



The European Union's Instrument for Democracy and Human Rights (EIDHR) Country Based Support Scheme Turkey Programme



Minority Citizens – Equal Citizens

Monitoring Reports about the Greek Community in Turkey



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Association for the Support of Greek Community Foundations



Association for the Support of Greek Community Foundations

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Monitoring Reports about the Greek Community in Turkey Minority Citizens-Equal Citizens EU Project

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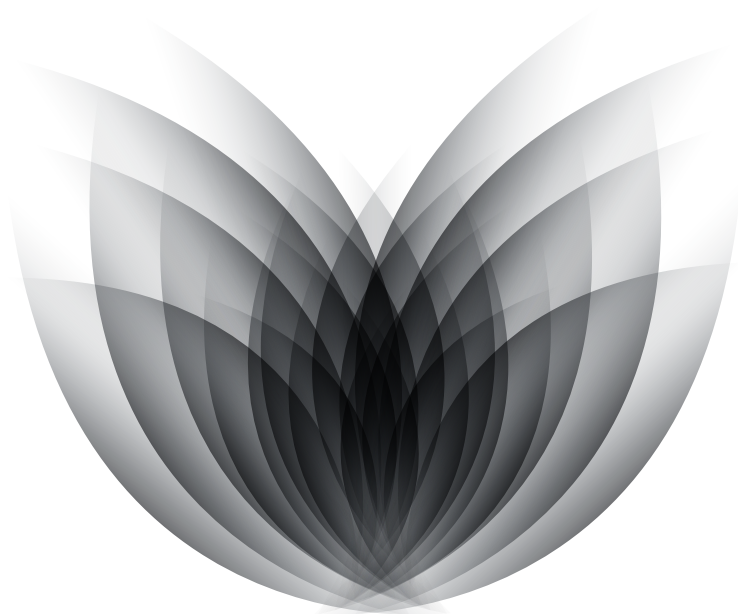
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Introductory Note

The present publication takes place in the framework of the European Project entitled «Minority Citizens-Equal Citizens» that was implemented by the Association for the Support of Greek Community Foundations (RUMVADER) from December 2012 to February 2015. To be noted that the Ecumenical Federation of Constantinopolitans (E.FE.CON.) also participated as a partner in the Project.

The publication includes monitoring reports on the Greek minority in Turkey, outlining the present situation of the Community, without any effort to embellish it, while also expressing publicly its concerns. At the same time, these texts propose recommendations on the chronic problems of the minority addressing authorities and institutions as well as the internal part of the Community itself. These reports represent the first systematic attempt of the Community itself to record and highlight the issues that have resulted in the deprivation of the full enjoyment of the rights of an equal citizen by its members. Therefore, the said reports are an important tool for bringing these problems to the attention of the general public on behalf of the Community

(the reports were published in three different languages, Greek, Turkish and English).

The five thematic reports were selected by the Project Steering Committee in consultation with partners and stakeholders, taking into account the objectives of this project and based also on the following criteria: i) to include all groups that exist within the Community, ii) to touch on the thorniest problems and iii) to highlight proposals and document solutions for the above.

More specifically, the five reports are signed by an equal number of individuals and organizations representing the Community. The first report, signed by the prominent professor with a profound knowledge of Greek community issues, Mr. Konstantinos Tsitselikis, analyzes the operation and role of the community foundations, which constitute the only recognized legal entity of the minority according to Turkish law.

The second one, written by the scholar and historian, Mr. Nikos Sigalas, who has lived for more than a decade closely to the Greek community, analyzes the progressive de-politicization of communities, from 1923 onwards, which contributed to the gradual marginalization of minority citizens in Turkey from the decision-making centers at both local and national level.

Finally, the remaining three reports aim at a comprehensive narrative and analysis of the problems facing specific groups, which represent an integral part of the Greek community's backbone, i.e., those of Imvros (Gökçeada) and Tenedos (Bozcaada), the expatriate Constantinopolitans and the Orthodox Christians of Antakya. These groups were originally set as target groups of the present program.

As stated above, the present publication is formally encompassed in the objectives of the European project entitled "Minority Citizens-Equal Citizens."

The key objective of the project activities from the very outset was to encourage and support the Greek-Orthodox community so as to enhance its self-esteem and its capacity to express itself coherently, constructively and effectively in political processes at every level.

More than forty events, seminars, meetings and conference sessions were held during the project's implementation reaching out to over a thousand people, both members of the Community and members of other mi-

norities as well as the wider Turkish society. Highly circulated newspapers presented very often the project activities while reflecting the views of community members in an objective and meaningful way. Moreover, the social media presence of the Community as a whole has considerably increased enhancing thus its interaction with the wider Turkish public opinion and contributing to its opening up to the broader social context. The creation of communication channels and the promotion of collaboration with civil society groups and non-governmental organizations have also been remarkable.

In this regard, on an internal level, the «Minority Citizens-Equal Citizens» Project provided the opportunity to strengthen the internal bonds of the Community with the community groups of Imvros (Gökçeada), Tenedos (Bozcaada), Antakya and the community of Constantinopolitans abroad, hence confirming the cohesion, solidarity and unity among its members. Equally important was the know-how acquired by the Association for the Support of Greek Community Foundations (RUMVADER) which is the sole coordinating body of community activities, in implementing initiatives aimed at mobilizing its members over the challenges currently facing the minority.

To this end, the implementation of the project was multi-faceted with multiple benefits in different fields. Targeted actions addressing community members intended to regenerate their interest to participate in community affairs, institutions and group activities while enhancing the climate of dialogue and inclusiveness. Furthermore, these activities which aimed at reflecting on the concepts of democracy, transparency, accountability and participation in the Community, away from dividing lines and categorizations, pave the way for a broader reflection on how the Community itself can envision the future and on how to establish a common framework for a relevant discussion. Lastly, both the development of specific skills related to citizenship and sound management and the presentation of best practices from Turkey and other communities like the Jewish community, are an important legacy and inspiration for the years to come.

The project, also, initiated the mapping and privileged the involvement in community activities of the younger, vigorous generation of the Greek minority. It also helped to open contact channels and introduce to the Community Greek nationals who have moved to Istanbul in recent years, many

establishing themselves in the country and acquiring not only professional, but also personal and family ties in this country.

All the above results and findings will be evaluated and will remain as a legacy to RUMVADER, so that they can be analyzed and endorsed in support of reforming community structures in the next years. Apart from the directly measurable quantitative variables of the project's activities, the nature and character of these activities bring more long-term outcomes. The seed fell on fertile ground and with the necessary sense of purpose and with constant effort by the community members it will grow and bear the expected fruits.

During the implementation of this project, RUMVADER found many allies both inside and outside the Community to whom warm thanks are extended.

First of all, the undivided support to this effort by His All-Holiness the Ecumenical Patriarch Bartholomew was of utmost importance for the impact and success of the project, encouraging us spiritually as well as supporting us with His presence in many of the activities.

The staff of the European Union Delegation in Ankara, and particularly Ms. Sema Kiliçer, was the first who shared with us the conviction that such a project would benefit the Minority and supported us strongly since 2011, when the first application was lodged, and throughout the phases for the completion of the project up until 2015.

From the outset, distinguished personalities and actors supported the effort of the Community to act as a collective subject with an equal and dynamic role in the civil society, while some of them participated in the Advisory Committee of the program as well. The Committee comprised, from the very beginning, the trainers Selen Lermioğlu and Yiğit Aksakoğlu, the Secretary General of TÜSEV (Third Sector Foundation of Turkey), Mr. Başak Ersen, the President of the Anadolu Kültür nonprofit cultural institution, Mr. Osman Kavala, Ms. Nora Mildanoglu on the account of the Hrant Dink Foundation, the Jewish community and its Vice-President Mr. Moris Levi, the Advisor of TESEV (Turkish Economic and Social Studies Foundation), Mr. Etyen Mahçupyan, Ms. Mine Yıldırım on behalf of the Protestant Church, the President of the Federation of Alevi Foundations (AVF), Mr. Dogan Bermek, as well as the organizations "Helsinki Citizens' Assembly" and "Society Vol-

unteers Foundation". Finally, members of the Committee were also Nadire Mater and Nilay Vardar as representatives of the independent news agency Bianet. Very supportive to our work were also all minority newspapers like Agos (Armenian newspaper published in Turkish) Şalom (Jewish newspaper), Jamanak (Armenian newspaper published in Armenian) as well as the Greek community's press, and Mr. Okan Konuralp on behalf of the newspaper Hürriyet. Additionally, we would like to thank the MP of the Republican People's Party, Mr. Aykan Erdemir, for his contribution to the organization of meetings in the Turkish Grand National Assembly in Ankara as well as the Directorate General of Foundations for their support during the Ankara visit activity of the project.

As Project Coordinator, I would like to conclude by stressing that the project could not have been implemented without the full cooperation of the project partner, that is the Ecumenical Federation of Constantinopolitans, but mostly without the substantial assistance by the members of the Steering Committee. Starting with Ms. Frango Karaoglan who has been a consistent supporter of this effort and hence the project's success is largely thanks to her interventions and observations, while among those standing by the project during its implementation were Mr. Antonis Parizianos, President of RUMVADER, Ms. Soula Kapoudag who tirelessly contributed to the perfect organization of all activities, Ms. Rika Pantelara, Mr. Nikos Ouzounoglou, President of our project partner, the Ecumenical Federation of Constantinopolitans, Father Giorgos Kasapoglou, Deacon Ioakim Billis, the Director of Zographeion School, Mr. Ioannis Demirtzoglou and the scholar, Mr. Nikos Sigalas. Special mention, however, should be made to Mr. Lakis Vingas, who was the primary proponent of the belief that the Greek community today in order to feel truly equal should claim a more active role in the civil society and this could be accomplished through training and encouragement. It was he who conceived the idea that this could be realized through a European project and it was at his inspiration that the project title sparked off. Despite difficulties along the way he firmly believed that this groundbreaking project will produce results and long term benefits for the entire Community, turning it into a most satisfying and immensely rewarding final result.

Reference should be also made to the Administrative Boards of RUM-

VADER for their support, both the Board in the two year period 2012-2014 and the current one, as well as to Father Dositheos Anagnostopoulos, the Metropolitan Elpidophoros of Bursa, Mr. Giorgos Nannis and the company "New Ideas" for their valuable assistance. Finally, a big thank you on behalf of the entire Steering Committee goes to the secretary of RUMVADER, Ms. Danae Palakoglou, who was always willing to help and is to be commended for her great assistance throughout the project.

In conclusion, I would like to particularly refer to the competent departments of both the Ministry of Development and the Ministry of Agriculture of Turkey (Güney Marmara Kalkınma Ajansı and Tarım Ve Kırsal Kalkınmayı Destekleme Kurumu) whose officials participated in our activities in Imvros (Gökçeada) and to all the associations for their excellent cooperation on the implementation of our activities in Istanbul as well as in Imvros (Gökçeada), Tenedos (Bozcaada) and Antakya. To begin with, I would like to mention the Imvrian Association of Athens, the Cultural and Educational Association of Imvros and the Imvrian Union of Macedonia-Thrace, the Tenedian Association "Tennes" and the Cultural Association of New Tenedos, the Beyoğlu (Stavrodromi) Greek Orthodox Community Churches and Schools Foundation, the Educational and Cultural Association of Modi/Moda (Kadıköy) and the Kadıköy (Chalcedon) Greek Orthodox Community Churches, Schools, and Cemetery Foundation, the Samatya (Psomathia) Aya Konstantin and Eleni Greek Church Primary School Foundation, the Kurtuluş (Tatavla) Aya Tanaş Aya Dimitri Aya Lefter Greek Church and School Foundation and Antakya Greek Orthodox Church Foundation as well as its President, Mr. Fadi Hurigil, the Amateur Theatrical Group of Feriköy (ERTHO), with its youthful Board, the Greek community's Schools Zappeio and Zographeio and the Great School of the Nation for their generous hospitality as well as the Alumni Association of Zographeio, the Antakya Association Tokaçlı and Altınözü, the Municipality of Tilos and its Mayor, Ms. Maria Kamma, the Women's Agricultural Cooperative of Saint Anthony in Thessaloniki and its President, Ms. Despina Ioannidou, and of course all speakers, trainers and interns of our Association, the young people of our Community and our partners who participated with much eagerness and sincere disposition to assist in the project activities.

It has been an unprecedented and innovative, in the Community context, journey for everyone involved in it, which, like all journeys offered generously pleasant surprises. Above all, nonetheless, it offered us and the Community as a whole stimulation, new experiences and great satisfaction. What we hope is that the effort put forth and the path marked out will be carried on, as Istanbul cannot exist without the presence of its own people, the Greeks of Istanbul.

February 2015
Marina Drymalitou
Project Coordinator

Translated from Greek by Sofia Koutsou.

Greek Minority Foundations: their role and importance for the future of the Greek-Orthodox minority in Turkey

June 2014
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Introduction

Greek community foundations play a vital role in the establishment of the minority community, which is constituted of “communities”, namely self-organizing bodies that at least from the 19th century onwards comprised all Greeks. Since then many things have changed, both within and outside the communities. Therefore, the question that arises today, in the radically different context of the 21st century, is what purpose do these structures, foundations and communities, serve? Does the maintenance of the old regime, with regard to the number of communities and their institutional status, correspond to the demographic situation of the minority?

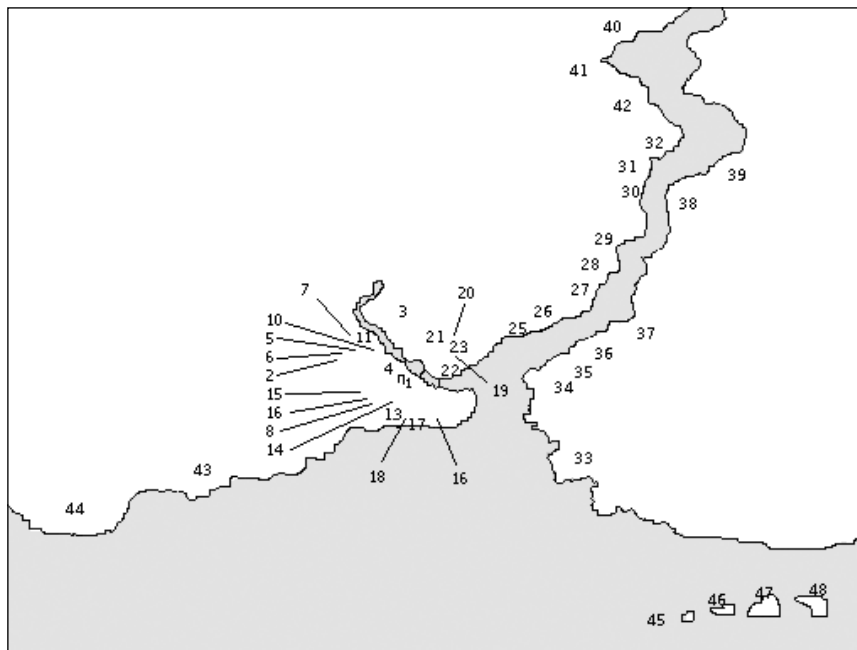
In August 2002, three years after Turkey was officially recognized as a candidate country in Helsinki in 1999, the Turkish Parliament adopted the first “harmonization package” including the first liberalization provisions concerning the rights of community foundations. Today’s situation is quite different, following reactions and political pressures from various and different parties.

The path towards the “European family”, the alignment process aiming

at promoting European mentality and policies failed to win over an important part of the elite and the public opinion, let alone the legislator. In their majority, these segments of the Turkish society continue to link the issues of the Greek minority to bilateral Greek-Turkish relations, mainly in the light of past traumas, i.e. the continuous contraction of the Ottoman Empire until its dissolution. This paper will discuss the following issues: How do separate Greek-Orthodox communities establish the "Lausanne minority" (according to the Treaty)? What is the power relationship of communities regarding foundation properties? What does the new foundation law provide for? How is minority communitarianism being formed in modern Turkey? Based on the conclusions, recommendations are presented in order to optimally match the concepts of minority-communities-foundations as reflected today in real terms and administrative capabilities.

The establishment of Greek-Orthodox communities as minority

The real, living bodies of the Greek, Greek-Orthodox or Rum minority are communities, which are scattered throughout the regions of Istanbul and the Prince's Islands as well as the islands of Imvros (Gökçeada) and Tenedos (Bozcaada). The community-based organization of the minority has its roots in the Tanzimât era, while the organizational structure of the minority from 1923 onwards, are defined by the Treaty of Lausanne. The Treaty creates obligations on the Turkish government to respect certain aspects of community-based organization by safeguarding religious and linguistic rights and organic institutions, such as community and charitable foundations. Finally, although foundations remain in the context of minority protection, an overall institutional body of the minority is not established, meaning that the minority does not constitute as a whole a legal entity.



MAP 1: Geographical distribution of communities of wider Istanbul area^[2]

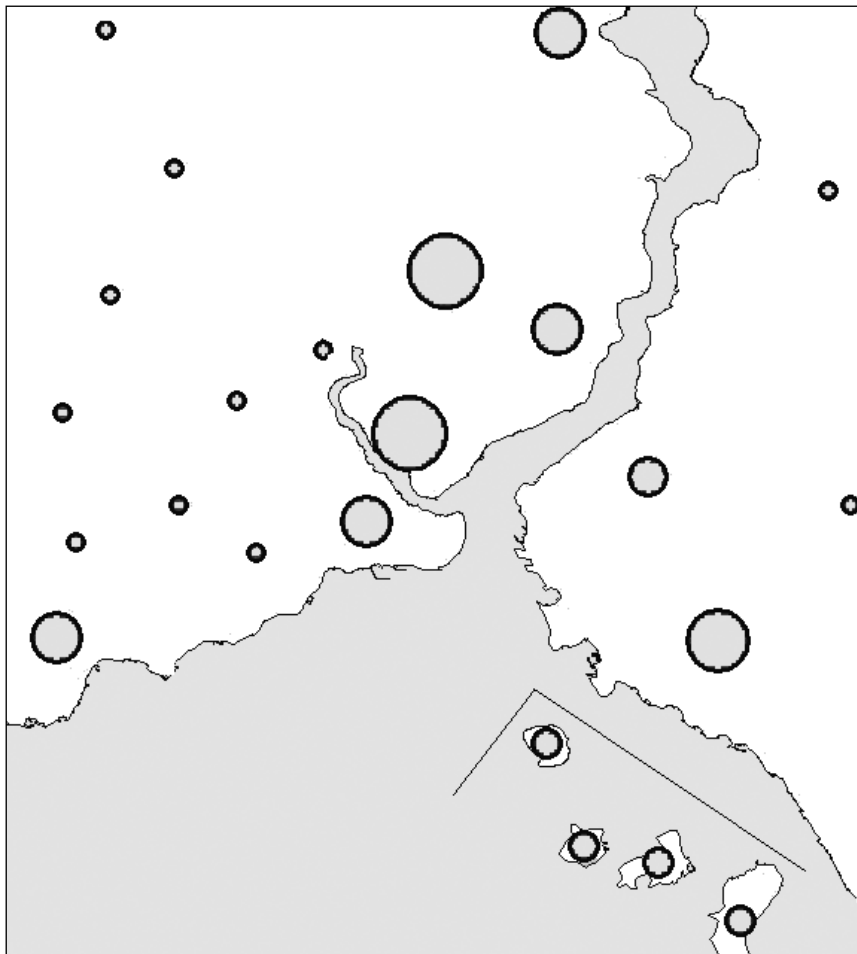
Greek-Orthodox communities in Istanbul from 1923 up to date have remained at the same areas. However, today (2014), the conservation of communities in number and location can only euphemistically be considered to match the actual demographic data: the Greek-Orthodox minority in Turkey comprises in full growth 69 communities of Istanbul and Prince's Islands, seven communities of Imvros (Gökçeada) and the community of Tenedos (Bozcaada) including also their foundations and properties. Special mention should be made of the five Major Foundations due to their distinct character (Great School of the Nation, Ioakeimio School, Balıklı Hospital, Büyükada Orphanage, and Zappeio School) and also the Central Girls' School that are

² One to four foundations correspond to each community. Compared with the map below you can easily see the disproportional distribution of communities and foundations to the current distribution of the Greek-Orthodox population of wider Istanbul. Foundations in Tenedos (Bozcaada) (1) and Imvros (Gökçeada) (7) are not included.

of particular importance and for a period of time enjoyed a special status, while three of them are not currently active.

Some of the communities, as already mentioned, are active and dynamic, whereas others have a narrow local population and many have essentially disappeared as a distinct entity in the minority. Communities are nonetheless conserved in the perception within the minority (see Annex I) on the basis of foundations, which are managed by Administrative Boards originating from the minority in general.

Although the inclusion of Greeks -that to date predominate among the Greek-Orthodox or Rum population- into these communities has been and still is self-evident, the Bulgarian-, Albanian- and Arabic-speaking Greek-Orthodox were included or excluded according to Turkish law, mainly through the right of registration in minority schools: children of the first two sub-communities were excluded, despite the fact that they had participated initially. On the contrary, the latter population was placed three decades ago under the Greek-Orthodox communities of Istanbul. It is only recently that this issue, being both interesting and critical, has been openly discussed within the minority. Undoubtedly the matter will grow in importance in the coming years, as differentiating factors that determine the establishment of the beneficiaries of Greek foundation properties will become increasingly visible along with a greater need of homogenizing factors for the establishment of a single community as a political subject.



MAP 2: Geographical distribution of Greek-Orthodox population in wider Istanbul area ^[3]

3 The geographical distribution of Greek-Orthodox population living in wider Istanbul is depicted according to calculations by the demographic group of the Convention "Meeting in Istanbul". Present and Future, in 2006 that were not published, but is also based on personal estimations. The size of the circles reflects the proportion of the population (the largest circles correspond to a population of 500-1000 people, the smaller ones to less than 10 people). All Greek-Orthodox are included regardless of their ethnic identity as well as those who reside semi-permanently or occasionally. My own overall estimation of the population: 3000-3800 people.

The rights of minorities with regard to foundation properties

The self-organization and financial management fall under the logic of the millet with vague borders on the beneficiary of the financial fruits of foundations. In other words, if the Ottoman millet maintained an internal legal order of public character, parallel or overlapping with the state public legal order in certain important sectors (education, administration of justice of private law, etc.) this is now hampered by basic principles of public law. There are two aspects in this observation: First, with regard to the position of the minority, as an entity-heir of the Rum millet in modern Turkey; secondly, the relation of the Greek-Orthodox Church, i.e., the Ecumenical Patriarchate with Communities as self-organizing bodies of the minority's internal structures.

Another issue concerns the legal personality and status of the communities themselves as institutions with authority over foundations. If in the past communities were established essentially by the inhabitants of a particular region and were granted legal status by a statute, which defined the organization and functions of the individual bodies, the declining demographic trend of communities and their legal non-existence according to Turkish law, has greatly reduced the visible division of their borders and therefore annulled their traceability as autonomous entities within the broader minority. For example, while in 1950 the communities (parishes) of Vlahernae, Balat Panayia Balino, Fener and Fener Panayia [Kanlı]^[4], were recorded separately, today they could hardly be seen as distinct community entities other than their connection with their respective foundations.

The main foundations and their annexes are directly connected to the communities. Nevertheless to the extent that they are of religious nature (see churches, holy springs/ayazmas, and monasteries) they are placed directly and ecclesiastically under the Ecumenical Patriarchate. Therefore, religious foundations (churches, monasteries) are subject to the ecclesiastical, decision-making and functional jurisdiction of the Patriarchate, while the crucial question relates to which body is in charge to manage and profit from related proceeds: the "Church" or the "Municipality"? Without doubt the church administrative unit of the parish refers to the ecclesiastical administration of

4 Ch. Christidis, September events, Centre of Minor Asia Studies, Athens 2000,p. 293.

any church, while the division into “communities” refers to the “Municipality”, i.e., the members of the community and therefore the inhabitants of the parishes. The distinction between “Municipality” and “Church” should not be seen as contradictory or conflicting, but complementary, especially if subjected in theory to millet-like community structures.

