives of the Allied Powers and Greece in the Conference regarding the abolishment of the political and administrative jurisdictions of the Patriarchate and its future involvement to the purely religious matters as formal guarantees”. As the biggest sign of the conciliatory approach adopted by Turkey, İnönü announced the withdrawal of the Turkish proposal for the expulsion of the Patriarchate from Istanbul on the basis of conditions he had just mentioned and due to the assurances of the other participants (Meray, 2001-I: 325).⁷⁰ In this way, “the most emotional issue of the Conference” (Nur, 1962-III: 1076) that monopolized discussions in twenty out of twenty-six sessions of the sub-commission on the exchange of populations were finally solved (Alexandris, 1992: 92).

Nevertheless, the conditions attached to the preservation of the Patriarchate in Istanbul were only mentioned in the official minutes (*proces-verbaux*) of the Lausanne Conference, but not in the final treaty of Lausanne. While Alexandris

⁷⁰ The withdrawal of the Turkish proposal for the expulsion of the Patriarchate also affected the Turkish position concerning the Turkish-speaking Orthodox population of Central Anatolia (estimated around 50.000 people) and resulted in their inclusion to the population exchange (with the exception of Papa Efthim, İstamat Zihni Özdamar and their families that were allowed to stay in Turkey due to their previous support during the Turkish War of Independence). Having failed to sustain the expulsion of the Patriarchate, it was claimed that Turkey aimed to eliminate the Patriarchate’s influence in Anatolia by including the aforementioned population group to the exchange (Macar, 2004: 142).

(1992: 93) underlines the weak bargaining position of Greece to ensure treaty commitments for Turkey regarding the Patriarchate, Macar (2004: 112) interpreted this as the success of the Turkish delegation. As a matter of fact, as documented both in the press conference of İnönü upon his return from the conference and the parliamentary speech of Rıza Nur, the Turkish delegation was of the opinion that Turkey retained the right to expel the Patriarchate if the conditions attached to its residence were not obeyed. In their understanding, the Turkish verbal undertaking that had only been registered in the official minutes was deprived of the force of an international stipulation, and if the conditions attached to its validity were violated, it would cease to be binding on Turkey.⁷¹

For the founders of the Republic, the “*oecumenical*” (universal) title of the Patriarchate was synonymous with the temporal powers of this institution that were extended by the Ottoman *ancien regime* and strictly circumvented by the Lausanne Conference. In line with the Turkish concerns raised in the Conference and verbal guarantees extended by other representatives for the limitation of its prerogatives purely with religious issues, “its oecumenical pretensions were absolutely ignored” (Rüstem, 1925: 606). Furthermore, the “oecumenical Patriarchate”, for their understanding, ceased to exist long ago since a) its universal pretensions were contested by every Orthodox community except the Greek, b) the Roman Catholic Church has been hostile to the Patriarchate due to its rival pretensions to universality,

⁷¹ The first Ambassador of the Ottoman Empire to the United States and foreign policy advisor to Atatürk (Rüstem, 1925: 609) even argued that Turkey was “juridically speaking absolutely free to banish it from her soil” since the Patriarchate insisted on the election of Constantinos VI in December 1924 despite the existence of numerous official warnings on his exchangeable status (the fact that he arrived in Istanbul after 1918 was also confirmed by the mixed committee in charge of population exchange and he was subsequently deported on 30 January 1925). Rüstem (1925: 608) also argued that apart from the verbal undertaking whose conditions are mentioned above, “there was not any single treaty, convention, or other international agreement which imposes on Turkey any obligation whatsoever as regards the Patriarchate”.

and c) the Anglican concern with the Patriarchate was motivated by political rather than by religious considerations (Rüstem, 1925: 609-610).

Heavily traumatized with the past activities of the Patriarchate and fully committed to the Lausanne formulation for its future preservation in Istanbul, the Turkish authorities negated everything that could be perceived directly or indirectly as reminiscent of its *ancien* status with temporal powers. Even the title accorded to the head of the Greek-Orthodox Patriarchate was questioned in this respect, and the new regime for a brief while addressed him as Archbishop (*Başpapaz* or *Başrahip*) rather than Patriarch.

In line with the spirit of the reformed charters (*Rum Patrikliği Nizamâtı*) that were prepared and approved by the Ottoman government in 1862, the Deputy Governor of Istanbul sent a written notification (*tezkere*) to the Holy Synod of the Greek-Orthodox Patriarchate on 6 December 1923 (no 1092) acknowledging that “the participants of the religious and spiritual elections to be conducted within the Turkish territories should be Turkish citizens and already assigned to a post within Turkey at the time of the elections. Same conditions apply to the person to be elected” (Macar, 2004: 123-124). Legally speaking, it is generally accepted that since there are no special regulations concerning the Patriarchate in the Republican era, the provisions of the 1862 charters that are not in contravention with the formulation unanimously agreed in the Lausanne Peace Conference (i.e. abolishment of all temporal powers) are still valid (Osmanağaoğlu, 2010: 255). In line with Ottoman practice, the list of candidates for the Patriarchal election is submitted to the Governorship of Istanbul that has an authority to strike-off the names of the

candidates deemed inappropriate without being obliged to explain the reason. The Holy Synod elects the Patriarch from among the remaining candidates.⁷²

Although the religious activities of the Greek-Orthodox Patriarchate and the religious freedom of the minority has not been directly targeted, the Patriarchate and its clerics have gradually lost their jurisdictions and prestige with the introduction of various measures concerning the implementation of the population exchange or the ones introduced by the new Republic as part of its broad agenda for secularization, like the adoption of the new civil code (relinquishment of judicial privileges of the Lausanne Peace Treaty that were exercised by the Patriarchate), unification of education and limitation of religious gowns of all religions outside their places of worship.⁷³ Underlining the continuation with the *Tanzimat* reforms aiming at the secularization of *millets*, the Patriarchate and the members of the Orthodox clergy were strictly excluded from educational and communal matters concerning the daily life of the Greek-Orthodox minority in Istanbul, like the administration of schools or pious foundations.

The Greek-Orthodox Patriarchate also suffered to some extent by the anti-Phanar movement started from among its own circles by Damianos Damianidis, a trustee (*epitropos*) of Galata and general-secretary of the Church of *Panagia Kaphatiani* (Alexandris, 1992: 145), and later overtaken by the head of the Turkish Orthodox Church, Papa Efthim, and his close associate Stamatis Pulloglou (or İstamat Zihni Özdamar).⁷⁴ Having failed to establish himself at the Greek-Orthodox

⁷² Macar and Gökaçtı (2009: 21) mention another written notification of 1970 that was never implemented. They claim that the second notification warns that “if the Governorship of Istanbul reaches the conclusion that there were any misgivings concerning the election of the Patriarch, the Governor retains the right to appoint him directly”.

⁷³ In 1935, the Greek-Orthodox Patriarch together with another seven leaders of religious orders in Turkey was exempted from the ban and the wearing of the clerical gown was also allowed during the meeting of the Holy Synod (Alexandris, 1992: 201).

⁷⁴ Greek-Orthodox lawyer with central Anatolia background who secured an exemption from the population exchange. Following the decision to allocate quotas for the representation of the minorities

Patriarchate, Papa Efthim declared himself as the priest of the church of Kaphatiani at Galata, moved the center of the “Turkish Orthodox Church” from Kayseri to Galata, and registered the church in the name of “Foundation of Independent Priesthood of Turkish Orthodox Churches” (Macar, 2004: 160). His foundation later took over another Orthodox church in Galata (*Sotiros Hristos*) in 1926 (returned to the Patriarchate in 1947 by the Turkish authorities), the remaining two in Galata (St. John and St. Nicholas) and adjoining minority school during the Cyprus crises in 1965 (Alexandris, 1992: 303). When he was excommunicated by the Patriarchate, Papa Efthim changed his name to Zeki Erenerol and was succeeded by his sons Turgut and Selçuk Erenerol. The adventurous Erenerol family and their self-declared Turkish Orthodox Church increased their activities against the Greek-Orthodox Patriarchate whenever the Greco-Turkish relations were strained. Although their activities were never endorsed officially, they enjoyed a sympathetic hearing by the press and nationalist groups.

While Turkish authorities remained susceptible to the activities of the Patriarchate that might remind them of its traditional “oecumenical” prerogatives renounced in Lausanne, the Patriarchate also benefited from the periods of the cordial Greco-Turkish relations and/or the international conjuncture magnifying its importance for the Orthodox world (like the revitalization of the Russian-Orthodox church). In addition to not seriously interfering with elections in the Holy Synod, the Turkish authorities never restricted visits by leading international (including Greek presidents and premiers) and religious personalities paid to the Patriarchate, the organization of the Pan-Orthodox Conferences and the participation of the Patriarchal delegations to ecclesiastical missions on regular Turkish passports. In

in Turkish Parliament, Özdamar joined the Grand National Assembly in 1935 as an independent deputy from Eskişehir. For a brief while, he was appointed as the “sole trustee” (*tek müteveli*) of Balıklı Rum Hastanesi Vakfı that met with resistance from the minority.

1946, for example, the governor of Istanbul attended the funeral of late Patriarch Benjamin-I and the Turkish authorities allowed the election of Maximos, whose name was deleted in previous elections due to his objectionable credentials (Alexandris, 1992: 241). The Turkish authorities even consented to the election of Athenagoras to the Patriarchal throne conditionally on the renunciation of his US citizenship and adoption of the Turkish one in 1948.

Due to Athenagoras's personal attempts to overcome the reciprocal suspicions of the Patriarchate (stemming largely from the secular reforms aimed to circumvent all religious institutions in Turkey) and the state (due to the past activities of the Patriarchate), he was allowed to visit a Greek-Orthodox minority school for the first time since 1923, establish the Patriarchal press bureau and publish its second weekly theological journal called *Apostolos Andreas* in addition to the already existing *Orthodoksia* that has been published since 1926, recruit students with foreign nationalities to the Theological Seminary of Heybeliada (*Chalki*). He was invited to participate to the ceremony for the opening of Atatürk's mausoleum in Ankara; his visitors included Prime Minister Menderes and King Paul and Quenn Frederika (1952) and Pope Paul (1967).⁷⁵ Just before he returned the visit of the Pope in the same year by traveling to the Vatican, he went to Sofia, Belgrade and Bucharest with Turkish passport.

On the other hand, when the Greco-Turkish relations deteriorated over Cyprus after 1955, the Patriarchate ranked the first from among all members of the Greek-Orthodox minority in Istanbul with its high hostage value and allegations concerning its support for the *enosis*. Disregarding the Lausanne conditions attached to the Patriarchate's preservation in Istanbul, the Turkish public opinion was asking

⁷⁵ Pape John Paul II visited the Greek-Orthodox Patriarchate on 29 November 1979 and attended an Orthodox mass at the Cathedral of St. George. Pope Benedict XVI visited Patriarch Bartolomew on 30 November 2006.

for its involvement in the Cyprus dispute while at the same time asking officially for the non-involvement of the Patriarchate with the communal affairs of the minority within the framework of the very same treaty. That was actually when the Turkish press rediscovered the notorious Papa Efthim aiming to discredit the Patriarchate openly with his nationalist stance (Alexandris, 1992: 271) as well as the rusty old arguments for the relocation of the Patriarchate in Greece. With the closure of the Patriarchal press bureau under the pretext that only legal entities or legal persons are allowed to operate printing houses, the two religious publications mentioned above were discontinued (Alexandris, 1992: 299). Together with the Hellenic citizens who were expelled from Turkey with the annulment of 1930 Agreement in 1964, two senior members of the Holy Synod and a number of priests with the Hellenic citizenship were also asked to leave the country.⁷⁶

6.5.2. The Theological Seminary of Heybeliada (*Chalki*)

The closure of the Theological Seminary in Heybeliada (*Chalki*) was generally considered as of special importance for the functioning of the Patriarchate since it reportedly affected its capacity to locally train new members for senior clerical posts. As a matter of fact, the Patriarchate opened a centre of Orthodoxy in the outskirts of Geneva in 1966, two educational establishments in Greece (institute of theology in Thessaloniki and Orthodox academy in Crete) and later the Orthodox seminary in Boston. However, as a religious institution that is directly connected to the Greek-Orthodox Patriarchate in Istanbul, the Seminary retained a symbolic value.

⁷⁶ As a response to the allegations by the World Council of Churches in Geneva due to the breach of “religious freedom” in Turkey, the Turkish Permanent Representative to the UN accused the two members of the Holy Synod for being engaged in “fifth column activities for the expansionist ambitions of the Greek government” like conveying the wishes and orders of Greece to the Turkish Orthodox citizens, interfering with the curriculum of Greek minority schools and propagating Hellenistic doctrines (Alexandris, 1992: 302).

Having experienced the spread of nationalist sentiment among different nationalities constituting the Greek-Orthodox *millet* of the Ottoman Empire, the Greek-Orthodox Patriarchate established the Seminary in 1844 in the renovated Church of Agia Triada in Heybeliada (*Iera Theologiki Scholi Chalkis*) to foster religious unity and coherence (Macar, 2004: 288). Later, the Commercial School (*Emboriki Scholi Chalkis*) was established next to the seminary in 1892. Both buildings were taken over by the Young Turks during the World War, but only the Seminary was returned to the Greek-Orthodox minority (Alexandris, 1992: 48).⁷⁷ Although the Seminary did not follow a standardized pattern of education, it originally started with four years of secondary education to be followed by three years of specialized (theology) education between 1844-1951 (with the exception of the period between 1919-1923 when the school only offered five years' theology education). Beginning from 1951 and until the closure of the theology division in 1971, however, the Seminary offered four years high-school education and four years of theology (Macar and Gökaçtı, 2009: 12).

Between 1844 and 1971, a total of 930 people graduated from the seminary, 343 of them became bishops, and 12 climbed the clerical ladder up to the level of the Patriarch, including the current one Batholomew (Benlisoy and Macar, 1997: 167). Like all other Greek-Orthodox minority schools, a permit of operation was issued for the school in 1928 in the name of one of the metropolitan bishops Nikolias Polikarpos in 1928 and subsequently renewed in 1940, 1943 and 1951 (Özel, 2007: 22). During its operation, its Directors were selected from among the metropolitan

⁷⁷ It was reported that both buildings were supposed to be expropriated in 1918 and they were registered in the name of the Turkish Treasury in 1936 (Macar, 2004: 289). The Seminary was registered in the name of the foundation legally representing the Seminary, whereas the expropriated commercial college was turned into a naval academy. There are three different pious foundations with legal personality in the island: *Heybeliada Aya Triada Tepe Manastırı Vakfı*, *Heybeliada Rum Ruhban Okulu Vakfı* and *Heybeliada Aya Nikola Rum Ortodoks Vakfı*.

bishops that were also taking care of the Monastery of Agia Triada vis-à-vis the separate pious foundation carrying the name of the monastery.

When the Greek-Orthodox Patriarchate applied formally to the Ministry of National Education in 1947 to introduce higher education to its students and enroll foreign students, its requests were turned down on the grounds that “university education could only be offered by the state with the enactment of a special law” and “the school’s main aim was to recruit religious staff for the Greek-Orthodox minority in Turkey” (Gökçen, 2003: 4).⁷⁸ However, with Turkey’s transition to multi-party democracy, the DP government increased the duration of the high-school education to four years as in other minority high-schools, and clarified the status of the theology department offering a sort of religious higher education as “School for Greek-Orthodox Priests in Heybeliada (*Heybeliada Rum Rahipler Okulu*)” with the enactment of a special by-law for the administration of the school (Macar, 2004: 291).⁷⁹ It was acknowledged in Article 3 of the by-law that graduates of the theology division were deemed to have obtained education at the level of vocational schools with a duration of at least one year (Özel, 2007: 28).

Furthermore, the school was allowed to recruit teachers with Greek citizenship and foreign students from around the world upon the permission of the Ministry of Education (Alexandris, 1992: 249) who were expected to complete the

⁷⁸ Since the number of students enrolled in the high school and seminary division in Heybeliada was limited to 16, such a request was found unjustified. If any future need arises, said the commission of representatives from Ministries of National Education, Interior and Foreign Affairs, the establishment of an Orthodoxy Department within one of the existing Faculties of Theology was to be considered (Macar, 2004: 290-291). The line of continuity with the aforementioned solution and future proposals after the closure of the theology department are interesting.

⁷⁹ As a matter of fact, Article 25 of the Law on Private Education Institutions (625/1965) stated that the provisions concerning the special status of the schools operating under Article 40 and 41 of the Law 340/1923 would be stated in a separate regulation. By giving reference to the Law 340/1923 that actually approved the Lausanne Treaty, the Law envisaged the possibility of a special treatment for minority schools.

Turkish courses offered in the seminary (Özel, 2007: 28).⁸⁰ Within the framework of Article 2 of the by-law of the seminary, which stated that the legal founder of school would be a metropolitan bishop to be elected by the Holy Synod of the Patriarchate, a separate permit of operation was issued for the Seminary on behalf of another member of clergy Lefter Yakovos Stefanidis in 1956 (Macar, 2004: 292). In short, the DP government chose to legalize the existence of this *sui generis* educational establishment closely affiliated with the Patriarchate with the assignment of a status similar to vocational training.⁸¹

Ironically, the end of the ambiguity surrounding the status of the theology division of the Seminary and the reformulation of its status in line with the institutions offering vocational training in 1951 prepared the ground for its subsequent closure. An engineer living in İzmir contested the provisions of the Law on Private Education Institutions (No: 625 of 8 June 1965) enabling the establishment of private schools of higher education and asked for the invalidation of diplomas of eight graduates of the İzmir Private Architecture and Engineering Academy. In 1971, the Constitutional Court declared that Articles 1 and 13 concerning private schools of higher education were in contravention with Article 120 of the Constitution, which only envisaged the establishment of universities by the state. The decision by the Constitutional Court acknowledged that “all institutions providing education and qualification equivalent to that of university

⁸⁰ Although 16 Turkish citizens studied at the school in 1949, there were 70 students in the seminary and 47 of them had foreign citizenships as of 1951 (seven Ethiopians, five Cypriots, two British, two Syrians, one Egyptian, one South African and one Lebanese). Out of a total of 25 teachers working in the Seminary, five of them had Turkish citizenships (Alexandris, 1992: 248-249). In 1962, there were a total of 81 students, 11 of which had Turkish citizenship, whereas in 1968 only four students graduated (Macar, 2004: 292). It was probably because of the fact that the enrollment of foreign students was discontinued in 30 May 1963 due to ever decreasing number of Turkish citizens (Gökçen, 2003: 4). That was why there were only four graduates in 1968. Between 1950-1969, a total of 255 students completed their education in the seminary; 38 of them were Turkish students and 187 were foreigners, including 162 Greek citizens (Gökçen, 2003: 5).

⁸¹ Özel (2007: 28-29) argues that the change of status previously deemed improper in 1947 was made possible by the political decision of the DP government and with the enactment of a special by-law.

should fall under this category even though they are not named as universities” (Özel, 2007: 15). All private schools of higher education in Turkey, like academies or vocational schools, were duly closed following the aforementioned legal decision.

The National Education Department of Istanbul notified the Seminary on 12 August 1971 that “the theology department was understood within the scope of the Constitutional Court decision, and thus like all other private schools of higher education, it will cease to have a legal entity as of 9 July 1971” (Özel, 2007: 17). Contrary to popular belief, only the theology education at the seminary was discontinued in 1971, but the high-school division resumed its educational activities until the 1984-1985 school year. In line with the dramatic decline of population of the Greek-Orthodox minority of Istanbul, the number of high-school students declined to four. The Greek-Orthodox Patriarch informed the authorities about other difficulties experienced in the running of the secondary school division of the seminary and demanded its closure (Macar, 2004: 296). Although the request of the Patriarchate was not accepted by the government,⁸² the secondary school division was *de facto* closed since the administrators of the school did not enroll any students or appoint any teachers since then. On 30 October 1998, however, the Turkish government discharged the board of administration of the foundation, which governs the Seminary and its promises, on the grounds that “school premises are used for non-education activities that is against the provisions of the Law of Foundations” (Akgönül, 2007: 370-371).⁸³

⁸²It was claimed that the request for the closure of the secondary school division of the Patriarchate was rejected on the basis of the “reciprocity” (Macar and Gökaçtı, 2009: 14). Considering the fact that the closure of the theology division of the seminary overlapped with the Greek decision to discontinue Turkish education in Rhodes, the Turkish authorities might have decided to keep the secondary school division open to avoid any potential retaliation in Western Thrace or the Dodecanese islands.

⁸³ While some people interpreted it as a move for the *de jure* closure of the seminary, some others interpreted it as an attempt to change the board of administration objecting the reestablishment of the school as an affiliated department of one of the theology departments in Turkish universities

The Patriarchate and its legal counselors appealed the decision of closure in the Council of State on the grounds that the seminary was established long before the enactment of the Law on Private Education Institutions (625/1965), it was only “vocational school for Priests” at the secondary level and therefore not offering a higher education,⁸⁴ the graduates of the school were only assigned clerical jobs, and the ones desiring a higher education should sit for university entrance examinations like all other high-school graduates. Request for an appeal was reportedly turned down under the pretext that the Patriarchate did not possess legal personality and could not apply to the Court or establish a school (Macar, 2004: 295). It was also indicated by the Patriarchate that the school’s status as an institution of secondary education rather than higher education was evident from the fact that the seminary was not placed under any university following the decision by the Constitutional Court, whereas all other closed private schools of higher institutions were organically placed to one of the existing universities with Law 1472.

In this context, the Senate of Ankara University formulated a solution on 21 December 1971 and with its decision no 5118, acknowledged that the seminary would be able to resume its educational activities if it was established as a department of Orthodoxy in one of the existing theology faculties in Turkish universities. Such a formulation was rejected by the Patriarchate and seminary’s administration (Özel, 2007: 30). Due to the renewed applications by the Patriarchate for the re-functioning of the seminary, the Higher Education Council decided on 14 September 1999 to establish the “Department of Culture of World Religions” within

(Akgönül, 2007: 371). Since the high-school division of the seminary is still legally open, the building and their facilities are maintained as there still are students in the school.

⁸⁴ In addition to provisions of the by-law of the seminary hinting its status as a higher education institutions, the graduates of the seminary generally worked as religious instructors in Greece and their degrees were accepted equivalent of the theology degree of the Aristotle University in Thessaloniki. As a matter of fact, the last remaining 11 students of the school transferred their registration the aforementioned higher education institution in Greece following the closure of the seminary (Gökçen, 2003: 6).

the Faculty of Theology at Istanbul University. However, the heads of non-Muslim communities did not answer the letter by Prof. Dr. Zekeriya Beyaz, who was assigned the task of establishing such a department, asking for their collaboration and support (Macar and Gökaçtı, 2009: 14-15).

While other non-Muslims communities living in Turkey have sympathetically approached the establishment of the departments for “comparative religious studies” within Turkish universities provided that their students, especially the ones desiring to be clerics, were allowed to take their practical courses in their own religious institutions, the Greek-Orthodox Patriarchate demanded the re-establishment of the seminary in its pre-1971 status as a “private school of vocational training for Greek-Orthodox Priests” that was placed under its own jurisdiction (Macar and Gökaçtı, 2009: 30-31).⁸⁵ However, a group of scholars and journalists belonging to the nationalist camp have categorically opposed the Patriarchal claims on the reestablishment of the status-quo ante by drawing attention to the secular credentials of the republic and the limitations of the existing legislation.

The opponents of the Theological Seminary in Heybeliada especially draw attention to the According to Article 24 (“education and instruction in religion and ethics shall be conducted under state supervision and control”) and Article 130 (stating that universities shall be established legally by the state or foundations in accordance with the procedures and principles set forth in law provided that they do not pursue lucrative aims) as well as relevant provisions of the Laws on Private

⁸⁵ The arguments presented by the Bishop of Aya Triada Monastery, who would be the natural director of the seminary under ideal conditions, were as follows: “If the seminary is placed under a university or Higher Education Council, it cannot fulfill its mission. We have followed a special curriculum of Greek theology until 1971. The language of instruction was Greek, it will have to be Turkish if the seminary is attached to a university... The seminary was a boarding school and closed to the female students due to its characteristics as a monastery. It will be open to the enrollment of the female students if placed under a university. Therefore, it is impossible for the seminary to be part of a university” (*Milliyet*/01.10.2003, available at “<http://www.milliyet.com.tr/2003/10/01/cumartesi/cum03.html>”, last accessed on 3 November 2010).