The institutional development of the concept of “community” to “minority” implies the role separation of two successive institutions, which had already started in the 1930s until the beginning of the depopulation of Greeks, mostly from the mid-1960s onwards. We can safely assume that the revenue of church, school and charitable foundations are used in favor of the respective community, or generally of the minority. Equally, the income of foundations that are directly dependent on the Patriarchate shall be “invested” at the will of the Patriarchate in favor of the purpose statute. But again a crucial question is yet to be answered: which entity should be regarded as a “community” in the case of foundations that are directly placed under the Patriarchate? For example, the Patriarchal church of St. George (Aya Yorgi Church/ Agios Georgios) was established in a foundation in 1936, while in the 1997 elections voters and administrators originated from across the European side of the Greek-Orthodox population. On the other hand, it could be argued that in the case of foundations controlled by the Patriarchate, the latter is a quasi-community with authority over these foundations, and therefore could claim, among others, the “demazbutisation” (de-seizure) of Salkımsöğüt Aya Terapi Holy Spring (Agios Therapon) and Vefa Panayia Holy Spring. As for the administration of the Foundation of the Patriarchal Aya Yorgi Church, a Joint Management Committee comprised of laity and priests could be established, and the allocation of the revenue from church properties would then serve exclusively the Patriarchate. In this manner, the Ecumenical Patriarchate would enshrine its legal personality as a body with authority over the foundations placed under its management, namely as a “super-institution” of the minority.

A similar question concerns the status of the community with regard to the separation/superposition between religion and national identity. The question is crucial in order to identify the beneficiaries of rights that are inherent in the functioning of foundations. Should the Greek minority be perceived

as "Greek-Orthodox" fully including the Arabic-speaking, Turkish-speaking and other Orthodox Christians of non-Greek national identity? Or should the minority be regarded in the strict sense of ethnic minority (i.e. the commonly understood concept of "Diaspora"), and thus "non-Greeks", as regards national consciousness are to be excluded from the distribution and management of foundation properties? The question began timidly to arise in the Community⁵, especially with regard to the position of Arab speaking members in individual events of the minority, in particular in the bilingual (Greek-speaking - Turkish-speaking) minority education.

Under current law, as amended in 2003, community foundations acquire legal personality and the possibility to acquire new real property (see similar Act 5737/2008). However, authority over real property is subject to significant restrictions. For example, the amount of money from the expropriation of a foundation immovable property is required to be deposited in the Vakıflar bank, while the management committee does not have the right to manage the capital at will but only the interest generated. One of the issues that may further restrict the exercise of management functions to the point of even abolishing the scope of the right is taxation. Taxation is the sword of Damocles over sustainability of real property as, depending on the height of taxation, foundation property can become injurious and communities unable to sustain them.

The new law on foundations (2008)

Separate aspects that constitute the content of the right with regard to the management of minority foundations are reflected in two sides of the same coin: the management committees of minority foundations and the management responsibilities of state bodies. The relationship between

5 Symeon Yılmaz, an Antiochian member of the Greek community in Istanbul, sparked relevant discussion following his presentation at the conference "Meeting in Istanbul" (1.7.2006) S.S. Yılmaz, 2009, "The present and the future in Istanbul of Greek-Orthodox Christians of Antiochian origin, "Meeting in Istanbul". The present and the future, Alumni Association of Zographeion, Kaleidoscope / KEMO, p. 279 and in his article in the newspaper Agos, 30.5.2008.

these aspects, namely the right and the obligation as far as the minority is concerned, was complex and often interdependent, despite the contrary being often invoked. That is that minority foundations enjoy the right to autonomy within the minority, while the relevant state bodies are a rival authority, aiming at limiting the right. If the latter assumption is not far from reality, it does not exclude for certain historical periods the poor functioning of the community's own management bodies from within.

The reactions of religious communities, the pending cases before the European Court of Human Rights (ECtHR) and especially the repeated negative commentary in the progress reports of the European Commission led to the adoption of a new law on foundations in November 2006, within the scope of which community minority foundations fall again. Act 5555 of 5.11.2006, which came into force by its reenactment in February 2008 as Act 5737 sought to give solutions to chronic problems, as a product of political pressure, but also to ensure the least possible harm for the state. The spirit of the new law, despite the improving amendments in the status of foundations, failed to correctly implement the principle of equality of foundations (between non-community and community ones) and to satisfactorily remedy the cases of transfer of properties in favor of the State or third parties, resulting thus in the non-alignment with the Turkish Constitution, the Treaty of Lausanne and the ECHR. The matter has grown in significance, especially following the decision of the ECtHR on the Great School of the Nation, and other relevant decisions, the assertion of proprietary rights in cases of real property acquired after 1936 and particularly of immovable property transferred to third parties, whether natural or legal persons.

The "Provisional Article 7" attempts to limit the losses of foundation properties, however major categories of real property are beyond its regulatory scope, on the condition that the possession of property is vested by the respective foundation, precisely for the cases that the law would allegedly remedy, i.e., the loss of ownership and possession⁶. Furthermore, the possibility of "demazbutisation" (de-seizure) remains unregulated as also the

6 See details in K. Tsitselikis, *The foundations of the Greek-Orthodox communities in Turkey's European path*, Vivliorama / KEMO Editions, Athens 2011, p. 120-160.

establishment of communities as a legal personality in relation to the main foundations and their annexes.

Under the new law, the Circular 2008/6 of the VGM (General Directorate of Foundations/Vakıflar Genel Müdürlüğü) was adopted on 13 May 2008 in order to implement the "Provisional Article 7" by stipulating in detail the conditions for claiming ownership of real property under the aforementioned provision within 18 months. By early September 2009, twenty eight foundations submitted declarations at the initiative of the Patriarchate, whereas most of the other foundations filed their claims individually. Eleven foundations did not submit applications as they had vested all their real property after the completion of the settlement process in 2003. By the applications filed in 2009, a total of 946 immovable properties in Istanbul, Imvros (Gökçeada) and Tenedos (Bozcaada) [including 185 immovable properties that were part of a mazbut/seized foundation)] were claimed. In addition, the ownership of 19 cemeteries was claimed as well. According to Deputy Prime Minister Bülent Arınç, who is responsible for community foundations, 68 immovable properties, the immediate restitution of which was ratified in favor of foundations, belong to Greek foundations (mainly in favor of Balıklı Hospital, also two immovable properties in favor of the Beyoğlu Greek-Orthodox Community Churches and Schools Foundation and additional two in favor of the Cibali Aya Nikola Greek-Orthodox Church Foundation and one immovable for each of the following foundations: Fener Panayia [Kanlı] Church Foundation, Kadıköy Greek-Orthodox Community Churches, Schools, and Cemetery Foundation, Sarmaşık Aya Dimitri Church Foundation and the Great School of the Nation in Fener). It is particularly noteworthy that 19 cemeteries in total were granted to the communities but none mazbut (seized foundation)⁷. Overall, the process is continuous recording a settlement and "closing of accounts" line, regardless of the just or unjust outcome. Indicatively, during the two year period 2012-2014 the ownership of 169 foundation real properties was recognized by the Turkish administration (whiles it was denied in other 518 cases, see Annex, Table II).

7 Y. Ktistakis, "It all began in 2007: The European protection of foundations of Greeks", Rum calendar 2013, Istos, Istanbul, p. 178.

In addition, in September 2008 a Regulation implementing the Act 5737 was adopted with regard to the appointment of management committees and their managerial control. The Regulation does not lead to significant changes in the electoral procedure of foundation committees, but determines that the responsibility of the process lies now with the VGM and not the Prefecture, as was the case until that point (Articles 29-33). As a result, the possibility of enlarging the constituencies is ensured for both voters and candidates (whether at district [ilçe] or prefecture [il] level or possibly even country-wide, with the approval of the local VGM department). The electoral process is to be undertaken by a foundation committee. However, the elections were perceived more as a right than as an obligation of the Community. There have been two elections since 2008 for the vast majority of communities, with the exception of the committee of Balıklı Hospital Foundation that opposes any process of representativeness. On the other hand, the Turkish government should have worked out a new Regulation for the elections in 2014, which have not been carried out so far (June 2014), reviving thus the climate of uncertainty and mistrust and postponing in effect the third election wave in foundation committees.

Finally, community foundations are represented in the General Assembly of the VGM by one representative selected by the representatives of all community-minority foundations (the first elections were held on 28 December 2008), that is Greek-Orthodox, Armenians, Jews, Assyrians, Chaldeans, etc. (Article 96 et seq.). The need for representation led to unprecedented election and consultation processes in management committees, which deliberated and appointed their first joint candidate, businessman Mr. Lakis Vingas, who comes from the Community of Neochoriou (Yeniköy) and who was eventually elected in the first two elections (December 2008, December 2011) as the first common representative of all community foundations in the Assembly.

Minority communitarianism in modern Turkey

The discussion over the legal status of minority foundations and the right to property is related to the broader view of the legal position of a minority in terms of granting general or specific rights. Theoretical approaches vary

depending on how principal is the role of homogeneous law and state power in the implementation of the equality principle and its content in relation to the needs of ethnic & religious and linguistic diversity that may require special treatment, even personal or territorial autonomy. From another point of view, a critical question is which community of people will be identified as the subject of rights. Two possible responses emerge here: The community constituted of all citizens of a state as a whole, subject to a constitutionally homogeneous legal order with common rights guaranteed by the principle of equality and non-discrimination, or the community constituted of the members of a group that differentiates itself on ethnic-linguistic and religious criteria from the majority of citizens? The answer to this question is crucial for the law that shall regulate the multicultural phenomenon of integrating all those who are different in a single society that shall respect and not dominate over the "different." Proportional equality aiming at equality of results^[8] is an important legal tool offered by human rights to achieve an objective that overwhelms science theorists and active politicians alike.

Pluralism is built equally through the genuine recognition and respect for diversity and the dynamics of cultural traditions and national and cultural identities, while the harmonious interaction of persons and groups with different identities is essential for achieving social cohesion. By similar reasoning the ECtHR^[9] has set the relation between the recognition of a minority and the right of association, through which minority members and the whole minority in fact, can jointly enjoy aspects of their minority diversity. The principle of pluralism can therefore contribute to the articulation of social cohesion as defined by state citizens as a whole, instead of tearing it to pieces through ethnic or religious differences. The relationship scheme of minority-majority and of minority-state is dynamically evolving, and the case of the Greek minority is no exception to the rule that wants the position of the minority to be

8 For a discussion on the legal status of multiculturalism in Greek reality, which has many similarities with the Turkish case, see N. Alivisatos, 2005, "Does multiculturalism need a new theory of human rights?" *Human Rights* 28, p. 1203.

9 *Gortzelik and others v Poland*, 44158/98, 7.2.2004, para 92, κατ *Ouranio Toxo v Greece*, 74989/01, 20.10.2005, para. 37.

linked to the law and policy that is shaped and enforced by the state.

The integration problem of a minority entity disposing of legal personality in a liberal legal system may be resolved through the implementation of the right to freedom of association, as enshrined constitutionally and internationally, e.g. in Article 11 of the ECHR. This right allows individuals to jointly acquire legal personality as a collective body, the ethnic characteristics of which are seen as irrelevant by the law, provided that it is not contrary to the fundamental rules and principles of public order. In this way a community collectivity (minority or minority community) can be incorporated into a liberal legal system establishing its legal status. The minority order can be safeguarded as a private sphere of autonomy within the public-state sphere allowing the liberal indifference of law to incorporate the minority diversity in the form of rights. Therefore, if the ethnic-religious boundaries within society were irrelevant, the elements of civil diversity/similarity would define pluralism and political participation through nationality, by terms of participation in the Municipality and not the Nation¹⁰. However, in the modern era with these ethnic boundaries being more than clear and also defined by the level of asserting one's rights or oppressing the expression of minority diversity, the neutral state rests on the social indifference of the majority, which is often pressured by the tight embrace of both the dominant national ideology and the assertive ethnic identity of the minority.

The Ottoman roots of the millet, namely a judicial system grounded on a community-based allocation of power and a hegemonic distribution of responsibilities, had a direct influence on the modern Turkish law on foundations, as basic principles of Ottoman law, or more precisely, some perceptions vis-à-vis the law on foundations, have survived. However, since the very beginning of the new law on foundations critical questions have arisen from fundamental contradictions, such as the division of responsibilities in view of the narrow threshold of distinguishing between private and public domain. The interpretation of the Lausanne Treaty at that period -in the 1920s- and of implementing rights by granting relevant rights to minorities on the crite-

10 See the discussion in Ch. Mouffe (ed.), 1992, *Dimensions of Radical Democracy: Pluralism, Citizenship and Community*, Routledge, London.

ria of religious affiliation was defined by a millet-like perception of minority diversity in a nation state. Therefore, the deadlocks that emerged later on were somehow fated and in some cases the solutions provided violated on the one hand the community autonomy but on the other hand harmonized law with social reality in the sense of a liberal equality through citizenship.

This process of "correcting" the Lausanne Treaty and mitigating communitarianism in favor of the implementation of rights that were common for all citizens under the Civil Code has been unprecedented through a process of imperative consensus. The fundamental expressions of communitarianism could not, however, be incorporated into the model of a single and unified Turkish legal order. The mantle of legal protection failed to harmonize or find solutions to issues regarding the status of the minority as a subject of law and as a body with rights of public nature, as was the case in the law of the Empire under the millet system.

For this reason, communities are no longer visible as subjects of law. In the end, it was foundations and their property that remained in the form of protection of minorities. Therefore, the Turkish administration especially during the postwar period attempted to distinguish between the roles of community bodies and management bodies of foundations, ignoring the first.

The modern era after 1990 is characterized by the overlapping of the latent "milletization" of minority communities with the logic of rights, both general and specific, which are attributed to minorities, especially in the light of the ECHR, i.e., the right to association, freedom of religion and the right to property. As a consequence, these rights are intertwined with the provisions of the Lausanne Treaty, but now on the basis of equality of minority members-citizens and of the opportunity to establish and operate a private foundation with all ancillary rights as derived from the common law on foundations. On the other hand, the established rights of foundations are grounded in the logic of communitarianism, where the beneficiary of the proceeds is a faith community, or a community of those in solidarity with a national idea, who are objectively identifiable as part of a latent public sphere, within the minority order. In the end, this entity constitutes a political community functioning as such within Turkish society and political life, with limited (if not non-existent) institutionalization of its position and means of influence.

Even if not guaranteed collectively for the minority, this situation is nevertheless noted in the legal status of community foundations, whose purpose serves a minority community, not personalized to specific people, but as an entity and institution of quasi-public internal power.

The Turkish administration is avoiding the part of “normalization” of minority foundations, being thus confronted with a series of contradictions, as this stance is not based on any higher judicial authority. Especially taking into account that the relevant provision of the Civil Code introduces discriminatory treatment, which is contradictory to a series of rules of constitutional and international law. It also highlights the lacking validity of citizenship that according to the dominant ideology is attributed to the notion of equality, as Turkish citizens belonging to minorities are regarded as an “exception”, as “foreign natives” who by circumstances are barely tolerated and their position is under constant negotiation.

A minority may constitute a collectivity, based on the free will of its members to belong or not to belong to it, which can enjoy special rights, equivalent to the general rights enjoyed by all members of the community of state citizens. Therefore, the exercise of the right to association, for example, could pave the way to seek solid responses and solutions to the issue of the legal position of the Greek-Orthodox minority and its communities as well as of the foundation properties. The relevant law on associations does not contain restrictions, such as Article 101.d under the Civil Code for the establishment of new foundations.

The right to association could integrate minorities and communities in combination with the implementation of the Lausanne Treaty, since the content of the activities of a minority as a whole would hardly “fit” in the limited legal shell of an association^[11]. It could create, though, a special version of association to meet the special needs remained unaddressed, that is, the “non-Muslim minorities of Lausanne” and their communities. In any case,

11 See related discussion in the Opinion of the Venice Commission, (European Commission for Democracy Through Law (Venice Commission), 2010, Opinion 535/2009 on the Legal Status of Religious Communities in Turkey and the Right of the Orthodox Patriarchate of Istanbul to Use the Adjective “Ecumenical”, 15.3.2010, CDL-AD(2010)005, Strasbourg), para 43.

this need is determined by the content of the established rights of religious freedom and association.

As emphasized by the ECtHR, "religious communities historically and universally exist in the form of organized structure"^[12], and the right to association "safeguards the associative life against unjustified state interference"^[13]. Freedom of religion is, therefore, the broader spectrum in which association is experienced so that community members, and in particular those belonging to a minority, have the opportunity to acquire legal personality and call for the implementation of their rights. Subsequently in the case of the relevant rights of the Greek-Orthodox minority in Turkey, the fact that the minority and its communities are unable to establish a single or a multiple legal personality is further hampered by the unjustified denial of the Turkish government^[14] to provide the possibility of equal treatment between the minority and the Muslim majority.

Conclusions

The legal status of foundations is regulated by legal residues of millet-like social divisions, which are not compatible with important principles of modern law. The Treaty of Lausanne, while recognizing special protection for minority foundations in the context of self-administration and the principle of equality of citizens, it is being circumvented in practice by laws and regulations of less formal value. With regard to the right to property, only foundations have the right to acquire property and not communities. Thus, foundations overshadow the living subjects of the minority, the communities and the Ecumenical Patriarchate. In other words, legal entities that were secondarily created to serve communities acquire capital and exclusive importance, both in political and legal terms.

12 ECHR, *Mirolubovs and others v Lithuania*, 15.9.2009, para 80.

13 ECHR, *Hasan and Chaush v Bulgaria*, 26.10.2000, para 62.

14 The ECtHR held that it is an unjustified intervention of the state in case that a religious community could not perform its religious duties, *Metropolitan Church of Bessarabia and others v Moldova*, 13.12.2001, para 118.

While established in theory, the self-administration of community properties, the Major Foundations and the Patriarchate is affected by the shift of responsibilities from within the private sphere of the minority to the state public sphere, as minorities are generally considered to be of “reduced loyalty” and largely regarded as an issue of “state security”. Consequently, minority community properties are automatically subject to the logics and practices of “exceptional jurisdiction”, which, although unlawful, “may be justified” on grounds of “national interest” and therefore may fall under basic principles of legal implementation, scrutiny and certainty.

The prospect of a gradual merging of Greek-Orthodox minority communities in Istanbul will certainly match the population reality to minority institutions (correlation between Charter 1 and 2, see above). What is missing, however, is the establishment of an institutional framework to legally reflect communities as integral components of the minority.

The narrow interpretation of the relevant legislation has led to the complete alienation of minority institutions from the foundations and their annexes, often by the “mazbutisation” (seizure) process, and in many cases the acquisition of their annexes immovable property by third parties. However, the gradual return of property belonging to foundations (see procedures of vesting property in 2004 and 2010) in the context of the implementation of reforms relating to Turkey’s accession process is an important step towards the recovery of past losses. In many cases, though, the impact of restrictions imposed on foundation property during the 1970s, continues to exist or has not been remedied. The failure to issue a regulation for elections within the period 2013-14 has halted the internal dynamics of the democratization of communities.

Mismanagement, client relationships with government authorities and non-implementation of the principle of good governance, transparency, independence and publicity on the part of minority management authorities, as well as the opacity vis-à-vis the quantitative and qualitative state of foundation real property, reduce, as historically seen, the resistance of the minority to legal and political pressures. Moreover, there is no development of structures for harnessing foundation properties or of a self-organizing infrastructure to serve the needs of civil society to the benefit of the minority and the wider Turkish society.

The preceding points discussed could be put in practice through the optimal utilization of minority community immovable property to the benefit of its members, as well as through the ensuing optimal reorganization of communities. Furthermore, it was found that “property dimensions are much larger than imagined” and the imperative of “cooperation among minority bodies and collective operation” ^[15] has become clearly understood.

An essential double condition for the fertile analysis and implementation of conclusions and proposals is the following: The commitment of competent policy-making bodies to adopt solutions in compliance with the basic principles of rule of law and pluralism, and the identification of the appropriate legal procedure. This observation applies to both parties: the Turkish government and administration, and *mutatis mutandis* the organizational structures of the Greek-Orthodox minority as well. The implementation of reforms requires courage and knowledge by all parties involved, but also necessitates a thorough and systematic scientific study of actual, quantitative and qualitative data, as lacking research on community properties is a major drawback for any further discussion.

Recommendations

The Lausanne Treaty, although obsolete in its conception and the wording of its provisions, can provide sufficient legal safeguards (see Art. 42.3 and 40) through the interpretation and implementation of the relevant provisions of the ECHR, which equipped with the judicial mechanism of the ECtHR, are a safe guide to the safeguarding of both community properties and the legal personality of minority-communities. The following recommendations are addressed to the Turkish government, Greek-Orthodox community, foundation administrative boards and all interested parties.

15 Letter of Lakis Vigas, *Apogevmatini* newspaper, 6.5.2010. See also L. Vigas, “Experiences, thoughts and visions for the Greek Community”, *Rum calendar* 2013, Istos, Istanbul, p. 197.

a. Recommendations to foundation administrative boards

The invocation of rights guaranteed in the ECHR, such as Article 11 (right to association), Article 1 of Protocol No. 1 (right to property), with regard to the freedom of religion under Article 9 (and in relation to the prohibition of discrimination in Article 14 or the right to an effective remedy under Article 13), may contribute to the safeguarding of the minority properties by claiming:

- One and a single legal personality of the minority, the legal personality of the Ecumenical Patriarchate, as well as individual communities
- The reversal of transferring real property to state authorities (see VGM) and its liquidation in favor of third parties (see Vakıf Bank)
- The clearing of numerous pending cases, with clear, targeting, priorities (see “de-mazbutisation” (de-seizure), the recognition of acquisitions after 1936, acquiring [new] legal personality, etc.).

b. Recommendations to communities

The redefinition of the self-organizing structures of communities in a democratic way, that is, through universal and inclusive participation, is a prerequisite for the promotion and support of the claims on foundation properties. The redefinition should also concern the status of the Ecumenical Patriarchate and especially the role and responsibilities of fragmented communities. Another imperative is the consolidation of neighboring communities and foundations and the establishment of a single institutional coordinating and monitoring body (possibly at secondary level?), combined with the establishment of one single legal personality of the minority in the spirit of Article 40 of the Lausanne Treaty and the right of association under the ECHR. The consolidation could take place gradually involving neighboring communities/foundations, especially the weakest. Three broader regions of communities/foundations could be possibly formed through the consolidation process: the European side, the Asian side including Prince’s Islands, and Imvros and Tenedos. This will create the ground for the optimization of benefits that foundations can provide in favor of the minority, but also for the functioning of communities based on the principles of transparency and publicity regarding

its activities and internal management control, and legal certainty vis-à-vis the respect for the rights of the minority by state administration.

The optimum utilization of the objectively restricted human resources of the minority by the inclusion of youth and women in foundation management (as already happening following the elections of 2007/10), and the development of entrepreneurship can bring new life and meaning to management committees and foundations. Moreover, foundations are intended to serve the minority and not vice versa.

c. Recommendations to the Turkish government

The cessation of dependence of foundations from national clashes (see reciprocity clause) that instrumentally include them in matters of foreign policy may ensure their viability as to the purpose for which they were established, but also the introduction of a new purpose adapted to current social needs.

The reorganization under Turkish law requires the weighing and balancing of the current legal principles to the interests of minority communities with a view to establish the self-administration of their own foundations and properties in a modern context of respect for human rights. The inclusion of minority foundations in the concept of common foundations or other legal persons, under the Civil Code, may provide radical solutions to the problems. However, restrictions of Article 101 of the Civil Code do not actually allow such reforms, excluding in effect community foundations from being placed under "common law". Ultimately, Turkey should reformulate a new political and legal theory vis-à-vis minorities. The incorporation of the Council of Europe's Framework Convention for the Protection of National Minorities (FCNM) into Turkish law could contribute in this direction. General principles of procedural and substantive law, such as "clarity and certainty" and "effective judicial remedy" should be established in a substantial way in the light of the ECHR. Lastly, rules of international, constitutional and national law should be prioritized so as to ensure a clear distinction between the internal (private) sphere of the minority and the public space. In this context, the Administration must exercise scrutiny and safeguarding powers in favor of the minority and act as a shield of protection against arbitrariness wher-

ever it comes from.

Eventually the legal status of foundations should be “normalized”, that is, to be disentangled from the special categories in which minorities are visible, politically or legally, only as an “exception”: This special treatment has historically come at the expense of minorities -and in the long term of the majority-, while it has given rise for political manipulation on all sides. Consequently, the law on foundations should be developed in line with modern civil law, in order for community foundations to be treated as common legal persons of private law and not within the context of the distorted legal residue of the millet, which is impossible to be incorporated as such into modern law (see “mazbut” status, deprivation of the right to establish new foundations, restrictions on the right to acquire real property, etc.).

d. Recommendations to all interested parties

The dialogue process is essential for the formulation, composition and drafting of proposals on the part of the minority, following the compilation of all separate tendencies and contradictions. The solitary and closed consultation procedure, which is usually based on hegemonic relations, has monopolized up to date the decision-making process with a double cost: the exclusion and disregard of fruitful suggestions and ideas, and also the creation of a politically negative example of equal relations within the minority society among all bodies that could be engaged in other organizational areas. Seeking support in the broader Turkish society is also vital, since there can be no effective strategy without reference to “allies” outside the minority on the basis of cooperation, political and social participation. There have already been significant positive examples in this area and the Conference in 2006 is a synergy of such kind. In this spirit, practices for the management and use of the revenue from foundation properties are to be sought not only in the interests of the minority and the communities, but also, and by setting thus an example, to the benefit of the broader Turkish society.

ANNEXES

TABLE I: GREEK-ORTHODOX FOUNDATIONS

1. Aksaray Langa Aya Todori Greek-Orthodox Church Foundation
2. Altı Mermer Panayia Greek Church Foundation
3. Arnavutköy Greek-Orthodox Taksiarhi Church and Cemetery Foundation
4. Ayvansaray Aya Dimitri and Aya Vlaherna Churches and School Foundation
5. Bademliköy Panayia Kimisiz Greek-Orthodox Church Foundation
6. Bakırköy Aya Yorgi and Aya Analipsis Churches and Schools Foundation
7. Balat Aya Strati Greek Church Foundation
8. Balat Panayia Balino Greek Church Foundation
9. Balıklı Greek Hospital Foundation
10. Bebek Aya Haralambos Church Foundation
11. Belgradkapı Panayia Church Foundation
12. Beşiktaş Cihannüma Greek-Orthodox Church Foundation
13. Beşiktaş Panayia Church Foundation
14. Beykoz Greek-Orthodox Community Aya Paraskevi Church and Cemetery Foundation
15. Beyoğlu Greek-Orthodox Community Churches and Schools Foundation
16. Beyoğlu Zappeion Greek Girl High School Foundation
17. Boyacıköy Panayia Evangelirstra Church and School Foundation
18. Bozcaada Kimisiz Teodoku Greek-Orthodox Church Foundation
19. Burgazada Aya Yani Church and Greek Cemetery Foundation
20. Burgazada Aya Yorgi (Karipi) Monastery Foundation
21. Büyükkada Boys and Girls Orphanage
22. Büyükkada Greek Primary School and Panayia Aya Dimitri and Profiti İliya Churches and Greek Cemetery Foundation
23. Büyükdere Aya Paraskevi Church And Primary School Foundation
24. Çengelköy Aya Yorgi Greek Church and Aya Tantali Holy Spring and Greek Mixed Primary School and Two Old Cemeteries Foundation

25. Cibali Aya Nikola Greek-Orthodox Church Foundation
26. Dereköy Aya Marina Greek-Orthodox Church Foundation
27. Eğrikapı Panayia Church Foundation
28. Evangelistria Greek-Orthodox Church Foundation
29. Fener High School Foundation
30. Fener Ioakeimion Girls School Foundation
31. Fener Maraşlı Primary School Foundation
32. Fener Panayia [Kanlı] Church Foundation
33. Fener Vlahsaray Panayia Greek-Orthodox Church Foundation
34. Feriköy Greek-Orthodox 12 Apostles Church and School Foundation
35. Foundation for Aya Yorgi Church, Ecumenical Patriarchate in Fener
36. Galata Primary Greek School Foundation
37. Gökçeada Merkez Panayia Greek-Orthodox Church Foundation
38. Hançerli Panayia Greek-Orthodox Church Foundation
39. Hasköy Aya Paraskevi Church Foundation
40. Heybeliada Aya Nikola Church and Greek-Orthodox Cemetery and Ufak Aya Varvara Church Foundation In The Cemetery
41. Heybeliada Aya Triada A.K.A. Tepe Monastery Foundation
42. Heybeliada Seminary Foundation
43. Kadıköy Greek-Orthodox Community Churches, Schools, and Cemetery Foundation
44. Kandilli Aya Metamorfosis Church and Primary School Foundation
45. Kentrikon Girls School
46. Kınalıada Panayia Greek-Orthodox Church Foundation
47. Kumkapı Greek Community Aya Kiriaki and Panayia Elpida Churches and School Foundation
48. Kurtuluş Aya Tanaş Aya Dimitri Aya Lefter Greek Church and School Foundation
49. Kuruçeşme Aya Dimitri and Aya Yani Churches Foundation
50. Kuzguncuk Aya Pandellimon Greek-Orthodox Church Foundation
51. Ortaköy Aya Foka Greek Church and Aya Yorgi Church, Cemetery and Schools Foundation
52. Paşabahçe Ayios Konstantinos Greek-Orthodox Church Foundation
53. Salmatomruk Greek-Orthodox Panayia Church Foundation

54. Samatya Analipsiz Church Foundation
55. Samatya Aya Konstantin and Eleni Greek Church Primary School Foundation
56. Samatya Aya Mina Church Foundation
57. Samatya Aya Nikola Church Foundation
58. Samatya Aya Yorgi Kiparisa Church Foundation
59. Sarmaşık Aya Dimitri Church Foundation
60. Tarabya Aya Paraskevi Greek Church and Greek Primary School Foundation
61. Tepeköy Evangelismos Greek-Orthodox Church Foundation
62. Topkapı Aya Nikola Church Foundation
63. Üsküdar Profiti İliya Greek Church and Holy Spring and Cemetery and Greek Mixed Primary School Foundation
64. Yeniköy Aya Nikola Church Foundation
65. Yeniköy Panayia Church and Greek School Foundation
66. Yenikoy Aya Yorgi Church and Monastery Foundation connected to the Greek-Orthodox Patriarchate of Jerusalem
67. Yenimahalle Aya Yani Greek Church and Primary School Foundation
68. Yeşilköy Aya Stefanos Church-Primary School and Cemetery Foundation
69. Zeytinliköy Aya Yorgi Greek-Orthodox Church Foundation

Table II: Community foundations property returns from February 2012 to February 2015^[16]

VGM Decision No	Foundation- Date	Approved Applications	Rejected Applications	Explanation
	Arnavutköy Greek-Orthodox Taksiarhi Church and Cemetery Foundation			
461	18/09/2012	10	33	54,53,54,31,34,42,47 plots, 52m ² , 45m ² house, 41m ² ayazma
17	10/01/2013	1	1	176.7 m ² plot
289	27/05/2013	-1	1	
265	21/05/2012		1	
	Ayvansaray Aya Dimitri and Aya Vlaherna Churches and School Foundation			
347	24/06/2013	3	14	36m ² , 4m ² plots, 24m ² wall
418	05/08/2013		1	
	Altimermer Panayia Greek Church Foundation			
514	07/10/2013		7	
154	07/04/2014		3	
388	Bademliköy Panayia Kimisiz Greek-Orthodox Church Foundation			
	29/09/2014		1	
	Balıklı Greek Hospital Foundation			
453	04/09/2012		10	7 compensations
19	10/01/2013		3	
	Beyoğlu Greek-Orthodox Community Churches and Schools Foundation			
447	04/09/2012	1		69.5m ² plot
104	18/02/2013	1	1	307m ² plot
187	03/04/2012	2		160m ² house, 38600m ² cemetery
389	Bozcaada Kimisiz Teodoku Greek-Orthodox Church Foundation			

16 The figures were provided by the Office of the non-Muslim Foundations Representative at the VGM Assembly.

	29/09/2014	11	4	3596.91m ² , 1962.39m ² , 1868.67m ² , 2550.01m ² , 2991.03m ² , 2167.8m ² plots
				2792.54m ² , 4167.51m ² , 3561.91m ² , 39995.14m ² , 27945.84m ² plots
	Büyükada Greek Primary School and Panayia Aya Dimitri and Profiti İliya Churches and Greek Cemetery Foundation			
607	27/12/2012	1	1	13537m ² cemetery
	Burgazada Aya Yorgi (Karipi) Monastery Foundation			
176	25/03/2013	1	20	3446m ² monastery
	Boyacıköy Panayia Evangelirstra Church and School Foundation			
319	10/06/2013	5	20	1104m ² church, 878m ² school, 552m ² school, 122m ² house, 0.23m ² ½ plot
365	08/07/2013	1	1	6067m ² cemetery
	Bakırköy Aya Yorgi and Aya Analipsis Churches and Schools Foundation			
299	17/06/2012	1		4437m ² cemetery
	Beşiktaş Cihannüma Greek-Orthodox Church Foundation			
483	17/09/2013	2	3	91 m ² plot, 10.74m ² plot
	Büyükdere Aya Paraskevi Church And Primary School Foundation			
482	17/09/2013	2	1	3188m ² cemetery, 193m ² ayazma
	Burgazada Aya Yani Church and Greek Cemetery Foundation			
172	25/03/2013	2		cemetery, 17.50m ² ayazma
515	07/10/2013	1		cemetery
	Bebek Aya Haralambos Church Foundation			
511	07/10/2013	4	5	6409m ² plot, 2774m ² cemetery, 179m ² plot, 193m ² school
49	20/01/2014		1	
	Çengelköy Aya Yorgi Church Foundation			
606	27/12/2012	2	1	1659m ² plot, 9200m ² cemetery
	Patriarchal Aya Yorgi Church			
421	16/08/2012	2		641m ² plot, 620m ² plot
576	25/11/2013	5	2	620m ² ½ house, 69m ² ¾ house, 544m ² artisanship, 316m ² plot, 10m ² spring

	Fener Panayia [Kanlı] Church Foundation			
346	24/06/2013	1	1	206m ² school
	Hañçeril Panayia Greek-Orthodox Church Foundation			
417	05/08/2013	2	2	1 parcel, 3 parcels of a plot
	Ioakeimion Girls School Foundation			
478	17/09/2013		3	
542	11/11/2013		1	
	Eğrikapı Panayia Church Foundation			
541	11/11/2013		2	
	Galata Primary Greek School Foundation			
544	27/11/2012		2	
578	12/12/2012		1	
85	07/02/2012	1		800m ² school
	Hasköy Aya Paraskevi Church Foundation			
545	27/11/2012	1	1	252.42 m ² plot
625	23/12/2013	7		6849m ² cemetery, 11m ² , 15m ² shop, 32m ² house, 112m ² coffee house, 46m ² , 649m ² plots
	Heybeliada Aya Nikola Church and Greek-Orthodox Cemetery and Aya Varvara Church Foundation			
422	16/08/2012	4	6	57.5m ² plot, 350.5 stone house, 27.5m ² plot, 5620m ² cemetery
20	Heybeliada Aya Triada Monastery Foundation			
	10/01/2013	1	13	190626m ² forested land (Hill of Hope)
	Iskenderun Panayia Foundation (Hatay)			
386	24/07/2012		1	
	Kuzguncuk Aya Pandeliimon Greek-Orthodox Church Foundation			
324	20/06/2012	2		6403m ² cemetery, 71.40m ² house
	Kandilli Aya Metamorfosis Church and Primary School Foundation			
322	20/06/2012	1		98072m ² land
269	21/05/2012	1	1	1260m ² cemetery
	Yenikoy Aya Yorgi Church Foundation			
183	25/03/2013	1		1368m ² church

318	10/06/2013		194	
	Kurtuluş Aya Tanaş Aya Dimitri Aya Lefter Greek Church and School Foundation			
317	10/06/2013		3	
385	24/07/2012	3	1	19137m ² cemetery, 471m ² plot, 3658m ² church
	Samatya Aya Yorgi Kiparisa Church Foundation			
479	17/09/2013		2	
	Samatya Aya Konstantin and Eleni Greek Church Primary School Foundation			
52	20/01/2014	6	28	276.51m ² office, 79m ² wooden shop, 72m ² wooden house
				4m ² ½ shop, 338.6m ² 2/24 plot
	Kınalıada Panayia Greek-Orthodox Church Foundation			
610	27/12/2012	1		420.5m ² plot (cemetery)
	Kadıköy Greek-Orthodox Community Churches, Schools, and Cemetery Foundation			
23	10/01/2013	54	43	
232	02/05/2012	2		8287m ² cemetery, 1710m ² school
	Kuruçeşme Aya Dimitri and Aya Yani Churches Foundation			
512	07/10/2013		17	
	Ortaköy Aya Foka Greek Church and Aya Yorgi Church, Cemetery and Schools Foundation			
251	13/05/2013	7	4	1140m ² school, 8m ² , 35m ² , 40m ² , 41m ² 40/120, 48/120, 29m ² shop
	Paşabahçe Ayios Konstantinos Greek-Orthodox Church Foundation			
609	27/12/2012	1	1	4995m ² cemetery
	Samatya Analipsis Church Foundation			
480	17/09/2013	2		22m ² , 245m ² wooden house
	Samatya Aya Mina Church Foundation			
626	23/12/2013	5	1	54m ² , 64m ² , 66m ² , 72m ² , 88m ² plots
	Salmatomruk Greek-Orthodox Panayia Church Foundation			
275	27/05/2013	1	6	413.45m ² 2/3 of a house
	Tarabya Aya Paraskevi Greek Church and Greek Primary School Foundation			
249	13/05/2013		1	

	Üsküdar Profiti İliya Greek Church and Holy Spring and Cemetery and Greek Mixed Primary School Foundation			
43	22/01/2013	2	4	121.75m ² wooden house, 82m ² wooden house
218	18/04/2012	1		4059m ² cemetery
	Yenimahalle Aya Yani Greek Church and Primary School Foundation			
182	25/03/2013		4	
	Yeniköy Panayia Church and Greek School Foundation			
206	15/04/2013	1	5	14.40m ² plot
	Yeşilköy Aya Stefanos Church-Primary School and Cemetery Foundation			
387	24/07/2012	2		580m ² church, 4105m ² cemetery
	Zeytinliköy Aya Yorgi Greek-Orthodox Church Foundation (Imvros, Gökçeada)			
573	12/12/2012		2	
	Panayia Balino Greek Church Foundation			
27	07/01/2014	1	19	78.72m ² plot
	Tepeköy Evangelismos Greek-Orthodox Church Foundation (Imvros, Gökçeada)			
304	21/07/2014		5	
	Topkapı Aya Nikola Church Foundation			
26	07/01/2014	1	5	117.70m ² wooden shop
	TOTAL	169 applications were approved	518 applications were rejected	
	Compensations			
276	Balıklı Greek Hospital Foundation -27.05.13	1		
272	Fener High School Foundation -27.05.13			
453	Balıklı Greek Hospital Foundation -04.09.2012	7		
626	Samatya Aya Mina Church Foundation	2		
	TOTAL	10		
	Change of property use			
416	Yeniköy Panayia Church and Greek School Foundation -05.08.2013	1		

*The figures were provided by the Office of the non-Muslim Foundations Representative at the VGM Assembly.

The de-politicization of minority citizens: The case of the Greeks of Turkey

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Introduction: Minority people as citizens

I would like to start with a seemingly rhetorical question: Are there really any minority citizens?

The answer is not easy. On the one hand, the minority concept refers to a law deficit (or at least a justice deficit in a broader sense) and to the need for protection implicated in the said law deficit. On the other hand, the citizen concept refers to equality before the law. How is it possible then to conceive a situation where the legal (and political in general) deficit entailed in the “minority” concept is consistent with equality before the law as implied by “citizenship”?

Such a paradox (a seemingly incompatible twin concept) is certainly not the exception in the history of political thought. And the different solution attempts usually lead to conflicting theories, as in our case the French school of law (which dislikes diversity) and the communitarian or multicultural example (which is based on the acceptance of diversity and, from 1970 onwards gained ground in the United States, thanks to the efforts of the New left).

The two models have been analyzed and compared to each other by many (see. Tsitselikis in this volume). Both certainly have their advantages, which de-

pend however not so much on their abstract reflection, but rather on circumstances and their specific implementation. Let us not confer hypostasis on the law, as it represents not the essence of the social contract, but an instrument for its effective realization, which, ultimately, is a political issue.

Whether the equality of citizens before the law contributes to the actual equality of persons within society depends on the specific content of the law and its implementation. We should also not forget that the content of each individual law is not autonomous, but is necessarily documented into the general framework defining citizenship: the Constitution (the hierarchically superior norm, on which all other judicial norms depend (Kelsen).

The era of nationalism (in which most modern states were created, and some older redefined) brought a communitarian and culturally determined perception of the political community as a national community. And this perception (the identification of the political community with the cultural notion of the nation) led inevitably, as immediate political need, to the concept of minority and the ensuing need for protection. As long as the first endures, the latter is necessary, from a political point of view, to exist. Therefore the need for the protection of minorities can only derive from the cultural content of the nation: the politicization of cultural differences within the national community. To the extent that the political practices of the nation-state grant privileges to some citizens while stigmatizing others, the invocation of equality of citizens before the law is simply a naive (at best) or hypocritical (at worst) argument of "communitarianism".

The need for the protection of minorities in the Turkish state has been existent from its establishment to the present day as reveals the history of minorities in Turkey. More specifically, the present situation of the Greek-Orthodox minority in Turkey clearly indicates that this minority is anything but "protected" by the State and the country's society. This situation is, instead, the result of both the infringement of Turkey's legal commitments towards the said minority and the general rules of law, from which the basic rights of minority citizens derive, without the need to be subject to additional conditions.

The present report focuses on minority institutions (or rather on their annulment and elimination in Turkey). Its subject is the de-politicization of the Greek-Orthodox minority -which is inseparable from the annulment of minority institutions- in the 90 years of history of the Turkish Republic.

My approach is socio-historical aiming at identifying the relation between the institutional history of the minority (the history of the institutional context, in which it was incorporated into the Republic of Turkey) and the terms of its politicization, even today, within the Turkish state.

The progressive de-politicization of the minority

The term “de-politicization” is used in this report to describe the partial or total, disengagement of individuals from being involved in civic participation. The causes of de-politicization are varied. One of them which, is particularly important in the case of minorities, is the fear that comes from social (and political) division. This fear is multiplied in cases of organized persecution and official or semi-official discrimination against citizens. The history of the Greeks of Turkey is filled with such examples with those better known being Wealth Tax (Varlık Vergisi), events of September 6-7, 1955 and the 1964 expulsions. I will not be making reference here to these significant events, partly because they have been the subject of major studies and, secondly, because I chose to focus on the less known story of the institutional causes of the progressive de-politicization of the Greeks (which is not that entirely different from the story of the progressive de-politicization of the other non-Muslim minorities).

The Minority fails to constitute a subject of law

The first institutional event of this story is the pressure on Greeks (and other non-Muslim minorities) to renounce their right under Article 42 of the Treaty of Lausanne to regulate matters with regard to their personal and family status in accordance with the customs of the minority. The specific content of Article 42 (customs of minorities concerning personal and family status) that will not concern us here – was regarded as posing (and probably actually did pose) obstacles to the introduction of the Civil Code in Turkey. As for the question examined here, the methods and practices used in order to repeal Article 42 are more important than the repeal itself. Article 42 stated that relevant measures would be shaped by committees consisting of an equal number of representatives of the Turkish government and of each of the minorities. In fact, the reference

made to the “representatives of the minority” is equivalent to the assumption that the minority constitutes a type of legal entity. The exact status of this legal person (the specific legal personality and its organization) remained unclear in the text of the Treaty. Yet, this status was to be clarified de facto in the context of negotiations with the Turkish government, as provided for in Article 42, which made reference to representatives, who should somehow be elected. Instead, the Turkish government chose to appoint the representatives in question, in violation of the legal content of the term representation. Its main concern seemed to be to avoid a representation mechanism that would automatically render the minority a legal entity. In the same direction points also the government’s refusal to accept (or even discuss) the statutes proposed by the Greeks with regard to the administrative organization of the minority into a body.

This development with the Turkish government impeding the organization of the minority into a single body and, by extension, into a legal personality is the first stage of the de-politicization of the minority. As a result, the policy of the minority (necessary to the degree that its rights were violated), instead of being collectively expressed through electoral processes was informally left to unelected representatives comprising the Church (the legal status of which was, and remains also today, pending) and the Greek government.

The “conversion” of communities into foundations

The second stage of the de-politicization of the minority is what we might call the “conversion” of communities into foundations.

While the organization of the minority into a body (and therefore its establishment as a legal person and democratic political field) was impeded, the organization of the minority was confined within different communities (parishes). However, the status of parishes changed in 1935, when the community immovable property was converted by law (No. 2672) into foundations and entered the jurisdiction of the Directorate of Foundations (Evkâf müdüriyeti, later renamed Vakıflar Genel Müdürlüğü: General Directorate of Foundations). It should be noted that community goods in the Ottoman Empire were not in any way subject to the Ministry of Foundations (Evkâf Nezareti). This would be absurd, given the particular status of the institution of “waqf” in the Muslim world. Without going

into details here, it suffices to say that the “*waqf*” (there is no corresponding institution in the West) is a completely autonomous institution (see *mortmain* property in English and *propriété de main morte* in French) that does not belong to any individual, or group of individuals, or even to the public (the concept of public property also did not exist in the Muslim world before the 19th century). Instead, community property clearly belongs to the community as a legal entity. By placing, however, the community immovable property under the law on foundations a great change occurred: communities disappeared from the legal framework; they ceased to be legal persons. The administrations of communities (parishes) became foundation administrative boards entrusted exclusively with managing the operation of foundations. In other words, these administrations ceased to represent the (animate) members of communities and were placed at the service of their (inanimate) properties. A consequence of this change was the disappearance of any kind of formal representation of minority citizens (as a minority and not simply as citizens) in Turkey. Despite the double language that prevailed thereafter (minority citizens still refer to the foundation administrative boards as community administrations), the alienation of the role of administrations was remarkable. A decisive part in this played also the way the General Directorate of Foundations handled the issue of community administrations/ foundation administrative boards.