Education and Higher Education explicitly indicating the necessity of the control and supervision by the Ministry of Education or the Higher Education Council (YÖK) (Özel, 2007: 31-37). It was generally accepted that the Patriarchate, which does not have a legal entity of its own under Turkish legislation, would like the seminary to be under its absolute control, and does not favor the idea of establishing a higher education institution through a foundation (the seminary has a separate foundation in addition to two other Greek-Orthodox community foundations in Heyebeliada).⁸⁶

6.5.3. Administration of Community Foundations (Waqfs) and Their Properties

Like Muslim subjects of the Ottoman Empire, non-Muslims were also allowed to form religious endowments and dedicate their moveable or immovable property for a charitable, pious or religious purpose in the 19th century. In addition to providing beneficence, the Ottoman waqf organization has also provided a kind of mechanism for “civic pluralization and civic integration” for the non-Muslim communities in the Empire as well (Isin and Lefebvre, 2005: 18). Moreover, as a form of recognition, waqfs provided the possibility of legality for non-Muslim communities. Even before the introduction of the Ottoman notion of citizenship in 1869, community waqfs, as founded by a community member or leader, offered non-Muslims certain rights (Isin and Lefebvre, 2005: 19).

Waqfs belonging to non-Muslims, or “community foundations” (*cemaat vakıfları*) as they were traditionally referred to, were established through imperial edicts (*berat*) and were generally in charge of the churches, monasteries, cemeteries, schools or hospitals. Until the enactment of the “Provisional Law on Possession of

⁸⁶ It was also argued that if the Patriarchate was allowed to run a separate school to educate its own clergy despite the existence of legal limitations on the establishment of private institutions for religious education, Muslim religious groups and brotherhoods would be in a position to establish their own private religious schools and ultimately undermine the secular nature of the Republic.

Immovables by Legal Entities” in 1912, the legal existence of foundations (Muslim or non-Muslim) was not recognized, they were incapable of acquiring land or immoveable assets, and were expected to undertake their charitable or religious functions through the allocation of lands or assets by the Ottoman Sultan (Kurban and Hatemi, 2009: 9-10).⁸⁷ With Articles 40 and 42 of the Lausanne Treaty, the autonomous nature of the community foundations, which had been “established, managed and controlled at (minorities’) own expense”, and their protection was recognized by the new Republic.

Nonetheless, community foundations were not immune from the “nation-building” process initiated by the new Republic and were placed under close scrutiny by the state. First of all, the procedures for the establishment and management of the new foundations and associations were placed under the scope of the new Civil Code (No 743) adopted in 1926, whereas the issues concerning the existing (Muslim and non-Muslim) foundations (waqfs) were later regulated by the Law on Foundations (No 2762) in 1935. According to the Article 74 of the Civil Code, foundations aiming to “support members of a certain race or a community cannot be registered” in addition to the ones that are against the law, ethics, customs or the national interest. In contravention to the provisions of the Lausanne Treaty, the establishment of new community foundations was therefore outlawed.⁸⁸

Concerning the administration of the community foundations, the Law on Foundations placed them under the category of “dependent” or “affiliated foundations” (*mülhak vakıflar*) that are administered by “trustees” or “elected

⁸⁷ The concept of legal personality first started in the Ottoman Empire in 1870 with the recognition of commercial firms followed by foundations in 1909 (Bebiroğlu, 2001). In order to overcome such an obstacle, community foundations registered immovables donated to them in the name of the trustable member of their community (*nam-ı müstear* or pseudonym) or to Virgin Mary or a saint (*nam-ı mevhum*) while continuing to use immoveable properties (Kurban and Hatemi, 2009: 10).

⁸⁸ Bebiroğlu (2003) reports that such a restriction was introduced by amendments to the Civil Code in 1967 (No 903), i.e. just before the emergence of the property issues of community foundations.

committees” (*koinotike ephoria*) determined by free elections in every two years. At least until 1938, when the government decided to appoint one member to each community foundation as “sole trustee” (*tek müteveli*),⁸⁹ all community foundations were allowed to hold free board elections to determine their administrators. Despite the formal announcements to encourage interested non-Muslims to submit their applications to the General Directorate of Foundations (*Vakıflar Genel Müdürlüğü*—henceforth VGM) to be appointed as “sole trustees” of community foundations, non-Muslim minorities protested such an intervention and the administrators were hand-picked by the government. Macar (2005: 2 and 6) reports that the implementation of the aforementioned legal change was suspended following some appointments to a few Greek-Orthodox foundations like Balıklı Hospital and Zapyon Secondary School on the basis of the protest of the non-Muslim communities and consenting opinion of the Ministry of Foreign Affairs.

The appointment of İstamat Zihni Özdamar (or Stamatis Pulloglou), a Greek-Orthodox deputy and lawyer that was an ardent supporter of Papa Efthim, as an administrator of the Balıklı Greek-Orthodox Hospital (*Ethniko Philanthropiko Katastima Konstantinoupoleos*) was especially terrifying for the Greek-Orthodox minority. The Balıklı hospital, a conglomerate of some forty buildings with 2.000 bed capacity that was founded back in 1753 (Alexandris, 1992: 48), has been one of the biggest Greek-Orthodox establishments of Istanbul with a symbolic value.⁹⁰

After a brief period of confrontation over the administration of foundations between the state and non-Muslim minorities that adversely affected the functioning of community foundations, the legal impasse was finally resolved with the Greco-

⁸⁹ System of “sole trustee” (*tek müteveli*) was legally introduced with Law 3513 in 1938, but its implementation has remained very limited (Macar, 2005: 2).

⁹⁰ The Greek-Orthodox minority took over the administration of Balıklı in 1946, even before the re-introduction of board elections (Alexandris, 1992: 243).

Turkish *rapprochement* and the reciprocal (re)introduction of board elections in 1949 (Law 5404-changing several provisions of the existing Law on Foundations) together with the abolishment of the *mukataa* tax on waqf properties (Macar, 2005: 8). However, mainly due to the growing tension over the Cyprus issue and especially following the half way military *coup d'etat* in 1971, the VGM did not allow board elections to take place until 1991 (Kurban and Tsitselikis, 2010: 9).

Due to the “dependent” (*mülhak*) status of the community foundations and excessive jurisdictions vested over the VGM, the holding of free and regular board elections was of special importance. According to the provisions of the Foundations Law (No 2762-Article1/d), the VGM has the jurisdiction to declare “dependent” (*mülhak*) foundations as “defunct” (*mazbut*) foundations that are no longer of charitable, educational and religious use. Having provided such excuses like the non-existence of their administrative boards, students (for minority schools with foundations) or followers (for churches), the VGM has taken over the administration of some 16 (Kurban and Tsitselikis, 2010: 11) to 24 (Kurban and Hatemi, 2009: 17) Greek-Orthodox community foundations as well as their properties amount to 990 according to some sources.⁹¹ Together with the property limitations brought upon community foundations within the framework of notorious “1936 Declarations”, this brought a massive seizure of properties owned by non-Muslim community foundations.

According to Article 44 of the Law on Foundations, all foundations that were established before 1926 were asked to declare formally all properties in their

⁹¹ This practice of declaring foundations as “defunct” (*mazbut*) is generally referred in Turkish as “*mazbataya almak*”. It should be noted that many foundations of the Jewish, Armenian, Assyrian and Chaldean communities were also declared “defunct” or (*mazbut*). Kurban and Hatemi (2009) give the number 24 as the number of Greek-Orthodox foundations whose control have been taken over by the VGM. Such an administrative measure has also been implemented for many Muslim foundations (around 40.000) that ceased to be of charitable use.

possession. In 1936, all foundations presented an inventory of their immoveable properties to the state, whose primary aim was to use them for curbing the economic power of the Islamic foundations that were deemed potentially dangerous for the secular credentials of the new regime (Oran, 2006: 100). However, the 1936 declarations were archived in the dusty shelves of the VGM and remained non-utilized. As a matter of fact, despite the legal controversy over the ability of non-Muslim foundations to acquire new legal estates (Bebiroğlu, 2003), “non-Muslim foundations either purchased or were bequeathed or donated real estate with a certificate issued by the governor’s office certifying that they had a legal existence” (Kurban and Hatemi, 2009: 14).

With the escalation of the tension between Greece and Turkey in the mid-1960s, the VGM asked from non-Muslim community foundations to present their founding statutes (*vakıfname*) in order to pressurize the Greek-Orthodox minority once more with the expectation of indirectly affecting the Greek position in Cyprus. Since all non-Muslim foundations were established in the past by the edicts of the Ottoman Sultans, they were not obviously in a position to present something that they never possessed. The VGM decided that since community foundations were not able to present their founding statutes, it would accept their property declarations in 1936 as their statutes. Due to the fact that these declarations did not contain any provision on the future acquisition of real estates in the futures, the VGM concluded that the possession of the properties they purchased or acquired through inheritance, donation or by any other means after 1936 (i.e. the ones that were not listed in their 1936 declarations) were illegal.⁹²

⁹² It was quite interesting that one of the more than 160 community foundations (Yedikule Surp Pirgiç Armenian Hospital) placed a disclaimer in its 1936 declaration to indicate that it can “acquire additional properties in the future”, but it still could not avoid the confiscation of its properties.

Therefore, the VGM returned the immoveable properties acquired by community foundations to their previous owners or their inheritors without claiming anything in return (Oran, 2006: 101). In cases the previous owners or their inheritors were not to be found, the possession of the properties was taken over by the VGM, the Treasury or the Ministry of Finance (or *Milli Emlak*) without paying any indemnification or compensation whatsoever (Kurban and Hatemi, 2009: 14). Because of the legal restriction on the establishment of foundations “that aim to support any race or community”, non-Muslims could not establish a new community foundation according to the provisions of the Civil Code, (i.e. with proper founding statutes).

When administrators and attorneys of the community foundations appealed the confiscations of their properties, the High Court of Appeals (*Yargıtay*) did anything but legitimize the unlawful practice of the VGM. Ironically reflecting the conceptualization of non-Muslim minorities in Turkey, the court concluded in 1971 concerning the Foundation of Balıklı Greek-Orthodox Hospital, which was established and managed by the Turkish citizens of Greek-Orthodox origin, that “apparently legal entities established by *non-Turkish individuals* are prohibited from acquiring real estates” (Kurban and Hatemi, 2009: 15, emphasis added).⁹³ Non-Muslim Turkish citizens were excluded from *the body politic* that comprised “the Turkish nation” and placed to an inferior category.

In the wake of favorable court decisions, the VGM accelerated its legal battle against the community foundations for the annulment of their title deeds for

⁹³ Having realized the discriminatory traits of the such an interpretation, the General Board of the High Court of Appeals (*Yargıtay Hukuk Genel Kurulu*) later cancelled the abovementioned sentence, but defended the merits of its decision for limitation on the grounds that such restrictions was also implemented in the Ottoman Era concerning the property acquisitions by foreign legal entities, and the state may face dangers in case of non-limitation of property rights of legal personalities that are more powerful than individuals.

properties acquired after 1936. As Mahçupyan (2004: 5) observed, it looked like the real purpose was to seize the properties of community foundations and the cover was the 1936 declarations that were accepted as their founding statutes which did not include any provision for the future acquisition of additional real estates. While the Turkish press mentioned 100 immoveable properties belonging to the Greek-Orthodox community foundations and 40 assets seized from the Armenian foundations, the Greek-Orthodox community mentioned around 1.000 properties that were originally in possession of their 81 foundations (Kurban and Hatemi, 2009: 17 and 47). The exact figures were yet to be known despite the fact that non-Muslim foundations were invited to claim part of their confiscated properties.

From among all Greek-Orthodox foundations, it was generally accepted that the Foundation of Balıklı Greek-Orthodox Hospital was the richest in terms of the immoveable properties in its possession (328 of them were seized in the abovementioned manner according to Kurban and Hetemi, 2009: 47). The accumulation of wealth for Balıklı foundation was due to the existence of the nursing home for the elderly members of the minority and its *sui generis* method of subscription. In return for care in the nursing home and medical treatment in the hospital for the rest of their life, elderly members of the Greek-Orthodox minority donated their homes or stores to the foundation (Akgönül, 2007: 377).⁹⁴ Despite the restriction brought by the VGM on the acquisition of immoveable properties, the donations by the ageing Greek-Orthodox population to the community foundations in the abovementioned fashion should have continued unabated. Furthermore, it was highly probable that the Hellenic citizens and their relatives with Turkish citizenships donated their properties in Istanbul to the community foundations by losing hope to access them in the future due to a moratorium on property transactions.

⁹⁴ According to the result of Akgönül's (2000:378) study there were 255 elderly people staying in Balıklı nursing home in the beginning of 2000s.

CHAPTER VII

EUROPEANIZATION OF MINORITY RIGHTS PROTECTION IN TURKEY POST-1987

The transformative role of the EU regarding the treatment of minorities has been more visible in the Turkish case compared to Greece. This was mainly due to the evolution of the European Union throughout time and the emergence of a conditionality mechanism. The Copenhagen Summit of 1993 made it clear that full respect for minority rights had become a condition for EU membership. The EU has exerted a direct pressure on Turkey by use of several conditionality tools. The Regular Reports issued by the Commission acknowledged the existence of serious shortcomings in the protection of minorities and urged Turkey to undertake necessary reforms.

As opposed to the accession negotiations concluded with the CEE countries and despite the non-existence of uniform definition and specific standards among existing members states, minority and cultural rights have been part of the screening

and accession negotiations under Chapter 23 of the *acquis communautaire* (Judiciary and Fundamental Rights) mainly with reference to the core conventions of the Council of Europe (ECHR, FCPNM and ECRML).¹

Despite the fact that Turkey has already been subjected to the passive leverage of the EU following her application for membership in 1987, it became more and more vulnerable to external pressure originating from the EU especially after the recognition of her candidacy in the Helsinki European Summit of 1999 and the opening of accession negotiations in 2005. As part of the conditionality mechanism of the EU, Turkey committed herself to the goal of EU accession and submitted herself to benchmarking and sanctioning by the EU. Actually, a gradual relaxation of restrictive measures on minorities in Turkey started with Prime Minister Turgut Özal's liberal government quite in parallel with Turkey's decision to apply for full membership to the EU.

6.1. Progress Achieved

Turkey was ruled by the military regime between *coup d'état* of 12 September 1980 and the first democratic elections held on 6 November 1983. The Özal government initiated a slow process of democratization (or as Zürcher, 1997: 298 called it "broadening the road") and reintegration with the West politically (as of May 1981 Turkey's membership to the Council of Europe was suspended) and economically. Following the strain in Greco-Turkish relations over Cyprus and the Aegean, Özal took some measures to improve relations with Greece, like the unilateral abolishment of the visas for Greek citizens in April 1984, which enabled Greek citizens that were expelled in 1923 (population exchange) and 1964

¹ Details of screening negotiations concerning minority and cultural rights under Chapter-23 are available online at "<http://www.abgs.gov.tr/index.php?p=88&l=1>" (last accessed 3 November 2010).

(annulment of Greco-Turkish agreement on settlement) to revisit Istanbul. Later, Özal and Papandreou jointly created a constructive and cooperative spirit when they met in Davos within the scope of the World Economic Forum in 1988 and agreed on resolving their differences.

Having applied for full membership of the European Community (EC) in April 1987, Özal was aware that improved relations with Greece were necessary to prevent a Greek veto and to strengthen Turkey's membership prospects in the EC (Rumelili, 2004: 7). Turkey became gradually entangled with the compliance and harmonization requests by the EC (especially for economic integration vis-à-vis customs union) as well as further political liberalization. One of the conditions put forward by Turkey's western allies including Greece was the abolishment of the moratorium on the immoveable property transactions of the Hellenic citizens that were deported in 1964 due to the annulment of the Greco-Turkish agreement on settlement. Following his return from Davos on 3 February 1988, Özal issued a new governmental decree (No 12592) for the abolishment of the "secret" decree of 1964 (No 6/3801) suspending all property transactions and bank accounts of the Hellenic citizens (Akgönül, 2007: 337).²

In this context, both the aforementioned Hellenic citizens that departed Istanbul in 1964 and their inheritors could finally claim their property rights (reportedly concerning 2.902 properties they left behind, Akgönül: 2007: 336) especially until 1993. Based on the restrictions imposed on foreigners' property transactions in Greece, however, the High Court of Appeals held later that if the inheritors of the aforementioned Hellenic citizens are allowed to claim property

² As a matter of fact, the implementation of the 1964 decree was previously suspended by the military regime with another "secret decree" issued on 3 November 1981 (No. 20116/57778) as part of the deal for not vetoing the Greek return to the military wing of NATO and its definite annulment in 1988 was somehow linked to the conclusion of "Compliance Agreement Between Turkey and Greece" (Akgönül, 2007: 323 and 327).

rights in Istanbul, the principle of reciprocity envisaged in Article 35 of the Land Registry Law (2644/1934) would not be met since Greek legislation does not allow Turkish citizens to claim their property rights vis-à-vis inheritance due to restrictions imposed on property transactions in “border areas of Greece” (geographical area corresponding to 55 % of the Greek territory, including the whole of Western Thrace).³ As it will be mentioned in the next section, such an interpretation still restricts the property rights of the inheritors of Hellenic citizens in Istanbul and creating challenges for Turkey especially before ECtHR.

It was during the Özal government that the Municipality of Istanbul issued the long awaited renovation permit to the Greek-Orthodox Patriarchate for the reconstruction of the section of the patriarchate that was destroyed in the great fire of 21 September 1941 together with 94 houses, two mosques and few praying rooms (Macar, 2004: 230). Considering that numerous applications by the Patriarchate since 1962 were simple returned, the granting of the aforementioned permit was both important and symbolic in terms of Turkey’s respect for religious freedom and also for the Greek-orthodox minority. The renovated section of the Patriarchal building was reopened on 17 December 1989.

Until the granting of the membership status to Turkey in the Copenhagen summit in 1999, the European leverage on minority rights protection remained limited due to various domestic (growing of the terrorist activities by the PKK, political instability and cyclical economic crises etc.) and international reasons (like Iran-Iraq war succeeded by the Gulf crises and collapse of the Soviet empire). Nonetheless, Turkey initiated an unprecedented wave of democratization

³ As defined in Chapter IV, the Turkish-Muslim minority of Western Thrace has suffered from the discriminatory implementation of the aforementioned property restrictions for foreigners (Law 1366/1938 that was replaced with 1892/1990 for granting exemption for the citizens of the EU), which also requires Greek citizens to acquire an authorization of a special committee.

and political liberalization following the granting of membership status in 1999 and attached great importance to the evaluations contained in the benchmarking and monitoring devices of the EU (like the annual Regular Reports and Accession Partnerships published by the European Commission). Only between 1999 and 2004, Turkey legislated two rounds of comprehensive constitutional changes and seven different “harmonization packages” to address legal loopholes and improve fundamental rights and liberties, political rights, the rule of law and civil-military relations (Özbudun, 2007 and Oran, 2006).⁴

As part of the constitutional changes introduced by the Turkish Parliament to attain greater compliance with EU rules and norms, the legal status of international agreements was strengthened further with the following inclusion to Article 90 of the Constitution (Law 5170/2004): “in the case of a conflict between international agreements in the area of fundamental rights and freedoms duly put into effect and the domestic laws due to differences in provisions on the same matter, the provisions of international agreements shall prevail”. According to Oran (2006: 66), the aforementioned addition has underlined the supremacy of human rights conventions and the Lausanne Treaty over national laws that might victimize minorities. Having considered the fact that Turkey ratified the 1955 UN convention on the Elimination of All Forms of Racial Discrimination in September 2002, the UN International Covenant on Civil and Political Rights in September 2003 (though with a reservation to Article 27 on minority rights), the constitutional amendment stating that ratified international conventions would prevail over domestic laws in case of a conflict is a major improvement.

⁴ For the transformative role of the EU on civil-military relations, see Güney and Karatekelioğlu (2005) and Duman and Tsarouhas (2006).

Furthermore, issues concerning non-Muslim minorities were finally “de-securitized” with the abolishment of the notorious “Ancillary Commission on Minorities” (*Azınlık Tali Komisyonu*) and the establishment of the “Board for the Evaluation of Minority Problems” on 5 January 2004. Although the composition and functioning of the Ancillary Commission apparently created under the Ministry of the Interior was not publicly known and the Commission’s activities were undertaken in utter secrecy, it has been acknowledged that “the duty of the Commission is to monitor the activities of minorities for national security” (Oran, 2006: 91-92), similar to its Greek counterpart, the Coordinative Committee of Thrace (CCT).

According to the information available on the web-site of the General Directorate of the Administration of Provinces of the Ministry of Interior,⁵ the Ancillary Commission was established on 7 November 1962 by the order of the Prime Minister (No. 28-4869) and it was replaced with the “Board for the Evaluation of Minority Problems” due to the “changing and growing circumstances of the day” with another Prime Ministerial decision (No. 3530). The newly created Board is composed of the representatives from the Ministries of Interior and Foreign Affairs, the Ministry of State in charge of VGM and the Ministry of National Education, and its main tasks are “protecting the rights of Armenian, Greek-Orthodox, Jewish and Bulgarian minorities within the context of the Treaty of Lausanne and other international agreements” and “evaluating their requests”.⁶ Furthermore, jurisdictions of the Human Rights Advisory Board that was constituted under the Prime Minister’s

⁵ In the new framework, the Ministry of Interior was defined as the coordinating agency for the activities of the “Board for the Evaluation of Minority Problems” and the secretarial services are to be provided by the General Directorate of the Administration of Provinces (*İller İdaresi Genel Müdürlüğü*). The official website of the General Directorate is “http://www.illeridaresi.gov.tr/default_B0.aspx?content=130” (last accessed on 3 November 2010).

⁶ Oran (2006: 92) claims that the old Ancillary Commission had also comprised the representatives from the National Security Council, the Turkish Intelligence and the Office of the General Staff, but they are no longer members of the new “Board for the Evaluation of Minority Problems”.

office with the participation of NGOs and independent experts also cover minority rights.⁷

As acknowledged by Deputy Prime Minister Bülent Arınç in his meeting with the religious and communal leaders of non-Muslim minorities on 11 March 2010 in Dolmabahçe Palace, the issues and administrative transactions of charitable, religious, educational and cultural establishments would no longer be handled by the General Directorate of Security but by the General Directorate of the Administration of Provinces, as well as the offices of the governors in districts and provinces.⁸ In other words, as of January 2005, the official communication of the aforementioned minority institutions with different public authorities and institutions has been managed through governors and the General Directorate of Administration of Provinces rather than security departments. Such institutional reconfigurations have symbolized the transformation of the Turkish minority rights regime, i.e. the replacement of a “security-oriented” policy with a “rights-oriented” one.

In order to secure equal treatment between different confessions and support religious freedom, the Turkish Grand National Assembly also introduced several legal changes. With the sixth harmonization package (Law 4928/2003), the Additional Article 2 of the Construction Law (3194/1985) was reformulated in such a way that all faiths and religions in the country could apply for building permits for their places of worship. Later in July 2008, churches and synagogues (like all other

⁷ It should be noted here the sub-commission of the aforementioned advisory board (“Working Group on Minority and Cultural Rights”) ceased its activities ever since the controversy created around the report that was later associated with the names of Prof. Dr. İbrahim Kaboğlu and Prof. Dr. Baskın Oran. The story and full text of the report disseminated to the public in October 2004, whereby Prof. Kaboğlu and Prof. Oran introduced the all encompassing concept of “*Türkiyelilik*”, is available in Oran (2006: 153-176).

⁸ Full text of the speech of Deputy Prime Minister Arınç is available on his personal website at “<http://bulentarinc.com.tr/konusma/cemaat-vakiflari-yonetim-kurulu-baskanlari-ve-ruhani-liderler-ile-dolmabahce-toplantisi/15>” (last accessed on 3 November 2010).

places of worship) were allowed to use electricity and water free of charge similar to mosques (Karaosmanoğlu, 2010: 203).

On 12 March 2004, in contravention to current legislation and practice, the Greek-Orthodox Patriarchate appointed six non-Turkish citizens as members of the Holy Synod, which has a total of 12 seats. Rather than objecting to their appointment or interfering with the functioning of the Holy Synod, Prime Minister Erdoğan called upon clerics without Turkish citizenship to legalize their position by applying for the acquisition of Turkish citizenship. In 2010, 15 metropolitan bishops working in the hierarchy of the Greek-Orthodox Patriarchate applied for Turkish citizenship, and necessary procedures for the 12 members of the clergy were recently completed. Their citizenship applications were “exceptionally” approved by the Council of Ministers according to the relevant provisions of the new Turkish Citizenship Law (5901/2009).⁹ Since the early 2000s, Turkey has continued issuing residence and work permits for the members of the clergy, who come from dioceses outside of Turkey to serve as deacons at the seat of the Patriarchate.