Practices of the General Directorate of Foundations

We already depicted the “conversion” of communities into foundations, the attempt of the government to “appoint representatives” (*sic*) of the minority. This is a basic practice of the Turkish government in its relations with the minority. Through this practice the de-politicization of minority citizens deepens, while the minority reality as a whole is being actually politicized by different and rather negative terms. First, persons having special relations with the state enter into minority policy (in what remains of it). Along the way, these persons develop their own networks of relations with politicians and administrators. These networks become then gradually autonomous from the official state (areas of the state apparatus where politics takes place in the context of democracy and legality) and are integrated into the “deep state” (areas of the state apparatus acting

beyond democracy and legality)¹¹. In 1938, three years after the “conversion” of communities into foundations, a law was published (No. 3513) stipulating that the administrators (mütevelli) of foundations would be appointed by the General Directorate of Foundations. This law initiated a period of chaos that became known in the history of the minority as “tek mütevelli dönemi” (period of the one administrator). The culmination point of this period was the appointment as a administrator (mütevelli) of Balıklı Hospital, (the most important minority institution) of the Turkish Orthodox İstamat Zihni Özdama, (a trusted collaborator of Atatürk, a MEP of Eskişehir from 1935 to 1946 and, most importantly a close associate of the Turkish-Patriarch Papa Eftim). By similar appointments a number of other Greek-Orthodox and Armenian foundations, including that of Kurtuluş (Tatavla) Aya Tanaş Aya Dimitri Aya Lefter Greek Church and School Foundation passed into the hands of people supported by Papa Eftim. Where no appointments were made the previous administrations remained uncontrolled until the final suspension of the tek mütevelli system in 1949 (Law 5404), which increased arbitrariness, abuse and complaints.

The “tek mütevelli” period was followed by twenty years of smooth elections for the communities, which by now have been once and for all “converted” into foundations. Elections went legally and without interventions until 1969 (despite the outbreak of the Cyprus issue and the deportations in 1964). Nonetheless, state arbitrariness against minorities had started earlier. The Law on foundations of 1967 (No. 903) prohibited the acquisition of new properties by non-Muslim foundations and reinstated the financial charges that had been revoked by the Law of 1949¹². In 12 January 1971 the Court of Cassation (Yargıtay) ruled that all immovable property acquired by foundations after 1936 had been illegally obtained. The Turkish military invasion in Cyprus in 1974 triggered the mass migration of members of the Greek-Orthodox community to Greece: out of 76.844 Greeks who had been registered in the municipality of Istanbul in 1945 and

1 Quite characteristically, networks based on the violation of minority rights are constantly feeding the deep state and, in part, are giving birth to it. A common example is the participation of Sevgi Eren Erol in Ergenekon.

2 It refers to the rent (mukataa) that administrative boards had to pay for the management of foundations (this was put into effect, and still applies, even in the case of several Muslim foundations).

42.207 in 1965 (after the expulsions in 1964), the number of Greeks of Istanbul was estimated at 7.822 according to the newspaper Echo in October 1978 (Alexandris 1983: 294). In this climate, the General Directorate of Foundations stopped permitting foundations to hold elections. The last elections were held in 1969 and foundation administrative boards were not renewed ever since, hence many foundations were left with just a few or even without any members as the population diminished. As a result, the General Directorate of Foundations seized many foundations that were considered inactive (the technical term is “mazbut”: seized, see Tsistelikis in this volume). Twenty years later, in 1991, the Turkish government, continuing the tradition of granting privileges to its own people in the administration of foundations, granted permission to Dimitris Karayannis to hold elections. Elections took place with a special list from which a significant number of candidates were arbitrarily excluded. In these elections Karayannis was elected President of the Balıklı Hospital Foundation administrative board and a number of doctors and hospital staff (therefore heavily dependent on Karayannis) assumed the administrations of major communities such as Beyoğlu (Stavrodromi) Greek-Orthodox Community Churches and Schools Foundation and Yeşilköy Aya Stefanos Church-Primary School and Cemetery Foundation. Most remained in these positions for 15 years, until 2006, when thanks to a new law on foundations that was issued (2004), elections began to take place again in non-Muslim foundations (the starting point for Greek-Orthodox community being Yeniköy Panayia Church and Greek School Foundation in Bosphorus). This development was strongly opposed by the administrative board of Balıklı Hospital Foundation and its President (since 1991), who, despite his old age, appears to have managed to forge ties with every government. How else can one explain the absence of any pressure from the General Directorate of Foundations on the administration of Balıklı Hospital Foundation, where elections have not taken place in 24 years, albeit the holding of elections every four years being imposed by the law on foundations? Finally, one may attribute to the opposition of the Balıklı Hospital Foundation administrative board and its support by some politicians or government agencies (in the absence of any other reasonable interpretation) the abolishment by the end of 2012 of the electoral regulations for the non-Muslim foundations without being replaced by new ones.

Since the tek mütevelli period, the key issue and most sensitive point in the relationship between Greek-Orthodox community and the state has been the Balıklı Hospital Foundation. The fact that the same situation exists even today is indicative of the continuities governing the relationship between the state and this specific minority.

But, apart from continuities, changes should be noted as well, such as the return to minority foundations of their confiscated immovable property under the Yargıtay decision in 1971.

This process (when finally completed) is expected to increase the revenue of the shrinking Greek-Orthodox communities. This, however, will not make any Greek more a citizen of this state. Let us not forget that foundations are not communities; their ability to serve the communities is left to the initiative of the administrative boards whose members have unfortunately in their majority learned by now to act as property managers.

A socio-historical profile of the present Greek-Orthodox minority

But how could this process be reversed? How could we find the way to leave these dehumanized institutions behind and go back to communities and perhaps to the minority as a collective subject?

Most would tell us that this is no longer possible. Buildings and foundations seem to have now taken the place of people. The few remaining Greeks may seem insignificant before these bright, empty buildings. They are the remnants of a once populous, economically thriving community which made the decision to emigrate. Those who stayed can be placed into three categories that are quite distinct from one another. The first category comprises those who failed to leave: the weakest members of the old Greek-Orthodox social fabric, which failed to carry the burden of migration, due to poverty or advanced age or because of the lack of family and friends that could have supported them in this difficult task (the Greek-Orthodox community is full of one-person households, that is, abandoned people). The second category consists of those who remained because they were more integrated socially or professionally. In the third category are those who employment-wise depend on the minority: the Patriarchate officials, teachers, employees of the communities and the Greek

Consulate. The last two categories are mainly those involved in foundation administrative boards. Those in the first category lack the necessary authority to do so; they are dependent members of the minority, living mostly in its properties and manage to struggle along, thanks to its resources. Indeed, several of them (being proportionally more than usual) face destitution and psychological problems, which their low social status makes it difficult to deal with. They are, in short, people whose marginalization as a minority was coupled with their social marginalization due to poverty, old age or psychological problems. The members of the second category, being also more independent, form a kind of minority elite; to the extent of course that they are engaged in “foundations issues”, since their higher degree of integration into the Turkish society often sets them further apart from the less integrated -usually of lower social class and education- Greeks. More engaged in the foundation system are the members of the third category, having, by convention, more direct benefits from their involvement with foundations. The latter category is the main tissue of a patronage network that is more in line with the new status of communities (i.e. their “conversion” into properties) providing human resources for their operation. The last category includes, finally, a small Arabic-speaking Orthodox population of the Hatay region that has migrated to Istanbul since the late 1980s. They come mostly from the villages Tokaçlı in Antakya and serve as sextons and guards of Greek-Orthodox churches and some other institutions (closed or open). They are essentially a lower-class subgroup of the third category, a “minority within a minority”, while they hesitantly participated in the last two foundation elections mainly as electors, and, in a few cases, as candidates.

Recommendations

This is the world that moves, more or less, around foundations, lifeless buildings and their management. These are also the people who enter into communal worship together on Sundays and holidays, sharing, more or less, some common grounds, some experiences and some memories. These are the Patriarchate’s staff and the Greek Consulate’s clientele. The key element that keeps them all together at this point is foundations: these are what is left of the old communities and the wider Greek-Orthodox community comprising these indi-

vidual communities. If foundations were to be lost, this small Community would most likely be dismantled.

First the de-politicization and subsequently the dehumanization of the minority under the foundations system appear to have taken an almost irreversible course (given the demographic collapse of the minority). There is no policy change (even the organization of the minority into a single body) that would be able to fully repair the damage of 90 years of deliberate de-politicization. This does not mean, though, that a change in policy of the Turkish state with regard to minorities is not of the utmost importance for the remaining Greeks. Nor does it imply that the few Greeks who remain in Turkey should not try themselves (at least those who have the power to do so) to rebuild their community institutions: to reverse the course that led to the de-politicization and the dehumanization of the minority: moving from buildings to people, and then, from people to citizens. The first step in this direction is the fight against destitution and impoverishment that plagues a part of the Community, not through charity but through organized care for people affected (of the social, this time, "minority within the minority"). Without such an attempt this minority cannot acquire its dignity and cohesion. The administrators of foundations should become again representatives of communities. It does not matter if these communities are no longer "what they were" (besides we are falsifying the past by idealizing it), if they consist largely of frail and elderly people. It is actually in these conditions that they need greater care. This care is in my opinion the profound political duty of those responsible for the present Greek-Orthodox community. What they must do, in principle, is to give worth to the most marginalized, the "most minority" members within their Community.

As for the State, it is time to abandon the policy and practices of the one-party period (Tek Parti Dönemi). Moreover, the remaining Greek-Orthodox minority and other non-Muslim minorities are not the only categories of citizens who need the protection of a genuine rule of law. However, the status of minorities (not only of the recognized ones), is a most definitive indicator of the very existence of the rule of law; and it is almost a certainty that, if the rule of law applies to minorities, it applies also to all citizens. State tolerance vis-à-vis the lawlessness of the Balıklı Hospital Foundation administration is definitely a minor issue for the Turkish Republic. But it is a major incidence in the history of the

Greek-Orthodox minority in Turkey, an ultimate implication of the relations of the said minority with the state in a period of a clear improved climate. In so far as such entanglements are created, not only minority citizens but all citizens have reason to be suspicious towards the state.

Translated from Greek by Sofia Koutsou.

Imvros & Tenedos: From yesterday to today

Short comprehensive report on the history of the islands of Imvros (Gökçeada) and Tenedos (Bozcaada), the dynamic developments of the last decade and the current status of their Greek-Orthodox community

September 2014
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2 Imvrian Association was founded in 1945 in Athens. From its privately owned building in Nea Smyrni (80, El. Venizelou Str., GR 171 22 N. Smyrni, Attica, Greece - Tel.: +30 210 9347957 - Fax +30 210 9345096 - www.imvrosisland.org), it plays a key role in the efforts for the preservation and promotion of imvrian cultural identity and the restitution of the rights of Imvrian people in its homeland. The Imvrian community of Attica is the largest in the world and, together with the Imvrians of Thessaloniki, constitutes the main point of departure and support of those who re-establish themselves in their ancestral homes during the last two decades.

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Introduction

The present report, which was based on the archives of the Imvrian Association, aims to review the situation of inhabitants of Greek origin (Rums) of the islands of Imvros (Gökçeada) and Tenedos (Bozcaada) with emphasis on current conditions and present problems.

First, general information is provided on the two islands presenting their historical background from antiquity until 1990. Brief reference is made to the human rights abuses that led thousands of Imvrians and Tenedians to flee and diminished the remaining Greek-Orthodox population.

However, the main object of study in this report is the current state of the Greek-Orthodox minority of the two islands, a situation shaped after the internationalization of the issue and the dynamic developments that have taken place over the last 10 years in Turkey. Reference is also made to the repatriation of mostly Imvrians observed in recent years as well as the claims of the minority necessitating a solution in order for Hellenism on the two islands not to be extinguished forever.

The two islands are presented in parallel in this report due to their similar

course in time and the common historical circumstances and developments that marked both islands. Moreover, in many cases Imvrians and Tenedians cooperate and collaborate in order to defend and claim their rights.

This report aims to provide a basic tool to inform stakeholders with regard to the present situation of the Greek-Orthodox minority of Imvros and Tenedos, presenting also both an occasion and a springboard for further research and awareness towards the effort of Imvrians and Tenedians to restore their rights.

General information on Imvros (Gökçeada) and Tenedos (Bozcaada)

Imvros and Tenedos are two small islands in the northern Aegean Sea, the sovereignty of which since 1923 has been granted to Turkey. Their paramount strategic position is located at the entrance of the Dardanelles Strait (Hellespont), the only sea passage connecting the Black Sea and the Mediterranean. Administratively, the islands constitute districts of the Çanakkale province of Turkey.

Imvros has an area of 289.5 km² and is the largest island of Turkey. North of Imvros is located Samothrace and in the southwest the island of Limnos. Imvros has a population of 8,830 inhabitants. The number of permanent residents of Greek origin is estimated around 250^[3]. On the island, apart from its capital, Panagia (Merkez), there are five old Greek villages (Agioi Theodoroi, Agridia, Gliki, Kastro, Schinouidi)^[4] and five new (Yeni Bademli, Eşelek, Şahinkaya, Şirinköy, Uğurlu) that are inhabited exclusively by Muslim settlers transferred from various regions of Turkey.

Tenedos is located 17 miles south of Imvros. It has an area of just 36.6 km², and a population of 2.643 inhabitants, about 15 of whom are of Greek origin. On Tenedos there is only one single village located in the northeastern part of the island.

3 The population of inhabitants of Greek origin living on the island for a period of six or more months has increased in recent years to around 400.

4 Their respective newer Turkish names are Zeytinliköy, Tepeköy, Bademli, Kaleköy, Dereköy. The seventh Greek village on the island, Evlampio (renamed "Yeni Mahalle"), has now become by expansion of the original traditional village of the capital Panagia (Merkez) a suburb and municipal district of the Municipality of Imvros (Gökçeada Belediyesi).

Brief historical overview until 1990

Since antiquity Imvros and Tenedos have been inhabited almost exclusively by Greeks. Homer, in the epic Iliad, informs us that between Tenedos and Imvros were the stables of the winged horses of Poseidon, god of the sea. Moreover, the palaces of the goddess Thetis, mother of heroic Achilles, were said to lie on the seabed between Imvros and Samothrace.

From 480 BC Athens colonized Imvros with Athenian cleruchs (settlers) who created the “Municipality of Athenians on Imvros”. From then on, the history of Imvros and Tenedos was linked to that of Athens, as the islands joined the Delian League. Later on the islands passed into the hands of the Macedonians and subsequently the Romans.

In Byzantine times, the two islands were an acquisition of Byzantine, and following the fall of Constantinople in 1453, the islands were annexed by the Ottomans. During the Balkan Wars of 1912-1913 Greece took control of the islands along with the rest of the Aegean islands.

The Treaty of Sèvres in 1920, which however was not ratified by the Ottomans, provided for the allocation of the two islands to Greece. During negotiations of the Treaty of Lausanne of 1923 -which followed the heavy defeat of the Greek army in Asia Minor and the eradication of the Greek element after millennia of continuous presence in the region- and despite the fact that the two islands were under the control of Greece and their population had always been almost exclusively Greek, it was agreed that the two islands were to be definitively granted to Turkey for geopolitical reasons, in the name of the security of the straits. Yet the Imvrians and Tenedians were excluded from the planned population exchange. In recognition of the exclusively Greek character of the two islands⁵, Article 14 of the Treaty referred only to the islands of Imvros and Tenedos providing for a special autonomous status in favor of the indigenous population of the two islands. The right to self-governance was also recognized through a local council, which was to be elected by the indigenous inhabitants of each island, who would appoint the local police as well.

At the same time, Articles 37-44 of the Lausanne Treaty providing guaran-

5 In 1923 the population of Imvros was 10,000 inhabitants, who by 100% were Greeks, while Tenedos numbered 2,500 inhabitants, two-thirds of whom were Greeks.

tees for the protection of life, property, free use of the native language and religious freedom, were to apply also to Imvrians and Tenedians. Actually these articles of the Treaty were marked as "fundamental laws" of superior force, which Turkey would not be entitled to abrogate⁶¹.

However, even in the early days it became evident that Turkey refused to comply with its obligations, and systematically violated the said articles on self-administration and protection of persons and properties, aiming at persecuting the Greek element.

At first Turkish administrators were appointed, instead of councils that were to originate from the native population, which was excluded from the control of the police and other authorities. In 1923 Imvrians and Tenedians were forced to serve their military service in remote areas of mainland Turkey. Moreover, dozens of lawyers, doctors, teachers and merchants were characterized as "collaborators of the Greek regime" and were declared "unwanted". In addition, approximately 1,500 Imvrians and Tenedians and members of their families were denied their return because they had left the island before September 1923. In this way, the prevailing by then social and economic leadership was kept away from the islands. The two islands were declared "military security area" and a special entry permit (visa) was required up until the early 1990s.

In 1927, Law No 1151 on the Local Administration of the Provinces of Imvros and Tenedos, also known as the "Islands' Law" ("Adalar Kanunu") was voted. Article 14 of the said law abolished the Greek-language education on Imvros and Tenedos and enforced Turkish education permitting only the right of Greek-language education outside the regular school curriculum by teachers paid by parents. By Article 13 of the same law, all non-church properties of the Greek-Orthodox community, including schools, were granted to the Special Administration of each island.

In 1942, Law No 4305 on the taxation of property ("Welfare Tax" or "Varlık Vergisi") came into force with regard also to the two islands and caused the displacement in forced-labor camps of hundreds of Greek-Orthodox Imvrians and Tenedians who were unable to pay the tax. In 1943, Imvros and Tenedos were

6 See Article 90 of the Turkish Constitution, as in force today, which states that international agreements supersede the Turkish domestic law.

colonized with Laz settlers from the region between Trabzon and Batumi, in order to alter their ethnic composition. Also all monastery properties were confiscated and the islands' churches, monasteries and buildings were demolished.

The period from 1950 to 1964 can be characterized on general note as calm thanks to the improvement of Greek-Turkish relations. Law No 5713 of 1951 revoked Article 14 of Law No 1151 and the Greek-language education was reinstated. Education began again to flourish and new schools were built both on Imvros and Tenedos.

However, this climate was reversed following the military coup of 1960 and the ensuing crisis in relations between Greece and Turkey because of Cyprus. An indication of the imminent change of the positive climate of the past decade was the pretextual prosecution of the Director of the Central School of Imvros Isaac Anastasiadis and his final dismissal from his position^[7], as well as the pressure to remove from the Greek-Orthodox Metropolis of Imvros and Tenedos the reformer of the Greek element, Metropolitan Archbishop Meliton Chatzis^[8]. The National Security Council of Turkey with its decision No 35/27.3.1964 following the Cabinet's approval (decision No 6/2887/31.3.1964) put into effect the secret "Dissolution Program" ("Eritme Programı"), a systematic pattern of violent dehellenization and turkification of Imvros and Tenedos. The plan included a series of multilateral measures with focus on the following main axes: a) removal of the islanders' livelihoods b) psychological pressure and violence against them, and c) turkification of the islands.

Article 5 of Act No 6830/1964 of the Grand National Assembly of Turkey allowed expropriations under the pretext of the construction of technical projects, such as an artificial sluice gate between Agridia (Tepeköy) and Agioi Theodoroi (Zeytinliköy), which completely destroyed the largest olive grove of Imvros, and by its expansion the State Farm founded on the largest plain of the island, located between Agioi Theodoroi (Zeytinliköy), Panagia (Merkez), Gliki (Bademli) and Kastro (Kaleköy). The magistrate was authorized to declare expropriations at its sole discretion by way of summary procedure whereas those affected did not have the right of appeal. Through massive expropriations the population was

7 I. Boutaras, *Education in Imvros*, Imvrian Association, Athens, 2013, p. 496.

8 *Op.cit.*, p. 502-505.

deprived of 95% of arable land in exchange for the financial value of an egg per square meter of land -hence constituting in fact confiscations -. In addition, the pasture land of Imvros was marked as "woodland" or "reforested" area. As a consequence, the inhabitants, most of whom were land and livestock farmers, became impoverished. At the same time, the export of meat from Imvros and fishing were banned.

A key measure for the success of the "Dissolution Program" was the establishment of open rural prisons in the plain of Schinoudi (Dereköy), which had been expropriated as well, and where also the village with the largest population on Imvros was located. Furthermore, long-term convicts were transferred to the rural prisons and circulated freely terrorizing inhabitants and committing various crimes against them that were tolerated by the authorities (thefts, looting, beatings, rapes, and murders). A Regiment was settled in the expropriated land between Panagia (Merkez) and Glikli (Bademli) of Imvros along with military outposts in populated areas of the islands. Soldiers were left free to destroy properties and harass the residents. Temples and churches were desecrated and looted and then used as stables, storehouses and lavatories or outposts.

Another measure that had a significant adverse effect on the Greek element was the re-abolition of Greek education, with the enactment of Law 502/1964 which reinstated the revoked Article 14 of Law 1151/1927. As a result, Greek schools closed again, Greek teachers were expelled and the Greek-Orthodox community had to give away to the Ministry of Education school buildings that had been constructed entirely through donations and personal work of the islanders. The teaching of the Greek language was banned, even at home, and the children of Imvrians and Tenedians had no other choice than either to be taught only the Turkish language or go to Istanbul to attend the Greek schools there.

Things got even uglier during the night of the Turkish invasion in Cyprus in July 1974. The village Kastro (Kaleköy) on Imvros was forcibly evacuated, the cemetery was desecrated and the notables of the island were arrested as hostages. Also, from 1973 to 1990 a series of heinous murders were committed on Imvros that were never resolved -which is inexplicable for such a small and under strict police surveillance region-.

Finally, Imvrians and Tenedians, who were forced, as a result of these meas-

ures, to flee abroad, lost their Turkish citizenship, males on the one hand due to the non-fulfillment of their military obligations and women on the other hand because they were married with non-Turkish nationals, losing thus the perspective to return to their homeland, but also the possibility of claiming their ancestral property.

In execution of the third axis of the “Dissolution Program”, the aforementioned measures were accompanied by extensive colonization and the consequent alteration of the demographic composition especially of Imvros. New settlements and villages were founded for Muslim settlers altering thus the historic character of the site and affecting its centuries-old culture. Some of them arbitrarily occupied houses in Greek villages. Others received illegally land and property that had been confiscated from Greek-Orthodox members through virtual expropriations.

In addition, all the old Turkish buildings were renovated and even new ones were built in order to impose the Turkish culture. Conversely, buildings and whole villages abandoned by Greek-Orthodox members were left to their fate. Under Law 5442/29.7.1970, Imvros (Imroz in Turkish) was renamed “Gökçeada” and all the Greek geographical names were replaced with Turkish ones.

In January 1975 the National Security Council examined the situation on Imvros and Tenedos concluding that the measures taken were satisfactory but not sufficient (decision No 206/28.1.1975). Decision No 214/30.6.1975 sought to find methods for the funding and granting of loans to Turkish settlers with the aim to create a new economic elite on the island.

All these combined measures on the part of the Turkish government intensified the fear and insecurity of the Greek-Orthodox native population, led to its economic exclusion and forced a mass exodus of Greek-Orthodox from their ancestral homes. Most fled to Greece, while others were scattered across the length and breadth of the world (America, Australia, Africa, Europe).

The mass expatriation and simultaneous colonization reversed the population ratio between Greek-Orthodox and Turks on both islands. Of a total of 9.357 Greek-Orthodox living on Imvros in 1912, only 2.571 remained in 1970 and merely 254 in 2000. By contrast, the number of Turks who lived there in-

creased from 99 in 1912 to 4,020 in 1970 and to 8,640 in 2000⁹. Similarly, the population of around 5,420 Greek-Orthodox residing in Tenedos in 1912 fell to 21 in 2000, whereas the Turkish population numbering 1,200 (in 1912) reached the number of 2,620 people.

Internationalization of the issue of Imvros

The first tentative steps to inform the international community with regard to the injustices that the Greek-Orthodox minority of Imvros and Tenedos suffered from Turkey began in 1997 having as recipients the 52 member-states of the OSCE (Organization for Security and Cooperation in Europe).

However, the first decisive move was made in 2003 with the letter of the Imvrian Association addressed to the EU Commissioner for Enlargement, Mr. Günter Verheugen. That letter, which included a comprehensive report on violations of the human rights of Imvrians on the part of Turkey, received an immediate response from the European Commission that confirmed its interest in the situation of the human rights of Imvrians as a subject under the Copenhagen criteria, i.e., the political criteria for Turkey's accession to the European Union, and encouraged the submission of further data. In direct response to this invitation, the Coordinating Committee of Imvrians, acting in the name of all active Imvrian Associations throughout the world, presented in April 2004 a memo to the European Commission with data substantiating the violations of civil and community property rights, freedom of education and religious freedoms. Following the visit of a European Commission delegation on Imvros in May 2004 to carry out on-site verification, the situation of the Greek-Orthodox minority on Imvros and Tenedos became a separate milestone, to which the European Commission continuously refers to at all its annual reports, starting with the first Annual Progress Report on Turkey in 2004, which has set the framework for the

9 Elif Babül, "Belonging to Imbros: Citizenship and Sovereignty in the Turkish Republic", Conference on the issue: Nationalism, Society and Culture in post-Ottoman South East Europe organized by the Oxford Balkan Society, South East European Studies Programme at St Peter's College, Oxford, 29-30.05.2004, p. 6.

accession negotiations with Turkey until today. ^[10]

The European Parliament Resolution of 15.12.2004 on the Progress Report of the European Commission came shortly after, making in turn separate reference to Imvros and Tenedos, while also examining on an annual basis the status of the Greek-Orthodox minority on the islands^[11]. It is indeed remarkable that this year's resolution dated 12.03.2014 on the 2013 Progress Report of the European Commission on Turkey states:

“29. [The European Parliament] Welcomes the expected speedy implementation of the statement of intent by the Turkish Government regarding the reopening of the Greek-minority school on the island of Gökçeada (Imbros), which constitutes a positive step towards the preservation of the bicultural character of the islands of Gökçeada (Imbros) and Bozcaada (Tenedos), in line with Resolution 1625(2008) of the Parliamentary Assembly of the Council of Europe; notes, however, that further action is needed to address the problems faced by members of the Greek minority, in particular with regard to property rights; calls on the Turkish authorities, in this regard, given the dwindling number of members of the minority, to encourage and assist expatriate minority families who wish to return to the island”.

10 In detail, the references Imvros (Gökçeada) and Tenedos (Bozcaada) in the Progress Reports of the European Commission are the following: Turkey 2004 Progress Report: 6.10.2004, SEC(2004) 1201, {COM(2004) 656 final}, p. 49. Turkey 2005 Progress Report: 9.11.2005, SEC (2005) 1426, {COM (2005) 561 final}, p. 37. Turkey 2006 Progress Report: 8.11.2006, SEC(2006) 1390, {COM(2006) 649 final}, p. 21. Turkey 2007 Progress Report: 6.11.2007, SEC(2007) 1436, {COM(2007) 663 final}, p. 22. Turkey 2008 Progress Report: 5.11.2008, SEC(2008) 2699, {COM(2008) 674}, p. 25. Turkey 2009 Progress Report: 14.10.2009, SEC(2009)1334, {COM(2009) 533}, p. 28. Turkey 2010 Progress Report: 9.11.2010, SEC (2010) 1327, {COM(2010) 660}, p. 32. Turkey 2011 Progress Report: 12.10.2011, SEC(2011) 1201 final, {COM(2011) 666 final}{SEC(2011) 1200 final}{SEC(2011) 1202 final}{SEC(2011) 1203 final}{SEC(2011) 1204 final}{SEC(2011) 1205 final}{SEC(2011) 1206 final}{SEC(2011) 1207 final}, p. 38. Turkey 2012 Progress Report: 10.10.2012, SWD(2012) 336 final, {COM(2012)600 final}, p. 31. Turkey 2013 Progress Report: 16.10.2013, SWD(2013) 417 final, {COM(2013) 700 final}, p. 60, 62, 64. Turkey 2014 Progress Report: 8.10.2014, SWD(2014) 307 final, {COM(2014)700 final}, p. 59.

11 In detail, the relevant resolutions of the European Parliament are as follows: 15/12/2004: P6_TA (2004)0096, para. 43. 27/9/2006: P6_TA (2006)0381, para. 33. 12/3/2009: P6_TA (2009)0134, para. 24. 1 0/2/2010: P7_TA (2010)0025, para. 25. 9/3/2011: P7_TA (2011)0090, para. 34. 29/3/2012: P7_TA (2012) 0116, para. 38, 18/4/2013: P7_TA (2013)0184, para. 37. 12/3/2014: P7_TA (2014)0235, para. 29.

A similar position, by which Imvros and Tenedos acquire separate entity as an accession criterion for monitoring Turkey's compliance with respect for human rights and minority rights, was adopted by the European Council and included in the report of the first EU-Turkey Association Council that was held in Luxembourg on 26.04.2005^[12].

In parallel, on 29.04.2005 a motion for a resolution on the situation of the minority on Imvros and Tenedos was tabled at the Parliamentary Assembly of the Council of Europe - "PACE" in Strasbourg at the initiative of twenty-one MPs from a total of eight member-states (Armenia, Bulgaria, Switzerland, Greece, United Kingdom, Italy, Cyprus and Norway) ^[13]. The draft resolution calling on the Turkish government to *"fully comply with European standards relating to the protection of minorities and religious freedom, restoring the properties of the Greek minority and satisfying the needs of the people of both islands"*. Following the submission of the draft resolution, a fact-finding visit to Imvros and Tenedos of the two heads of the Greek and Turkish Delegations to PACE, Mrs. Elsa Papadimitriou and Mr. Murat Mercan respectively, was held from 16 to 18.06.2005 under the mandate of the then President of PACE, Mr. René van der Linden.

Following the aforementioned visit which highlighted in turn the need for the immediate adoption of adequate legislative and administrative measures to address the problems of the Greek-Orthodox inhabitants of the two islands, the Bureau of PACE referred on 27.01.2006 the further consideration of the motion for Imvros and Tenedos to the Committee on Legal Affairs and Human Rights, which on 13.03.2006 appointed as Rapporteur the Swiss MP, Mr. Andreas Gross. After two years of thorough investigation in Athens, Ankara and Istanbul and a fact-finding visit to the two islands that took place in May 2008 (during the Orthodox Holy Week), Mr. Andreas Gross submitted his final report (document No. 11629) entitled *"Gökçeada (Imbros) and Bozcaada (Tenedos): preserving the bicultural character of the two Turkish islands as a model for co-operation*

12 Document No. 8317/05.

13 Document No. 10536, 29.4.2005, Imvros (Gökçeada) and Tenedos (Bozcaada), Motion for a Resolution, Presented by Mr. [Tigran] Torosyan and others.

between Turkey and Greece in the interest of the people concerned ^[14],” which the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe adopted on 02.06.2008 and put to the vote in plenary. The change in the political behavior towards Imvrians and Tenedians “*would be an excellent example of Turkey’s willingness to overcome outdated nationalist attitudes and embrace European values of good neighbourliness, a positive example of tolerance, respect and prosperity,*” stated the Swiss rapporteur. The recommendations of Mr. Gross were adopted by the Plenary of the Parliamentary Assembly of the Council of Europe on 27.06. 2008 (resolution^[15] No 1625/2008) noting that: “*Positive measures are now urgently needed in order to stem or at least partly reverse the departure of the ethnic Greek population from the islands so that their bicultural character can be sustainably preserved.*” This was a “road map”, which, among other things, included for the first time the re-opening of one Greek community school on Imvros among measures aiming at preserving the bicultural character of the islands.

Meanwhile, on 12.06.2006 the EU-Turkey Association Council called on Turkey, for the second consecutive year, to take immediate measures for the Greek-Orthodox minority on Imvros and Tenedos in the framework of its obligation to comply with the European *acquis* on the protection of human rights and minorities. ^[16]

On 27.01.2010, the PACE adopted a new resolution entitled “*Freedom of religion and other human rights for non-Muslim minorities in Turkey and for the Muslim minority in Thrace (Eastern Greece)*”,^[17] urging the Turkish and Greek

14 Document No. 11629, 6.6.2008, Gökçeada (Imbros) and Bozcaada (Tenedos): preserving the bicultural character of the two Turkish islands as a model for co-operation between Turkey and Greece in the interest of the people concerned.

15 As indicated in the relevant Voting Protocol, of the nine Turkish MPs participating in the vote, two voted in favor, two abstained and five voted against, while the positive and neutral votes belonged to members of the ruling party (AKP). The head of the Turkish delegation, later President of PACE (2009-2011) and current Foreign Minister of Turkey, Mr. Mevlüt Çavuşoğlu, confirmed to the representatives of Imvrians during a meeting with them in Ankara in July 2008 that the instructions he had given to the delegation were to vote according to their conscience. He himself did not participate in the vote.

16 Document No. 10147/06, p. 9-10 Appendix I.

17 Resolution 1704 (2010), Freedom of religion and other human rights for non-Muslim

Governments to take concrete measures with regard to the rights of their respective minorities, based on the report of the French rapporteur, Mr. Michel Hunault. The said resolution called on Turkey to proceed directly with the implementation of Resolution No 1625/2008 on Imvros and Tenedos.

Noteworthy also is the report dated 23.02.2011 by rapporteur Mr. Andreas Gross on the inhabitants of Rhodes and Kos with a "Turkish cultural background", ^[18] based on which the PACE Standing Committee adopted the Resolution No 1867/2012 on "Greek citizens of Turkish descent" of Rhodes and Kos^[19]. The Rapporteur stressed in the said report that no comparison can be drawn between the status of this specific population group with that of the Greek-Orthodox community of Imvros and Tenedos, expressing regret for the lack of response on the part of Turkey to implement the recommendations of Resolution No 1625/2008 on both islands.

Finally, at the initiative of the current head of the Greek delegation to PACE, Mrs. Theodora Bakoyannis, a new Motion for a Resolution, which shall urge Turkey to implement Resolution No 1625/2008 on Imvros and Tenedos, ^[20] has been submitted and is pending before the Assembly since 22.01.2013.

Thanks to the effective cooperation and unity of all representative bodies of Imvrians and Tenedians, but also to the systemic actions of the Coordinating Committee of Imvrians from 2003 to date, the monitoring of the problems of Greek-Orthodox communities of the two islands by the most important instruments defending human and minority rights in Europe is now a given. ^[21]

minorities in Turkey and for the Muslim minority in Thrace (Eastern Greece).

18 Document No. 12526, 23.2.2011, The situation of the inhabitants of Rhodes and Kos with a Turkish cultural background.

19 Resolution 1867 (2012), The situation of the Greek citizens of Turkish descent in Rhodes and Kos.

20 Document No. 13104, 22.1.2013, The implementation of Resolution 1625 (2008) on the Turkish islands Gökçeada (Imbros) and Bozcaada (Tenedos), Motion for a resolution, tabled by Mrs. Theodora Bakoyannis and other members of the Assembly.

21 The problems of the Greek-Orthodox minority of Imvros and Tenedos have also been noted in the reports of the Helsinki Watch (1992), the NGO "Minority Rights Group International" (2004, 2007), the Norwegian Helsinki Committee (2007) and the Turkish NGO "TESEV" (2011), as well as in the Annual Report of the US State Department on International Religious Freedom in 2011 and in the 2011 Report of the United States Commission

The situation today

The situation experienced today and the problems faced by the Greek-Orthodox community of the two islands are briefly described below broken down by thematic areas.

Education

Since September 2013, following approval by the Turkish Ministry of Education, a Greek minority elementary school (operating classes from first to fourth grade) has reopened after 49 years and is situated at the building of the old elementary school of Agioi Theodoroi (Zeytinliköy) on Imvros (Gökçeada).^[22]

On 18.04.2014 the “Educational and Cultural Association of Imvros” (“İmroz Eğitim ve Kültür Derneği”) was founded in Istanbul for the management and better coordination of the educational and cultural affairs of Imvros (Gökçeada)^[23]. An act signed on 12.06.2014 by the Governor of Imvros (Gökçeada), Mr. Muhittin Gürel, granted to the Association free of charge and for an unlimited duration the building of the old Greek elementary school of Agridia (Tepeköy) in

on International Religious Freedom (USCIRF). Moreover, the situation of the minority of Imvros has been in the last decade a subject of study and reflection also on the part of Turkish writers, historians, sociologists, human rights defenders. Indicatively the following works are cited: Güliz Beşe Erginsoy, «Islanders from Imvros to Gökçeada» (Adalılar-İmroz’dan Gökçeada’ya), İstanbul Bilgi Üniversitesi 2006, Elif Babül, “Belonging to Imbros: Citizenship and Sovereignty in the Turkish Republic”, doctoral thesis, Bogazici University, İstanbul 2003, also by the same author, “From Imvros to Gökçeada: on the trail of the history of an island” in the Greek-Turkish population exchange. Aspects of an ethnic conflict, ed. Constantin Tsirikis, Review 2006, p. 347-356, Elçin Macar, Presentation of a report issued in 1928, at the request of the Turkish Prime Minister’s Office recommending the immediate Turkification of the islands, document listed in the Prime Minister’s Archive of the Turkish Republic as Document No. 30.10.214.454.3, Conference on “The cities of Ionia and the Aegean (Europe’s roads and gates to the West and the East), Centre of European Studies and Humanities” “Ioannis Kapodistrias”, Chios, 14-16 October 2004, Feryal Tansuğ, “Rums of Imvros - About Gökçeada” (Imroz Rumları, Gökçeada Üzerine), Heyamola 2012, Collection of scientific articles on Imvros translated into Turkish, Deniz Kavukçuoğlu, “A village on the island of melancholy - Imvros, Gliki” (Hüzün Adasında Bir Köy: Gökçeada-Bademli, Imroz-Gliki), Can 2013.

22 Representative of the founding body (the self-governing community of Agioi Theodoroi-[Zeytinliköy]) was Mrs. Anna Koutsomallis, who led the efforts for its establishment.

23 The Board consists of Mr. Pantelis (Lakis) Vigas (Chairman), Mr. Joachim Kampouropoulos (Vice President), Ms. Georgia Mpitsi (Secretary General), Ms. Eva Kanaris (Treasurer) and Mr. Stelios Floikos (Member).

order to house a Greek-language school. However, the request of the same Association for an authorization to operate a Greek High School so as to complete all three levels of primary and secondary minority education on the island and to welcome in the school year 2014 -2015 the first Greeks of Imvrian origin resettling to Imvros together with their families, is so far hampered by bureaucratic obstacles. At the time of writing this report, there were still ongoing efforts to remove barriers so as to allow the relocation of families and the start of classes.

Nevertheless, it should be noted that the reopening of the Greek minority schools depends entirely on the political will of the Turkish authorities, as Law 502/1964, which banned Greek-language education on both islands is, typically at least, still in force. The Member of Parliament from Bursa of the Republican People's Party (CHP), Mr. Aykan Erdemir, has submitted a legislative proposal to the Turkish parliament to repeal the said Law since May 2013 without any progress until now.

Return to the original owners of property expropriated but not used for the purposes intended

The Turkish authorities have not made any adjustment. Instead there are reports that the land expropriated in the past is still being transferred to settlers at a symbolic price. According to recent opinions by Turkish lawyers the necessary legal framework for the return of property is existent (Articles 21, 22 and 23 of Law 2942 on Expropriation).

Return of the public buildings of the Greek-Orthodox community

Many community real properties in the two islands have been confiscated by the state. The vast majority of the buildings that once housed the Greek minority schools on Imvros are ruined when not rented for commercial purposes. The three old schools on Tenedos operate as a hospital, hotel and restaurant respectively. The amendment of Law 5737/2008 on foundation properties by the Prime Ministerial Decree of 2011 did not eliminate existing problems for those community buildings of the island that do not belong to foundations, which have been declared as "seized" (mazbut),^[24] because the declarations of 1936 were

24 To date the foundations of Agia Marina in the village of Kastro (Kaleköy) and of Agia Varvara in the village of Evlampio (Yeni Mahalle) continue to be seized (mazbut).

not found in either the archives of the General Directorate of Foundations (Vakıflar Genel Müdürlüğü) nor the records of the foundations of the island.

Return of seized (mazbut) religious foundations under the forced administration of the General Directorate of Foundations and their properties

The church of Agios Nikolaos and the historic old cathedral of Agia Marina, which are located in Kastro (Kaleköy) and belong to the seized foundation bearing the same name, were restored at the expense of the General Directorate of Foundations in 2009 and 2012 respectively and delivered to the Greek-Orthodox community in accordance with the commitments undertaken by authorities during the fact-finding visit of Mr. Andreas Gross in 2008. These gestures were welcomed with satisfaction, but the fate of the remaining immovable properties of these religious foundations remains unknown. All Greek-Orthodox foundations of the island, including the “seized” ones, submitted in August 2009 declarations of immovable property as required by the Law on foundations. The response to these claims in February 2010 was as follows:

Of a total of 258 real properties on Imvros and 46 properties on Tenedos for which claims were lodged, the respective foundations were granted the ownership of only 22 properties, 12 properties on Imvros and 10 on Tenedos. Claims regarding 128 properties on Imvros -including the Church of Agridia (Tepeköy) - and 36 properties on Tenedos -including the cemetery, the ownership of which has been recognized by the decision of the ECHR- were rejected.

In July 2010, religious foundations provided additional documentation relating to 128 properties, while it is expected that they will initiate additional procedures for the “seized properties”.

On the island of Tenedos the compensation process and the return of eight properties that had been confiscated were completed in favor of the Community of the Assumption of the Virgin Mary following a decision by the European Court of Human Rights. With regard to the five immovables, the ECtHR awarded a compensation amounting to 173,000 Euros, while it held that the remaining three properties should be returned. The Court’s ruling was ratified on 30.03.2011 by the Court of First Instance of Tenedos. It is to be noted that the Turkish side, without waiting for the Court’s decision, paid the fine of 173,000

Euros on 27 April 2010 and a year later proceeded with the land registration of the three real properties in favor of the Community.

Property problems and Land Registry

- a. The cadastral process caused several problems to property owners as it was carried out in many cases through non-transparent and irregular methods resulting thus, *inter alia*, in the registration of vast areas in the name of the Turkish state. According to the Land Registry list published in May 2009 regarding Schinoudi (Dereköy) -that once numbered an exclusively Greek-Orthodox population of 2,500 people and was the largest village of Turkey- 25% of homes and land in the village and 92% of land outside the village were registered as belonging to the Turkish state. Based on the respective Land Registry list concerning Agridia (Tepeköy) -the only village that continues even today to be inhabited exclusively by residents of Greek origin- which was published on 08.05.2010, 24% of the land outside the village was granted to the Turkish government, while earlier, in July 2003, 77% of houses and fields within and outside the village were registered in favor of the Turkish state. In this way, also the last remaining properties of Greek-Orthodox on the island were seized.
- b. Title deeds of the ottoman period are still not recognized as evidence, while adverse possession and undisputed possession over a period of 20 years is recognized only if the house is still inhabited or, respectively, if the field is still cultivated at the examination conducted by the court, by people who, in their overwhelming majority, together with their ancestors were violently forced to leave their property. Consequently, a large portion of the members of the Greek-Orthodox minority are discouraged from claiming the houses built by their ancestors and the fields they had been cultivating for centuries. Yet, even if they can prove the possession of their property through adverse possession, in case the property in question has been designated as "protected cultural monument" (Law 2863/1983) or is located within an area designated as "SİT" (approximately 80% of the island has been declared a SİT area to various degrees), the ownership of their property is being removed, since in these cases the adverse possession is not enough whereas title deeds are an absolute requirement (in the vast

majority of cases ottoman title deeds are required since the acquisition of land took place before 1923).

- c. The difficulties faced by Turkish nationals of Greek origin in the acquisition of property on Imvros continue to exist. During his visit Mr. A. Gross was informed of the practice on the part of the Turkish authorities in the islands, that is, that if the vendor is a Muslim and the buyer of Greek-Orthodox origin, then the transfer of a property is not registered in the name of the buyer, if not granted first approval from Ankara. A detail worth noting is that the secret decree instructing that the purchase of any real property by Christians is subject to the approval of the National Security Council uses the terms “aliens” and “missionaries” for Christian Turkish citizens.
- d. All the above, combined with the disproportionate, in relation to the current value of the property, entailed legal expenses discourage the larger part of displaced islanders and their descendants to claim the vesting of their ancestral property.
- e. As a result of these findings by the Rapporteur, Mr. A. Gross, in 2008 the Council of Europe proposed in the Resolution 1625/2008 the suspension of the finalization of the land registry’s documents for a decade starting from the time when necessary measures for the restitution of injustices observed in the cadastral record against the Greek-Orthodox population would be adopted.

Execution of decisions of the European Court of Human Rights which validate inheritance rights of non-Turkish nationals

Not even the slightest progress has been made towards ensuring the alignment of Turkish jurisprudence with the express case law of the European Court of Human Rights (ECtHR) on the issue. Inheritance rights are still questioned in cases of inheritors who are not Turkish nationals -mainly Greek nationals-. When representatives of Imvrians met with the Governor of Imvros in 2008, a “white” and “black” list of countries with which Turkey accepts or rejects reciprocity on this matter was presented to them. Despite clear findings in the latest decisions of the ECtHR on the subject in question (Apostolides vs Turkey - Decision 2007, Nacaryan and Deryan vs Turkey - Decision 2008), Greece is not included in any

category (along with Australia, which is the country with the second largest Imvrian community in the world after Greece). Up until now inheritance rights over property have not been recognized to any Greek or other foreign national in the country who is not of Turkish citizenship. In September 2009 a new decision was added to the list of ECtHR rulings recognizing inheritance rights to Greek inheritors in Istanbul (Fokas vs Turkey), while in February 2010 the most latest decision (Agnidou vs Turkey) was issued.

At this point it should be noted that compensations amounting to millions of euros awarded by the ECtHR in favor of the applicants, after the failure to reach a compromise between the two sides, and particularly after Turkey's refusal to hand over the said inherited real property as it is, (e.g. in the case of Fokas in September 2013, Turkey was sentenced to pay 5,000,000 Euros to the applicants) are not a proper solution for Imvrians. A long-standing request of Imvrian families is to ensure the maintenance -through the transfer of property from one generation to another- of the ties of their descendants with their ancestral land and, thus, the maintenance of the particular bicultural character of the island.

Protection of natural environment and cultural heritage

The natural environment and the traditional and protected according to the Turkish laws character of Greek-Orthodox villages is facing multi-faceted threats, the most recent ones being the allotment of coastal land of the Port and Tower area in Schinoudi (Dereköy) that has been expropriated for building huge tourist facilities as well as construction arbitrariness that led to the erection of a five-storey hotel in the village Glikli (Bademli), which, despite the decision to be demolished, still stands in its place.

In parallel, the authorization for the development of an andesite quarry very close to Agridia (Tepeköy), the planned operation of gold mines and also discussions for the construction of a ship waste management unit pose serious threats to the entire population and the very future of Imvros (Gökçeada).

Granting of Turkish citizenship to those who have lost it in the past and their descendants

From 2011 onwards applications by males have been accepted with regard to the recovery of Turkish citizenship, which they lost on the grounds that they

did not fulfill their military obligations. The Turkish citizenship is granted either by paying the amount of 6,000 Euros as compulsory redemption of military service (from 2013 onwards) or without a payment for those who have served their term at a NATO country. This amount represents a serious obstacle for a large part of interested males and Turkish authorities have been repeatedly called upon to limit it down to a symbolic amount.