Earlier this year on 15 August 2010, the Turkish Ministry of Tourism and Culture formally allowed the Greek-Orthodox Patriarchate to hold a religious ceremony in the famous Sümela Monastery in Trabzon, one of the most symbolic Greek-Orthodox monuments in Turkey that was abandoned with the Greco-Turkish population exchange in 1923 and subsequently converted into a museum.¹⁰ Taking

⁹ Article 12 of the Citizenship Law (Exceptions in acquiring Turkish citizenship) states that the following persons may be received into Turkish citizenship upon a proposal by the Ministry of Interior and decision of the Council of Ministers: a) Those persons who bring into Turkey industrial facilities or have rendered or believed to render an outstanding service in the social or economic arena or in the fields of science, technology, sports, culture or arts and regarding whom a reasoned offer is made by the relevant ministries. b) Those whose being received into citizenship is deemed to be necessary. c) Those persons who are recognized as migrants. *Milliyet*/15.10.2010 announced the granting of Turkish citizenship to the clerical members of the Patriarchate with the following title “Bartholomew is not going to be the ‘last Patriarch’”.

¹⁰ The granting of permission for the holding of a religious ceremony was very well received by the Greek press, see “Lessons from Pontus”-*Avgi*/15.08.2010, “Flirt”-*To Vima*/15.08.2010, “A Film of a

into account the incidents of the previous year, when a group of Greek citizens with nationalist leanings attempted to create a *fait accompli* by illegally holding a mass in the museum, the granting of official permission to conduct a religious ceremony just a year after the incident was an act of courtesy by the Turkish government. The Patriarchate responded to such a gesture by asking all participants to behave responsibly during the ceremony in Sümela and also by denouncing the illegal attempt of an American Greek-Orthodox community to hold a religious ceremony in Ayasofya (*Hagia Sophia*) Museum on 17 September 2010.

It should be noted that a similar permission was also granted by the Ministry of Culture and Tourism for the Armenian community in Turkey to hold a religious ceremony on 19 September 2010 in the historical church on Lake Van for the first time since 1915. 1000 years old Akdamar Church was actually re-opened as a monumental museum on 29 March 2007 after the completion of renovations that started in April 2005 and required more than 1.5 million USD to be completed. Similarly, when Prime Minister Erdoğan visited the island of Bozcaada on 25 April 2005, he asked for the restoration of the bell tower of the Kimisis Teodoku Church upon the request of the Greek-Orthodox community of the island. With the help of 280.000 Turkish Liras secured from the Promotion Fund of the Prime Ministry restorations were completed between September 2006 and July 2007.¹¹ There are currently 315 churches in 21 different provinces of Turkey serving for around 73.000 Christians,¹² major renovation and maintenance works still continue in two churches

Day in Mount Mela” and “Strong Signal”-*Ta Nea*/16.08.2010, “Church Diplomacy”-*Eleftherotypia*/16.08.2010. In his article in *Kathimerini*/15.08.2010, Grigoriadis asked for the adoption of similar liberal view concerning Muslim monuments in Greece.

¹¹ “Bozcaada’da Çanlar Erdoğan İçin Çalıyor (The Bell Tolls for Erdoğan in Bozcaada)” *Radikal* / 30.08.2007. Local Greek-Orthodox community placed a plate on the new bell tower acknowledging that the tower was restored with the help of Prime Minister Erdoğan.

¹² *Radikal*/07.07.2009. Geographical distribution of the churches in Turkey is as follows: 161 in Istanbul, 69 in Mardin, 14 in İzmir, 14 in Hatay and 11 in Çanakkale.

in Diyarbakır (one Protestant, one Catholic) and two Catholic churches in Hatay, new ones are soon to be started.¹³

Together with the advancement of the Greco-Turkish *rapprochement* and the gradual transformation of the Turkish minority policy vis-à-vis non-Muslim minorities, the educational problems of the Greek-Orthodox minority have been brought to the agenda as well. On 31 January 2004, the Greek and Turkish Ministers of National Education jointly participated in the anniversary of the Fener Greek-Orthodox High-School. Following the official ceremony, Minister of National Education Hüseyn Çelik acknowledged that “there is no hindrance for the re-opening of the Theological Seminar in Heybeliada as long as it operates under the supervision of Ministry of Education as a secondary school or under the supervision of Higher Education Council as a higher education institution” (Yalçın, 2008: 136). A similar visit to the aforementioned minority high school was repeated recently on 11 June 2010 by the Minister of National Education Nimet Çubukçu, who has underlined the importance of minority education and Turkey’s contribution to it with the provision of free textbooks for subjects taught in Turkish (the ones taught in Greek are provided by Greece), a rearrangement of curriculum according to current needs, permissions for the appointment of teachers sent by Greece (so-called “quota teachers”) in more than one minority schools and also the organization of extra-curricular courses.¹⁴

¹³ Stated by Deputy Prime Minister Bülent Arınç in the Dolmabahçe meeting with the religious and communal leaders of non-Muslim minorities (“<http://bulentarinc.com.tr/konusma/cemaat-vakiflari-yonetim-kurulu-baskanlari-ve-ruhani-liderler-ile-dolmabahce-toplantisi/15>”, last accessed on 3 November 2010).

¹⁴ “<http://bianet.org/bianet/siyaset/122698-bakan-cubukcu-ozel-fener-rum-lisesindeydi>” (last accessed on 3 November 2010). It should be noted here that the Turkish government grants permission for the last two items mentioned above (“quota teachers” and “extracurricular courses”) despite the fact that they are necessitated by the Greek insistence not to approve the bilateral exchange of more than 16 teachers as explained in Chapter IV.

In the new “Law on Private Education Institutions” (5580/2007), the highly criticized requirement for the appointment of Turkish vice-principals (*Türk müdür başyardımcısı*) in the minority schools was finally updated. As opposed to the previous law (625/1965) longing for the appointment of “Turkish citizen of Turkish origin”, Article 8 of the new law stated that the founders and principals of the minority schools may recommend “any Turkish citizen” for an appointment as vice-principal.¹⁵ The new law also (re)established the status of the minority schools by making a legal differentiation between foreign, private and minority schools. Furthermore, as opposed to the Greek resistance not to include pre-school education to the system of minority education, Article 1 of the aforementioned law stated that “minority schools denote pre-school, primary schools and secondary schools established by Greek-Orthodox, Jewish and Armenian minorities within the framework of the Lausanne Treaty”.

Based on the criticisms on the excessive jurisdictions vested to the “Turkish vice-masters”, the Ministry of National Education also challenged their disputed supervisory powers and responsibilities on minority teachers. According to the new implementation announced with the circular of 24 March 2010,¹⁶ the teachers of the Greek subjects (i.e. Turkish citizens of Greek-Orthodox origin) would no longer be subject to the hierarchical evaluation by Turkish vice principals but directly by the principals (who are appointed from among teachers of Greek-Orthodox origin). By exempting minority teachers from the direct tutelage of the “Turkish vice-principals”

¹⁵ According to the provisions of the new law, the founders and principals of the minority schools may recommend “any Turkish citizen”, who is qualified to teach Turkish subjects and also literate in the foreign language of instruction (i.e. Turkish citizens with Turkish-Muslim origin also speaking the Greek language), for an appointment as “vice-principal”. If no teacher of this caliber is found, the appointment any Turkish citizen working in the school (i.e. Turkish citizens with Greek-Orthodox origin teaching Greek subjects) is also possible.

¹⁶ Although the change in the administration of the grading system did not attract the attention of the Turkish press, it received positive comments in Greece (“Changes by Turkey in Minority Schools”-*Eleftherotypia*/30.03.2010 or “Turkey Changes Rules for Minority Schools” ANA-MPA News Digest/29.03.2010).

(who are knowledgeable on the teaching of Turkish subjects but not Greek) in line with the spirit of the Lausanne Treaty, the Turkish Ministry of National Education has averted their potential submission to the vice-principals chosen from among the teachers directly appointed by the state.

Since the teaching of any languages other than Turkish as a mother tongue was legally forbidden in Turkey and the languages that could be taught as “foreign languages” were determined by the Council of Minister following the favorable opinion of the National Security Council (NSC),¹⁷ the teaching of the Greek language in any other place than Greek-Orthodox minority schools was not possible.¹⁸ As part of the efforts to make the teaching of Kurdish possible with the third (Law 4771/2002) and seventh (Law 4963/2003) EU harmonization packages, amendments to the existing legislation eliminated the need for a concurring opinion of the NSC and made the teaching of other languages and dialects traditionally used by Turkish citizens in their daily lives possible. On 1 June 2009, the Council of Ministers agreed to include the Greek language to the list of foreign languages that could be taught in public and private courses (Decree No 2009/15085).¹⁹ This development has benefited many groups including: a) the members of the Greek-Orthodox minority, who could be employed in these courses as teachers or improve their language capabilities as students, b) members of the Turkish-Muslim minority of Western Thrace that are working in Turkey or studying in the Turkish schools/universities, c) Turkish citizens who would like to learn the Greek language and culture. By all means, it has been advantageous for the minorities on both sides

¹⁷ Article 2 of Law 2923/1983 on “Teaching of Foreign Languages and Different Languages and Dialects of Turkish Citizens”.

¹⁸ Baskin Oran (2009) has argued that the teaching of the Greek language was not possible due to the legal impediment initially created against the teaching of Kurdish. In his understanding, the situation was awkward since there were Departments of Greek Language in four different universities and the language centre of Ankara University (TÖMER) has been teaching Greek for many years.

¹⁹ The aforementioned decision of the Council of Ministers was published in the Official Gazette on 13 January 2010 (No 27461).

of the Aegean and potentially catalyzing the advancement of the Greco-Turkish relations.

With the growing involvement of the international community (especially the EU) in the situation of the non-Muslim minorities in Turkey and the increasing number of applications before the ECtHR concerning the property right of community foundations, the Turkish governments had to deal with the issues concerning the foundations belonging to non-Muslim minorities as well. As early as 1991, the VGM allowed the elections for the board administrators of community foundations to take place and, since one of the main reasons for the seizure of the foundations was the non-existence of their administrators, the incidents of “defunct” (*mazbut*) foundations became rare. Beginning from 1998, the EU has continuously monitored the issues concerning non-Muslim foundations with special reference to their property issues in the Regular Reports (Toktaş, 2006: 507). With the official recognition of Turkey as a candidate country and the beginning of the process of harmonization for the alignment of the Turkish legislation with the *acquis communautaire*, comprehensive legal changes addressing the self management and property issues of the community foundations were introduced.

As part of the third harmonization package (Law 4771 of 9 August 2002), non-Muslim foundations were granted the right to acquire and register immoveable properties at their disposal following an authorization by the Council of Ministers regardless of the possession of founding statutes. Following the criticisms raised by many circles, the authorization of the Council of Ministers was replaced with the authorization of the VGM in the next harmonization package (Law 4778 of 11 January 2003) and the deadline for the registration of community properties was increased from six to eighteen months as part of the sixth harmonization package

(Law 4928 of 19 July 2003). Later, with the enactment of a special regulation on “Acquisition and Disposal of Immovables by Community Foundations and Registration of Immovables at Their Disposal on Their Behalf” (No 25003 of 24 January 2003), the requirements were stipulated for the foundations owned by non-Muslims to register their properties.

Compared to the previous regulation (No 24896 of 4 October 2002), the new regulation was ground-breaking since a) it did not explicitly refer to the principle of “reciprocity” concerning the property rights of non-Muslim foundations, b) it decreased the number of requirements for registration, c) most importantly, by explicitly mentioning the names of a total of 160 community foundations countrywide, it officially recognized the legal personality of these foundations. Even more, by including the community foundations owned by Assyrians (9), Chaldeans (3), Bulgarians and Georgians, it indirectly enlarged the traditional scope of the Turkish minority policy that has been practically limited to the Greek-Orthodox, Armenian and Jewish minorities.

However, it was also stated in the new regulation that “VGM would seek the opinion of the relevant Ministry, public institutions and organizations, if necessary”, in a fashion reminding non-Muslims of the involvement of other state departments (Oran, 2006: 125).²⁰ In addition to the arduous task of meeting extensive requirements stated in the relevant legislation, community foundations managed to register only a small portion of properties that are currently at their disposal due to the bureaucratic resistance and negative interpretations by the Courts (Kurban and Hatemi, 2009: 25-26). Despite the relative improvement in terms of registration of new properties purchased or donated after the passing of the new legislation and

²⁰ Kurban and Hatemi (2009: 25) and (Oran, 2006: 126) argue that the property issues of community foundations were “securitized” by drawing examples from the relevant court orders and the involvement of the National Security Council.

registration of properties in the possession of foundations, the legislation did not address the main issue concerning community foundations, i.e. the return of confiscated properties or the payment of just compensation (Kurban and Tsitselikis, 2010: 15).

Partly to address the abovementioned deficiency and also replace the old legislation that was not responding to the current needs, the AKP government drafted a new law on foundations in November 2006. The former President Ahmet Necdet Sezer vetoed nine articles of the draft law on the grounds that granting new rights and privileges (for non-Muslims) “would violate the Lausanne Treaty, fundamental principles of the Republic, the ban on discrimination, national interests and public benefit” (Kurban and Hatemi, 2009: 27). Following the general elections of 22 July 2007 and the election of Abdullah Gül as the new President, the new law was (re)accepted by Parliament and approved without any changes (Law 5737 of 20 February 2008).²¹

According to the provisions of the new law, it was reiterated once more that community foundations could acquire/dispose/sell/exchange their properties without any permission, establish companies and commercial bodies or join existing ones, and receive fund/donations from abroad. Foundations that were having difficulties in changing their declared objectives can now purpose changes vis-à-vis their elected administrative boards, about which the new law has also clear-cut provisions.

Most significantly, the new law enabled the immovable properties of community minority foundations, which had been registered under the names of

²¹ The Republican People’s Party (CHP) and Nationalist Action Party (MHP) formally opposed the same provisions of the new Law on Foundations (Articles 6-3, 12-1, 12-3, 12-4, 14, 25, 26, 41-2) in line with the arguments of ex-President Sezer (incompliance with Lausanne in terms of reciprocity and breach of fundamental principles of the Republic) in the Constitutional Court, but the application was rejected on 17 June 2010. CHP reportedly argued that “any right that is not granted to the Turkish minority in Greece cannot be granted to non-Muslim minorities” (Kurban and Tsitselikis, 2010: 23).

testator, donator, Treasury or the General Directorate for Foundations, to be registered under the names of the relevant foundations (upon the favorable decision of the Foundations Assembly on an application made by the foundation within eighteen months following the entry into force of the Law). According to the Provisional Article 7 of the new law, community foundations were now able to register a) properties listed in their 1936 under the names of pseudonyms (*nam-i müstear*) or fictitious names (*nam-i mevhum*) and still at their disposal, and b) properties acquired after 1936 but registered under the names of testator, donator, Treasury or the General Directorate for Foundations due to the inability of foundations to acquire immovables.

In an enlarged and substantially empowered 15-seated Foundations Assembly²² (*Vakıflar Meclisi*) that was restructured with the new law so that all foundations could be represented vis-à-vis the VGM, one seat was reserved for the representative of the community foundations that would be elected by administrators of non-Muslim foundations. As a result of the elections organized by the VGM in Ankara on 28 December 2008, the candidate of the Greek-Orthodox minority, Pandeli Laki Vingas, was elected as the representative of all community foundations in the Assembly, whereas the candidate of the Armenian minority Simon Çekem was elected as his substitute. Having considered the previous authoritarian and restrictive measures introduced by the VGM on community foundations, the existence of the representative of community foundations in the decision-making body of the VGM was revolutionary.

²² According to Article 41 of the new law on foundations, the Assembly is the highest decision making body of the VGM, whose members are composed of five members directly appointed by the Prime Minister, three members chosen by the “new” foundations (the ones established after 1926 according to the provisions of Civil Code), one member elected by “dependent” (*mülhak*) foundations and one member elected by “community” (*cemaat*) foundations. The Head of the VGM, his three deputies and the chief legal councilor of the VGM are natural members of this 15-seated assembly.

With the new law, transactions involving the donation of moveable or immovable properties to foundations shall be exempted from taxes, as well as all expenditures, donations, grants and scholarship expenses made by individuals/institutions to these foundations. The new law has also introduced an internal audit mechanism while removing hierarchical audit, and community foundations were allowed to transfer their immovable charities (*hayrat taşınmazlar*) to another one or turn them into revenue bearing assets for their activities.

In parallel to the relative improvement in the property issues of community foundations, the procedure for their administration was also regulated first in a separate regulation on “Election of Administrative Boards of Community Foundations” (No 25585 of 16.09.2004). According to its provisions, each community foundation was to be administered separately by a committee of seven people popularly elected every four years with the participation of minority people living in the district (*ilçe*) of the foundation. However, taking into consideration the demographical decline of especially the Greek-Orthodox population, it was declared that the district might be enlarged to include the whole province or the nearest neighboring province. In line with the spirit of the autonomous administration of the community foundations envisaged in the Lausanne Treaty, the governors of the districts or provinces were only notified when there was a need for elections that needed to be conducted before notaries and when the elections were concluded so that they could prepare attestation of the elected members.

With the enactment of the new Law on Foundations (5737), the above mentioned regulation was cancelled and its provisions concerning the election of the administrative boards of the community foundations were included into the general “Regulation on Foundations” (No 27010 of 27 September 2010, Articles 29-33).

Some of the problems stemming from implementation (like the enlargement of the electoral districts and selection of more than seven members for some community foundations) were addressed by the new regulation. Furthermore, the old and restrictive Law on Associations (2908/1983), which could not guarantee full and effective freedom of association in line with the provisions of the ECHR and the case-law of the ECtHR despite various amendments introduced by the second, fourth and seventh harmonization packages were finally replaced with the new and more liberal one in November 2004 (5231/2004). The provisions of the new Law on Associations reduced the possibility of state interference in the activities of associations and subjected them to the responsibility of newly established Department of Associations within the Ministry of Interior and separate desks established within provincial administrations rather than the Directorate General of Security. As acknowledged in the 2005 Regular Report of the European Commission, some associations established on the basis of race, ethnicity, religion and sect have been able to register despite the remaining restrictions on the registration of associations whose name and/or objectives are considered to be contrary to the Turkish Constitution.

Having realized the fact that the correct and full application of the provisions of the Treaty of Lausanne would solve many problems faced by non-Muslim communities and Turkey does not need to undertake a radical change to respect the rights of its non-Muslim minorities fully, Prime Minister Erdoğan issued a special circular to overcome bureaucratic reluctance (just before his visit to Greece on 14-15 May 2010). In the aforementioned circular (No 2010/13) carrying a historical and symbolic importance by illustrating the Europeanization of minority

rights protection in Turkey,²³ it was stated that “non-Muslim minorities have the right to enjoy and maintain their own identities in parallel to the national identity and culture of Turkey, of which they constitute an indivisible part”. Underlining the fact that “protecting non-Muslims from needless impediments in their official dealings and transactions and preventing any infringement of their rights are not only legal requirements” but also “important to make them feel that they are part of the Turkish nation and the State”, it was concluded that “some problems addressed within the framework of democratization efforts could not have been completely resolved due to problems in implementation”.

The Turkish Prime Minister, therefore, called officially upon all government institutions and offices to act with utmost diligence for the absolute elimination of problems stemming from implementation by especially mentioning the protection and maintenance of non-Muslim cemeteries, the strict implementation of court rulings in favor of community foundations, the placing of non-Muslim community leaders in their rightful place in order of protocol and taking all legal actions in a timely manner against publications inciting hatred and enmity against non-Muslim communities. Earlier by the end of 2009, the recruitment of a non-Muslim Turkish citizen with the first class “public servant status” in the prestigious General Secretariat for EU Affairs of Prime Ministry was applauded by the press.²⁴

²³ Prime Ministerial Circular No 2010/12 was published in the Official Gazette on 13 May 2010 (No. 27580).

²⁴ “Devlette Görev Alacak İlk Ermeni (First Armenian to Work for the State)” *Hürriyet*/1 December 2009. An Armenian EU expert, Leo Süren Halepli, passed the written and oral examination by the General Secretariat of EU Affairs. However, the implementation of the whole recruitment process was legally suspended since one of the applicants who could not pass the exams contested the objectivity of the exam in the Court (“AB Uzmanları İçin Yürütmeyi Durdurma-Suspension of Execution for EU Experts” *Hürriyet*/13 Şubat 2010). None of the 42 experts qualified in the exam were appointed and the definitive legal decision is yet to be announced. As discussed in Chapter 6, between 1926 and 1965, candidates had to be “Turkish” to be appointed as public servants. Later, this requirement was changed as “being a Turkish citizen” in the new Law on Public Personnel (657), but the appointment of non-Muslims as public servants remained problematic.

It could also be argued at this point that the transformation of the Turkish stance vis-à-vis non-Muslim minorities and formulation of specific policies and measures were the fruits of the newly constructed dialogue mechanism of the AKP government. In many occasions, the Prime Minister or his deputies/ministers gathered the religious and communal leaders of all non-Muslim communities (including the Assyrians that were long neglected) as part of the “democratic opening” initiated by the government. Soon after the meeting organized by Deputy Prime Minister Bülent Arınç in Dolmabahçe Palace on 11 March 2010, Prime Minister Erdoğan accompanied by five Ministers, the Governor and Mayor of Istanbul organized a meeting with the religious and communal leaders of non-Muslim communities in Büyükkada on 15 August 2010 and listened to their problems and demands. Erdoğan also visited the building of the Greek-Orthodox Orphanage in the island whose property dispute was settled in favor of the Patriarchate by the ECtHR.²⁵

6.2. Challenges Ahead

Albeit indirectly related with the treatment of the Greek-Orthodox minority of Istanbul, one of the challenges creating difficulties for Turkey is the property issues of the Hellenic citizens deported from Istanbul in 1964. With the annulment of the governmental decree freezing all transactions on the properties of the aforementioned Hellenic citizens in 1988, some 2.500 Hellenic citizens were able to reclaim their property rights between 1988 and 1991 (Akgönül, 2007: 344). However, with the aforementioned interpretation of the High Court of Appeals concerning the principle of reciprocity since the mid-1990s, inheritors of the

²⁵ Büyükkada meeting was received positively by the non-Muslims in Turkey and also by the Greek press (“Erdoğan Addresses Turkey Minority Rights”, Athens News/21.08.2010).

properties were often not allowed to claim their property rights on the grounds that Turkish citizens cannot inherit property freely in geographical areas described as “border territories” (including the whole of Western Thrace).

According to the Turkish courts, the Greek practice of limiting property transactions of foreigners in “border territories” (as well as asking for an authorization of a special committee for Hellenic citizens, whose indiscriminatory implementation has victimized the Turkish-Muslim minority) did not allow Turkish citizens to inherit property in Greece. Despite the fact that Turkish citizens could now freely inherit and register immoveable properties on their names, the cases concerning the properties of the Hellenic citizens in Istanbul should be evaluated on the basis of the treatment accorded to the inheritors of the Turkish citizens in Greece on their date of death (Akgönül, 2007: 344).²⁶

Although the relative merits of such an argumentation are legally debatable, the “principle of reciprocity” argument of the Turkish courts was apparently not accepted by the ECtHR. When, for example, one of the inheritors of a Hellenic citizen (with Turkish nationality) applied to the Turkish courts for the annulment of the land registry in the name of five other inheritors (with Hellenic nationality), the domestic courts cancelled the registration by arguing that “Turkish nationals could not acquire property in Greece by inheritance and therefore the condition of reciprocity provided for in Article 35 of the Land Code had not been met”. However, mainly on the basis of the possession of the property by five Hellenic inheritors between 1987-2001, the ECtHR adjudged on 27 March 2007 and (Apostolidi and

²⁶ For example, if the inheritors of a Hellenic citizen claim today to register on their behalf the property of their relative, who passed away in 1977, the Turkish courts evaluate the request by inquiring whether inheritors of Turkish citizens were in principle allowed to inherit and register property in “border territories” as of 1977. Applicants are expected to prove by drawing examples from decisions of the Hellenic courts that Turkish citizens could inherit and register property of their relatives in 1977.

others v. Greece, No: 45628/99) that there had been a breach of Article 1 of Protocol No. 1 (protection of property) and Article 6 (right to a fair hearing within a reasonable time) and ordered Turkey to reregister property in the names of the applicants as well as paying a total of 25.000 Euro for pecuniary and non-pecuniary damages.

In other cases (Fokas v. Turkey, No. 31206/02 and Agnidis v. Turkey, No: 21668/02), whereby the Turkish courts cancelled the inheritance of properties by Hellenic citizens on the same grounds, the ECtHR held respectively on 29 September 2009 and 23 February 2010 that there had been violations of Article 1 of Protocol No. 1 (protection of property) and reserved the question of just satisfaction for decisions at later dates.²⁷ Based on the recent case-law of the ECtHR, Turkey will probably face with similar decisions adjudging to the violation of property rights unless devising an effective administrative or legal remedy.