Still, citizenship is being denied to men and women born between 1964 and 1981, who are entitled to the Turkish citizenship (by descent) through their mother. The competent authorities strangely refuse to apply the *res judicata* of the Council of State, which held that the abolition of the distinction between a Turkish father and mother in 1981 as a criterion of obtaining the Turkish citizenship shall also apply retrospectively and not only *vis-à-vis* children born after 1981. The only solution for applicants is a long lasting and expensive appeal procedure against relevant rejections.

Connection by sea and air

The islands of Imvros and Tenedos still lack a direct ferry link. As a result those who want to travel from Imvros to Tenedos and vice versa have to spend almost half a day using three different ferries in order to cover a distance of much less than 20 nautical miles.

In addition, despite the requests of the inhabitants of Imvros -Muslims and Christians- and although an adequate port and a customs building have been recently constructed and remain unused, there is no ferry link between the island and Greece.

Informal dialogue mechanism through the civil society

Representatives of the Greek-Orthodox community of the two islands use all existing opportunities to establish a dialogue mechanism with Turkish authorities at all possible levels.

Representatives of Imvros and Tenedos have met in Athens, Ankara, Istanbul or on the two islands with senior state officials of Turkey (President of the Republic, Prime Minister, Minister of Foreign Affairs, Head of the Opposition and other senior officials) as well as with local authorities. On each and every occasion they substantiate and inform their interlocutors on the validity of their claims

and the need to take immediate measures for halting the decline of Greek-Orthodox population and maintaining the distinct identity of the two islands.

Finally, one should not forget the important contribution of His All Holiness Ecumenical Patriarch Bartholomew, who not only is an endless source of inspiration for the efforts made by the representing bodies of the Greek-Orthodox minority, but has also raised numerous times at His own personal initiative the bar of expectations and aspirations, with the most notable example being the claim of reopening schools on Imvros, an effort which was initiated by His demarche lodged to the authorities in May 2010.

However, despite the positive attitude of all competent officials taking part in the consultations so far, it seems that we need to go a long way in order for the "*political message transmitted at the central level*" to reach all recipients, as requested, by the Rapporteur of the Parliamentary Assembly of the Council of Europe.

The return

Following the international recognition of the problems of the minority and the significant reforms in Turkey, which led to the improvement of the climate and conditions, many -Imvrians mostly, but Tenedians as well-, were encouraged to return or even to resettle on their islands.

First of all, in 1993 visa requirements in order for foreign nationals to enter the islands were revoked. In the beginning the majority of Imvrians returned for a short summer holiday especially during the Assumption Day holiday in mid-August. Over time some have decided to repair their ancestors' homes and spend part of the year on their island as seasonal visitors (Christmas, Easter, and Assumption Day), while others, mainly retirees, have begun to spend half a year on the island.

In recent years, every summer on Imvros and Tenedos thousands of compatriots from every corner of the world come together, revive cultural traditions and organize numerous events (traditional festivals, exhibitions, sports) and support the repair of churches and chapels of the Community.

Today many express their desire to permanently return to the island provided that there are perspectives for their future (schools for their children, decent infrastructure, employment and investment opportunities). A permanent return

would require the safeguarding of a climate of optimism and safety for the islanders with contributing factors being the dynamic developments of recent years and the encouraging signs for the future.

The present claims of Imvrians and Tenedians

The main representative body of Imvrians scattered across the world is the “Imvrian Association” founded in 1945 in Athens, where the largest Imvrian community in the world lives today. The work of the Association is multidimensional aiming at preserving the Imvrian cultural heritage, maintaining the distinct Imvrian identity, as well as providing information and raising public awareness on the Imvrian issue. The Imvrian Association also strives to vigorously claim the rights of Imvrians in tandem with all other active Imvrian Associations in the world (Thessaloniki, Germany, South Africa, New York, Sydney, Adelaide, Melbourne), while its active members have founded and are today staff of the two Associations that operate nowadays on Imvros [Gökçeada] (in Agioi Theodoroi [Zeytinliköy] and Schinouði [Dereköy]) as well as of the newly founded “Educational and Cultural Association of Imvros” based in Istanbul.

The representative body of Tenedians is the Tenedian Association “Tennes” founded in 2006 by a small group of Tenedian refugees in Attica who were expelled from Tenedos after 1964. The primary objective of the Association is to maintain ties with Tenedians worldwide and to solve the problems of the Greek-Orthodox community of Tenedos. Three more Tenedian Associations are operating in Nea (New) Tenedos in Halkidiki, Strasbourg and Sydney.

The Imvrian Association and the Tenedian Association cooperate closely with the rest of Imvrian and Tenedian associations as well as the other minority Associations of Istanbul (Ecumenical Federation of Constantinopolitans, Association for the Support of Greek Community Foundations-Rumvader) in order to promote their claims in the local and international community and the appropriate statutory bodies.

The claims of Imvrians and Tenedians seek justice and equal treatment in relation to their Turkish fellow citizens so as to preserve the Greek presence in their homeland and to prevent the fading away of the 3,000 years old culture of Imvrians and Tenedians from the cultural mosaic of modern Turkey.

More specifically, the present claims of Imvrians and Tenedians are the following:

- Immediate and effective recognition of inheritance rights regardless of citizenship
- Return to the original owners of real properties that were expropriated but not used or no longer serve the expropriation's purposes.
- Return of buildings of public interest of the Greek-Orthodox community
- Return of seized religious foundations (mazbut) and their properties under the forced administration of the General Directorate of Foundations
- Concrete measures for the return of community and family properties or their correct registration
- Granting of Turkish citizenship to those who have lost it in the past and their descendants
- Specific and immediate measures for the protection of the natural environment and the maintenance and enhancement of the islands' cultural heritage
- Ferry connection between the two islands and also with Greece
- Improvement of infrastructure in Greek villages of Imvros (Gökçeada)
- Use of the community property of Tenedos for the repatriation of expatriates
- Ensuring all conditions that would allow Imvrians and Tenedians abroad to return and resettle in their homeland (creation of professional perspectives, provision of subsidies and incentives for their participation in the agricultural, tourist and commercial development of the islands)^[25].

25 Two seminars regarded as significant in this area were organized on Imvros during the summers of 2013 and 2014 respectively, by the Association for the Support of Greek Community Foundations (Rumvader) in collaboration with the Imvrian Association, the Imvrian Union of Macedonia-Thrace and the Association for the Protection, Solidarity and Sustainable Development 'Imvros', in the framework of the European Project "Minority Citizens-Equal Citizens" on the issues of "Business Opportunities on Imvros (Gökçeada): Protecting and highlighting the natural environment and culture" and "Local Development and Business opportunities", respectively. In the context of the same project implemented by Rumvader a gathering of Tenedians expatriates and representatives of Tenedian Associations abroad was held on Tenedos in July 2013, during which the prospects and future of the island were discussed together with ways to revive the local community and the very few inhabitants of Greek origin left on the island.

Epilogue

The Greek-Orthodox community of Imvros and Tenedos has been a victim of continuing erroneous state policies over decades. The issue of the Greek-Orthodox community of the two islands is not a bilateral problem between two states but primarily an issue of respect for and safeguarding of fundamental human rights. Imvrians and Tenedians, Greek-Orthodox of Turkey, do not enjoy equally and effectively the rights of a citizen of this country. All these problems were generated by the execution of special laws and administrative practices that were issued or applied ad hoc with reference to these specific two islands and their population. Therefore, it is evident that in order to resolve these problems, a special amending legislation must be established again along with positive administrative policies for the two islands.

Turkish authorities are called upon to implement a positive discrimination policy (discrimination à rebours) that would bring tangible results. Turkey as a member-state of the Council of Europe and candidate member-state of the European Union cannot ignore the so-called “acquis communautaire” with regard to fundamental human rights.

The documents produced by the principally competent European bodies and adopted with rare consistency and continuity from 2004 onwards with reference to this specific minority shall serve as guidelines, based on which all adequate measures permitting the restitution of the rights of Greek-Orthodox and encouraging them to resettle in their homeland on terms of equity and justice must be taken.

Such incentives may include the planning of specific programs from state resources but also from the European Union as well as the creation of attractive funding opportunities and subsidies for small and medium scale investment projects of the minority in areas such as tourism and agriculture.

Furthermore, the employment of Greek-speaking minority members in the public services of the islands and the Prefecture Çanakkale and the establishment of an Office of Minority Affairs providing guidance to the minority regarding relevant available legislative and regulatory framework as well as business and investment opportunities, are relatively easy and simple measures, which can be particularly beneficial.

Additionally, one of the most important conditions for the preservation of

the cultural heritage of the two islands is the re-use of the original names of the islands themselves and of the rest of the toponyms of the region. A recent scientific recording study has validated and noted on maps all the geographical names of the two islands, the number of which is more than 3,000. At a time like this, when old historical names of cities, villages and provinces are increasingly restored in Turkey, if such a practice could be applied also to the two islands, it would be the most important and visible sign of respect for their distinct cultural identity.

Finally, the Imvrian and Tenedian community should intensify its serious and systematic work in recent years to ensure at this crucial time a sustainable future for Greek-Orthodox community members on the two islands. The issue at stake here is that if the fading old generation is not replaced by a new generation, namely families with children who will return in order to create in the homeland, Imvros is to become a place without a future and Gökçeada a place without a past.

Translated from Greek by Sofia Koutsou.

The problems of the involuntary expatriated Greek-Orthodox community of Istanbul

November 2014
Ecumenical Federation of Constantinopolitans^[1]

1 The Ecumenical Federation of Constantinopolitans (Ec.Fe.Con) is the all world federative body of the expatriated Greek-Orthodox community of Istanbul. This community represents the 98% of the population which should be living in Istanbul under the clauses of the Lausanne Treaty of 1923. Ec.Fe.Con. consists of 30 Associations located in Europe, USA-Canada and Australia.

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ECRI^[2] has also stressed the severe depletion of the Greek Orthodox community and that “urgent action is needed if it is to survive”^[3].

Introduction

The present report has been prepared by the Ecumenical Federation of Constantinopolitans (Ec.Fe.Con.) in the framework of the EU funded project, entitled “Minority Citizens-Equal Citizens”, which is carried out by the Association for the Support of Greek Community Foundations (Rumvader) in cooperation with the Ec.Fe.Con. The present report aims to present the problems encountered by the expatriated Greek-Orthodox community of Istanbul, It should be emphasized that this expatriated community corresponds to 98% of the Greek-Orthodox community of Istanbul and thus constitutes an integral part of the Community as a whole. Furthermore, at the end of the report specific proposals are presented vis-a-vis “remedy and reparation” measures in order to tackle these problems in accordance with the United Nations legal framework.

The Greek-Orthodox community of Istanbul represents an exceptional case of a minority, in the post World War II period in Europe, that has been forced

2 Council of Europe Commission against Racism and Intolerance

3 Extract from the Report of Mr. Thomas Hammarberg, European Commissioner for Human Rights, following his visit to Turkey on 28 June – 3 July 2009, 1st October 2009.

to leave its homeland to such an extremely high percentage, despite the guarantees of international treaties. Therefore, as presented in this report and expressing also the view of Ec.Fe.Con the community should enjoy the rights of "remedy, reparations and restitutions" under the Resolution 60/147 of the United Nations General Assembly ^[4].

Ec.Fe.Con. firmly believes that, respect for human rights is empty of meaning if it does not entail the remedy and reparation of the consequences of past human rights violations.

Traces of history on the Greek-Orthodox community of Istanbul

In case of communities and in particular in case of minorities, the remedy and restitution of the consequences of past human rights violations, is only possible if the causes of these violations and their content are understood in their full extent. For this reason, this report shall begin with reference to minority and human rights violations to the detriment of the Greek-Orthodox community after 1923.

Brief historical overview of the period after 1923

The Greek community of Istanbul and the Lausanne Treaty

The present legal status of the Greek community of Istanbul was established by the international Lausanne Treaty, signed on July 24, 1923, and in particular by the Annex of this Treaty on the Exchange of Populations between Greece and Turkey established on January 31, 1923. According to the second article of this Convention:

"The following persons shall not be included in the Population Exchange:

- a. The Greek inhabitants of Constantinople,
- b. The Moslem inhabitants of Western Thrace.

All Greeks who were already established before the 30th October, 1918,

4 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, Resolution adopted by the General Assembly on 16 December 2005.

within the areas under the Prefecture of the City of Constantinople, as defined by the law of 1912, shall be considered as Greek inhabitants of Constantinople.”

According to the 1927 official census conducted in Turkey, the total Greek-speaking population was 119.822, including the inhabitants of the islands of Imvros (Gökçeada) and Tenedos (Bozcaada). In this population is also included the number of citizens of Greece exempted from the Population Exchange which amounts to 25.666 people.

The 1930 Ankara Convention of Establishment, Commerce and Navigation between Greece and Turkey

According to the convention the citizens of the two agreed states: “...subject to the laws of the state, they will enjoy the same rights as the local citizens or if there is a special privileged status for foreign nationality citizens, they will enjoy the best rights recognized for them”, “..Independent of the reason of their travel and without any restriction they will have the right to enter, stay as much as they want and to leave whenever they want the other state (Art. 1)”.

The status of the établis, the exempted Greeks from the population exchange

According to the international Lausanne Treaty⁵, which has been signed by ten states, the Greek-Orthodox population of Istanbul has been exempted from the population exchange, independently of its citizenship status. According to this Treaty, all the members of the Greek-Orthodox community – either citizens of Turkey or Greece – provided they were established in the Prefecture of Istanbul before October 30, 1918 obtained the status of établis (a term borrowed from French). This fact is proved undisputedly by looking into the results of the

5 POPULATION EXCHANGE TREATY BETWEEN TURKEY AND GREECE (<http://www.mfa.gov.tr>) Article 2. The following persons shall not be included in the exchange

a) The Greek inhabitants of Constantinople.

b) The Moslem inhabitants of Western Thrace.

All Greeks who were already established before the 30th October, 1918, within the areas under the Prefecture of the City of Constantinople, as defined by the law of 1912, shall be considered as Greek inhabitants of Constantinople.

Moslems established in the region to the east of the frontier line laid down in 1918 by the Treaty of Bucharest shall be considered as Moslem inhabitants of Western Thrace.

first census conducted by the Republic of Turkey in 1927. The Agreement of 1930 between Turkey and Greece on Establishment, Commerce and Navigation is entirely irrelevant concerning the status of the établis Greek citizens of Istanbul. Only about 100 persons came to Turkey from Greece after the Convention of 1930.

The 1932 Law on Professions in Turkey and forced expatriation of the Greek-citizen members of the Greek minority

Despite the friendly relations between Turkey and Greece, in June 1932, a new Law no. 2007 identified a list of professions⁶ that would henceforth be banned to foreigners living in Turkey for reasons of national security. This resulted in the forced expatriation of 13.000 members of the Greek-Orthodox minority holding Greek citizenship. The remaining 12.000 Greek citizens were deported in 1964.

The conscription of the male non-Muslim population aged 18 to 45 to labor battalions (The Twenty Classes incident)

In May 1941, just after the Nazi and fascist forces occupied Greece and Yugoslavia, the government of Turkey issued a secret decree conscribing 40.000 non-Muslim minority men aged from 18 to 45. These persons were registered to work in labor battalions under extremely adverse conditions for road, airfield and building constructions and they were not permitted to visit Istanbul. This event is referred to as the "Twenty Classes incident" and the exact motive of this persecution is not known. However, the fact that the persons enrolled were released with the turn of the tide of the War (in November 1942), and the rumors spread at that time about their non-return, leave the motive open to different

6 Professions prohibited to foreign citizens according to Law 2007/1932 of the Republic of Turkey: Ambulant vendor, photographer, musician, barber, printer, real estate agent, producer of clothes-hats-shoes, stock exchange broker, salesperson of state-monopoly products, tourist guide or translator, worker in the iron, wood and construction industries, transportation services, permanent or temporary occupation in the sanitary-electricity-heating trades, communication services, stevedores on land, car drivers and helpers, in general hired workers, commercial activities, guards in apartments-galleries-businesses, male or female employees in hotels-pensions-baths-coffee houses restaurants-entertainment centres and bars (waiters and helpers) singers and casino dealers.

interpretations; similar events have taken place in other regions of Europe. The older men were sent to Eastern Thrace while the younger to various places inland in Anatolia.

The Capital or Wealth Tax (Varlık Vergisi) in 1942-1944

The Parliament of the Republic of Turkey, pretexting to fight the black market conditions as a result of World War II in neighbouring countries, voted a law on November 11, 1942, imposing an extraordinary tax called Varlık Vergisi (Wealth tax). The Law, on paper, was to be equally applied to all citizens. However, its selective implementation was intended to economically ruin the non-Muslim minorities. Faik Ökte, the Tax Collector of Istanbul who was responsible for the application of the Law, probably feeling remorse, published a book entitled "*The Wealth Tax Disaster*" (Varlık Vergisi Faciası) where he disclosed the details of the implementation of the Law against the minorities. The tax to be paid was determined by the local head of the Republican Peoples' Party based on entirely subjective criteria, without the right to appeal, while the tax was due within ten days. In case of no-payment, the entire property of the taxpayer was publicly auctioned. If the funds raised were not sufficient to cover the tax, the taxpayer was arrested and sent to work in labor battalions in eastern Turkey (where extreme weather conditions prevail) for 100 piasters a day. The number of exiled reached 2500 persons, the majority being older people, 25 of whom died in the battalions, while many of those who returned to Istanbul with shaken health lost their lives in the months following their return. The Law that financially ruined the non-Muslim minorities was abolished in August 1944.

The Pogrom of 6-7 September 1955

Based on recent archival research work conducted mainly in Turkey, it has been verified that the massive attacks against primarily the Greek but also the Armenian and Jewish communities in Istanbul and Izmir targeting their sacred buildings, schools, institutions, work places, houses, cemeteries, etc. and very much resembling the 1938 Crystal Night in Nazi Germany, were orchestrated by the Special Operations Unit of the Turkish Army General Staff. A report prepared by the Parliamentary Committee on Military Takeovers of the Turkish Parliament published in November 2012 mentions the events of 6-7 September 1955 as

the first step towards anti-democratic moves by the Army after 1945. While the material loss was extremely high, the moral dimension of the event was also huge. Despite this, the September events had a relatively small effect on the expatriation of the Greek community as only about 10% went into self-exile.

The preparation of the Exiling- Deportation Programme

The recent publication of the proceedings of the Yassiada island trial – regarding the September 6-7, 1955 events – that took place after the overthrow of the Adnan Menderes Government on May 27, 1960, has disclosed that the deportation of the établis Greek citizens was planned as early as in 1957. In the unique secret session that was held during the trial, Army General Refik Tulga testified that the President of the Republic Celal Bayar had told him that they were planning to take harsh measures, especially against the 30.000 Greek citizens residing in Istanbul and possessing properties as well as the Patriarchate. "We will kick them out and will take hard measures against them." [7] In the same year (1957), a raid took place in Istanbul during the assembly of the administrative board of the Istanbul Hellenic Union: The members of the administrative board were arrested, detained and deported within a few days without charges while the Union was closed.

In January 1964 provocative letters were mailed anonymously to Greek houses in Istanbul in an attempt to link the recipients to the Cyprus crisis. After strong protests by the Greek Embassy in Ankara, the mailings stopped. It should be highlighted that the letters were not written in the Istanbul style written form.

The Tax authorities, starting in 1963, prohibited the Greeks of Istanbul holding the établis status to pay their taxes in installments and asked for prepayment of the 1964 taxes. In addition, the procedure for granting the special residence permit by the Greek consular authorities to the Greek citizens, residents of Istanbul since 1923, which was valid since 1930, was modified: these residents were required now to get a Greek Passport and were treated as foreigners. Both these measures, implemented while the relations between Greece and

7 6-7 Eylül Olayları Davası, (Tek Gizli Celse Oturumu), Edit: Emin Gürsoy, Kitabevi Yayınları / Yayınevi Genel Dizisi.

Turkey had been normalized following the agreement on the Cyprus issue in 1960, indicate that a preparation for deportations was underway.

The severe inter communal clashes that started in Cyprus around Christmas in 1963, had an immediate impact on the atmosphere in Istanbul against the Greek-Orthodox community, despite the fact that this community had nothing to do with the events in Cyprus. The press launched a massive attack against the Greek community and its institutions (schools and welfare foundations) and especially the Ecumenical Patriarchate, thus revealing the existence of a political plan against the minority. At the same time, the law on 20 professions banned for foreign nationals – with the exception of business owners – that had been in force since 1932, was now strictly implemented. Indeed, following the military takeover of May 27, 1960, the Ministry of Interior issued the order no. 41127/6837-112331 requesting its implementation without any exception. On November 7, 1962, the ruling 28-4869 of the Prime Minister İsmet İnönü, established a special “Minorities Sub-Commission” (Azinlık Tali Komisyonu) at the level of the Prime Ministry; the members of this Commission were exclusively drawn from security forces, secret services and General Army Staff. This Commission, which was the supreme authority on all minority issues, was placed above all the other legislative, judicial and executive authorities and operated as the central coordinating body for all the suppressive and repressive measures against non-Muslim minorities till its replacement in 2004 by a Commission having a political composition.

The Prime Minister of Turkey İsmet İnönü on March 16, 1964 declared the unilateral abolishment of the Convention of Establishment, Commerce and Navigation that had been signed in 1930; the declaration was published in the Official Journal. Immediately, the Tax Authorities of Istanbul took under close surveillance the members of the Greek-Orthodox community holding Greek citizenship and started the fiscal liquidation of their commercial activities in Turkey. The deportations started with the publication in the press of the lists of deportees with gradually increasing numbers of persons allegedly accused of having committed harmful actions against the Turkish state. The typical deportation procedure began with an evening visit of the police in civilian clothes at the residence of the victims who were invited to present themselves the next day to the 4th Directorate of the Istanbul Police Department. At the Police Directorate, they

were ordered under pressure to sign a paper without being allowed to read it, in which they were "confessing" that they had carried out spying actions against Turkey and in favor of Greece; under strict surveillance they were treated as ordinary criminals and ordered to leave Turkey in a few days. They were allowed to carry with them only 20 kilos of personal items and 20 Dollars. Through this procedure, 1072 persons were deported. The publication of the lists continued until September 16, 1964; after this date, the remaining Greek citizens were obliged to leave Turkey when their residence permits expired. The Greek citizens belonging to the Catholic and Protestant Churches were exempted of deportation which shows that the prime target was the Greek-Orthodox community. However, 300 Jews holding Greek citizenship were also subjected to deportation.

All the properties of the deportees were "frozen" following a ruling of the Council of Ministers in November 1964 via Secret Decree 6/3801, according to which no legal actions such as transfer or inheritance could be carried out with regard to these properties. The transfer of property following a divorce from a Turkish citizen was also prohibited. The monthly withdrawal of a minimal allowance was granted to the spouses of the deportees. The courts, based on this Secret Decree, prohibited the inheritance rights of the deportees who had no knowledge of the Decree. This continued until 1987 when Turkey started nurturing its relations with the European Economic Community and only then the Secret Decree was withdrawn. It should be reminded though that in the course of the 25 years that the Secret Decree was in force and while the annual inflation rate in Turkey was almost 100% for decades, all the bank accounts of the deportees were annihilated.

The economic boycott of Greek businesses

The archives of the Commerce Chamber of Istanbul show that, at the beginning of 1964, the 36.000 active members of the Chamber included 1000 Greek citizens; 18.000 businesses used to belong to members of the Greek-Orthodox community holding Turkish citizenship. Just after the deportations started in April 1964 nationalist, university-student organizations (with both right and left leanings), without any objection from the Government, organized a wide spread economic boycott. Printed signs were placed at the entrance of Greek shops

saying: “the money spent in this shop produces bullets that are used against your Turkish brothers in Cyprus, do not buy here”. This campaign was implemented in parallel with the slogan “Citizen, speak only Turkish and warn those not obeying”.