Notwithstanding the enactment of a series of legislation gradually weakening the authoritarian and restrictive stance vis-à-vis community foundations owned by the minorities and the improvement in their property and self-management issues, there are several problems remaining that have been raised by the members of the non-Muslim minorities. First of all, the new law on foundations (No 5737) stipulated that new foundations are going to be established and operated in accordance with the Turkish Civil Code (Article 5). Despite its progressive character and fulfillment of some requirements addressed in the regular reports of the EU, Article 101 of the new Civil Code (No 4721) retained the same old limitation on the

²⁷ In addition to the Article 35 of the Land Registry Law (2644/1934) envisaging the implementation of reciprocity for property transactions of foreigners, Turkey also referred to the separate law on reciprocity (Law 1062 on “Implementation of Retaliation for the Properties of Belonging to the Citizens of the Countries That Had Seized Properties of Turkish Citizens in Their Territories” of 15 June 1927) that enabled the government to take necessary retaliatory action against the citizens of the countries that seized the property of Turkish nationals in her territories. The Greek government, who had exercised her right to intervene in the procedure, argued that there was no provision in Greek law prohibiting Turkish citizens from inheriting immovable property in any place or region in Greece.

establishment of the new community foundations. It was still stated that foundations cannot be established “with the aim of supporting a distinctive race or community” in addition to the ones that are “contrary to the characteristics of the Republic as defined by the Constitution, founding principles of the Constitution, legislation, ethics, national integrity and national interest”.²⁸ In addition to its non-compliance with the international framework concerning human and minority rights, such an understanding also contravenes Article 40 of the Lausanne Treaty that grants non-Muslims a right to “establish, manage, and control at their own expense, any charitable, religious and social institutions”.

Secondly, the direct reference to the principle of reciprocity in the new law on foundations (Article 2) was criticized by some circles despite the formal assurances that it was placed in the law with regard to the new foundations to be established by foreign nationals rather than the existing community foundations belonging to Turkish citizens of non-Muslim background (Kurban and Tsitselikis, 2010: 22).²⁹ Moreover, it was also argued by some scholars (Kurban, 2007:6 and Kurban and Hatemi, 2009: 29) that community foundations would not be able to engage in international activities, to establish branches and representation offices abroad and to become members of organizations established abroad. Since foundations are allowed to enjoy such a right only if international activities are explicitly stipulated in their founding statutes, which the community foundations established by imperial edicts were lacking, foundations

²⁸ Proponents of the new law argue that it was not explicitly stated whether the term “community” (*cemaat*) directly refers to non-Muslims in the new Civil Code, but it is explicitly stated on the website of the VGM that “establishment of new community foundations is not legally possible” due to the abovementioned restriction in the Turkish Civil Code (“http://www.vgm.gov.tr/02_VakiflarHakkinda/004_CemaatVakiflar/cemaat.cfm” last accessed on 24 October 2010).

²⁹ Some of the previous legislation enacted within the framework of harmonization packages contained an explicit reference to reciprocity concerning community foundations. Although it was not the case in the new law and the regulation on foundations, the new law maintained the principle of reciprocity since foreign nationals were allowed to establish foundations in Turkey (Article 5) and the implementation of provisions concerning the establishment and management of their foundations are to be determined reciprocally (Articles 12 and 26).

established and managed by non-Muslims are reportedly non-eligible for international activities.

Thirdly, the new law on foundations does not solve the problem of “defunct” (*mazbut*) foundations whose administration and properties were previously taken over, in some cases arbitrarily, by the VGM since they were considered “not to be engaged in charitable activities anymore”. Although the new law finally stipulated a concrete criterion for the seizure of all “dependent” (*mülhak*) foundations (“inability to form administrative boards or for ten years”), the new law on foundations did not provide for the return of properties and the management of the foundations previously declared “defunct”. In Article 7, it was acknowledged that “foundations that were already included among defunct foundations and the ones that would be declared defunct in the future according to the provisions of the current law would not be able to elect and appoint their administrators”. Therefore, the Greek-Orthodox minority of Istanbul is not in a position to regain the administration of 24 community foundations and properties previously owned by these foundations (Kurban, 2007: 4). Furthermore, having been concerned with the fragmented nature of 161 community foundations and their assets throughout the country, some minority groups were discussing among each other the possibility of the formation of a central body in charge of all community foundations.³⁰ Although such a formulation carries special importance for the Greek-Orthodox minority at the brink of extinction, the possibility for the approval of such a “central board of administration” is seemingly low.

Last but not least, there are also several criticisms stemming from the limited scope of the new law on foundations concerning the return of the confiscated properties

³⁰ Formation of Joint Administrative Committees or appointment Central Trustees (*Müşterek İdare Komitesi* or *Merkezi Mütevelli*) during the 1950s to take care of the community foundations serving all members of the minority in Istanbul (like central churches, schools, hospitals and orphanages) is generally given as an example drawn from history in such discussions among minorities (Bebiroğlu, 2003). The intra-minority disputes among the members of the Greek-Orthodox community of Istanbul were also mentioned in the Greek press (“Istanbul: Wealth of the Greeks and Interests of the New Community Leaders”, *Eleftherotypia*/10.05.2010).

and the implementation of their registration. It was argued that Provisional Article 7/a of the Law on Foundations only envisaged registration of the immovables that were included in 1936 declaration and “still at their disposal”, and therefore did not foresee any measures for the return or compensation of properties declared in 1936 but unlawfully taken away later by court decisions. Dissatisfaction was also voiced due to the limitations in the Provisional Article 7/b, which only mentioned the return of the properties that were acquired by or donated to the community foundations after 1936 but registered to the Treasury, the VGM, testators or donators due to the community foundations’ “inability to acquire assets”. In other words, the aforementioned Article did not foresee the return or compensation of the confiscated foundation properties that were subsequently transferred or sold to third parties by testators, donators or their previous owners, as well as their inheritors or state authorities themselves.³¹ Non-Muslim community foundations expect a full recovery of or indemnification for all their confiscated properties, including the ones transferred or sold to third persons.

Furthermore, the community foundations found the circular of the VGM regarding the implementation of the Provisional Article 7 very problematic since it placed “a high evidentiary burden of proof” on foundations to reclaim their seized properties (Kurban and Tsitselikis, 2010: 17).³² It was feared that by requiring applicant foundations to submit documents that were difficult to find (like 1936 declarations, utility bills or tax declarations to prove that the property concerned was still at the

³¹ For Kurban and Hatemi (2010: 30), the danger for the community foundations is even greater since the phrase included in the Provisional Article 7/b (“impossibility of acquiring assets”) covers only some of the assets purchased by or donated to these foundations after 1936 and unlawfully registered to the name of the Treasury, the VGM, testators or donators. In their interpretation, the properties that were registered in the name of the Treasury, the VGM, testators, donators or previous owners on the basis of “court orders canceling the registry records of properties” are excluded from the scope of the new law. Considering the fact that the circular of the VGM asked foundations to submit any court decisions together with their registration requests, such an interpretation looks way too pessimistic. However, the return or compensation of properties that were transferred or sold to third persons (i.e. not the Treasury, the VGM, testator or donator) does not look possible in the current legal framework due to the inability of the state to take these properties from their current owners and return it to the community foundations.

³² The original Turkish version of the Circular (No 2008/6) is available on the website of the VGM at “http://www.vgm.gov.tr/pdf/genelge2008_06.pdf” (last accessed on 3 November 2010).

disposal of foundations, a notarized copy of the donation certificate or copy of the will formation), they were indirectly subjected to the arbitrary discretion of the bureaucracy (Kurban and Hatemi, 2009: 31).

As of 11 March 2010, it was publicly announced by Deputy Prime Minister Bülent Arınç that community foundations submitted applications to the regional branches of the VGM for the return of 1.410 properties, 774 of which belonged to the Greek-Orthodox minority³³ and 452 to the Armenian minority. The VGM agreed for the return and registration of only 96 properties on behalf of community foundations,³⁴ whereas applications for 347 immovables were rejected (due to non-possession of these properties or ownership by third parties including public institutions) and petitioners for 943 properties were given an additional two months to complete missing documents (to prove their ownership) despite the fact that an extension of the deadline was not legally foreseen.³⁵ Furthermore, the written responses by the VGM sent to community foundations have made it clear that incomplete applications would be treated as “not having been made” rather than “being rejected”, which might hinder future judicial review (Kurban and Tsitselikis, 2010: 19).

³³ The number of properties claimed by Greek-Orthodox community foundations was extremely high since it looks as if they applied for the return of properties belonging to 24 “defunct” (*mazbut*) foundations and confiscated properties listed in 1936 declarations despite the fact that the new law did not envisage any action on them. More than 300 properties belonging to “defunct” foundations were included to the list of properties confiscated from Greek-Orthodox foundations prepared by Kurban and Hatemi (2009, 51-52). A special method of subscription employed by some foundations (like the Balıklı Greek-Orthodox Foundation mentioned in Chapter VI) must have contributed to this figure as well.

³⁴ The distribution of 96 properties registered in the names community foundations is as follows: 68 properties for 11 Greek-Orthodox foundations, 25 properties for 8 Armenian foundations, 2 properties for 2 Jewish foundations, one property for a Bulgarian foundation. These properties were belonging to the Treasury (32), the VGM (2), donators or testators (51), pseudonyms or fictitious persons (11). It should also be noted that no action was taken for 35 properties since they were already registered in the name of community foundations.

³⁵ The original 18-months’ period for the submission of property applications envisaged in the new law on foundations was extended by two months with the aforementioned Circular of VGM (No 2008/6). The deadline was extended further by the VGM on 21 April 2010 until 16 July 2010 (Kurban and Tsitselikis, 2010: 17). From among 943 immovables that were given additional time for registration, in 575 cases foundations could not provide definite information regarding the land registry and could not provide the necessary information and documents for the remaining 368.

As a matter of fact, limitations contained in the new law on foundations and the restrictive implementation of its current provisions might be troubling for Turkey in future applications by community foundations before the ECtHR. In many cases concerning Greek-Orthodox and Armenian community foundations, the Court has already made it clear that it would evaluate them favorably in terms of violation of property rights guaranteed under the ECHR. For example, in the seminal case of the Foundation of Greek-Orthodox High-School for Boys (*Fener Rum Erkek Lisesi Vakfi v. Turkey*, No: 34478/97), the first case won by a community foundation, the ECtHR condemned on 9 January 2007 the Turkish practice of confiscation of community properties acquired after 1936 and adjudged unanimously that there had been a violation of Article 1 of Protocol No. 1 (protection of property) of the ECHR. Since the name of the foundation was deleted from the land register upon a court decision in 1991 (inferred on the basis of the application of Treasury), the ECtHR ordered Turkey to reenter the name of the foundation to the land register or pay 890.000 Euros for pecuniary damage caused by the confiscation of building, part of which was donated to the foundation in 1952 and another part was purchased in 1958.³⁶ Turkey did not appeal the aforementioned decision and paid the applicant foundation in full.

In another interesting case, the Greek-Orthodox Patriarchate applied to the ECtHR to reclaim the ownership of the orphanage building in Büyükada (*Fener Rum Patrikliği v. Turkey*, No: 14340/05). According to the court decision, the five-storey wooden building originally constructed as a hotel was purchased by the Patriarchate in 1902 and was dedicated to the use of the Foundation of Greek-Orthodox Orphanage in Büyükada (*Büyükada Rum Yetimhanesi Vakfi*) in 1903. The aforementioned foundation claimed that that it had run the orphanage in Büyükada

³⁶ Although the applicant foundation also demanded the acknowledgement of the violation of Article 14 of the ECHR (discrimination), the court adjudged that it was not necessary to examine it separately.

that was evacuated in 1964 due to fire hazard. Due to its inactivity, the foundation was later declared “defunct” (*mazbut*) by the VGM on 22 January 1997 and its administration was taken over. Later in 1999, arguing that the real owner of the building was the foundation that included it to its declaration in 1936 rather than the Patriarchate, the VGM asked for the annulment of the title deed and the registration of the foundation in the name of the foundation that was under its tutelage as a “defunct” (*mazbut*) foundation. In various decisions legally defending the registration of the property on behalf of the foundation, the Turkish courts argued among many other things that “the Patriarchate has no capacity to acquire property under the provisions of Law on Foundations and Treaty of Lausanne”.

In its decision acknowledged on 8 July 2008, the ECtHR adjudged that the usage of the building by the foundation has not nullified the original title deed of the Patriarchate, whose property right was indeed violated according to Article 1 of Protocol No. 1 of the ECHR. It further held that the question of the application of Article 41 (just satisfaction) was not ready for decision and reserved it.³⁷ Recently on 15 June 2010, the ECtHR declared that Turkey had to register the orphanage building in the land registry in the name of the Patriarchate and pay a total of 6.000 Euros and 20.000 Euros respectively in return for non-pecuniary damage and legal expenses.³⁸

Similar decisions were also held in 2009 and 2010 concerning the properties

³⁷ The Patriarchate also demanded the acknowledgement of the violation of Articles 6 (fair trial in a reasonable time) and 14 (discrimination) of the ECHR, the court adjudged that it was not necessary to examine them separately.

³⁸ The Patriarchate argued that the most appropriate way of indemnification would be returning the property for the establishment of a permanent center of education dedicated to environment. Otherwise Turkey was asked to pay 80 million Euros, whereas various assessments were respectively 5.01, 22.77 million and 57.5 million. In the meantime, the VGM applied to the Council of State for the correction of its previous decision of placing the aforementioned foundation in the category of “defunct foundations” and argued that, if the foundation is re-registered as “dependent” (*mülhak*) as opposed to “defunct” (*mazbut*) by the court decision, the orphanage building would be legally placed at the disposal of the administrative board of the foundation, who is the current owner of the property according to land registers. The Patriarchate, however, insisted on the registration of the property in its name, which has recently been interpreted as an indirect recognition of its legal personality, by presenting a letter of the (ex)administrative board of the foundation acknowledging that the orphanage foundation never sought the inclusion of the property in question to its assets.

belonging to the Greek-Orthodox Foundation of Kimisis Teodoku Church in Bozcaada (*Bozcaada Kimisis Teodoku Rum Ortodoks Kilisesi Vakfı*) including the cemetery, chapel and monastery buildings,³⁹ as well as properties taken away from various Armenian foundations including the one that was subsequently sold to a third person (Kurban and Tsitselikis, 2010: 21).⁴⁰

As explained by the Minister of National Education Nimet Çubukçu during her visit to the Fener Greek-Orthodox High School on 11 June 2010, there are 17 primary and 5 secondary schools legally open and serving 214 Greek-Orthodox students in Istanbul. According to minority accounts, only 9 primary schools and 5 secondary schools are effectively providing education, while the remaining 8 primary schools continue their existence merely on paper. The Greek-Orthodox minority of Istanbul is currently waiting for the introduction of effective measures to save the community schools that were at the brink of extinction. Both the foundations in charge of the minority schools and their administrators discuss the possibility of a transformation of their status from “minority schools” to “private colleges” where the language of instruction would be Greek but the enrollment would not be limited to the members of the Greek-Orthodox minority. They would also like to lease non-utilized school buildings to other educational establishments like private universities to provide income to the community foundations in charge of minority schools.

It is not known yet whether such requests would be met under the current framework limited both by the Treaty of Lausanne and the uncompromising stance of Greece concerning minority education in Western Thrace. However, having

³⁹ *Bozcaada Kimisis Teodoku Rum Ortodoks Kilisesi Vakfı v. Turkey* (No: 1 and 2) (37639/03, 37655/04, 26736/04, 42670/04 and 37646/03, 37665/03, 37992/03, 37993/03, 37996/03).

⁴⁰ *Foundation of Surp Pırgıç Armenian Hospital in Yedikule (Yedikule Surp Pırgıç Ermeni Hastanesi Vakfı v. Turkey*, No: 36165/02), where the foundation was awarded with 275.000 Euros for pecuniary damage. Kurban and Tsitselikis (2010: 21) reports that the aforementioned foundation chose to sign a friendly settlement concerning other properties (No: 50147/99 and 51207/99) that were still in the possession of the state and secured the first return of seized property to a community foundation.

considered the fact that Greek-Orthodox minority students are using the very same textbooks with the rest of the Turkish pupils, the Turkish side might consider devising a special curriculum and textbooks that would take the bilingual and multicultural background of the minority students into account, something that Greece has achieved since 1997 with the help of the PEM project financed by the EU.⁴¹ As a matter of fact, the very same textbooks that might be developed by experts for the teaching of Turkish in the minority schools in Istanbul might also be utilized by the Turkish-Muslim minority schools in Western Thrace. Nonetheless, efforts for devising a new special curriculum for minority schools should not exclude the teaching of Greek subjects and avoid the one-sided approach adopted by the PEM project in Greece. A joint effort through the official participation of the Greek and Turkish Ministries of Education to improve the standards of the respective minority schools in Western Thrace and Istanbul looks promising and rewarding.

Notwithstanding the challenges posed by the shortcomings of the new legislation and stemming from ineffective implementation, there are three more issues that were presented as real challenges by the Patriarchate and by European observers. Addressing the Parliamentary Assembly of the Council of Europe (PACE) early in 2007, the Greek-Orthodox Patriarch Bartholomew mentioned, *inter alia*, the non-existence of the legal personality of the Patriarchate, refusal to acknowledge his “ecumenical” status and prohibition of the operation of the Theological Seminary in Heybeliada (Grigoriadis, 2009: 178). Controversy around the issues of legal personality, ecclesiastical title of the Patriarch and opening of the Theological

⁴¹ When the Minister of National Education visited the Armenian minority school’s end of year ceremony, it was acknowledged that the Ministry of National Education prepared textbooks in the Armenian language (following the request of the Armenian community) to be distributed in the existing 22 Armenian minority schools. “the Ministry Will Provide Free Armenian Textbooks” *Radikal*/09.06.2010.

Seminary were also included in the 2008⁴² and 2009⁴³ Regular Reports by the European Commission, whereby Turkey was called upon to introduce a legal framework in line with European standards without specifying exactly the current problems encountered by the Patriarchate (with the exception of its inability to train new clergy).

The aforementioned issues were also raised by the Council of Europe in Resolution 1704⁴⁴ adopted on 27 January 2010 (“Freedom of religion and other human rights for non-Muslim minorities in Turkey and for the Muslim minority in Thrace-Eastern Greece”) based on the comprehensive report prepared by French Parliamentarian Michel Hunault on behalf of the Committee on Legal Affairs and Human Rights⁴⁵ and the report released on 1 October 2009 by the Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg, concerning the human rights of minorities in Turkey.⁴⁶ Although the evaluations and judgments contained in these reports were generally based on the subjective evaluations of the reporters and their informants, it looks as if the three main issues (legal personality, public usage of the ecclesiastical title and training of clergy) will probably occupy the agenda for the protection of minorities in Turkey.

Albeit advisory and non-binding, the most advanced legal evaluation of these issues was undertaken by the opinion prepared by the European Commission

⁴² “Turkey 2008 Progress Report” (SEC2008)2699 p. 19. Available at “http://ec.europa.eu/enlargement/pdf/press_corner/key-documents/reports_nov_2008/turkey_progress_report_en.pdf” (last accessed 3 November 2010).

⁴³ “Turkey 2009 Progress Report” (SEC2009)1334 p. 21. Available at “http://ec.europa.eu/enlargement/pdf/key_documents/2009/tr_rapport_2009_en.pdf” (last accessed 3 November 2010).

⁴⁴ Available at “<http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta10/ ERES1704.htm>” (last accessed on 3 November 2010).

⁴⁵ Doc. 11860, full text available at “<http://assembly.coe.int/Documents/WorkingDocs/Doc09/EDOC11860.pdf>” (last accessed on 3 november 2010).

⁴⁶ CommDH(2009)30, full text available at “<https://wcd.coe.int/ViewDoc.jsp?id=1511197&Site=COE>” (last accessed on 3 november 2010).

for Democracy Through Law⁴⁷ (better known publicly as the Venice Commission) on 15 March 2010 concerning the “Legal Status of Religious Communities in Turkey and the Right of the Orthodox Patriarchate of Istanbul to Use the Adjective ‘Ecumenical’”. As a matter of fact, the President of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe (PACE) requested the commission to assess the situation in Turkey following the judgment of 13 June 2007 by the Turkish Court of Appeals concerning the legal dispute between a Turkish priest of Bulgarian-Orthodox descent and the Greek-Orthodox Patriarchate. Apparently, when the latter abolished the ecclesiastical title of the former due to his disciplinary actions during religious sermons that resulted, next year, in the abolishment of his contract by community foundation in charge of the Bulgarian Church, the public prosecutor argued that the “freedom of religion” of the priest was violated (Oran, 2007).⁴⁸ Although the case was concluded in favor of the clerical members of the Patriarchate by the Court of Appeals (i.e. the decision of the Patriarchate did not violate the freedom of religion of the Bulgarian-Orthodox priest), the high court argued, among many other things, that “the Patriarchate remained in Turkey as a religious institution of the Greek-Orthodox minority according to the provisions of the Lausanne Treaty” and “there is no legal basis for its ‘ecumenical’ claims”.

⁴⁷ As acknowledged on its website (“http://www.venice.coe.int/site/main/presentation_E.asp”), the Venice Commission is the Council of Europe's advisory body on constitutional matters and it was recognized as an independent legal think-tank working on democracy, human rights and the rule of law. It is composed of “independent experts who have achieved eminence through their experience in democratic institutions or by their contribution to the enhancement of law and political science”. Activities and reports of the Venice Commission are advisory and non-binding whatsoever.

⁴⁸ Decision by the 4th Penal Chamber of Court of Appeals, Decision No 2005/16694, Substance No 2007/5603. The Court acquitted the clergy of the Patriarchate on the grounds that there was no coercion or threat involved in the case and he continued his religious services for about a year following the decision of the Patriarchate to abolish his ecclesiastical title (Oran, 2007). It is not exactly known why the Court of Appeals was engaged in a spiritual and ecclesiastical matter while deciding on the case. For the press coverage of the incident, see “<http://arsiv.ntvmsnbc.com/news/412277.asp>” and “<http://arsiv.ntvmsnbc.com/news/412279.asp>” (last accessed on 3 November 2010).

As far as the legal status of non-Muslim minorities is concerned, the Venice Commission argued on the basis of the ECHR and case-law of the ECtHR that freedom of religion is not merely an individual right, but also has a collective dimension. Therefore, the Commission asserts, ECtHR inquiries are based upon whether religious communities are offered the possibility to register to exercise their religious beliefs collectively and to ensure judicial protection to the community (its members and assets). In other words, according to the case law of ECtHR, Article 9 of the ECHR (freedom of religion) is interpreted and applied in conjunction with Article 11 (freedom of association). For the reporters of the Venice Commission, non-Muslim communities in Turkey cannot directly register and obtain legal personality, but they have to go indirectly through community foundations (waqfs). In their understanding, although the foundation system provides an indirect arrangement for property ownership and the financing of community activities (schools, churches, hospitals), there are many obstacles with the registration of properties that led to confiscations and expropriations in the past. Furthermore, the limitation on the establishment of new community foundations according Article 101 of the Civil Code is also interpreted as an obstacle.

Though the Venice Commission admits that it “has not done a full study of problems that religious communities in Turkey face due to their general lack of legal personality”, it mentions two issues as the “most pertinent”: access to the court and property ownership (it also argued that the Patriarchate’s inability to train its own clergy is indirectly related to the absence of legal personality). Since non-Muslim communities cannot apply to the courts directly to secure judicial protection for their members and assets, and they cannot own property in the name of the religious community itself, the Venice Commission concludes that “there seems no doubt that

the present Turkish system of not providing non-Muslim religious communities as such with the possibility to obtain legal personality amounts to an interference with the rights of these communities under Article 9 in conjunction with Article of the ECHR” and “Turkey should introduce legislation to make it possible for religious communities to acquire and maintain a legal personality”.

Ironically, however, the Venice Commission underlines the fact that there is no uniform European model and there are various implementations in different countries. In addition to some countries adopting the “state church” model that allows other confessional groups to register as charities or associations, there are reportedly other examples where religious communities are offered the possibility to apply special public law status provided that they fulfill certain criteria to exercise certain public functions, and also where they are registered under a special form of private law entity specially tailored to their particular needs and characteristics. To counter the arguments focusing on the strictly secular nature of the Turkish Republic, the Commission also stated that there is nothing in the constitutional provisions of Turkey that explicitly prohibits a legislative reform for providing religious communities with legal personality and even in France, with its long-lasting secular tradition, religious communities are able to register as *association cultuelles* (a special form of private law entity).

Having considered the fact that different countries with different historical trajectories address the problem of recognition and respect the principle of freedom of religion with different institutional settings, the Venice Commission fails to recognize the peculiarities of the Turkish legal system. Historically speaking, the main concern of the early Republican elite had not been the non-Muslim communities *per se* but hindering fundamentalist interpretations of Islam by not

allowing them to acquire a legal personality as religious conglomerations. Despite the fact that currently available types of private legal personality in Turkey (associations and foundations) may not fully meet the needs of religious communities, granting them public legal personality would be more problematic with the strictly secularist character of the Turkish constitutional system since “the practical problem of where to draw the line will still persists” concerning the unrecognized orders (*tarikāt*) or communities (*cemaat*) “who are not happy with the individualized version of Islam propagated by the *Diyanet*”, Directorate of Religious Affairs (Özbudun, 2010: 218).⁴⁹

Furthermore, the Venice Commission has apparently not studied the relative advantages and disadvantages of the current system of community foundations (*cemaat vakıfları*). As argued before, Muslim and non-Muslim pious foundations (waqfs) have traditionally played a crucial role in the social and economic organization of the Ottoman Empire by creating an “urban civic administration” and providing a mechanism of “civic pluralization and integration” for the non-Muslim communities in the Empire as well (Isin and Lefebvre, 2005: 17-18). As a form of recognition, waqfs were inherited by the Republic as a quasi-formal mechanism of providing legality for non-Muslim communities and compares well with other diverse formulas employed by the European countries mentioned above.

The aforementioned assessments by European bodies, including the Venice Commission, were especially concerned with the right to property of religious communities in the wake of previous confiscations and acquisitions. It should be

⁴⁹ Özbudun (2010: 218) also draws attention to the fact that the granting of a public legal personality “would most likely not be favored by the religious communities themselves, since it would be tantamount to making them a part of public administration which, in turn, would entail the exercise of tutelary state control over them”.

recalled, however, that the legal framework pertaining to the waqfs and their property issues were drastically improved by the Europeanization of Turkey's minority policy and most of the recent ECtHR decisions originate from past acquisitions.⁵⁰ There are currently no reported problems concerning the future property transactions of religious communities whatsoever, and concerning the indemnification of the past practices, such reform processes by their very nature, as stated by the Commission as well, take time and require not only legislative amendments but also a change in mentality in the administration and the courts.

With the abolishment of the limitation on the establishment of the new community foundations (Article 101 of Civil Code, which contravenes with Article 40 of the Lausanne Treaty) and tailoring of the relevant legislation, the problem of legal recognition might be settled in the current framework of community foundations.⁵¹ As a matter of fact, the Venice Commission stated that Turkey might be considered compliant with the ECHR and European standards as long as it maintains "a fairly easily accessible system [by] making it easy to set up new foundations, or for old foundations to register new property and to exercise effective ownership control over the existing properties".

As far as the so-called "ecumenical" character of the Greek-Orthodox Patriarchate is concerned, the Venice Commission acknowledged in parallel to the

⁵⁰ For example, the Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg, has discussed the issue of legal personality with direct reference to the orphanage building in Büyükada, which reportedly belonged to the orphanage foundation, not the Patriarchate. It should be noted here that the Turkish authorities recently registered the property on behalf of the Patriarchate as adjudged by the ECtHR (*Vatan*/30.11.2010). As a matter of fact, Alexandris (1992: 202, 242 and 248) argues that the Patriarchate furnished the authorities with a list outlining all the estates registered under its name in the Ottoman title deeds on 5 August 1929, the Theological Seminary in Heybeliada was registered as a Patriarchal property during the late 1930s, and all the estates of the Balıklı Greek-Orthodox Hospital Foundation were declared Patriarchal property with Law 978/2470 of 9 April 1949.

⁵¹ Developing a system along the lines of the French model of "*association cultuelle*" by either adopting a special law or by adding a new chapter to the Law of Associations with due regard to the characteristics of religious communities was also proposed as a "more realistic and feasible approach" (Özbudun, 2010: 218).

official Turkish position that it “is first and foremost a spiritual and ecclesiastical matter, not a legal one” and it is not up to the Commission to “assess whether or not the Patriarchate is ‘ecumenical’”. It was explicitly stated in the report that the denial of the aforementioned title by authorities might constitute an interference with the autonomy of the religious freedom only if the State actively interferes with the internal organizational structure of the Patriarchate, obstructs or hinders the Patriarchate from using the title or prohibits its activities. Therefore, the Commission draws a line between a behavior of the state that amounts to an interference and acts or omissions that do not reach this level.

Having underlined the circumstantial and political nature of the question, the Commission stated that it has seen no evidence or heard no claim to the effect that the Turkish authorities are directly trying to stop the Patriarch from using the title, exercising his functions, prosecuting him or his followers or any others from using it. As a conclusion, the Commission acknowledged that “it cannot be inferred from the ECHR that the Turkish authorities are obliged themselves to actively use this title when referring to the Patriarchate, *nor to formally recognize it*” (emphasis added). Despite the fact that the 2007 judgment of the Court of Appeals was found troubling by the Commission in the sense that “a national court seems to consider itself entitled to interfere in this way with the internal ecclesiastical status of a religious leader”, it cannot be considered active interference since its statements quoted above have no direct relevance to the judgment and could be dismissed as mere “*obiter dictum*” with no legally binding effect (Özbudun, 2010: 220). Since the Patriarchate has been freely exercising its religious and ecclesiastical functions without any hindrance or impediment from the Turkish authorities, which recently offered Turkish citizenship to the non-Turkish members of the Holy Synod despite

their previous breach of conduct, the title of the Patriarchate will remain as an ecclesiastical matter of the Orthodox world rather than a challenge for Turkey's record for religious freedoms and treatments of minorities.⁵²

Finally, the long-disputed issue of the reopening of the Theological Seminary in Heybeliada (Chalki) was indirectly covered by the opinion of the Venice Commission like other international reports on the human and minority rights in Turkey as well as religious freedom accorded to other confessional groups. Generally speaking, the issue of the seminary is presented together with the decreasing population of the Greek-Orthodox minority in Turkey, the necessity for the Patriarch and members of the Holy Synod to be Turkish citizens and finally the inability of the Patriarchate to educate and train clergy to exercise spiritual and ecclesiastical duties. For some observers, it is related with the survival of the Patriarchate as an institution in the long run. The EU has made the reopening of the seminary a litmus test of the Turkey's commitment to religious freedom.⁵³

The reopening of the seminary was one of high-priority items in the agenda of Bartholomew since his election in 1991 and Turkish governments of all times have simply "considered" it. Different AKP governments since 2003, however, signaled that they are working on a concrete formula for the reopening of the Seminary. The reluctance of successive Turkish governments is related with to possibility of a nationalist backlash by various groups acknowledging numerous technical excuses that are actually not difficult to tackle. Although external observers

⁵² Prime Minister Erdoğan acknowledged during a press conference organized with the framework of his visit to Greece on 14 May 2010 that "he personally does not feel uneasy" with the "ecumenical" title of the Patriarchate by drawing attention to the traditional religious tolerance in Turkey. He previously referred to the issue as an internal matter of the Orthodox Church.

⁵³ As a matter of fact, the Seminary building has opened its doors to the public on 29 August 2010 and hosted an exhibition ("Tracing Istanbul") composed of the artistic works of 101 Greek artists. The Minister of Culture of Greece and the Mayor of Athens attended the event together with the Secretary General of the Turkish Ministry of Culture and Director of Topkapı Museum (ANA-MPA News Digest/30.08.2010). This was interpreted as a "symbolic step" and calls for the reopening of the seminary were renewed by all participants (*Ta Nea*/31.08.2010).

in Europe (especially in Greece) and elsewhere interpret Turkey's call for Greece to introduce several measures in Western Thrace as a resort to same old reciprocity between Turkish-Muslim minority of Western Thrace and Greek-Orthodox minority of Istanbul, it looks as if Greece's introduction of affirmative measures for Turkey's brethren would help the government to resist opposition and backsliding.

In a similar fashion, the Patriarchate's continuous reference to the pre-1971 status of the Seminary and its insistence on the reinstatement of *status quo ante* do not lead to a constructive dialogue. As a matter of fact, the community foundations system that was found inadequate and partly responsible for the Patriarchate's inability to set-up a facility to educate and train clergy by the Venice Commission, might provide both sides with common ground for the development of a new and satisfactory model. Having considered the fact that private universities could legally be established only by foundations in Turkey, the Theological Seminary might be reconfigured as a private university in one of the existing three foundations in Heybeliada, one of which was actually set-up for administering the Seminary during the Ottoman times. As long as the new higher education institution to be agreed upon operates under the legal framework defined by the Higher Education Council and Ministry of National Education, the remaining details (like the number of necessary faculties, number of foreign students to be admitted, the status of the foreign teachers and clerics etc.) might be settled with the good will of both sides. Such a model might set an example for other non-Muslim minorities and their community foundations and cater to their needs to educate and train clergy.

CHAPTER VIII

CONCLUSION

The “nationalizing” elites of the new nation-states in Greece and Turkey aimed to negate the Ottoman past, but the notion of citizenship in both countries and their inclusion and exclusion practices continued to be dominated by the ethno-religious denominations as part of the legacy of the Ottoman *millet* system. Starting from the initial stages of the Lausanne negotiations in 1922, identity formations and conceptualizations of minorities were heavily influenced by the *ancien regime*. National homogeneity in the Greek case has been formulated along the Greek descent (*genos*) and religion as it was openly demonstrated by the legal differentiation between “*omogenis*” (same-Greek descent) vs. “*allogenis*” (foreign descent) contained in the former Article 19 of the Greek Citizenship Code. Members of the Turkish-Muslim minority of Western Thrace have ranked at the bottom of the hierarchy of Greekness with their different ethnic and religious identity. As a matter of fact, conceptualizations of citizenship both in Greece and Turkey constitute prime examples of the “nationalization of religion”.

Furthermore, in line with the role of the “other” accorded to the Turks in the Greek historiography, the Turkish-Muslim minority became a “suitable target for externalization” with its common ethno-religious background with the neighboring country. The exclusive characteristics of Greek nationalism were explicitly formulated by the motto of the military dictatorship (1967-1974): “Greece of Christian Greeks” (*Ellas Ellinon Hristianon*). While the homogenizing Greek nation state was aiming to “Hellenize” or assimilate the different ethno-religious groups belonging to the same religion (Greek-Orthodoxy), it definitely excluded the “non-assimilable” Turkish-Muslim minority of Western Thrace with extensive denationalization measures and pressures for immigration and discriminated against the ones determined to remain in their homeland.

Similar to their Greek counterparts, the early Republican policies have instituted differentiation or duality between “nationality” and “citizenship”. Despite the secular credentials of the new regime, religion (Sunni Islam) continued to be an intrinsic part of Turkishness. While the Muslim population belonging to different ethno-linguistic backgrounds living within the borders of the Republic was allowed to assimilate into the newly constructed ideal of the national (*vatandaş*) as dutiful servant of the state, non-Muslim minorities were mainly excluded due to their different ethno-religious backgrounds. In other words, while the members of the non-Muslim minorities were simply recognized as Turkish citizens, they did not constitute part of the Turkish nation. Minorities in Greece and Turkey have traditionally been perceived as “foreign” and “untrustworthy” elements.

Reflections of the collective memories of the Greek and Turkish nations, respectively the trauma of the “*catastrophy*” and unfulfilled dream of the “*megali idea*” and the never-ending fears stemming from the Sevres Treaty that was imposed

by the Allied Powers on the Ottoman Empire but was never validated by Turkey, contributed to their exclusion from *the body politic* comprising the Greek and Turkish nations as well as their placement to an inferior category. The Turkish-Muslim minority in Western Thrace and Greek-Orthodox minority in Istanbul have shared similar trajectories and suffered from similar exclusionary and discriminatory policies that constituted mirror images of what was happening on the other side of the Aegean.

Having made such a diagnosis, it should be noted that the demographical decline of the Greek-Orthodox minority or the maintenance of the population of the Turkish-Muslim minority at its pre-Lausanne level do not necessarily indicate that one side treated the minority in her territories better or paid more respect to her treaty obligations. Due to different socio-economic backgrounds and differential levels of educational attainment, the urban population of the Greek-Orthodox minority of Istanbul had an alternative to build a new life in the neighboring kin-state when faced with exclusion and discrimination, whereas members of the Turkish-Muslim minority had limited means and connections to do so with their rural background and attachment to their homeland. Both minority groups have suffered extensively and one side's trajectory is not superior to the other.

The Turkish-Muslim minority in Western Thrace could not enjoy their rights and privileges despite the existence of a triple system of protection envisaged by the 1913 Athens, 1920 Sevres and 1923 Lausanne Treaties. As opposed to the policy of Turkification instated vis-à-vis the non-Muslim communities in Turkey especially after the global racist swing of the 1930s, the main tenet of the Greek minority policy was not "Hellenization" (due to the intrinsic characteristic of the Greek nationalism which placed the Turkish Muslims into a non-assimilable

category) but “de-Turkification” by fostering divisions within the minority. This inevitably brought the denial of the Turkish ethnic identity of the minority and inhibited the communal life of the Turkish-Muslims as well as their freedom of association. Furthermore, due to the frequent interferences of state authorities, the Turkish-Muslim minority of Western Thrace was not allowed to elect its religious and spiritual leaders freely, administer its own pious foundations (waqfs) autonomously, attain quality education in minority schools, and get represented in politics effectively. Adding insult to injury, Turkish-Muslims were deprived of citizenship rights and suffered from extensive human rights violations. In addition to its remoteness to the main trade hubs of the country, the securitization of the minority issue in Western Thrace has negatively effected the socio-economic development of the region and especially of the members of the Turkish-Muslim minority.

The Greek-Orthodox minority in Istanbul, in a similar vein, suffered from several ethnocentric policies and the subsequent violation of its minority rights stipulated under the Treaty of Lausanne. Members of the Greek-Orthodox minority were victimized by harsh economic measures implemented for the sake of creating a “national” economy, were treated as “hostages” with an expectation of gaining an upper hand in Cyprus, were negatively affected by the “national education policies” and their properties, owned by community foundations, were subjected to unlawful and arbitrary confiscations.

On top of their victimization during the nation-building processes in Greece and Turkey, the treatment accorded to the two minority groups has always been analogous to the relations between Greece and Turkey. Having been influenced by the diplomatic tug-of-war or Greco-Turkish wrestling over Cyprus, they were used as

“significant trump cards” or population groups with a high “hostage value”. Both Greece and Turkey chose to retaliate over their own “citizens” for the sufferings of their “brethren” on the other side of the Aegean partly due to the negative interpretation of the principle of reciprocity contained in Article 45 of the Lausanne Treaty. Albeit very brief and extraordinary, both minority groups seldomly benefited from the periods of Greco-Turkish rapprochement (especially between 1948-1955), but in principle, there has been a positive correlation between the treatment of minorities in Greece and Turkey and their bilateral relations.

One of the main parameters that facilitated a paradigmatic change in the treatment of the Turkish-Muslim and Greek-Orthodox minorities in Greece and Turkey was the transformative power of Europeanization or the introduction of “European norms” for minority protection. Such a stipulation does not imply the existence of a consensus on the definition of minorities and policies for their protection among the “old” EU members. Despite the fact that EU members developed the least consensus among themselves and provided little or no guidance at all, protection of minorities turned into one of the cornerstones of EU enlargement and the situation of minorities has been monitored in the regular progress reports and opinions prepared for the candidate countries, albeit differentially for each country. As a matter of fact, different mechanisms were at work in Greece and Turkey concerning the Europeanization of their minority policies.

In the Greek case, its accession to the EEC in 1981 has initiated a slow process of internalization of European norms of minority protection despite the existence of points of resistance that continue until today. The process of international socialization triggered by Europeanization and the norms defined at European level have also influenced the way actors see themselves through the

internalization of constitutive beliefs and practices institutionalized in the new multilateral environment of Greece. Furthermore, the dissemination of European norms centered around democracy, the rule of law and human rights have challenged the conception of collective and national identity. The Greek political discourse has also been Europeanized with frequent references to Europe and its policies. As envisaged by the theory of Europeanization, the EU has turned into a “discursive frame of reference” for national actors.

Benchmarking and monitoring by the EU as well as other Europeanizing institutions like the CoE and OSCE and direct pressures exerted in some instances (like Article 19, surveillance zone, administrative discriminations) complemented the role of the EU within the context of democracy and human rights. On top of that, the strategy of shaming employed by the ECtHR and the need to comply with the unfavorable decisions adjudging to violations of human rights have also been instrumental, especially for the abolishment of restriction on the construction of places of worship, granting of several citizenship rights to the members of the minority and disappearance of judicial harassments against Turkish-Muslim religious leaders. The institutional overlap between the EU and the CoE has turned out to be a valuable input for the protection of the Turkish-Muslim minority in Greece.

Activities and reports by several norm entrepreneurs or advocacy networks (like Human Rights Watch and Amnesty International) and growing international criticisms displayed, for example, in the reports of the US Department of State on human rights and religious freedoms have also been influential for the internationalization of European ideas and norms that do not resonate with the ones at the domestic level concerning the protection of minorities and extension of human rights.

Despite its distinctive features outline above, the impetus for change largely came from within in the Greek case. The escalation of the conflict in 1980s and the eruption of violence on 29 January 1990 against the members of the minority proved that the traditional Greek policy was both counterproductive and unsustainable. A period of gradual liberalization and elimination of discrimination against the members of the minority was agreed upon the political leaders and the transformative power of Europeanization made its presence felt by catalyzing the reform and locking in the newly introduced policy of “legal equality” (*isonomia*) and “equal citizenship” (*isopolitia*).

Last but not least, the EU’s regional policy and the leverage of structural funds broke the resistance against the demands for decentralization of the “over-centralized” and “omnipotent” Greek state apparatus in which centrally appointed Prefects and state employees in charge of minority affairs had played a crucial role. The regional and prefectural authorities were increasingly compelled to operate within the developmental framework of EU’s structural policy rather than traditional nationalist positions and interests.

Having said all of the above, the scope of the transformation in Greece was rather partial with the extension of citizenship (negative) rights rather than minority (positive) rights that are directly related to the preservation of the culture and identity of the Turkish-Muslim minority of Western Thrace. The scope of the new policy was generally limited to the abolishment of discriminatory practices and an extension of equal rights to the minority, who was already entitled to them as Greek citizens. Mainly for alleviating international criticisms, Greece limited herself with the extension of citizenship rights to the minority people most probably by taking it for

granted that the development and prosperity of the region would automatically bring an end to the demands for minority rights and identity claims.

Notwithstanding the introduction of some affirmative measures for the placement of the Turkish-Muslim students in the Greek universities and their subsequent employment in the public sector, long-standing requests of the minority for the extension of positive rights that were stipulated in bilateral agreements and multilateral conventions have not been met. In this respect, Greece could not for example solve the issues concerning the recognition of the Turkish ethnic identity of the minority, election of its religious leaders (Muftis) and respect for its freedom of religion and conscience (i.e. state-appointed imams and construction/renovation permits for mosques), free and unhindered administration of the Muslim pious foundations (waqfs), reinstigation of the citizenships of thousands of minority people that were denationalized between 1955-1998, provision of a quality Turkish education at all levels including kindergartens and, most important of all, de-securitization of the minority issues and creation of a healthy and constructive dialogue with the minority.

The lack of clarity with EU policy-makers for the respect and protection of national minorities, the absence of clear policy guidelines, the non-existence of mechanisms for an effective protection of minorities have contributed to the limitations on the transformative power of Europeanization in the Greek case. The retracted nature of Europeanization concerning full and effective protection of minorities in the Greek case indicates the plausibility of the danger of conceptualizing Europeanization as a linear process of domestic adaptation, whereby the EU represents the provider of the most sophisticated and modern template to be “downloaded”.

As opposed to the gradual transformation of the Greek minority policy vis-à-vis the Turkish-Muslims of Western Thrace with an exposure to European norms and practices, the transformation of the Turkish minority policy was sudden and unprecedented. Like in all other candidate countries, the benefits and enormous requirements for joining the EU created incentives for compliance that are different in kind and triggered different mechanisms of domestic change than the ones in the existing members of the EU. As part of the conditionality mechanism of the EU, Turkey committed herself to the goal of EU accession and submitted herself voluntarily to benchmarking and sanctioning of the EU since it was stipulated from the very beginning that the offer of full membership of the EU will be made only if a number of conditions was satisfied.

Despite the fact that Turkey has been attracted to the magnetism of the EU (i.e. passive leverage) since her application for membership in 1987, it became more and more vulnerable to the external pressures originating from the EU especially after the recognition of its candidacy in the Helsinki European Summit of 1999 and the opening of accession negotiations in 2005. As a matter of fact, in addition to the benchmarking and monitoring of the European institutions including the Commission and shaming caused by unfavorable ECtHR decisions, gate-keeping (access to negotiations and further stages in the accession process) has proved to be an effective conditionality tool in the Turkish case.

Due to the commitment and credibility function of the EU, the government's power-base to impose tricky reforms and to resist the demands of proponents of the *status quo* was strengthened. Turkey's EU vocation also provided incentives for a rapid change, helped the government in power from opposition and backsliding and also endowed the political and societal actors pursuing a pro-EU agenda with a focal

point for cooperation. Moreover, cost and benefit calculations of the political actors in Turkey were significantly altered with the gradual penetration of the EU, and governments made themselves less prone to postponing difficult decisions in return of short-term political gain. Europeanization led to domestic change in Turkey also by facilitating the internalization of international norms concerning the protection of minorities with the contributions of national (like TESEV) and international (like Human Rights Watch) norm entrepreneurs or advocacy networks.

Contrary to the relative freedom of the members states that are already in the club, “respect for and protection of minorities” have been referred to in the Copenhagen criteria and even became part of the accession negotiations within the framework of Chapter 23 of the *acquis communautaire* (Judiciary and Fundamental Rights). Against the inherent limitations of the transformative power of the EU concerning the protection of minorities especially in the “old” member states, political conditionality forced candidate countries to introduce reforms in one of the most sensitive domains regarding the sovereignty of nation states.

Since the degree of “misfit” or “mismatch” between European norms and practices and the Turkish case was relatively high, the degree of adaptational pressure has been considerably high concerning the treatment of minorities in Turkey. Partly confirming the theoretical dispositions of the aforementioned rationalist and sociological institutionalisms, high adaptational pressure has fundamentally altered the domestic balance of power and helped the initiators of change override multiple veto points, while also causing strong institutional inertia that inhibited the implementation of the reforms.

With the unprecedented wave of democratization and political liberalization following the granting of membership status in 1999, Turkey finally de-securitized

issues concerning the non-Muslim minorities, enlarged the scope of religious freedoms, improved the situation of Greek-Orthodox minority schools in Istanbul, solved the chronic problem of property ownership of community foundations as well as recognizing their legal personality with *de facto* enlargement of the scope of the category of non-Muslim minorities that were traditionally left outside the Lausanne framework, and more importantly constructed a comprehensive mechanism for dialogue.

Despite the fact that Europeanization entailed a legal/formal institutional change and policy change concerning the treatment of non-Muslim minorities in Turkey, its transformative role has been limited in terms of initiating a change in the normative structures like creating a perception of acceptability, legitimacy and appropriateness of the minority rights (i.e. Prime Minister's circular to sustain full implementation of reforms). Moreover, since the inherently dynamic and interactive process of Europeanization has generally followed a "top-down" pattern in Turkey, the continuity and effective implementation of the reforms is conditional upon the strategic calculations of the government and the unwillingness of the EU to proceed with accession negotiations as well as pronouncement of alternatives to full membership that undermined the credibility, clarity, consistency and effectiveness of political conditionality. Nonetheless, the newly declared objective of "democratic opening" that also incorporated the construction of a dialogue mechanism with non-Muslim citizens brought a new impetus and has a potential to address remaining problems.

Historically speaking, the treatment accorded to the Greek-Orthodox minority in Istanbul and Turkish-Muslim minority in Western Thrace has been congruent upon the bilateral relations between Greece and Turkey. Recent cordial

relations between the two neighbors seem to have contributed to the Europeanization of minority rights protection in both countries. Despite some counter arguments ethically criticizing the inherent reciprocity contained in Article 45 of the Lausanne Treaty, the present thesis has demonstrated that the assumption of an umbilical chord between the two minorities was very much the essence of the Lausanne Treaty. What has victimized the Greek-Orthodox and Turkish-Muslim minorities was not the inherent principle of reciprocity, but its negative interpretation that gave way to a vicious cycle of retaliations.