The Attitude of the Press

The great majority of the press in Turkey, far from producing objective news reports, became the carrier of a continuous and slanderous extreme defiance and hate propaganda against the Greek community of Istanbul and its institutions and primarily against the Ecumenical Patriarchate and its clergymen, hence creating a climate of psychological violence. The human rights violations against the Greek community were systematically linked to the inter-communal tension and clashes in Cyprus and to the differences between Greece and Turkey. The cases of very rare publications revealing human rights as well as constitutional violations and repressive measures against the Greek minority were silenced immediately. In general, the press played the pioneering role in the planned oppressive measures against the Greek community.

Oppressive measures against Greek-Orthodox community

In parallel with the deportations, an extensive programme of oppressive measures, decided by the special Minorities Sub-Commission, was put into effect:

Turkish vice directors were appointed at the Greek minority schools who limited the competence of the Greek directors, and all signs recalling the Greek-Orthodox identity and culture were removed (e.g., signs in Greek, even cross-shaped window frames). A large number of Greek teachers were dismissed without any reason and justification. In a meeting held at the Department of the Ministry of Education in Istanbul by the end of 1964, the Istanbul General Director of Education told the Greek teachers that his only reason for not implementing harsher measures against the minority schools was that this was not useful to the national interests of Turkey, creating an atmosphere of terror and anxiety.

- Students with Ottoman Empire ancestors from the region of Epirus – the prefecture of Arnavit (vilayeti) – who were identified in their documents as “Arnavut-Orthodox” by the Turkish state were expelled from the Greek

schools; only those identified as “Rums” Greek- Orthodox were allowed to stay.

- The Greek schools on the islands of Imvros (Gökçeada) and Tenedos (Bozcaada), populated by Greeks, were shut down in September of 1964 and a plan of *Dissolution-Extermination* of these communities was put in place, including the expropriation of their agriculture lands without compensation, the creation of an open prison for criminal convicts who were free to move within the island, the settlement of populations from Kurdish and Black Sea provinces as well as of refugees from Bulgaria on the island, while many assassinations were also reported.

The consequences of deportations on the Greek-Orthodox community

Although the number of persons of Greek citizenship who were deported was 12.500, these were followed by their children and wives who were citizens of the Republic of Turkey, thus 30.000 Greeks residing in Istanbul were also directly affected by the deportations. In addition, the oppressive measures which started at the end of 1963, led to a mass exodus of the Greek population of Istanbul which dropped within one year from 80.000 to 30.000 members.

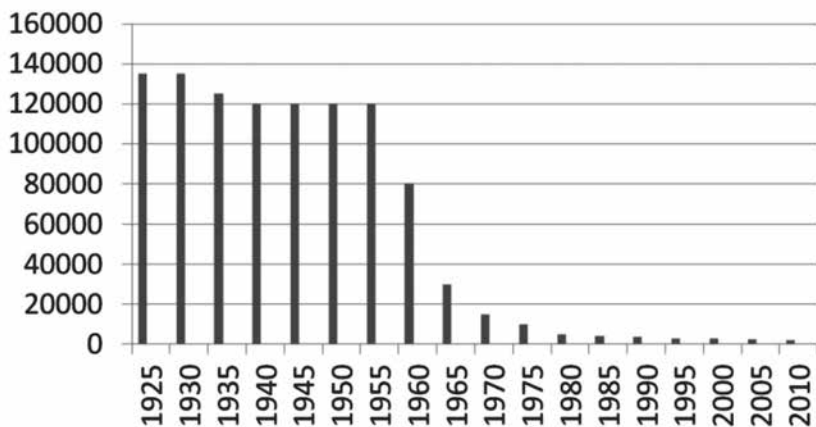


Figure 1. The diminishing of the Greek-Orthodox population in Istanbul in the years after 1923.

A report prepared in 1946 by the Republican People's Party (that ruled Turkey during the period 1923-1950 as a single party), stated as a goal for the celebration of the 500th anniversary of the fall of Istanbul, "to celebrate the 500th anniversary of the fall in 1953 without the presence of Greek-Orthodox in Istanbul." The massive pogrom of September 1955 that took place with two years' delay did not achieve this, but 11 years later, the goal was achieved to a great extent.

The government of İsmet İnönü, taking advantage of the pending issue regarding the persons holding Greek citizenship – whose status as *étrablis* was, however, well established - implemented a deportation and forced displacement policy through repressive measures that were well planned in advance and resulted in a drop of the Greek population of Istanbul from 90.000 to less than 30.000 in a 12 month period.

The anti-minority policies planned and implemented by the *Special Minorities Sub Commission* in the period 1962-2003 triggered an exodus of the Greek-Orthodox, as well as of other non-Muslim minorities. These anti-minority policies do not only constitute violations of all the articles of the Lausanne Treaty (1923) regarding the protection of minorities, but also of the European Convention of Human Rights of Rome (1950). The worse persecution measure against the minorities occurred in 1974, when the Higher Cassation Court of Turkey (Yargıtay) issued a ruling stating that all immovable property acquired by the Non-Muslim minority foundations after 1936 should be confiscated by the State, based on the argument that the non-Muslim minorities despite being citizens of the Republic of Turkey were also "foreign natives" (*yerli yabancılar*). This legal aberration of Yargıtay was abolished by several decisions of the European Court of Human Right in the last 10 years. However, in spite of some reparations, there are still serious injustices pending against the non-Muslim minority foundations.

The consequences of deportations and forced displacement on the social psychology of the Greek-Orthodox population of Istanbul

Let's consider the families being the social cells of the Greek community of Istanbul, which always had strong cohesion and in effect was much more vivid in the mid-60s than nowadays. The men and heads of the families had lived

through the calamities of the Wealth Tax (Varlık Vergisi) and the conscription (of the male population of the Community) to labour battalions during the years 1941-44, while they had also experienced the Pogrom in 1955. Taking all the above into account one could well argue that the Greek-Orthodox community should be a deeply wounded society. The members of this Community had a very vague idea of the events during the period 1914-23 in Anatolia, because at that time Istanbul was isolated from Anatolia, but furthermore because of the fear to talk openly about these historical events or even think about them as it could endanger their very existence. However, without healing these traumas, this Community has shown an enormous capability of reorganization and revitalization after the pogrom of September 6-7, 1955. This was expressed through the willingness of the Community to immediately restore the 65 destroyed churches or schools, associations, cemeteries etc. from its own resources, since the state compensations provided were symbolic. The commercial firms of the Greeks of Istanbul, managed in short time after the Pogrom, to recover and start production and activities, despite the repressive measures of the Tax Authorities. The lower immigration flow (approximately 10%), after the Pogrom of 1955, cannot be attributed to the bad economic conditions prevailing in post-civil war Greece, but rather to the fact that the Community had deep roots to its homeland and to the efforts of the Ecumenical Patriarchate to overt immigration. It is noteworthy that the number of students in the Greek secondary minority schools increased significantly during this period.

Consequently, despite the continuous repressive measures and persecutions by the state of Turkey, until 1963 the Greek-Orthodox community maintained its social structure and order (schools of high quality, associations, and charity institutions functioning under very difficult conditions- all under the supervision of the Ecumenical Patriarchate). Despite the deliberate persecutions, the indifference of international human rights organizations and the lack of support by the signatory states of the Lausanne Treaty, among them first Greece, the community fabric was holding on its social cohesion based on the "Koinotita" (community) structure, a byzantine tradition, under the leadership of the Ecumenical Patriarchate. However, what the members of the community failed to understand was that their sufferings were not the result of the animosity of particular authorities such as of the Prime Minister İsmet İnönü against particu-

larly the Greeks, but a rather systematic plan which was altered superficially in 1923 but was already in force by the year 1908. The systematic distortion of history after 1923 by the state, affected even those who had lived throughout the period 1914-24 to such an extent that they felt intimidated even to talk about these events to the future generations. Therefore, no reaction plan existed on the part of the Community so as to resist in case community structures were to be dissolved. The latter could be possible by forcing the Greeks of Istanbul to leave their homeland. Through a massive exodus, the social structure of the Community would collapse and the plan of the Young Turks which perceived the Greek-Orthodox population and the other “foreign communities” as “internal tumours which have to be removed” would be accomplished. The necessary tool to realize this task had been determined well before: by taking advantage of a pending issue since the Lausanne Treaty like that of the status of the Greek-Orthodox community members, inhabitants of Istanbul, holding Greek citizenship. According to the Lausanne Treaty the Greek citizens of the Community were also granted the status of *établi*. However, the Greek Government of Eleftherios Venizelos (1928-32) in 1930 included this issue also in the bilateral agreement between Greece and Turkey of the same year. The Treaty concerning the Exchange of Populations between Greece and Turkey stipulated clearly that Greek citizenship holders who were members of the Greek-Orthodox community of Istanbul were also exempted from the exchange.

The holiday season of late 1963 was for the Greek-Orthodox population of Istanbul a period reminiscent of that of August 1896 amid an imminent atmosphere of physical extermination of the Community without the authorities doing anything to protect the citizens from brutal violence. The inter-communal conflict in Cyprus had a direct effect on Istanbul where the Community was treated like a hostage. In the months of January and February of 1964 the Community having not even the slightest connection with what was happening in Cyprus, was already targeted and demonised. This period of 75 days was very effective in proliferating propaganda against the Greeks within the wider Turkish society but also in terrorising the Greek population. When the first deportations of Greek population were announced on March 16, 1964, panic prevailed among the community members hence paving the way for a mass exodus.

Within 12 months, the population of 90,000 Greeks of Istanbul dropped to

30,000, without any protest towards the Government of Turkey. This massive violation of fundamental human rights had multiple psychological effects on the victims. A simple analysis of these events leads to the following conclusions:

In the case of younger people up to the age of 18, the physiological trauma was less intense as they lived in an environment (in Greece) of social freedom and equality where they could speak their own language freely. However in their school environment, they had to hide or forget their origin, since in the strained post-civil war climate in Greece, it was not welcomed to speak against a "NATO military ally" country. The consequences of this situation later on when these children reached the age of 30, 40 and 50 were different and varied depending on their personal experiences, ranging from complete amnesia about how their childhood used to be in Istanbul to nostalgic imaginary depictions of reality. To a great extent, though, they tend to reconsider their past in Istanbul and take action.

- Community members between the age of 18 and 50 believe in their majority that there is no way that the living conditions will improve in Turkey and therefore it is a good thing for them that they no longer live in Istanbul. The survival instinct leads the majority also to believe that is useless to feel nostalgic for their homeland since there is no possibility of coming to terms with the Turks and thus they better forget about it completely.
- People over 50 are those who have experienced the worst trauma. In the case of women who lost their social status and position within the community structures a much higher rate of depression incidents have been recorded compared to the rest of the population. As far as men are concerned, the consequences are similar but to a lesser extent. The lives of these people have been irreparably disturbed, while there are dozens – roughly estimated at more than 20- who have even committed suicide.

Key problems faced today by the expatriated Greek-Orthodox community of Istanbul

As a result of deportations and forced expatriation, which peaked during the decade 1964-1974, today the Greek-Orthodox community of Istanbul lives primarily in Greece and in smaller numbers is dispersed in many other countries.

With the prevailing conditions of discrimination and forced mass exodus after 1964, it was impossible for the men of the Community to serve their military service. At that time the recruitment officers provided every facility to accelerate the expatriation granting short-time permits to those who would prefer to leave the country without serving the army first. Then, the Ministerial Council of Turkey would take action by abolishing the Turkish citizenship of those men. In many cases, the decision of the Government of Turkey to abolish the citizenship of the community members was made on different grounds such as obtaining the citizenship of Greece (it was only possible after 1983) since dual citizenship was forbidden. In other cases, many people submitted resignations of their Turkish nationality to Consulates of Turkey, either voluntarily or for practical reasons (i.e. obtaining work permit in Greece). By this way, it is estimated that 40.000 men were deprived of their Turkish citizenship during the period 1963-2003. Additionally, until 2013, according to a special law (valid for all citizens of Turkey - but applied selectively to members of the minorities) the acquisition of citizenship was prohibited for children who were born between the years 1963-1981 to a Turkish citizen mother. Subsequently, in a family whose father had lost his Turkish citizenship, a child could not acquire the Turkish citizenship from his mother. It is to be noted that this measure applied to the period 1963-1981, which corresponds to the critical decades of the exodus after 1964. As a consequence, the population of the Greek-Orthodox community, which is subject to the Lausanne Treaty, has decreased enormously. As outlined below, it is necessary that measures for the re-acquisition of citizenship are put in place since dual citizenship is allowed now. This is also particularly important with regard to the restoration of the civil and political rights of the members of the Greek community of Istanbul.

The key problems facing the Greek minority of Istanbul whose status is defined in the Lausanne Treaty signed under the observance of the League of Nations (predecessor of the United Nations) are:

- The demographic presence in Istanbul: The major issue is the numerical presence and increase of the members of the Greek minority in Istanbul. This can be realized through the repatriation of young members of the expatriated community from abroad. This measure is considered as a prime remedy and reparation act. The responsibility to support such a programme

falls on the state of the Republic of Turkey. A similar one was implemented by Germany after World War II for the Jewish minority, which started from zero members in 1945 and currently has reached 150,000 members (before the war it had 600,000 members).

- The cohesion of the expatriated community: Only recently, to a certain extent, a reconnection of the expatriated second and third generation with the Istanbul community is observed, which could be attributed to the softening of the trauma in the first generation. It should also be stated that despite the fact that after the harsh uprooting of the Community the majority was able to survive economically and find jobs, a significant percentage of community members were not able to recover socially and economically (estimated at around 10.000 persons). Due to the recent economic and social crisis in Greece, especially following the cut in pensions and the huge youth unemployment, a considerable number of Constantinopolitans, primarily the elderly, are facing today very serious problems and living conditions. The Ec.Fe.Con starting from the end of 2013 has initiated a humanitarian support programme.
- The existing restrictive measures and non-treatment of the consequences of persecutions: Declarations and announcements by the state that in the future it will respect in absolute degree human rights and therefore minorities rights, are in practise empty of meaning, unless they are accompanied by effective measures of remedy and reparation of the consequences of past injustices on massive scale, as was the tragic experience of the Greek minority in Turkey. The UN General Assembly after twenty years of deliberations adopted in 2005 the Resolution 60/147, which both matches and corresponds exactly to the case of the Greek minority of Turkey. One reading this UN Resolution gets the impression that it has been written particularly for the case of the Greek-Orthodox community of Turkey. Today, the present government of Turkey, which is ruling the country since 2003, has taken some measures to alleviate the past injustices and persecutions, without degrading these measures in particular in the context of an administration tradition that sees any minority as a potential source of problem. As far as the civil rights of minority members are concerned, although the practice of discriminations using "secret orders" is not applied anymore, one can

see the exhaustion of all legal means to create long delays in the delivery of justice in cases of immovable properties of minority members. At the level of community Institutional Rights, with the gravest violation being the massive confiscation of minority charitable foundations, the remedy is very limited and requires courageous actions on the part of the government of Turkey in order to implement the existing legislation without administrative restrictions. The unifying organizational body of the expatriated Greek community of Istanbul, i.e., the Ecumenical Federation of Constantinopolitans (Ec.Fe.Con.) has submitted a coherent plan to the government of Turkey, in September 2012, asserting the necessary steps towards the restoration of injustices. The response of the government of Turkey has been very limited and the efforts of Ec.Fe.Con. should be supported. The recent invocation by the government of Turkey of the “reciprocity” principle by connecting the improvement of the conditions of the Greek minority with the external relations of Turkey with other states is completely groundless and outside of international human rights principles. It cannot be possible for a state to consider hostages its own citizens in order to achieve results in relation to other states.

- The enhancement of Greek education in Istanbul and Gökçeada (Imvros): Greek education has always been a source of revitalization of the Community under the highest spiritual guidance of the Ecumenical Patriarchate throughout the period after 1453. The conditions that prevailed and were imposed upon the Greek schools of Istanbul during the last decades up to 2003 and the problems that have arisen should be resolved gradually with the collaboration of all stakeholders of the Community. The recent establishment and operation of the Community Educational Council is a source of optimism. Additionally, Turkey’s obligations in this direction derive from the international treaties it has signed but also from the fact that minority education is a public service to its citizens. In this context it is of primordial importance that any negative ungrounded references against non-Muslim minorities are removed from all education material, used in all school types and levels, and that the young generations are educated on the historical truth of the positive contributions of the Greek-Orthodox community to the social and economic life of the country for many centuries.

- The internal organization of the Community within and outside of Istanbul: The fact that since the year 2004, elections in minority welfare foundations have been allowed and observed has generated multiple beneficial effects to the Greek minority supporting community activities (welfare, education and social activities). There is a serious exception in the case of the major Greek-Orthodox Balikli Hospital Foundation where the state appointed administration since 1991 insists not to carry out elections, and this attitude is being tolerated by the administration of the General Directorate of Foundations of the Republic of Turkey. Another serious problem is the lack of legal recognition of the non-Muslim minorities and first of all of the Ecumenical Patriarchate. The annulment of the election Regulation for minority foundations, 24 months ago, without being replaced by a new one, is a very negative development. The preservation and continuation of the Rum cultural and educational tradition: The preservation and continuation of the Rum ecumenical culture of Istanbul is exceptionally important for all Greeks as its multi-faceted tradition reflects universally. This task falls primarily on the shoulders of the associations of Constantinopolitans within and outside of Istanbul.

The role of Non-Governmental Organizations and the Ec.Fe.Con.

The expatriated Greek-Orthodox community of Istanbul resides mainly in Greece, nonetheless there are scattered communities in European countries (Germany, Switzerland, Sweden, France, U.K. etc.), and also in the U.S.A., Canada and Australia. Assuming that the population of the Community in the last 50 years has remained the same, we can estimate based on statistics that today the number of community members born in Istanbul accounts to 20-25 thousands approximately. The number of those belonging to the second and third generation of the expatriated community is approximately 120.000. Accordingly the total number of Constantinopolitans (excluding the refugees of 1922) is estimated at 150.000, with 80% of them living in Greece.

When the forced exodus reached its peak in 1964 and the Constantinopolitans were arriving to new places to live, the first thing they did was to establish associations which was a long standing tradition for them. As a result, only in

Athens, twenty associations have been founded. These associations have different activities and purposes such as general associations for all the Istanbul Greek community, Alumni of Schools, as well as athletic and local associations. Moreover, outside of Athens there is one association in Thessaloniki and additional ones in Germany, Switzerland, U.S.A., Canada, Belgium and Australia etc. In 2006 thirty Constantinopolitan Associations following a common decision founded the Ecumenical Federation of Constantinopolitans (Ec.Fe.Con.) with the aim to tackle as a united body together with the Community living in Istanbul the problems facing the Greek-Orthodox community of Istanbul. Ec.Fe. Con is administered by a Board elected by a General Assembly comprising of members elected by the Constantinopolitan Associations.

Proposals of the Ec.Fe.Con. for the remedy and reparation of past human rights violations of the Greek-Orthodox community of Istanbul

During the last decade the history of the Greek minority has been published and analysed in depth, either at international level or by researchers in Turkey, presenting also in detail the difficulties that the Greek minority encountered throughout the historic path in the aftermath of the Treaty of Lausanne. All related research work has led to the common conclusion that the drama of the Greek minority is the diminishment of its population -to the point of extinction- due to policies that were planned and implemented by the governments of Turkey in the period 1923-2003.

Several times over the last five years, senior government officials of the Republic of Turkey acknowledged the anti-minority measures implemented by previous governments, while the Prime Minister, Mr. R. T. Erdoğan characterized these anti- minority actions as fascistic measures. (e.g. Prime Minister, Mr R.T. Erdoğan in his speech at Douztze in May 2009, and Minister Mr. E. Bağış, on December 15, 2010 in his statements on the ‘The plan of 100 years’’).

Regaining citizenship

The expatriation of a large portion (98%) of the Greek-Orthodox population who lived in Istanbul as a result of a political plan is a fact. The elimination

of the consequences of the injustices committed against the autochthonous population is directly linked to the mass recovery of lost citizenship for the male population. Those, whose citizenship was revoked, are mostly men. The rooting cause relates to the avoidance of the fulfilment of military service because of the adverse conditions created by the political repression against Greek-Orthodox community in the late 1960s. Before proposing the necessary corrections and deletions, we believe that it will be useful to remind these truths.

As it is known, during the period after the establishment of the Turkish Republic, the male population of the Greek-Orthodox community had always performed meticulously its military duty. A large part of the population was recruited more than once and the minimum time of military service was at least 4-5 years.

Indeed, after 1963 the avoidance of fulfilment of military service resulted in the revocation of citizenship, which was in fact a matter of inability to fulfil a military obligation. Several young men when reaching the draft age were forced to migrate due to the deportation of their guardians and, in short, due to the prevailing adverse conditions facing the Greek-Orthodox, they could not serve in the army.

There are dozens of cases of Greek-Orthodox who while serving as reserve officers their fathers were under deportation. It is evident that the cause that produced the inability of the male Greek-Orthodox population of Istanbul to serve in the military resulted in the massive deprivation of Turkish citizenship among the male community members.

The issue of citizenship recovery is directly connected to the issue of military service. If someone loses its Turkish citizenship due to failure to fulfil his military duty, when regaining citizenship, he will be, once again, confronted with the issue of military service. In parallel with the issue of military duty there is also a serious issue concerning the financial burden of the redemption process.

The redemption of military service for community members takes the form of compensation in order to regain their civil rights, even though they were obliged to involuntarily expatriate and be sacrificed. This fact, from the point of view of community members facing injustices that must be eliminated, does not comply with the need for eliminating the consequences they have experienced due to serious violations of their rights.

The military duty issue for these members is resolved until today by the iden-

tification of the fulfilment of a three months military service in any NATO country. As it is known, in some NATO countries the draft age is limited up to 45 years, therefore those who lost their citizenship and are over 45 years old do not have the opportunity to serve. For these individuals, in case they wish to fulfil their military duty but are unable to, the application of sanctions and also the perpetuation of possible sanctions should be avoided.

1st Proposal

Our proposal, in accordance with the above condition, is that, those who have completed in any possible way their military service in any NATO country and are members of the Greek-Orthodox community who used to hold Turkish citizenship should also be accepted as having served in the army, with Turkey recognizing namely the completion of their military service in a NATO country.

2nd Proposal

With regard to the citizenship issue a second basic question arises for those who were deprived of Turkish nationality and died before they could regain their citizenship. In this case the upcoming generations in order to acquire Turkish citizenship must follow the general rules. The elimination of this injustice requires the adoption of a special law or decree stipulating that those with parents of Greek-Orthodox origin from Istanbul are able to regain their citizenship whenever they wish, resolving thus easily this problem.

3rd Proposal

In this context a third issue concerning the persons born between 22 May 1964 and 17 February 1981 is the deprivation of acquisition of citizenship on the part of the mother. As this restriction is generic and at the same time has been declared unconstitutional by the Constitutional Court, it should be revoked by legislation.

Restoration of immovable property rights and measures to protect them

Members of the Greek-Orthodox community of Istanbul in the years from 1963 to 1987 were forced into a panic flight from their homeland, leaving behind, very often, their belongings and immovable property. The trauma triggered by the conditions of their flight continues to exist until today. This is why the stance of the Greek-Orthodox towards convocations through judicial decisions relating to the recovery of ownership of their property, in most cases is the following: *"Since we lost everything we cannot afford the court fees too."* Those members of the Greek-Orthodox community of Istanbul sharing this view have waived their rights. This situation though creates the sense of continuing injustice and of non-implementation of the principle of granting rights.

4th Proposal

The preparation of a specific programme with the support of the state is necessary in order to resolve this issue. The objective of the program is the legal support of the Greek-Orthodox of Istanbul in order to acquire their immovable property rights (such as dealing with court fees).