Nonetheless, the history of Greco-Turkish relations has also provided examples (like 1948-1955) whereby the so-called principle of reciprocity was interpreted in a positive manner and contributed to the lives of both minority groups. Turkey has recently undertaken revolutionary reforms and extended the rights and privileges of the Greek-Orthodox minority unconditionally, with few exceptions that still need to be addressed. Once Greece comes with an understanding that the minorities actually exist independently of how the states define them and decides to meet the expectations of her own Turkish-Muslim citizens for the recognition of their minority rights, a vicious cycle for the positive interpretation of the famous reciprocity principle of the Treaty of Lausanne might be re-initiated. Limitations on the transformative power of Europeanization in the Greek case, on the other hand, indicate the fact that the EU needs to address the asymmetry between the actual situation in member states and requirements for candidate countries by devising explicit policy guidelines and effective measures for the protection of minorities in Europe.

BIBLIOGRAPHY

Books and Articles

- Aarbakke, Vemund. 2000. "The Muslim Minority of Greek Thrace." Unpublished Ph.D. Thesis. University of Bergen.
- Adıyeke, Ayşe Nükhet. 2001. *Yunanistan Sınırları İçerisindeki Müslüman Cemaat Örgütlenmeleri: Cemaat-i İslamiyeler 1913-1998* (Islamic Community Brotherhood Administrations in Greece: Cemaat-ı İslamiye 1913-1998). Ankara: Stratejik Araştırma ve Etüdler Milli Komitesi (SAEMK).
- Akçura, Yusuf. 2008. *Üç Tarz-ı Siyaset* (Three Styles of Politics). Istanbul: Lotus.
- Akgönül, Samim. 2008. *Reciprocity – Greek and Turkish Minorities: Law, Religion and Politics*. Istanbul: Istanbul Bilgi University Press.
- Akgönül, Samim. 2009. "Towards Minority Policies Beyond Reciprocity? The EU, Greece and Turkey." In Othon Anastasakis, Kalypso Aude Nicolaidis and Kerem Oktem, eds., *In the Long Shadow of Europe: Greeks and Turks in the Era of Postnationalism*. Leiden : Brill Publishers, 191-217.
- Aktar, Ayhan. 2007. "Nüfusun Homojenleştirilmesi ve Ekonominin Türkleştirilmesi Sürecinde Bir Aşama: Türk-Yunan Nüfus Mübadelesi 1923-1924 (Homogenising the Nation, Turkifying the Economy: The Turkish Experience of Population Exchange Reconsidered)." In R. Hirschon, ed., *Ege'yi Geçerken: 1923 Türk-Yunan Zorunlu Nüfus Mübadelesi (Crossing the Aegean: An Appraisal of the 1923 Compulsory Population Exchange Between Greece and Turkey)*. Istanbul: Bilgi Üniversitesi Yayınları.
- Aktar, Ayhan. 2008. *Varlık Vergisi ve 'Türkleştirme' Politikaları* (Wealth Tax and Policies of Turkification). Istanbul: İletişim Yayınları.
- Alexandris, Alexis. 1981. "Imbros and Tenedos: A Study of Turkish Attitudes Towards Two Ethnic Greek Islands Communities Since 1923," *Journal of Hellenic Diaspora*, 7: 157-197.
- Alexandris, Aleksis. 1992. *The Greek Minority of Istanbul and Greek-Turkish Relations: 1918-1974*. Athens: Centre for Asia Minor Studies.

- Anagnostou, Dia. 2001. "Breaking the Cycle of Nationalism: the EU, Regional Policy and the Minority of Western Thrace, Greece," *South European Society and Politics* 6(1): 99-124.
- Anagnostou, Dia. 2003. "Minorities and the Nation-State in 20th Century Greece," *Journal of Southern Europe and the Balkans* 5(3): 381-386.
- Anagnostou, Dia, 2005. "Deepening Democracy or Defending the Nation? The Europeanization of Minority Rights and Greek Citizenship," *West European Politics* 28(2): 335-357.
- Anagnostou, Dia and Anna Triandafyllidou. 2003. "Regions, minorities and European policies: A state of the art report on the Turkish Muslims of Western Thrace (Greece)." Project report by ELIAMEP (available at "<http://www.eliamap.gr/old-site/eliame-old/eliamep/www.eliamap.gr/eliamep/files/State%20of%20art%20Greece%20FINAL.pdf>", last accessed on 23 June 2010).
- Anastasakis, Othon and Dimitar Bechev. 2003. "EU Conditionality in South East Europe: Bringing Commitment to the Process." Paper presented at the Workshop on "EU and the Balkans: The Implications of EU Conditionality", South East European Studies Programme European Studies Centre at St Antony's College, Oxford, UK, November 22, 2002.
- Anastasakis, Othon. 2008. "The EU's Political Conditionality in the Western Balkans: Towards a More Pragmatic Approach," *Southeast European and Black Sea Studies* 8(4): 365-377.
- Anderson, John. 2002. "The Treatment of Religious Minorities in South-Eastern Europe: Greece and Bulgaria Compared," *Religion, State & Society* 30(1): 9-31.
- Andreadis, K. G. 1956. *I Musulmaniki Mionitis tis Ditikis Thrikis* (The Muslim Minority in Western Thrace). Thessaloniki.
- Aydın, Mustafa and Sinem A. Açıkmeşe. 2007. "Europeanization Through EU Conditionality: Understanding the New Era in Turkish Foreign Policy," *Journal of Balkan and Near Eastern Studies* 9(3): 263-274.
- Aydın, Senem and E. Fuat Keyman. 2004. "European Integration and Transformation of Turkish Democracy," EU-Turkey Working Papers No.2, Brussels: Centre for European Policy Studies.
- Aytürk, İlker. 2004. "Turkish Linguists against the West: The Origins of Linguistic Nationalism in Atatürk's Turkey," *Middle Eastern Studies* 40 (6): 1-25.
- Bache, Ian and Adam Marshall. 2004. "Europeanisation and Domestic Change: A Governance Approach to Adaptation in Britain," *Queen's Papers on Europeanisation*, No. 5/2004.

- Bache, Ian and Andrew Jordan (eds.). 2006. *The Europeanization of British Politics*. Hampshire: Palgrave Macmillan.
- Bahçeli, Tözün. 1990. *Greek-Turkish Relations since 1955*. Boulder: Westview Press.
- Baldwin, R. E., J.F. Francois and R. Portes. 1997. "The Costs and Benefits of Eastern Enlargement: the Impact on the EU and Central Europe, Economic Policy (CEPR) Working Paper.
- Bali, Rıfat N. 1999. *Cumhuriyet Yıllarında Türkiye Yahudileri: Bir Türkleştirme Serüveni 1923-1945* (Turkish Jews in the Republican Era: A Story of Turkification 1923-1945). Istanbul: İletişim Yayınları.
- Bali, Rıfat N. 2009. "Cumhuriyet Döneminde Azınlık Milletvekilleri (Minority Parliamentarians in the Republican Period)," *Toplumsal Tarih*, 186: 60-64.
- Baltsiotis, Lambros. 1997. "Elliniki Dioikisi kai Meionotiki Ekpaideusi sti Dutiki Thraki (Greek administration and minority education in Western Thrace)." In Konstantinos Tsitselikis and Dimitris Christopoulos, eds., *To Meiovotiko Fainomeno stin Ellada* (The Minority Phenomenon in Greece). Athens: Kritiki, 315-348.
- Barkey, Karen. 2005. "Islam and Toleration: Studying the Ottoman Imperial Model," *International Journal of Politics, Culture, and Society* 19 (5): 5-19.
- Barkey, Karen. 2008. *The Empire of Difference: The Ottomans in Comparative Perspective*. New York: Cambridge University Press.
- Barutciski, Michael. 2007a. "Lozan'a Yeniden Bir Bakış: Uluslar arası Hukuk ve Siyasette Nüfus Mübadeleleri (Lausanne Revisited: Population Exchanges in International Law and Policy)." In R. Hirschon, ed., *Ege'yi Geçerken: 1923 Türk-Yunan Zorunlu Nüfus Mübadelesi* (Crossing the Aegean: An Appraisal of the 1923 Compulsory Population Exchange Between Greece and Turkey). Istanbul: Bilgi Üniversitesi Yayınları.
- Barutçu, Faik Ahmet. 1977. *Siyasi Anılar 1939-1954* (Political Memoirs 1939-1954). Istanbul: Milliyet Yayınları.
- Baytok, Taner. 2007. *İngiliz Belgeleriyle Sevr'den Lozan'a* (From Sevres to Lausanne According to British Documents). Istanbul: Doğan Kitap.
- Bebiroğlu, Murat. 2001. *Sorunlarımız-Cemaat Vakıfları* (Our Problems-Community Foundations). HyeTert, Online Newspaper of the Armenian Community (available at "<http://www.hyetert.com/yazi3.asp?s=1&Id=16&DiId=1>", last accessed 23 October 2010).
- Benlisoy, Yorgo and Elçin Macar. 1997. *Fener Patrikhanesi* (Patriarchate of Fener). Ankara: Ayraç Yayınları.

- Borislavova Spendzharova, Aneta. 2003. "Bringing Europe In? The Impact of EU Conditionality on Bulgarian and Romanian Politics," *Southeast European Politics* 4(2-3): 141-156.
- Borou, Christina. 2009. "The Muslim Minority of Western Thrace in Greece: An Internal Positive or an Internal Negative 'Other'?" *Journal of Muslim Minority Affairs* 29(1): 5-26.
- Börzel, Tanja A. 1999. "Towards Convergence in Europe? Institutional Adaptation to Europeanisation in Germany and Spain," *Journal of Common Market Studies* 37(4): 573-596.
- Börzel, Tanja A. 2002. "Pace-Setting, Foot-Dragging, and Fence-Sitting: Member Responses to Europeanization," *Journal of Common Market Studies*, 40(2):193-214.
- Börzel, Tanja A. 2003. "How the European Union Interacts with Its Member States," *Political Science Series-93*, Vienna: Institute for Advanced Studies.
- Börzel, Tanja A. and Thomas Risse. 2000. "When Europe Hits Home: Europeanization and Domestic Change," *European Integration Online Papers* 4(15).
- Boussiakou, Iris Kalliopi. 2007. "The Educational Rights of the Muslim Minority under Greek Law," *Journal of Ethnopolitics and Minority Issues in Europe* 6(1): 1-25.
- Boztemur, Recep. 2005. "Historical Foundations of Multiculturalism in the Ottoman Empire." Paper presented at the Workshop on "In Search of Dialogue among Religions in the Middle East" organized by Nanzan Institute for Religion and Culture, Japan.
- Braude, Benjamin. 1982. "Foundation Myths of the Millet System." In Benjamin Braude and Bernard Lewis, eds., *Christians and Jews in the Ottoman Empire: The Functioning of a Plural Society*. New York and London: Holmes and Meier.
- Brink, Barbara. 2008. "Europeanization: New Research Agendas Edited by P. Graziano and M.P. Vink," *Journal of Common Market Studies* 46(2): 477.
- Bronk, Richard. 2002. "Commitment and Credibility: EU Conditionality and Interim Gains." Working Paper, London School of Economics.
- Brunnbauer, Ulf. 2001. "The Perception of Muslims in Bulgaria and Greece: Between the 'Self' and 'Other'," *Journal of Muslim Minority Affairs* 21(1): 39-61.
- Buhl, F. 1979. "Millet, Milla," *İslam Ansiklopedisi* 8: 317.

- Bulmen, Simon and Christian Lequesne. 2002. "New Perspectives on EU-Member State Rlationships," *Centre d'etudes et de Recherches Internationals Science Po, Questions de Recherche / Research In Question No.4*.
- Çavuşoğlu, Halim. 2007. *Yunan Vatandaş(sız)lık Kanunları* (Greek Laws of (non)Citizenship). Ankara: Naturel Yayıncılık.
- Çetinoğlu, Ali Sair. 2009. *Varlık Vergisi 1942-1944 Ekonomik ve Kültürel Jenosid* (Wealth Tax 1942-1944 Economic and Cultural Genocide). Istanbul: Belge Yayınları.
- Ceylan, Ebubekir. 2002. "The Millet System in the Ottoman Empire." In Judi Upton-Ward, ed., *New Millennium Perspectives in the Humanities*. New York: Global Humanities Press.
- Chousein, Ali. 2005. "Continuities and Changes in the Minority Policy of Greece: The Case of Western Thrace." Unpublished master's thesis. Ankara: Middle East Technical University, Ankara.
- Cin, Turgay. 2003. *Yunanistan'daki Müslüman Türk Azınlığın Din ve Vicdan Özgürlüğü: Başmüftülük ve Müftülükler Sorunu* (Freedom of Religion and Conscience of the Muslim Turkish Minority in Greece: Problem of Archmufti and Muftis). Ankara: Seçkin.
- Cin, Turgay. 2007. "Türkiye ve Yunanistan'daki Azınlık Vakıflarının Hukuki Düzenlemelerinin Karşılaştırılması (A Comparison of Legal Provisions Concerning the Minority Foundations in Turkey and Greece)," *Dokuz Eylül Üniversitesi Hukuk Fakültesi Dergisi* 9 (Özel Sayı/Special Issue): 1111-1143.
- Cin, Turgay. 2009a. "The Current Problems of The Turks of Western Thrace in Greece as a Member of The European Union," *Ege Akademik Bakış, Ekonomi, İşletme, Uluslararası İlişkiler ve Siyaset Bilimleri Dergisi* 9(4): 1527 – 1544.
- Cin, Turgay. 2009b. *Yunanistan'daki Türk Azınlığın Hukuki Özerkliği* (Legal Autonomy of the Turkish Minority in Greece). Ankara: Orion.
- Clark, Bruce. 2006. *Twice A Stranger: The Mass Expulsions That Forged Modern Greece and Turkey*. London: Granta.
- Clark, Edward C. 1972. "The Turkish Varlık Vergisi Reconsidered," *Middle Eastern Studies* 8(2): 205-216.
- Clogg, Richard. 1998. "The Byzantine Legacy in the Modern Greek World: The Megali Idea." In Lowell Clucas, ed., *The Byzantine Legacy in Eastern Europe*. Boulder: East European Monographs.
- Clogg, Richard. 2004. *A Concise History of Greece* (Second Edition). Cambridge: Cambridge University Press.

- Dakin, Douglas. 1985. *The Unification of Greece: 1770-1923*. London: Ernest Benn.
- De Jong, F. 1980. *Religious Denomination and Ethnicity of Settlements in Western Thrace*. Leiden: E.J. Brill.
- Dede, Abdürrahim. 2003. *İnhanlı Destanı* (Epic of Evlalo). Istanbul: T.S. Yayınları.
- Dedezade, Kelami. 2009. "The Importance of Learning the Mother Tongue." Paper presented at the Conference on Bilingual Education, organized by Western Thrace Minority University Graduates' Association, Komotini, Greece, December 2.
- Demetriou, Olga. 2004. "Prioritizing 'Ethnicities': The Uncertainty of Pomak-ness in the Urban Greek Rhodope," *Ethnic and Racial Studies* 27(1): 95-119.
- Diamantouros, N. P. (1984) "Transition to and Consolidation of Democratic Politics in Greece, 1974-1983: A Tentative Assessment," *West European Politics* 7(2): 50-71.
- Diez, Thomas, Apostolos Agnantopoulos and Alper Kaliber. 2005. "File: Turkey, Europeanization and Civil Society," *South European Society & Politics* 10(1): 1-15.
- Dimitrakopoulos, Dionyssis G. and Argyris G. Passas (eds.). 2004. *Greece in the European Union*, London: Routledge.
- Dimitrakopoulos, Ioannis. 2004. *Analytical Report on Education: National Focal Point for Greece*. Athens: Antigone-Information and Documentation Centre (available at "http://www.pedz.uni-mannheim.de/daten/edz-b/ebr/04/AR_on_education_GR.pdf", last accessed on 25 May 2010).
- Dragonas, Thalia and Anna Frangoudaki. 2006. "Educating the Muslim Minority in Western Thrace," *Islam and Christian-Muslim Relations* 17(1): 21-41.
- Duman, Özkan and Dimitris Tsarouhas. 2006. "'Civilianization' in Greece versus 'Demilitarization' in Turkey: A Comparative Study of Civil Military Relations and the Impact of the European Union," *Armed Forces & Society* 32(3): 405-423.
- Dündar, Fuat. 1999. *Türkiye Nüfus Sayımlarında Azınlıklar* (Minorities in the Population Censuses in Turkey). Istanbul: Doz Yayınları.
- Dündar, Fuat. 2008. *İttihat ve Terakki'nin Müslümanları İskan Politikası (1913-1918)* (The Policy of Settlement of CUP for the Muslims). Istanbul: İletişim.
- Eddy, Charles B. 1931. *Greece and Greek Refugees*. London: G. Allen and Unwin.
- Emerson, Michael and Gergana Noutcheva. 2004. "Europeanisation as a Gravity Model of Democratisation," *Centre for European Policy Studies*, Working Document, No. 214.

- Eren, Halit. 1990. "Batı Trakya Türk Cemaat ve Vakıf İdareleri (Turkish Community and Waqf Administrations in Western Thrace)." Paper Presented at the Conference on 11th Turkish History held by Turkish Historical Society, Ankara, Turkey.
- Eren, Halit. 1997. *Batı Trakya Türkleri* (Western Thrace Turks). Istanbul: Rebel.
- Erhan, Çağrı. 1999. *Greek Occupation of Izmir and Adjoining Territories: Report of the Inter-Allied Commission of Inquiry (May-September 1919)*. Ankara: SAM Papers (2/99).
- Ersanlı-Behar, Büşra. 1992. *İktidar ve Tarih: Türkiye'de Resmi Tarih Tezinin Oluşumu 1929-1937* (Power and History: The Formation of the Official Turkish History Thesis 1929-1937). Istanbul: Afa Yayıncılık.
- Ethier, Diane. 2003. "Is Democracy Promotion Effective? Comparing Conditionality and Incentives," *Democratization* 10(1): 99-120.
- Exadaktylos, Theofanis and Claudio M. Radaelli. 2009. "Research Design in European Studies: The Case of Europeanization," *Journal of Common Market Studies*, 47(3):507-530.
- Featherstone, Kevin, Dimitris Papadimitriou, Argyris Mamarelis and Georgios Niarchos. 2010. *The Last Ottomans: The Muslim Minority of Greece 1940-1949*. London: Palgrave Macmillan.
- Findley, Carter. 1982. "The Acid Test of Ottomanism: The Acceptance of Non-Muslims in the Late Ottoman Bureaucracy." In Benjamin Braude and Bernard Lewis, eds., *Christians and Jews in the Ottoman Empire: The Functioning of a Plural Society*. New York and London: Holmes and Meier.
- Fırat, Melek. 2002. "1980-1990 Yunanistan'la İlişkiler (Relations with Greece, 1980-1990)." In Baskın Oran, ed., *Türk Dış Politikası: Kurtuluş Savaşından Bugüne Olgular, Belgeler, Yorumlar* (Turkish Foreign Policy: Fact, Documents and Comments Since The War of Independence). Ankara: İletişim.
- Fischer Onar, Nora and Meriç Özgüneş. 2010. "How Deep a Transformation? Europeanization of Greek and Turkish Minority Policies," *International Journal on Minority and Group Rights* 17(1): 111-136.
- Gibb, H.A.R. and Harold Bowen. 1962. *Islamic Society and the West: A Study of the Impact of Western Civilization on Moslem Culture in the Near East-Volume-1*. London: Oxford University Press.
- Goetz, Klaus H. 2001. "European Integration and National Executives: A Cause in Search of an Effect?" In Klaus H. Goetz and Simon Hix, eds., *Europeanised Politics? European Integration and National Political Systems*. London: Frank Cass, 211-231.

- Goetz, Klaus H and Dyson, K. 2003. "Living with Europe: Power, Constraint and Contestation" In K.H. Goetz and K. Dyson. eds. *Germany, Europe and the Politics of Constraint*. Oxford: Oxford University Press, 3-36.
- Gökçen, Salim. 2003. "Ortodoks Teoloji Akademisi: Heybeliada Ruhban Okulu'nun Yansımaları (Academy of Orthodox Theology: Reflection of the Theological Academy of Heybeliada)," *Stradigma* (Aylık Strateji ve Analiz Dergisi) 11: 1-8.
- Grabbe, Heather. 2001. "How Does Europeanization Affect CEE Governance? Conditionality, Diffusion and Diversity," *Journal of European Public Policy* 8(6): 1013-1031.
- Grabbe, Heather. 2002. "EU Conditionality and the Acquis Communautaire." *International Political Science Review* 23(3): 249-268.
- Grabbe, Heather. 2004. "What the New Member States Bring Into the European Union." In Neill Nugent, ed., *European Union Enlargement*. Hampshire: Palgrave MacMillan.
- Grabbe, Heather. 2006. *The EU's Transformative Power: Europeanization Through Conditionality in Central and Eastern Europe*. Hampshire: Palgrave Macmillan.
- Grigoriadis, Ioannis N. 2008. "On the Europeanization of Minority Rights Protection: Comparing Cases of Greece and Turkey," *Mediterranean Politics* 13(1): 23-41.
- Grigoriadis, Ioannis N. 2009. "Reciprocity as a Race to the Bottom in Religious Freedom." In Othon Anastasakis, Kalypso Aude Nicolaidis and Kerem Oktem, eds., *In the Long Shadow of Europe: Greeks and Turks in the Era of Postnationalism*. Leiden : Brill Publishers, 167-190.
- Gropas, Ruby and Anna Triandafyllidou. 2005. "Migration in Greece at a Glance." ELIAMEP Working Paper (available at "<http://www.eliamap.gr/en/migration/publications-migration/migration-in-greece-at-a-glance>", last accessed on 23 June 2010).
- Gryzamala-Busse, Anna and Abby Innes. 2003. "Great Expectations: The EU and Domestic Political Competition in East Central Europe," *East European Politics and Societies* 17(1): 64-73.
- Güney, Aylin and Petek Karatekelioğlu. 2005. "Turkey's EU Candidacy and Civil-Military Relations: Challenges and Prospects," *Armed Forces & Society* 31(3): 439-462.
- Gürün, Kamuran. 1994. *Bükreş-Paris-Atina Büyükelçilik Anıları* (Memoirs from Ambassadorial Posts in Bucharest-Paris-Athens). Istanbul: Milliyet Yayınları.

- Güven, Dilek. 2009. *Cumhuriyet Dönemi Azınlık Politikaları ve Stratejileri Bağlamında 6-7 Eylül Olayları* (6-7 September Events within the Context of the Minority Policies and Strategies of Republican Era). Istanbul: İletişim Yayınları.
- Haas, Ernst B. 1958. *The Uniting of Europe: Political, Social and Economic Forces 1950-1957*. Stanford: Stanford University Press.
- Hall, Peter A. And Rosemary C.R. Taylor. 1996. "Political Science and the Three New Institutionalisms," Max-Planck-Institut für Gesellschaftsforschung (MPIFG) Discussion Paper, 96/6.
- Hanioğlu, M. Şükrü. 2008. *A Brief History of the Late Ottoman Empire*. New Jersey: Princeton University Press.
- Henckaerts, Jean-Marie. 1995. *Mass Expulsion in Modern International Law and Practice*. The Hague: Kluwer Law International.
- Heper, Metin. 1996. "Atatürk, Ulus ve Ulusçuluk," *Dış Politika Dergisi* 7(3-4): 18-24.
- Heraklides, Alexis. 2003. *Yunanistan ve "Doğu'dan Gelen Tehlike" Türkiye: Türk Yunan İlişkilerinde Çıkmazlar ve Çözüm Yolları* (Greece and the Turkish Threat in the East: Deadlocks and Solutions in Turkish Greek Relations). Istanbul: İletişim Yayınları.
- Heritier, Adrienne. 1996. "The Accommodation of Diversity in European Policy-making and Its Outcomes: Regulatory Policy as a Patchwork," *Journal of European Public Policy* 3(2): 149-176.
- Hirschon, Reene. 1989. *Heirs of the Greek Catastrophe: the Social Life of Asia Minor Refugees in Piraeus*. Oxford: Clarendon Press.
- Hirschon, Renee. 2007a. "'Ege Bölgesi'ndeki 'Ayrıışan Halklar' ('Unmixing Peoples' in the Aegean Region)." In R. Hirschon, ed., *Ege'yi Geçerken: 1923 Türk-Yunan Zorunlu Nüfus Mübadelesi* (Crossing the Aegean: An Appraisal of the 1923 Compulsory Population Exchange Between Greece and Turkey). Istanbul: Bilgi Üniversitesi Yayınları.
- Hirschon, Renee. 2007b. "Lozan Sözleşmesi'nin Sonuçları: Genel Bir Bakış (Consequences of the Lausanne Convention: An Overview)." In R. Hirschon, ed., *Ege'yi Geçerken: 1923 Türk-Yunan Zorunlu Nüfus Mübadelesi* (Crossing the Aegean: An Appraisal of the 1923 Compulsory Population Exchange Between Greece and Turkey). Istanbul: Bilgi Üniversitesi Yayınları.
- Hooghe, Liesbet and Gary Marks. 1995. "Europe with the Regions': Channels of Regional Representation in the European Union," *Publius* 26: 73-91.