The need to plan and implement a support programme intended for the young generations

The aim is to implement a comprehensive support programme intended for the young generations of the Greek-Orthodox of Istanbul who live either inside or outside the country. This programme will ensure the resettlement of younger generations in Turkey and its implementation will support the opening of economic activities.

5th Proposal

It is currently essential to draw up a programme for the establishment and support of a small business intended for young Greek-Orthodox graduates originating from Istanbul, whether they reside in Istanbul or outside the country. In

the last years, Turkey has implemented a programme based on the model KO-SGEB as a development programme. The standardisation and implementation of such a programme by the Greek-Orthodox community is of great importance from the standpoint of attracting the younger generation.

6th Proposal

Today there are several Greek-Orthodox community members who are scientists and are scattered abroad in many countries with a significant contribution to various branches of science. This scientific potential under adequate conditions, even in case of their temporary stay in Istanbul, could be placed at one or two Greek schools with no students - thus contributing to the establishment and development of research institutions. For instance, the activities of such research centers could be as follows:

- Biomedical technology
- Technology in support of education
- Technology protecting works of art

The establishment of research institutions would require cooperation between the Turkish government and experts of the Greek-Orthodox community of Istanbul.

Conclusions and final proposals

The remedy and reparation of the consequences of the massive human rights violations, which the expatriated Greek-Orthodox community of Istanbul has suffered, can be achieved, to whatever extent possible, by the implementation of international law and the laws of the Republic of Turkey without any exception. The implementation of this principle is not only important for the Greek-Orthodox community of Istanbul but also for all the citizens of Turkey. The completely invalid and unfounded connection of minority issues with the "reciprocity" principle (used in foreign relations) when, in effect, it is used for the application of repressive measures, has been the major source of extensive human rights violations.

It is an imperative necessity that the government of Turkey reviews the sub-

mited claims by Ec.Fe.Con. and puts into effect the proposed measures, which are based on international law and being also realistic can be implemented immediately. Furthermore, the adoption by Turkey of the Council of Europe's Framework Convention for the Protection of National Minorities (1996) would be an important step in resolving the pending problems depicted in this report.

The structure and problems of the Christian communities living in the Hatay and Mersin Region and suggested solutions

September 2014
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The demographic structure of the community

The number of the Greek-Orthodox Christian individuals of Antakya (Antioch) origin, together with those living around Hatay and Mersin amount to approximately 8,000 nowadays. This population is scattered around central Antakya, Iskenderun (Alexandretta), Arsuz, Samandağı, Altınözü District Sarılar village, Altınözü District Tokaçlı village in the Hatay region and central Mersin. In addition, 1,500 to 2,000 first and second generation family members of Greek-Orthodox Christians who were born in this region have migrated to Istanbul and are living there. 9,000 to 10,000 first and second generation Greek-Orthodox Christians born in this region have migrated to different countries in Europe, mainly Germany and are living in those countries.

In the Hatay and Mersin region, in addition to the Christians most of whom are Greek-Orthodox, there are 500 – 600 Catholics (Latin Catholics, Maronite Catholics, Chaldean Catholics, Assyrian Catholics, Armenian Catholics and Melchite Catholics) living in Iskenderun, Mersin and very few in Antakya who are subjects of the Latin Catholic Church.

In addition, 200 Armenians are living in the Vakıflı village which is the only

Armenian village in Turkey and in Iskenderun. There are 50 Protestants living in central Antakya too.

Believers of the Messiah were given the name Christian in Antakya for the first time. In other words, Antakya is one of the most important centers of Christianity. Antakya is the first region where Christianity has spread after Jerusalem. The importance of Antakya increased since it was an important center of trade close to Jerusalem, because it was the intersection point of Eastern and Western cultures and since it was the gathering and cultivation center of the Christian population during the spreading period of Christianity. There are traces of the Christian world as well as the culture of Antakya in the faith of the Orthodox community of Antakya.

Center of Patriarchate

The Orthodox churches report to Patriarchates and are run by these centers. The main Patriarchates ranked by seniority are the Ecumenical Patriarchate in Istanbul, the Alexandria (Egypt), the Antakya and the Jerusalem.

The city of Antakya also used to be a Patriarchate center. While all of the Greek-Orthodox Churches used to report to the Antakya Greek-Orthodox Patriarchate in Antakya until the 13th Century, the earthquakes that took place, being situated at a point of crossing to the Middle east, the city being ransacked during the Crusades and the city losing its metropolitan quality in time, the Patriarchate center was moved to Damascus in 1343.

The language of worship at the churches connected to the Antakya Greek-Orthodox Patriarchate is Arabic.

In Antakya and its vicinity it is mainly Arabic and Turkish. Although all the members of the Greek-Orthodox Community living in Antakya and its vicinity consider themselves as of Arabic origin; this is related to the Arabic hegemony of the geography we live in. The main regions where people of Greek ethnicity are settled are: Greece, Thrace and the Aegean region. However, the Christians who are called Greek-Orthodox who live in different regions like Antakya and its vicinity have adopted the Eastern Greeks national identity. Our Patriarchate is different from the Greek-Orthodox Patriarchate in Istanbul.

The ethnic structure of the communities

Nowadays, when we talk about the Greek-Orthodox Christians in Turkey, most people think of a community consisting of Greek speaking individuals who live in Istanbul. However, contrary to the prevalent perception, the Greek-Orthodox Christians as a religious minority also include the Greek-Orthodox Christians of Antakya who live in and around Antakya and who speak Arabic and/or Turkish, in addition to the Greek-Orthodox Christians who live in Istanbul, Imvros (Gökçeada) and Tenedos (Bozcaada). There are several different opinions as to the ethnic identities of this Community; they are sometimes referred to as sharing the ethnic identity of the Greeks of Istanbul while some other times they are called Arab Orthodox. But there is an irrefutable fact; the Greek-Orthodox Christians of Antakya share the status of the Greek-Orthodox Christian minority of Istanbul, and as far as the obligations of the Lausanne Treaty on the state of the Republic of Turkey are concerned, they are part of the Greek-Orthodox who is accepted as a homogeneous group. In other words, the policies applied to minorities within majorities were applied in the same way to the minorities within minorities, ignoring their geographical or linguistic differences.

The Non-Governmental Organizations of the Christians who live in the Hatay and Mersin region

The community foundations are charitable institutions created by non-Muslim Turkish citizens before the Republic and they were registered to the register at the Directorate General of Foundations in 1936 through their declaration forms. Consequently these charitable institutions belonging to the communities were accepted as “foundations”. The Orthodox community living in Turkey has a foundation organization based on cities or districts. There are some church foundations in Antakya and they have been more active especially during the last years since their civil organizations were revived. The date of foundation for the community foundations in the Hatay region was accepted as 1939, since this was the date Hatay had joined homeland. The foundation is run by a board of trustees consisting of 7 members who are elected by the Community every 4 years. The foundation, like

all the other foundations in Turkey reports to the General Directorate of Foundations.

The administrative headquarters of the foundation of Antakya city resembles a social complex (külliye). Inside the building there is a room for the board of trustees, a secretariat room, the Saints Petrus and Pavlus Church, a room for the priests, venues for social and cultural activities, a mortuary and a burial ground under the church where the clergymen are buried. The last clergyman to be buried here was Father Nikola who died in 1946.

All members of the congregation make use of the mortuary. The kitchen inside the church complex is used for important occasions such as weddings, engagements, baptisms, birthdays and condolence suppers. There are two spacious gardens around the church and there are some rooms and residences around the gardens. The activities of the women and young people branches of the foundation consist of visiting the needy, old and sick people and make them feel less lonely. Thus the forming of bonds and the feeling of acting together in the Orthodox community are gaining more importance.

The situation is more or less the same for the other community foundations in the region.

Churches – Places of Worship – Religious Officers

The foundations in the Hatay and Mersin region have community foundation status and there are a total of 7 Greek-Orthodox Church Foundations reporting to the Antakya Greek-Orthodox Patriarchate. There are 10 churches that belong to these foundations. All of them are open to worship nowadays. The congregation has given Arabic or Turkish names to these churches.

These churches are;

- The Saints Petrus and Pavlus Greek-Orthodox Church in Antakya,
- The Saint Nikola Greek-Orthodox Church and Saint George Greek-Orthodox Church in Iskenderun
- The Saint John Greek-Orthodox Church in Arsuz,
- The Mar İlyas (Elijah) Greek-Orthodox Church, the Mother Mary Greek-Orthodox Church and the Saint Tekla Greek-Orthodox Church in Sa-

mandağı,

- The Saint George Turkish-Christian Orthodox Church in Altınözü,
- The Mother Mary Greek-Orthodox Church in the Tokaçlı village,
- The Saints Michael and Gabriel Greek-Orthodox Church in Mersin.

As of today, our churches are hiring;

2 priests (2 Prezbiteros) in Antakya; 1 priest (Prezbiteros) in İskenderun and Arsuz; 2 priests (2 Prezbiteros) in Samandağı; 2 priests (2 Prezbiteros) in Altınözü;

1 priest (1 Prezbiteros) in Tokaçlı village and 1 priest (1 Prezbiteros) in Mersin; 9 Priests (9 Prezbiteros) in total. The social and financial costs of the related priests are being handled by the foundations of the churches they serve in.

The social and cultural structures of the community

The Greek-Orthodox Christians who have been living in and around Hatay for centuries have been talking Arabic and Turkish. Since the French culture was well-established in the city during the 1910's and 1920's, there are a few people that talk French too. The people living in Hatay during the Ottoman Empire were engaged in craftsmanship and trade.

The Greek-Orthodox Christians living in Antakya are accepting immigrants from towns and villages around Antakya. While, especially the Orthodox community members living in Samandağı and Altınözü mostly migrate to central Antakya and Iskenderun, the Orthodox community members living in Samandağı mostly migrate to Mersin and Iskenderun.

Some Orthodox individuals from Antakya have migrated to Istanbul in the past years but they are few in number. However, 1,000 – 1,200 first and second generation Greek-Orthodox Christian family members from the Altınözü and Tokaçlı villages of Sarılar District born in this region have migrated to Istanbul. Almost none of the members of the Orthodox community living in Antakya migrate from the city nowadays. The most important reason of this situation is that our community members have been residing here for long years now and they make a living as craftsmen, mostly as jewelers.

Since the old professions that need craftsmanship are no longer valu-

able, our youngsters have headed towards different professions and have began to realize the value of education. With the rise of the level of education our community members have been oriented towards professions like industrialist, businessman, doctor, dentist, pharmacist, engineer, architect, lawyer, academician, educationalist, banker and teacher. Those living in the rural areas are engaged in agriculture (growing citrus fruits, olive, wheat, cotton). People have taken their culture with them while migrating from one city to another.

In Hatay, in situations that call for social cooperation, differences in ethnicity, religion and sects are not important; communities learn about each other's sects during weddings, funerals, circumcision and baptizing ceremonies. The situation is completely reversed when marriage is concerned. The Antakya Orthodox community, like most other Christian communities in the region, has a closed structure and marriages between community members and non-members are not welcome.

Even though such marriages take place in the Hatay and Mersin region, they do not last very long because of prejudices and peer pressure.

It has been observed that, for example, when a Muslim youth and a Christian youth get married, some do not bear a child, while most of the ones who do, decide not have them baptized. Families have problems with each other in case of such marriages and the divorce rate is much higher. For these and similar reasons, local Christians do not approve of this kind of marriages. Therefore, the rights of the Orthodox youth to choose their partners in marriage are limited.

Human migration –Cultural migration - Economic migration – Brain Drain and returning

The Greek-Orthodox Christians who live in the Hatay and Mersin region have sent their first immigrants to Southern American countries (Brazil, Argentina and Chile) in the 1910's. The people have migrated because of the poverty and difficulties caused by World War I, endured long boat journeys that took 3 to 4 months.

The second big migration took place during the time Hatay joined Tur-

key. Almost half of the Christians who lived in this region migrated to Syria and Lebanon during 1938 and 1942 in order to preserve their native language and culture.

The third big migration took place in the 1960's; an important number of Greek-Orthodox Christians living in the Hatay and Mersin region migrated to mainly Germany and other European countries during the so-called labor migration of Turkey.

The fourth big migration is the one that started in the beginning of the 1980's during the globalization process and took place from small cities to bigger ones. It is the migration of the young people who went to universities in big cities and were afraid to return to their hometowns because they were not sure if they would get jobs there.

The above mentioned human, cultural, economic and brain drain kind of migrations have come to a stop during the 2000's because of the economic crises and the hectic pace of life in the big cities of the developed countries and people have begun returning to our region, even though in small numbers!

Are we a Minority? Or are we the ancient owners of these lands?

When it comes to the number of the religious, linguistic or ethnic minority groups in Turkey, the number that comes to mind is always smaller than it should be. There are various reasons that cause this. The status of the minorities in Turkey is designated based on religion by the Lausanne Treaty which also defined state policies applied. Although the Treaty of Lausanne acknowledged all the non-Muslims as minorities, Turkey has limited the coverage of the Treaty to Greeks, Armenians and Jews.

Especially because Hatay was not included in Turkey's borders when the Treaty of Lausanne was signed, the difficulties caused by the 1936 Declaration of community foundations, the fact that the problems of minorities are not mentioned in the constitution, the minorities were accused of being "negatively privileged citizens" and were the subjects of unjust policies for years. As a result of various incidents, they have come to act with a more paranoid and introverted psychology. These circumstances caused the Greek-Ortho-

dox Christian community living mainly in Hatay and Mersin to live behind a real wall of fear for long years and they have become even more conservative in time. In the light of all these developments or the lack of them, the number of the Greek-Orthodox Christian community members living in the Hatay and Mersin region kept decreasing and a lot of difficulties arose from this demographic problem.

Although we do not share the same ethnic background with the Greek living in Istanbul, being defined in the same category with them as Greek-Orthodox individuals while we are the Greek-Orthodox whose mother tongue is Arabic; the Wealth Tax established in 1942; the 6-7 September incidents that took place in Istanbul in 1955; the deportation of the Greek citizens living in Turkey in 1964; the Cyprus operation in 1974 exerted serious pressure on the Christians living in the region, a decision of the Court of Cassation, on 8 March 1974, prevented the community foundations from acquiring new real estate, and although we lived on these ancient lands for centuries and we were citizens of the Turkish Republic, the members of our Community were rendered almost breathless.

Turkey and minority rights

Minorities within minorities is a term which has begun to develop recently. Examining the academic literature, the most mentioned minority group within a minority is that of women and children. (The children in any minority group could be given as an example of a minority group within a minority) But as far as the religious minorities in a country are concerned, the linguistic and ethnic minorities within these minority groups is not a subject that has seen the light of day yet. Turkey is moving slower than normal as far as the minority rights are concerned, just like most other issues concerning human rights. In many international agreements signed, Turkey has put an annotation when cultural or social rights are concerned. This can go as far as the cultural and social clause in the Children's Right Agreement from time to time. As such, since Turkey has recently begun to discuss the issue of minority rights openly, the issue of minorities within minorities is not of first degree importance here.

It looks as if the rights of minorities within minorities will not be discussed for a long time, yet in Turkey, since even the matter of minority problems has only begun to be discussed as a matter of European Union policies. Maybe we should not be surprised that the minority rights issue is the most slowly developing one amongst the human rights categories in a world where international law norms are set by countries.

Are the minority rights sufficient? Are we adequately aware of our rights?

Our Community was not well informed about the rights of the minorities during the past years. This lack of information did not emanate only from the Community; repressive policies of the country towards the minority foundations were also to blame. The situation has changed during recent years. The Greek-Orthodox Christians living in and around multicultural Antakya are one of the most prominent minority groups. Through their community foundations have become more active in the recent years as a result of the revival of the civil society.

Our community members who live in the Hatay and Mersin region have to work hard to increase the capacity building within the Community so that the members of the Community are able to defend, express their rights, as well as to be able to follow the human rights violations in a much more effective manner and report the necessary complaints, and to increase the participation of the establishments and institutions of the Community (community foundations) in the social life of the country as well. In order to fulfill these goals and to help the members of the Community to assimilate their rights and to equip them with the necessary knowledge and skills, the community members have to be provided with the necessary tools through educational workshops or seminars.

The issue of native language education

There are no minority schools for the Greek-Orthodox Christians who live in Antakya and speak Arabic and Turkish. It is not possible to open

new schools because it is against the principals of the Treaty of Lausanne. Therefore, based on the fact that they are considered belonging to the same minority group, the Ministry of Education approves of the Greek-Orthodox Christian students of Antakya to register in the Greek minority schools in Istanbul. Although the new Law on Foundations issued by the government in 2008 brings some positive provisions, we think that the law is not sufficient.

Our mother tongue is disappearing; no one should underestimate this problem. Speaking the language of the country you live in is essential and necessary but if you cannot protect your own language and if the state does not support you in doing so, your freedom is wounded and broken.

If there is no native language that culture is doomed to disappear. The education issue has to be put on the agenda. If the people want to be educated in their native language, it should be made possible. The languages in Anatolia will completely disappear if no precautions are taken. When the languages are lost the cultures will also be lost to a large extent.

The workshops held and their results

The Association for the Support of Greek Community Foundations (RUM-VADER), working in cooperation with the Greek-Orthodox Church Foundation in Antakya organized a workshop on 27 – 28 June 2014 in Antakya, within the framework of a European Union project titled 'Minority Citizens – Equal Citizens' run by RUMVADER.

The general title was "We are discussing the future of the Community" and in addition to the present and future problems that engage the Greek-Orthodox community living in and around Antakya, problems that are part of social life such as education, democratic participation, the right to elect and be elected, communication between foundations, entrepreneurship and the need for solidarity were to be discussed during the workshop that lasted two days.

It was observed during the first day of the workshop that participation was intense, and the fact that the participants covered a wide range from 10 year old youngsters to 70 year old grownups captured attention. It was especially noteworthy how the young generation mastered the subjects, their

wish to have a say about the problems and how they expressed themselves clearly. The workshop was followed with great interest by the youth of Antakya and surrounding provinces, who do not want to lose their connection to the outside world. The young people complained about not having a minority school for themselves and they agreed that the only common place they could socialize was the courtyard and the social facilities of the church.

The main outputs of the workshop were, the difficulties endured in creating identity consciousness and the cultural erosion and corruption that follows. The lack of religious education which is one of the most important features of social identity and culture was another serious matter of discussion.

The other matters brought up for discussion apart from these were, the increase in mixed marriages, the weakening of the relations with the religious center (Patriarchate) after the incidents in Syria, increase of cultural erosion among the young people and the children, disappearance of the mother tongue, lack of community non-governmental organizations except for religious foundations, the fact that identity assimilation through education continues because of the mandatory religious education at schools, decrease of the number of people who go to church and identity confusion of the young people as far as their ethnicity/religion is concerned.

As a result:

During the session in which issues facing today by the Community were discussed, those of cultural erosion were the ones mentioned the most by the participants. These were followed by the relations between communities and various issues concerning religious education. On the other hand, even though not as prioritized as the above, the following findings were significant and closely related to these such as relations with the society, relations with the state, economic difficulties, social facilities and population decrease.

The diversity and clarity of the findings which were revealed during the workshop, however, underline the increased self-confidence felt by the Greek-Orthodox Christian community lately especially in self-expression and in discussing their problems publicly. This point was highlighted by many of the workshop participants.

Although these problems exist, as far as the Greek-Orthodox Christians

living in the Hatay and Mersin region are concerned, the fact that these issues that were considered taboo for many years are being discussed and solutions are being suggested, is a clear indicator which shows the importance of these problems and the fact that there is still hope.

The condition of the Orthodox of Antakya who live in Istanbul nowadays

Yorgo KASAPOĞLU^[2]

This matter has been discussed time and again in the past. However, it is still important to analyze carefully and examine the socio-economic and cultural changes the Antakya Greek-Orthodox community, who has been living in Istanbul for almost three generations now, has undergone during this period up until today. Dated back to the 1940's this three generations migration wave took place not only due to economic reasons, the community members were also in search of a new life. If we are to examine the history carefully, it is not a coincidence that the migration years follow the French domination closely. We should not forget that Antakya and its surroundings had to undergo the patronage of different cultures constantly throughout the centuries and had to get acquainted with new cultures perpetually. The local community was forced to learn new languages all the time. It is a remarkable matter how the community members could survive and keep their culture. In time, this has resulted to the "minorities within minorities" phenomenon. Ceren Zeynep Ak emphasizes the following in one of her articles:

"Minorities within minorities" is a newly developing issue. If we are to examine the academic literature, we find out that the most mentioned minority within minority group is the women and children. [The children in any minor-

2 Father Yorgo Kasapoğlu is priest in Istanbul and theologian. He was born in Antakya in 1984. He has graduated from the Theological Department of the University of Thessaloniki and he is now a master student of the Dogmatic and Symbolic Theology Department of the same university. In 2008 he graduated from Northeastern University of Boston in USA. He speaks four languages Greek, Turkish, English and Arabic.

ity group can be given as examples to the minority groups within minorities] But when the religious minorities in a country are concerned, the linguistic or ethnic minorities within these minority groups is not a subject that has come to light yet. Turkey, as in all the other matters concerning human rights, is moving with a pace slower than normal in the minority rights issue. In many international agreements signed, Turkey has put an annotation when cultural or social rights are concerned. This can go as far as the cultural and social clause in the Children's Right Agreement from time to time. As such, since Turkey has only recently begun to discuss the issue of minority rights openly, the issue of minorities within minorities is not of first degree importance here."

As of now, ignoring differences in generation, the number of Greek-Orthodox Christians from Antakya living in Istanbul is around 1,000 individuals. Almost 500 of them consist of young people of 30 years of age and younger. Around 300 are between the ages 30 and 55 and the rest are older than 55. Almost all of the educated ones of the young population are university graduates. The number of doctorate students is quite high in the recent period. Some of the young generation members, whose families have migrated to Istanbul, work for serious institutions not only in Turkey but in foreign countries as well and some of them are parts of political corporations. Another detail that attracts attention in the recent period is that the young Greek-Orthodox people of Antakya do not use anymore sentences like looking for a better future; they rather tend to equip themselves appropriately for a solid future instead. The most important contribution of this fact is that the demand of the young population to migrate outside the country has dropped to almost zero. Secondly, the 30–55 generation has already adapted to the present system here and has established their lives according to the system. Since the families of this generation had generally worked as church guards, their adaptation during their youth and growth period was quicker and easier. The generation before them is in the maturity period now but their adaptation period could not be like the young generation mentioned. Part of this generation is working at the church while pursuing their profession. Some of them are making a living working for the church only. The part of the first generation outside the church consists of craftsmen and business owners.

This group includes jewelers, musicians, medical specialists and scientists. There is a first generation ship master and aircraft pilot in this group as well.

Another important issue is how the second generation of Antakya Greek-Orthodox will be defined. There are about 700 second generation members that have been born and grown up in Istanbul. Thus, using the term of Antakya origin would be more suitable than saying from Antakya. The same applies for the Greeks living in Istanbul. The generations who have migrated from the east, the Mediterranean, the Aegean and from different geographic regions of Turkey for various reasons do not call themselves today Kayseri Greeks for example; they are addressed as Greeks from Istanbul in more general terms. The same will be valid for the Greek-Orthodox Christians of Antakya and for the Greek-Orthodox of Antakya origin.

The number of the students of Antakya origin in the Greek schools comprises almost half of the population. Although there are some problems that are caused by this, we are hopeful for better days to come with the solutions brought by the community structures. During the workshops, these problems and difficulties have been discussed and solutions were examined. Workshops held in the framework of this EU project in different regions have shown us that although problems concerning our Community are really present, solutions are put forward and discussed.

Translated from Turkish by Feyziye Ipekçi.



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