- Howell, Kerry E. 2004. "Developing Conceptualisations of Europeanization: Synthesising Methodological Approaches," *Queen's Papers on Europeanisation*, No. 3/2004.
- Hughes, James, Gwendolyn Sasse and Claire Gordon. 2003. "EU Enlargement and Power Asymmetries: Conditionality and the Commission's Role in Regionalization in Central and Eastern Europe." Working Paper, London School of Economics.
- Hughes, James. 2003. "EU Enlargement Conditionality and Coercive Europeanization in the Central and Eastern European Transition States." Working Paper, London School of Economics.
- Hyde-Price, Adrian G. V. (1994) "Democratization in Eastern Europe: the External Dimension" in *Democratization in Eastern Europe: Domestic and International Perspective*, eds. Pridham, G. and T. Vanhannen, London and New York: Routledge.
- Hyde-Price, Adrian G. V. (1994) "Democratization in Eastern Europe: the External Dimension." In Geoffrey Pridham and Tatu Vanhannen, eds., *Democratization in Eastern Europe: Domestic and International Perspective*. London and New York: Routledge.
- Iatrides, John O. 2002. "Evangelicals." In Richard Clogg, ed., *Minorities in Greece: Aspects of a Plural Society*. London: Hurst & Company, 48-63.
- İleri, Bahadır Selim. 2008. *Ege'nin Unutulan Türkleri* (Forgotten Turks of the Aegean). Istanbul: Cumhuriyet Kitap.
- Iliadis, Christos. 2004. "The National Identity of the Muslim Minority and the Educational Policy, Study of Archival Sources 1945-1967 (in Greek)." Unpublished master's thesis. Athens: National and Kapodistrian University of Athens.
- Isin, Engin F. and Alexandre Lefebvre. 2005. "The Gift of Law: Greek Euergetism and Ottoman Waqf," *European Journal of Social Theory* 8(5): 5-23.
- İskeçe Türk Birliği. 2003. *A Call for Justice In the Name of Liberty and Democracy*. Xanthi: İskeçe Türk Birliği.
- Jenkins, Gareth. 2004. "Non-Muslim Minorities in Turkey: Progress and Challenges on the Road to EU Accession," *Turkish Policy Quarterly* 3(1).
- Kadioğlu, Ayşe. 2009. "Genos Versus Devlet: Conceptions of Citizenship in Greece and Turkey." In Othon Anastasakis, Kalypso Aude Nicolaidis and Kerem Oktem, eds., *In the Long Shadow of Europe: Greeks and Turks in the Era of Postnationalism*. Leiden : Brill Publishers, 115-142.
- Kansu, Aykut. 1995. *1908 Devrimi* (1908 Revolution). Istanbul: İletişim Yayınları.

- Karaosmanoğlu, Kerem. 2010. "Reimagining Minorities in Turkey: Before and after the AKP," *Insight Turkey* 12(2): 193-212.
- Karatekelioğlu, Petek. 2007. "Europeanization, Domestic Political Change and Civil-Military Relations in Turkey." Unpublished Ph.D. dissertation. Ankara: Bilkent University.
- Karpat, Kemal H. 1973. *A Inquiry into the Social Foundations of the Nationalism in the Ottoman State*. Princeton, NJ: Princeton University Centre for International Studies.
- Karpat, Kemal H. 1985. *Ottoman Population (1830-1924): Demographic and Social Characteristics*. Wisconsin Medison: The University of Wisconsin Press.
- Karpat, Kemal H. 2002. *Studies on Ottoman Social and Political History: Selected Articles and Essays*. Leiden: Brill.
- Katsarou, Eleni and Vassilis Tsafos. 2010. "Multimodality in L1 Curriculum: The case of Greek compulsory education," *Critical Literacy: Theories and Practices* 4(1): 48-65.
- Kechriotis, Vangelis. 2005. "Greek-Orthodox, Ottoman Greeks or Just Greeks? Theories of Coexistence in the Aftermath of the Young Turk Revolution," *Academie des Sciences de Bulgarie Institut D'etudes Balkaniques Etudes Balkaniques* 1.
- Keyder, Çağlar. 2007. "Nüfus Mübadelesinin Türkiye Açısından Sonuçları (The Consequences of Exchange of Populations for Turkey)." In R. Hirschon, ed., *Ege'yi Geçerken: 1923 Türk-Yunan Zorunlu Nüfus Mübadelesi* (Crossing the Aegean: An Appraisal of the 1923 Compulsory Population Exchange Between Greece and Turkey). Istanbul: Bilgi Üniversitesi Yayınları.
- Knill, Christoph and Dirk Lehmkuhl. 1999. "How Europe Matters. Different Mechanisms of Europeanization," *European Integration Online Papers* 3(7).
- Kocabaşoğlu, Uygur. 2000. "6/7 Eylül Olaylarından Sonra Hasar Tespit Çalışmaları Üzerine Birkaç Ayrıntı (Few Details on the Damage Assesments After 6-7 September Events)," *Toplumsal Tarih* 81: 45-49.
- Kostopoulos, Tasos. 2003. "I Skoteivi Plevra tis Neelinikis Istorias: 1926-2003) (The Dark Side of the Modern Greek History 1926-2003)," *Sychrona Themata* (Contemporary Issues) 83: 53-75.
- Kostopoulos, Tasos. 2009. *To 'Makedoniko' tis Thrakis: Kratiki Shediasmi gia tous Pomakous/1956-2008* (Macedonian Issue of Thrace: State Planning for Pomaks/1956-2008). Athens: Bibliorama.
- Kottakis, Mannolis. 2000. *Thraki: I Mionotita Simera* (Thrace: The Minority Today). Athens: Livani-Nea Synora.

- Krashen, Stephen D. 2004. *The Power of Reading: Insights from the Research*. Westport: Libraries Unlimited.
- Küçükcan, Talip. 1999. "Re-claiming Identity, Ethnicity, Religion and Politics Among Turkish-Muslims in Bulgaria and Greece," *Journal of Muslim Minority Affairs* 19(1): 49-68.
- Kuneralp, Zeki. 1981. *Sadece Diplomat – Hatırat* (Just a Diplomat – Memoirs). Istanbul: Istanbul Matbaası.
- Kuran, T. 2001. "The Provision of Public Goods under Islamic Law: Origins, Impact, and Limitations of the Waqf System," *Law & Society Review* 35(4): 841–97.
- Kurban, Dilek. 2003. "Confronting Equality: The Need for Constitutional Protection of Minorities on Turkey's Path to European Union," *Columbia Human Rights Law Review* 35(151): 151-214.
- Kurban, Dilek. 2007. "The Draft Law on Foundations Does not Solve the Problems of Non-Muslim Foundations," TESEV Democratization Program on "Constitutional Citizenship and Minority Rights: Project for Monitoring the Law on Foundations". Istanbul: TESEV.
- Kurban, Dilek and Kezban Hatemi. 2009. "The Story of Alien(ation): Real Estate Ownership Problems of Non-Muslim Foundations and Communities in Turkey," TESEV Democratization Program, Istanbul: TESEV.
- Kurban, Dilek and Konstantinos Tsitselikis. 2010. "A Tale of Reciprocity: Minority Foundations in Greece and Turkey," TESEV Democratization Program, Istanbul: TESEV.
- Kyriakou, Nikolas. 2009. "Minority Participation in Public Life: The Case of Greece," *Journal of Ethnopolitics and Minority Issues in Europe* 8(2).
- Labrianidis, Lois. 2001. "'Internal Frontiers' as a Hindrance to Development," *European Planning Studies* 9(1): 85-103.
- Ladas, Stephan. 1932. *The Exchange of Minorities: Bulgaria, Greece and Turkey*. New York: MacMillan.
- Ladrech, Robert. 1994. "Europeanization of Domestic Politics and Institutions: the Case of France," *Journal of Common Market Studies* 32(1): 69-88.
- Lavenex, Sandra. 2001. "The Europeanization of Refugee Policies: Normative Challenges and Institutional Legacies," *Journal of Common Market Studies*, 39(5), 851-874.
- Lewis, Bernard. 1968. *The Emergence of Modern Turkey*. London: Oxford University Press.

- Lindberg, L. N. 1994. "Comment on Moravcsik." In Simon Bulmer and Andrew Scott, eds., *Economic and Political Integration in Europe: Internal Dynamics and Global Context*. Oxford: Basil Blackwell, 81-85.
- Linz, Juan J. and Alfred Stepan. 2001. *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*. Baltimore and London: The Johns Hopkins University.
- Macar, Elçin. 2004. *Cumhuriyet Döneminde İstanbul Rum Patrikhanesi* (Greek-Orthodox Patriarchate in Istanbul During the Republican Period). Istanbul: İletişim Yayınları.
- Macar, Elçin. 2005. "Başbakanlık Cumhuriyet Arşivi Belgelerine Göre Tek Parti Döneminde Cemaat Vakıflarının Sorunları (Problems of the Community Foundations in the Single Party Era According to the Republican Achieve Documents of the Prime Ministry)," TESEV Cemaatler ve Hukuki Sorunları Toplantısı, Istanbul (available at "http://www.istanbulrumazinligi.com/_files/pdfs/TEK_PARTI_DONEMINDE_CEMAAT_VAKIFLARININ_SORUNLARI_Elcin-Macar.pdf", last accessed 23 October 2010).
- Macar, Elçin and Mehmet Ali Gökaçtı. 2009. *Heybeliada Ruhban Okulu'nun Geleceği Üzerine Tartışmalar ve Öneriler* (Discussions and Recommendations on the Future of the Theological Seminary of Heybeliada). Istanbul: TESEV Yayınları.
- Mahçupyan, Etyen. 2004. *Türkiye'de Gayrimüslim Cemaatlerin Sorunları ve Vatandaş Olamama Durumu Üzerine* (On the Problems of Community Foundations and the Inability of Being a Citizen in Turkey). Istanbul: TESEV.
- Major, Claudia. 2005. "Europeanization and Foreign and Security Policy: Undermining or Rescuing the Nation state?" *Politics*, 25(3), 175-190.
- Mango, Andrew. 1999. "Atatürk and the Kurds," *Middle Eastern Studies* 35: 1-25.
- Mantouvalou, Katerina. 2009. "Equal Recognition, Consolidation or Familiarization?: The Language Rights Debate in the Context of the Minority of Western Thrace in Greece," *Ethnicities* 9: 477-506.
- March, James G. and Johan P. Olsen. 1989. *Rediscovering Institutions: The Organizational Basis of Politics*. New York: The Free Press.
- Marinos, G. 1994. "Pros Teou, Ochi kai Tourkous Nomarches (For God's sake, not Turkish prefects)," *Oikonomikos Tachydromos* (Greek Periodical), May 12.
- Matouvalou, Katerina. 2009. "Equal Recognition, Consolidation or Familiarization?: The Language Rights Debate in the Context of the Minority of Western Thrace in Greece," *Ethnicities* 9(4): 477-506.

- Mazower, Mark. 2005. *Salonica-City of Ghosts: Christians, Muslims and Jews 1430-1950*. London: Harper Perennial.
- Meinardus, Ronald. 2002. "Muslims." In Richard Clogg, ed., *Minorities in Greece: Aspects of a Plural Society*. London: Hurst & Company, 81-93.
- Memişoğlu, Fulya. 2007. "The European Union's Minority Rights Policy and Its Impact on the Development of Minority Rights Protection in Greece." Paper presented at the 3rd PhD Symposium by LSE-Hellenic Observatory, London, UK, June 14,15.
- Mentzel, Peter. 2000. "Conclusion: *Millets*, States, and National Identities," *Nationalities Papers* 28(1): 199-204.
- Meray, Seha L. 2001. *Lozan Barış Konferansı: Tutanaklar-Belgeler* (Lausanne Peace Conference: Minutes-Documents). Volumes I-II-III-IV-V-VI-VII-VIII, Istanbul-Yapı Kredi Yayınları.
- Milton, Giles. 2009. *Paradise Lost - Smyrna 1922: The Destruction of Islam's City of Paradise*. London: Sceptre.
- Minaidis, S. 1990a. *I Thriskeftiki Eleftheria ton Musulmanon stin Elliniki Ennomi Taksi*. Athens-Komotini: Sakkulas.
- Ministry of Interior Public Administration and Decentralization of the Hellenic Republic. 2000. *Structure and Operation of Local and Regional Democracy in Greece*. Athens (available at "<http://unpan1.un.org/intradoc/groups/public/documents/untc/unpan000205.pdf>", last accessed on 23 June 2010).
- Moravcsik, Andrew. 1991. "Negotiating the Single European Act: National Interests and Conventional Statecraft in the European Community," *International Organization* 41(1): 19-56.
- Moravcsik, Andrew. 1993. "Preferences and Power in the European Community: Liberal Intergovernmentalist Approach," *Journal of Common Market Studies* 31(3): 473-524.
- Moravcsik, Andrew. 1994. "Why the European Community Strengthens the State: Domestic Politics and International Institutions," Center for European Studies Working Paper Series 52.
- Moravcsik, Andrew. 1995. "Liberal Intergovernmentalism and Integration: A Rejoinder," *Journal of Common Market Studies* 33(4): 611-628.
- Moravcsik, Andrew. 1998. *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*. Ithaca: Cornell University Press.
- Morgenthau, Henry. 1929. *I Was Sent to Athens*. New York: Double Day.

- Müftüler-Baç, Meltem (2000) "The Impact of the European Union on Turkish Politics," in *East European Quarterly*, 34 (2).
- Nasic, Halida. 2008. "Minority Rights and Instruments and Mechanisms: Minority Protection Along the Conflict Continuum," *MIROCO: Human and Minority Rights in the Life Cycle of Ethnic Conflicts*, Research Paper.
- Niarchos, Georges. 2006. "Continuity and Change in the Minority Policies of Turkey and Greece," *Studies in Ethnicity and Nationalism* 6(1): 30-48.
- Nugent, Neill. 2004. "Distinctive and Recurring Features of Enlargement Rounds." In Neill Nugent, ed., *European Union Enlargement*. Hampshire: Palgrave MacMillan.
- Nur, Rıza. 1967. *Hayat ve Hatıratım* (My Life and Memoirs). 3 Volumes. Istanbul: Altındağ Yayınevi.
- O'Donnell, Guillermo, Phillippe Schmitter and Laurence Whitehead (eds). 1986. *Transitions from Authoritarian Rule* (4 vols.), Baltimore: Johns Hopkins Press.
- Okutan, M. Çağatay. 2009. *Tek Parti Döneminde Azınlık Politikaları*. Istanbul: Bilgi University Press.
- Olsen, Johan P. 2002. "The Many Faces of Europeanization," *Journal of Common Market Studies* 40(5): 921-952.
- Oran, Baskın. 1984. "The Inhanli Land Dispute and the Status of Turks in Western Thrace," *Journal of Muslim Minority Affairs* 5(2): 360-370.
- Oran, Baskın. 1986. *Türk-Yunan İlişkilerinde Batı Trakya Sorunu* (Problem of Western Thrace in Turkish-Greek Relations). Ankara: Mülkiyeliler Birliği Vakfı Yayınları.
- Oran, Baskın. 1991. *Türk-Yunan İlişkilerinde Batı Trakya Sorunu* (Problem of Western Thrace in Turkish-Greek Relations) (2nd Edition). Ankara: Bilgi Yayınevi.
- Oran, Baskın. 1999. Yunanistan'ın Lozan İhlalleri (Violations of Lausanne by Greece), Ankara: Stratejik Araştırma ve Etüdler Milli Komitesi.
- Oran, Baskın. 2006. *Türkiye'de Azınlıklar: Kavramlar, Teori, Lozan, İç Mevzuat, İçtihat, Uygulama* (Minorities in Turkey: Concepts, Theory, Lausanne, Domestic Legislation, Case-law, Implementation). Istanbul: İletişim.
- Oran, Baskın. 2007. "Yargıtay, Quo Vadis? (Court of Appeals, Where?)," *Radikal* 2, July 1.

- Oran, Baskın. 2009. "Kürtçe'nin Narına Yanan Yunanca (Greek that was Sacrificed for Kurdish)," *Radikal* 2, January 11.
- Osmanağaoğlu, Cihan. 2010. *1862 Rum Patrikliği Nizamâtı Çerçevesinde Fener Rum Ortodoks Patrikhanesi*. Istanbul: On İki Levha.
- Öksüz, Hikmet. 2002. "Representation of the Western Thracian Turkish minority in the Greek Parliament," *Turkish Review of Balkan Studies Annual* 7: 135-152.
- Ökte, Faik. 1951. *Varlık Vergisi Faciası* (Disaster of Wealth Tax). Istanbul: Nebioğlu Yayınevi.
- Ömeroğlu, Aydın. 1994. *Belgeler ve Olaylar Işığında, Bilinmeyen Yönleriyle Batı Trakya Türkleri ve Gerçek -I-* (Unknown Facts of Western Thrace Turks and Truth Under the Light of Documents and Events). Istanbul: Avcı Ofset.
- Öniş, Ziya. 1999. "Turkey, Europe, and Paradoxes of Identity: Perspectives on the International Context of Democratization," *Mediterranean Affairs* 10(3): 107-136.
- Öniş, Ziya. 2003. "Domestic Politics, International Norms and Challenges to the State: Turkey-EU Relations in the Post-Helsinki Era," *Turkish Studies* 4(1): 9-34.
- Öniş, Ziya. 2004. "Diverse but Converging Paths to European Union Membership: Poland and Turkey in Comparative Perspective," *East European Politics and Societies* 18(3): 481-512.
- Özbudun, Ergun. 1999. *Contemporary Turkish Politics: Challenges to Democratic Consolidation*. London: Lynne Rienner.
- Özbudun, Ergun. 1997. "Milli Mücadele ve Cumhuriyetin Resmi Belgelerinde Yurttaşlık ve Kimlik Sorunu (The Issue of Citizenship and Identity in the National Struggle and Official Documents of the Republic)." In Nuri Bilgin, ed., *Cumhuriyet, Demokrasi ve Kimlik* (The Republic, Democracy and Identity). Istanbul: Bağlam Yayınları, 63-70.
- Özbudun, Ergun. 2010. "'Democratic Opening', the Legal Status of Non-Muslim Religious Communities and the Venice Commission," *Insight Turkey* 12(2): 193-212.
- Özel, Sibel. 2007. *The Heybeliada Seminary and the Patriarchate*. Istanbul: Istanbul Bar Association Publishing.
- Özel, Sibel. 2008. *Fener-Rum Patrikhanesi ve Ruhban Okulu*. Istanbul: IQ Kültür Sanat Yayıncılık.
- Özkırımlı, Umut and Spyros A. Sofos. 2008. *Tormented by History: Nationalism in Greece and Turkey*. London: Hurst & Company.

- Papanikolaou, Antigoni. 2007. "The Politicization of Rights' in the Case of the muslim-Turkish minority in Greece." Unpublished Ph.D. thesis. Sussex: University of Sussex, Sussex.
- Papastergiou, Panagiotis, George Rachiotis, Konstantina Polyzou, Christos Zilidis and Christos Hadjichristodoulou. 2008. "Regional Differences in Mortality Rates in Greece (1984-2004): the Case of Thrace," *BMC Public Health* 8(297) (available at "<http://www.biomedcentral.com/1471-2458/8/297>", last accessed on 23 October 2010).
- Pentzopoulos, Dimitri. 2002. *The Balkan Exchange of Minorities and Its Impact Upon Greece*. London: C. Hurst & Co. (reprint of 1962 edition published by Moulton-Paris, the Hague).
- Petropoulos, John A. 1976. "The Compulsory Exchange of Populations: Greek–Turkish. Peacemaking 1922–1930," *Byzantine and Modern Greek Studies* 2: 135–160.
- Pirro, Ellen B. and Eleanor E. Zeff. 2005. "Europeanization, European Integration, and Globalization," *The Whitehead Journal of Diplomacy and International Relations*, Winter/Spring 2005.
- Pollack, Mark A. 2000. "International Relations Theory and European Integration," *EUI Working Papers*, No. 2000/55.
- Poulton, Hugh. 1993. *The Balkans: Minorities and States in Conflict*. London: Minority Rights Publications.
- Powell, Charles. 2001. "International Aspects of Democratization: The Case of Spain." In Laurence Whitehead, ed., *The International Dimensions of Democratization: Europe and Americas Expanded Edition*. Oxford: Oxford University Press, 285-314.
- Pridham, Geoffrey. 1990. "Political Actors, Linkages and Interactions: Democratic Consolidation in Southern Europe," *West European Politics* 13: 103-117.
- Pridham, Geoffrey. 1991. "The Politics of the European Community, Transnational Networks and Democratic Transition in Southern Europe." In Geoffrey Pridham, ed., *Encouraging Democracy: the International Context of Regime Transition in Southern Europe*. Leicester: Leicester University Press.
- Pridham, Geoffrey. 1995a. "The International Context of Democratic Consolidation: Southern Europe in Comparative Perspective." In Richard Gunther, P. Nikiforos Diamantouros and Hans-Jürgen Puhle, eds., *The Politics of Democratic Consolidation: Southern Europe in Comparative Perspective*. Johns Hopkins University Press: Baltimore.
- Pridham, Geoffrey (ed.) 1995b. *Transition to Democracy: Comparative Perspective From Southern Europe, Latin America, and Eastern Europe*. Aldershot: Dartmouth.

- Pridham, Geoffrey. 2000. *The Dynamics of Democratization: A Comparative Approach*. London and New York: Continuum.
- Psomiades, Harry J. 2000. *The Eastern Question-The Last Phase: A Study in Greek-Turkish Diplomacy*. New York: Pella.
- Radaelli, Claudio M. 2000. "Whither Europeanization? Concept Stretching and Substantive Change," *European Integration Online Papers* 4(8).
- Radaelli, Claudio M. 2004. "The Diffusion of Regulatory Impact Analysis: Best Practice or Lesson Drawing?" *European Journal of Political Research* 43(5): 723-747.
- Risse, Thomas, Maria Green Cowles and James A. Caporaso. 2001. "Europeanization and Domestic Change: Introduction." In Thomas Risse, Maria Green Cowles and James A. Caporaso, eds., *Transforming Europe: Europeanization and Domestic Political Change*. New York: Cornell University Press.
- Risse, Thomas, Ropp, Stephen C., and Sikkink, Kathryn (eds.) 1999. *The Power of Human Rights: International Norms and Domestic Change*. Cambridge: Cambridge University Press.
- Risse-Kippen, Thomas (ed.) 1995. *Bringing Transnational Relations Back In: Non-state Actors, Domestic Structures and International Institutions*. Cambridge University Press: Cambridge.
- Rodop-Evros Türk Öğretmenler Birliği. 1963. *Batı Trakya Türk Okulları Müfredat Programı* (Curriculum of the Turkish Schools in Western Thrace). Komotini: Akın.
- Rosamond, Ben. 2000. *Theories of European Integration*. New York: MacMillan.
- Rosenau, James N. 1969. *Linkage Politics: Essays on the Convergence of National and International System*. Free Press: New York.
- Rozakis, Christos L. 1996. "The International Protection of Minorities in Greece." In Kevin Featherstone and Kostas Ifantis, eds., *Greece in a Changing Europe: Between European Integration and Balkan Disintegration?* Manchester: Manchester University Press.
- Rumelili, Bahar. 2004. "The European Union's Impact on the Greek-Turkish Conflict: A Review of Literature," *Working Paper Series in EU Border Conflict Studies*, Birmingham: The University of Birmingham.
- Rüstem, Ahmet, 1925. "The Future of the Oecumenical Patriarchate," *Foreign Affairs* 3: 604-610.

- Sarioglou, Irini, 2009. *Stin Exoria: Erzouroum / Askale 1943* (The Exiled: Erzurum / Askale). Athens: Elliniko Idrima Istorikon Meleton (Hellenic History Foundation).
- Sarioglou, Irini. 2004. *Turkish Policy Towards Greek Education in Istanbul 1923-1974: Secondary Education and Cultural Identity*. Athens: Hellenic Literary and Historical Archive (ELIA).
- Schimmelfennig, Frank. 2000. "International Socialization in the New Europe: Rational Action in an Institutional Environment," *European Journal of International Relations* 6(1): 109-139.
- Schimmelfennig, Frank, Stefan Engert and Heiko Knobel. 2003. "Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey," *Journal of Common Market Studies* 41(3): 495-518.
- Schmitter, Philippe C. 1994. "The International Context of Contemporary Democratization," *Stanford Journal of International Affairs* 2: 1-34.
- Schmitter, Philippe C. 2001. "The Influence of the International Context Upon the Choice of National Institutions and Policies in Neo-Democracies." In Laurence Whitehead, ed., *The International Dimensions of Democratization: Europe and Americas Expanded Edition*. Oxford: Oxford University Press, 26-54.
- Shaw, Stanford J. and E. Kural. 1983. *Osmanlı İmparatorluğu ve Modern Türkiye C.2.* (Ottoman Empire and the Modern Turkey V.2). Istanbul: E Yayınları.
- Şimşir, Bilal. 1990. *Lozan Telgrafları (1922-1923)* (Lausanne Telegrams 1922-1923). Ankara: Türk Tarih Kurumu Yayınları.
- Sitaropoulos, Nicholas. 2004. "Freedom of Movement and the Right to a Nationality vs. Ethnic Minorities: The Case of Ex Article 19 of the Greek Nationality Code," *European Journal of Migration and Law* 6(3): 205-223.
- Smith, Karen E. 2003. "The evolution and application of EU membership conditionality." In Marise Cremona, ed., *The Enlargement of the European Union*. Oxford: Oxford University Press, 105-140.
- Snyder, Jack. 2000. *From Voting to Violence: Democratization and Nationalist Conflict*. New York: W.W. Norton & Company.
- Soltaridis, Simeon. 1990. *Ditiki Thraki kai oi Mousoulmanoï: Ti Akrivos Simveni* (Western Thrace and the Muslims: What is Happening?). Athens: 'Nea Synora.
- Soner, B. Ali. 2004. "Minority Rights Regime in Turkey and the European Regional Organizations." Unpublished Ph.D. thesis. Ankara: Bilkent University Department of Political Science and Public Administration, Ankara.

- Soner, B. Ali. 2010. "The Justice and Development Party's Policies towards non-Muslim Minorities in Turkey," *Journal of Balkan and Near Eastern Studies* 12(1): 23-40.
- Stokke, Olav. 1995. *Aid and Political Conditionality*. London: Frank Cass.
- Sunar, İlkay. 1974. *State and Society in the Politics of Turkey's Development*. Ankara: Faculty of Political Science Publication No. 377.
- Sutton, Robert I. and Barry M. Staw. 1995. "What a Theory is not," *Administrative Science Quarterly* 40: 371-384.
- Tasch, Laman. 2010. "The EU Enlargement Policy and National Majority-Minority Dynamics in Potential European Union Members: The Example of Turkey," *Mediterranean Quarterly* 21(2):18-46.
- Toggenburg, Gabriel N. 2008. "The EU's Evolving Policies vis-à-vis Minorities: A Play in Four Parts and an Open End," *MIROCO: Human and Minority Rights in the Life Cycle of Ethnic Conflicts*, Research Paper.
- Toktaş, Şule. 2006. "EU Enlargement Conditions and Minority Protection: A Reflection on Turkey's non-Muslim Minorities," *East European Quarterly* XL(4): 489-518.
- Triadafilopoulos, Triadafilos. 1998. "The 1923 Greek-Turkish Exchange of Populations and the Reformulation of Greek National Identity." Paper presented at the International Conference on "The Exchange of Populations Between Greece and Turkey: An Assessment of the Consequences of the Treaty of Lausanne", University of Oxford, Oxford, UK, September 17,20.
- Triandafyllidou, Anna and Mariangela Veikou. 2002. "The Hierarchy of Greekness: Ethnic and National Identity Considerations in Greek Immigration Policy," *Ethnicities* 2(2): 189-208.
- Tsingos, Basilios. 2001. "Underwriting Democracy: The European Community and Greece." In Laurence Whitehead, ed., *The International Dimensions of Democratization: Europe and Americas Expanded Edition*. Oxford: Oxford University Press, 315-355.
- Tsitselikis, Konstantinos. 1996. *To Diethnes kai Evropeiko Kathestos Prostasias ton Glossikon Dikeomaton ton Mionotiton kai i Elliniki Ennomi Taksi* (The International and European Status for the Protection of Linguistic Minority Rights and the Greek Legal Order). Athens: Ant. N. Sakkoulas.
- Tsitselikis, Konstantinos. 2010. "The Minority Protection System in Greece and Turkey Based on the Treaty of Lausanne (1923): A Legal Overview." Background Information to Presentation at 7th Student Conference, Borjan Tanevski Memorial Fund, ACT / Anatolia College, May 5 (available on

“http://www.sophia.de/borjan/BTConference2010/Tsitselikis_Lausanne_system.pdf”, last accessed on 23 October 2010).

- Tsitselikis, Konstantinos and Christopoulos, Dimitris (eds.) 1997. *To Meionotiko Fainomeno stin Ellada* (The Minority Phenomenon in Greece), Athens: Kritiki.
- Tsitselikis, Konstantinos, and George Mavrommatis. 2003. *Turkish: The Turkish Language in Education in Greece*. Leeuwarden: Mercator-Education (available at “http://www1.faknaw.nl/mercator/regionale_dossiers/PDFs/turkish_in_greece.pdf”, last accession on 25 May 2010).
- Tsiumis, K. A. 1994. *I Musulmaniki Mionotita tis Ditikis Thrakis kai I Ellinoturkikes Schesis, 1923–1940* (Muslim Minority of Western Thrace and Greco-Turkish Relations 1923-1940). Thessaloniki: Aristotelio Panepistimio Thessalonikis.
- Turan, Ömer. 1999. “Pomaks, Their Past and Present,” *Journal of Muslim Minority Affairs* 19(1): 69-83.
- Usul, Ali Resul. 2003. “International Dimension of Democratization? The Influence of the European Union on the Consolidation of Democracy in Turkey 1987-2002.” Unpublished Ph. D. thesis, Ankara: Bilkent University.
- Vachudova, Milada Ana. 2001. “The Leverage of International Institutions on Democratizing States: Eastern Europe and the European Union.” EUI Working Papers, No: 2001/33.
- Vachudova, Milada Anna. 2005. *Europe Undivided: Democracy, Leverage, & Integration After Communism*. Oxford: Oxford University Press.
- Vergeti, Maria. 1991. “Pontic Greeks from Asia Minor and the Soviet Union: Problems of Integration in Modern Greece,” *Journal of Refugee Studies* 4(4): 382-394.
- Verney, Susannah and Fouli Papageorgiou. 1992. “Prefecture Councils in Greece: Decentralization in the EC,” *Regional Politics and Policy* 2(1-2): 109-130.
- Vink, Maarten. 2003. “What is Europeanisation? and Other Questions on a New Research Agenda,” *European Political Science* 3(1): 63-72.
- Voutira, Eftihia. 2004. “Ethnic Greeks from the Former Soviet Union as ‘Privileged Return Migrants’,” *Espace Populations Sociétés* 3: 533-544.
- Whitehead, Laurence. 2001a. “Three International Dimensions of Democratization.” In Laurence Whitehead, ed, *The International Dimensions of Democratization: Europe and Americas Expanded Edition*. Oxford: Oxford University Press, 3-25.
- Whitehead, Laurence. 2001b. “Democracy by Convergence: Southern Europe.” In Laurence Whitehead, ed., *The International Dimensions of Democratization:*

- Europe and Americas Expanded Edition*. Oxford: Oxford University Press, 261-284.
- Whitman, Lois. 1990. *Destroying Ethnic Identity-The Turks of Greece*. New York: Helsinki Watch.
- Whitman, Lois. 1992. *Denying Human Rights and Ethnic Identity: The Greeks of Turkey*. New York: Helsinki Watch.
- Wolczuk, Katarzyna. 2004. "Integration without Europeanization: Ukraine and Its Policy towards the European Union," *EUI Working Papers*, No. 2004/15.
- Yağcıoğlu, Dimostenis. 2004. "From Deterioration to Improvement in Western Thrace, Greece: A Political Systems Analysis of a Triadic Ethnic Conflict." Unpublished Ph.D. thesis. George Mason University.
- Yalçın, Emruhan. 2008. "Heybeliada Ruhban Okulu'nun Yeniden Açılması (Reopening of the Halki Theological Seminary)," *Ankara Üniversitesi Türk İnkılap Tarihi Enstitüsü Atatürk Yolu Dergisi* 41: 125-158.
- Ye'or, Bat. 1985. *The Dhimmi: Jews and Christians Under Islam*. London: Associated University Press.
- Yetişgin, Memet. 2009. "The Ottoman Way of Governing Multi-Ethnic and Multi-Religious Communities," *Ankara Üniversitesi Osmanlı Tarihi Araştırma ve Uygulama Merkezi Dergisi* 21: 135-168.
- Yiannakopoulos, Georgios A. (ed.) 1992. *Refugee Greece: Photographs from the Archive of the Centre for Asia Minor Studies*. Athens.
- Yıldırım, Onur. 2006. *Türk-Yunan Mübadelesi'nin Öteki Yüzü: Diplomasi ve Göç* (The Other Face of Turkish-Greek Population Exchange: Diplomacy and Displacement). Istanbul: Bilgi Üniversitesi Yayınları.
- Yıldız, Ahmet. 2007. "*Ne Mutlu Türküm Diyebilene*": *Türk Ulusal Kimliğinin Etno-Seküler Sınırları 1919-1938* ("How Happy is Who May Call Himself Turkish": the Ethno-Secular Boundaries of the Turkish National Identity 1919-1938). Istanbul: İletişim Yayınları.
- Yin, Robert K. 1993. *Applications of Case Study Research*. London: Sage Publications.
- Yin, Robert K. 2003. *Case Study Research: Designs and Methods*. London: Sage Publications.
- Zaharidis, Nikolaos. 2008. "Europeanization as Program Implementation: Effective and Democratic?," *Journal of Comparative Policy Analysis: Research and Practice* 10(3): 221-238.
- Zürcher, Erik J. 1997. *Turkey: A Modern History*. London: I.B. Tauris & Co. Ltd.

Newspapers and Periodicals

Local and Minority Newspapers/Periodicals

Akın
Azınlık Postası
Azınlıkça
Birlik
Cumhuriyet
Gerçek
Gündem
Hronos
İleri
Millet
Öğretmenin Sesi
Paratiritis
Trakya
Trakya'nın Sesi
Vatan

National Newspapers/Periodicals

Avgi
Athens News
Eleftherotypia
Kathimerini
Milliyet
Hürriyet
Oikonomikos Tachydromos
Radikal
Rizospastis
Scholiastis
Ta Nea
The Economist
To Vima

ANNEXES

ANNEX-I: Minority Provisions of Treaty of Lausanne (24 July 1923)

Final Act

Part I- Political Clauses

Section III-Protection of Minorities

Article 37

Turkey undertakes that the stipulations contained in Articles 38 to 44 shall be recognised as fundamental laws, and that no law, no regulation, nor official action shall conflict or interfere with these stipulations, nor shall any law, regulation, nor official action prevail over them.

Article 38

The Turkish Government undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion.

All inhabitants of Turkey shall be entitled to free exercise, whether in public or private, of any creed, religion or belief, the observance of which shall not be incompatible with public order and good morals.

Non-Moslem minorities will enjoy full freedom of movement and emigration, subject to the measures applied, on the whole or on part of the territory, to all Turkish nationals, and which may be taken by the Turkish Government for national defence, or for the maintenance of public order.

Article 39

Turkish nationals belonging to non-Moslem minorities will enjoy the same civil and political rights as Moslems.

All the inhabitants of Turkey, without distinction of religion, shall be equal before the law.

Differences of religion, creed or confession shall not prejudice any Turkish national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions and honours, or the exercise of professions and industries.

No restrictions shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press, or in publications of any kind or at public meetings.

Notwithstanding the existence of the official language, adequate facilities shall be given to Turkish nationals of non-Turkish speech for the oral use of their own language before the Courts.

Article 40

Turkish nationals belonging to non-Moslem minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals. In particular, they shall have an equal right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein.

Article 41

As regards public instruction, the Turkish Government will grant in those towns and districts, where a considerable proportion of non-Moslem nationals are resident, adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Turkish nationals through the medium of their own language. This provision will not prevent the Turkish Government from making the teaching of the Turkish language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Turkish nationals belonging to non-Moslem minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious, or charitable purposes.

The sums in question shall be paid to the qualified representatives of the establishments and institutions concerned.

Article 42

The Turkish Government undertakes to take, as regards non-Moslem minorities, in so far as concerns their family law or personal status, measures permitting the settlement of these questions in accordance with the customs of those minorities.

These measures will be elaborated by special Commissions composed of representatives of the Turkish Government and of representatives of each of the minorities concerned in equal number. In case of divergence, the Turkish Government and the Council of the League of Nations will appoint in agreement an umpire chosen from amongst European lawyers.

The Turkish Government undertakes to grant full protection to the churches, synagogues, cemeteries, and other religious establishments of the abovementioned minorities. All facilities and authorisation will be granted to the pious foundations, and to the religious and charitable institutions of the said minorities at present existing in Turkey, and the Turkish Government will not refuse, for the formation of new religious and charitable institutions, any of the necessary facilities which are granted to other private institutions of that nature.

Article 43

Turkish nationals belonging to non-Moslem minorities shall not be compelled to perform any act which constitutes a violation of their faith or religious observances, and shall not be placed under any disability by reason of their refusal to attend Courts of Law or to perform any legal business on their weekly day of rest.

This provision, however, shall not exempt such Turkish nationals from such obligations as shall be imposed upon all other Turkish nationals for the preservation of public order.

Article 44

Turkey agrees that, in so far as the preceding Articles of this Section affect non-Moslem nationals of Turkey, these provisions constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of the majority of the Council of the League of Nations. The British Empire, France, Italy and Japan hereby agree not to withhold their assent to any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

Turkey agrees that any member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction or danger of infraction of any of these obligations, and that the Council may thereupon take such action and give such directions as it may deem proper and effective in the circumstances.

Turkey further agrees that any difference of opinion as to questions of law or of fact arising out of these Articles between the Turkish Government and any one of the other Signatory Powers or any other Power, a member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14

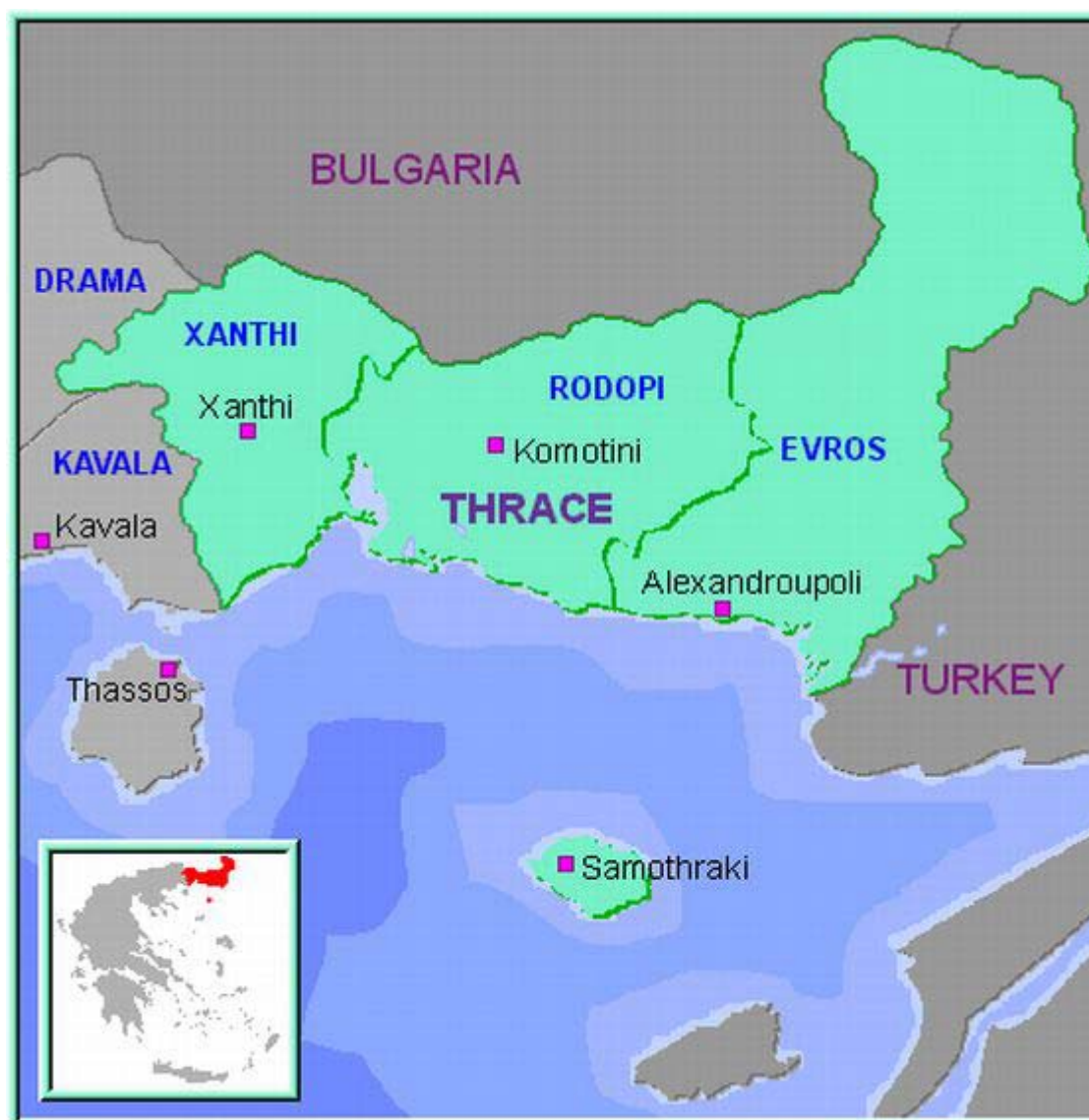
of the Covenant of the League of Nations. The Turkish Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

Article 45

The rights conferred by the provisions of the present Section on the non-Moslem minorities of Turkey will be similarly conferred by Greece on the Moslem minority in her territory.

(Source: <http://www.austlii.edu.au/au/other/dfat/treaties/1924/9.html>)

ANNEX-II: Map of Western Thrace



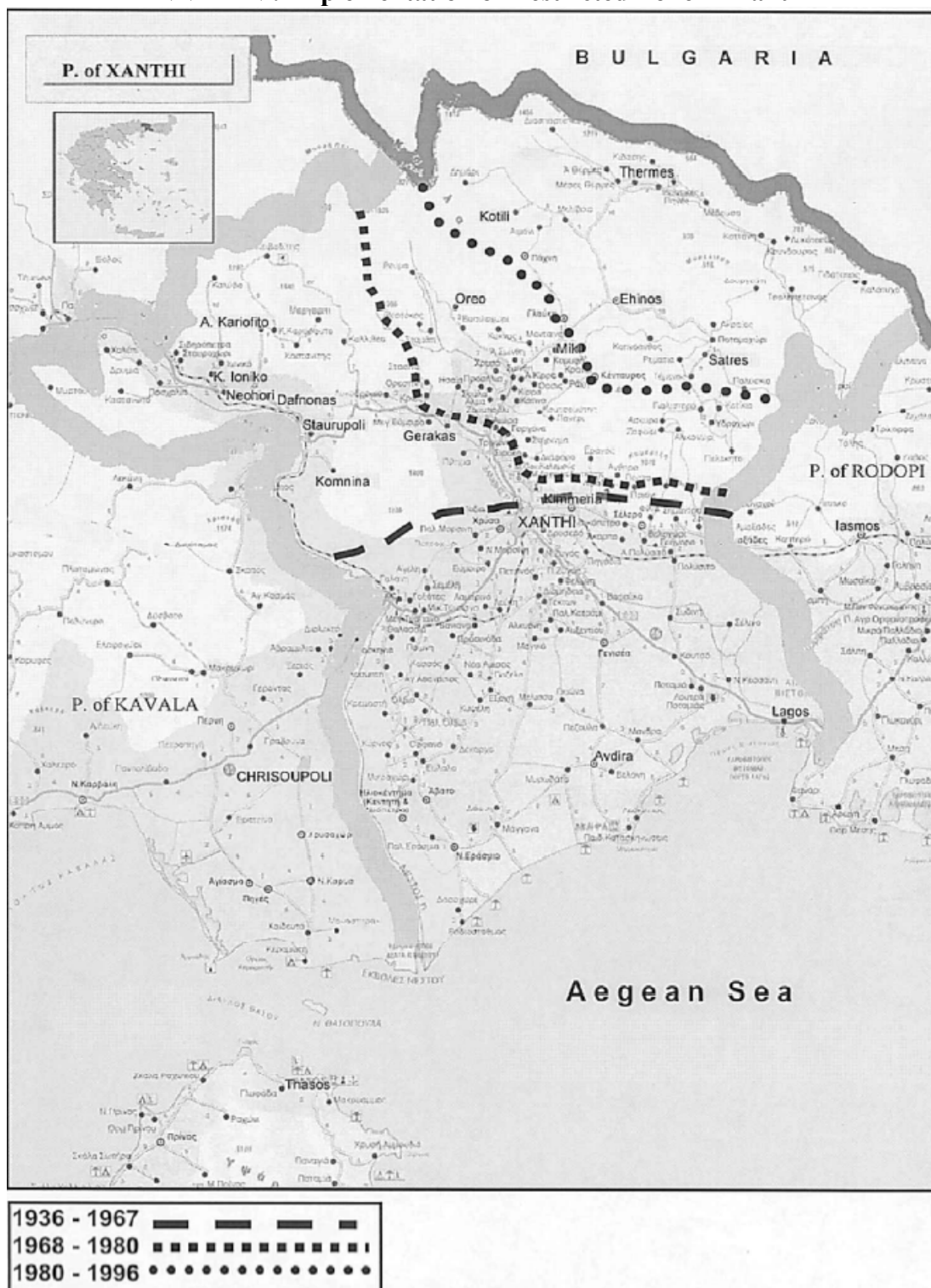
Source: “http://www.top-photogalleries.com/photos/photogallery/Thrace,_Greece,_administrative_map./92/92/553/0/Yes.html” (last accessed 3 November 2010)

ANNEX-III: Copy of an *Etabli* Certificate

9^η ΜΙΚΤΗ ΥΠΟΕΠΙΤΡΟΠΗ ΑΝΤΑΛΛΑΓΗΣ ΕΛΛΗΝΟΤΟΥΡΚΙΚΩΝ ΠΛΗΘΥΣΜΩΝ ΠΙΣΤΟΠΟΙΗΤΙΚΟΝ ΕΤΑΜΠΛΙ (ΕΓΚΑΤΑΣΤΑΣΕΩΣ)	NEUVIEME SOUS-COMMISSION MIXTE POUR L'ECHANGE CERTIFICAT D'ETABLI (DE NON-ECHANGEABILITE)	
		
Αρ. 7491 Επίθετον Όνομα <i>Δασάρ</i> Όνομα πατρός <i>Σαλίκ</i> Όνομα μητρός <i>Ταϊμνί</i> Τόπος & ημερομηνία γεννήσεως <i>Καίτω Δροσίνι 1894</i> Κατοικία <i>Καίτω Δροσίνι</i> Τόπος έγγραφής εις τὰ ληξιαρχικά μητρώα <i>Καίτω Δροσίνι (Κομοτίνι)</i> Επάγγελμα <i>γυμναστής</i>	No. 17491 Nom de famille Prénom <i>Hassan</i> Nom du père <i>Dalib</i> Nom de la mère <i>Taïbé</i> Lieu et date de naissance <i>1894</i> Domicile <i>Caro Drossini</i> Lieu d'inscription <i>Gratini</i> à l'état civil <i>(Comotini)</i> Profession <i>laboureur</i>	
Συμφάνως πρὸς ἀπόφασιν τῆς 5^{ης} Ὑποεπιτροπῆς Ἀνταλλαγῆς Ἑλληνοτουρκικῶν πληθυσμῶν Ὁ κ. <i>Δασάρ Σαλίκ</i> ἀναγνωρίζεται ὡς ἐταμπλί (μὴ ἀνταλλάξιμος) Κομοτίνη τῇ <i>25 Οκτωβρίου</i> Ὁ Ἕλλην Ἀντιπρόσωπος Le Membre Hellène		Suivant décision de la Neuvième Sous-Commission Mixte pour l'Echange des Populations Grecques Turques. M <i>Hassan Dalib</i> est reconnu établi (non-échangeable) Comotini, le <i>25 Octobre</i> 1931 Ὁ Τούρκος Ἀντιπρόσωπος Le Membre Turc

Source: PEKEM Achieves

ANNEX-IV: Implementation of Restricted Zone in Xanthi



Source: Lambrianidis, 2001: 87