

## **THE CURRENT PROBLEMS OF THE TURKS OF WESTERN THRACE IN GREECE AS A MEMBER OF THE EUROPEAN UNION**

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### **ABSTRACT**

This study intends both to establish the judicial status of the Muslim Turks in Western Thrace of Greece and to examine and demonstrate the violations of their various rights as minority citizens of Greece from a legal perspective. The legal hurdles that the Turkish minority in Greece have been going through and have to confront for a long time are found in such diverse issues and areas as the expression of beliefs and religious practice, foundations, education and schooling, employment, possession of real estates, learning mother language, political participation and representation, and associations. By examining these areas and issues, this work establishes and demonstrates various subtle obstacles in the enjoyment and realisation by the Turkish minority of their rights accorded to them through various international treaties to which Greece is a party, the bilateral agreements between Turkey and Greece, and Greek state's own legal system as a member of the European Union.

### **INTRODUCTION**

Western Thrace is currently known as the region in the Northeast of Greece between the rivers of Karasu and Meriç, the latter marks the current Turkish-Greek border. More specifically, Western Thrace covers an area of 8578 km<sup>2</sup>, surrounded by the river of Karasu and by Kavala and Drama provinces of Macedonia in the West, by the Rodop Mountains of Bulgaria in the North and by the Aegean Sea in the South. Western Thrace is composed of Dedeağac, Gümülcine and İskeçe provinces.

The rebel movements against the Ottoman State affected the Turks of Western Thrace negatively during the formation of the borders of contemporary Western Thrace. When the Ottoman State began to crumble as a result of nationalist rebellions and wars, the Turks of Western Thrace fought to save their homeland against Bulgarian and Greek invasions since 1878 and had managed to

succeed in forming their own government and declaring their independence.<sup>ii</sup> Thus, the first republican state of the Turks was founded in Kırcaali, Iskeçe, Gümülcine and Dedeağac in 1913. However, the republic of the Turks of Western Thrace abolished itself because of the demands by and persuasions of the Istanbul government.<sup>iii</sup>

Greece began to invade Izmir on 15 May 1919. Afterwards, it extended its invasion to Thrace, beginning on 4 October 1919 till the Mudanya Armistice. The Greek Army withdrew from Western Thrace between the 3<sup>rd</sup> and 18<sup>th</sup> of October, 1922 and left the place to the Allied forces. The Allied forces left Eastern Thrace to Turkey in accordance with the Treaty of Lausanne. However, Western Thrace stayed as part of Greece.

In the Lausanne Conference, the Turkish delegation supported their argument with statistical data that 129.120<sup>iv</sup> Muslim Turks were living in Western Thrace at the time. If we take into account the higher rates of births among Turks comparing with Greeks, today the population of Muslim Turks of Western Thrace should have amounted to more than one million. The estimated number of Muslim Turks, however, who are able to sustain their lives today in Western Thrace of Greece is only about one hundred and fifty thousand. In Western Thrace, besides the Muslim Turks, there had also been Orthodox Christian Gagavuz Turks<sup>v</sup> and other Orthodox Christian Turks who were speaking Turkish, and had to immigrate to Greece as a result of the Treaty of Lausanne. Greeks call these people as "Turcophone Greeks". Greek state seems to manage to alter their national identities by exploiting their Orthodox Christian beliefs.

Turks settled in Western Thrace with the arrival of Iskit (Saka) Turks to Balkans in the second century B.C. In the 4th century AD, Hun Turks and in the 5<sup>th</sup> century Avar Turks, in the 9<sup>th</sup> century Peçenek Turks, 11<sup>th</sup> century Kuman Turks arrived Balkans and Western Thrace and thus Turkified Western Thrace. As of the 14<sup>th</sup> century, Turks in the Balkans and Western Thrace began to meet with Muslim Turks, Ottoman Turks and the Ottoman State.<sup>vi</sup> The Ottoman State resettled Muslim "Konyar", Yörük and Tatar Turks in order to promote Islam in the Balkans and Western Thrace.<sup>vii</sup>

## I.THE JUDICIAL STATUS OF THE MUSLIM TURKS IN GREECE

The legal documents to which Greece is a party can be categorized as bilateral and multilateral treaties and *acquis communautaire* of the European Union. Greece is under obligation with several treaties to protect minority rights of the Muslim Turks. Greece signed 1820 London Protocol, the Treaty of Istanbul dated 2<sup>nd</sup> July 1881, the Peace Treaty of Athens dated 14<sup>th</sup> November 1913, the Sevres Treaty in 1920 which is about the protection of minority rights in Greece and the 1923 Lausanne Treaty. Greece ratified them in the Assembly and made

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necessary adjustments in its judicial system. The decision made by Greece's Court of Appeal in 1980 no. 1723 (1723/1980) on "The Judicial Authority of Muftis" confirmed that.<sup>viii</sup> Just as Greece has been under obligation by these treaties regarding the Muslim Turkish community in its country and hasn't abolished them, the Turkish Republic undertook obligations brought by the Lausanne Peace Treaty dated 24<sup>th</sup> July 1923 concerning the "non-Muslim" minorities in its country. The Republic of Turkey, founded after the National Independence War, emerged as a unitary nation state with a new political regime. Therefore, in this new State, obligations regarding the minorities were thus determined and regulated. While these important developments took place, Greece did not experience any change of state or political regime. Greece had not cancelled those mentioned treaties signed before the Lausanne Treaty. Furthermore, the rights recognized for the non-Muslims in Turkey by the Lausanne Treaty were also given for the Muslim Turkish Minority of Western Thrace in Greece in accordance with the 45<sup>th</sup> article of the treaty.

In this sense, the source of the most important problems of the Muslim Turks in Greece is the violation of these treaties by Greece. If these treaties are analyzed, it could easily be seen that the Muslim Turks of Western Thrace have various autonomies. We could categorize the autonomies of the Turks of Western Thrace, given by international law and the treaties as follows a) administrative b) legal/judicial c) and educational autonomy. However, Greece has restrained the execution of administrative and educational autonomies in breach of international laws and treaties so far, and still continues to do so. It appears that the next step will be to abolish and eliminate the legal autonomy of the Turks of Western Thrace. Greece is trying to undermine the collective rights of the Muslim Turks of Western Thrace; Greece is ready to recognize only their individual rights within the legal framework of the EU.

If the 45<sup>th</sup> article of the Lausanne Treaty is analyzed, it could be seen that there are two aspects. The first aspect puts Greece under obligation regarding the Turks of Western Thrace. Its second aspect puts Turkey in a position to protect the rights of the Muslim Turks of Greece. After all, the article provides a basis for the principle of reciprocity.<sup>ix</sup> If the 45<sup>th</sup> article didn't exist, Turkey wouldn't be a party and an arbiter for the Turks of Western Thrace. In this regard, considering the reciprocity principle in the 45<sup>th</sup> article of the Lausanne Peace Treaty and 'Lausanne balance', it is a historical responsibility that Turkish authorities, when discussing about the non-Muslims of Istanbul ("Rums") and making relevant adjustments in its laws, can and should take into account the life standards and problems of the Turks of Western Thrace as well.

Furthermore, a variety of international covenants and declarations provide protection for the Greek citizens of Turkish origin: The Charter of the United Nations, The United Nations Universal Declaration of Human Rights, The International Covenant on Economic, Social and Cultural Rights, The International Covenant on Civil and Political Rights, The Convention on the Elimination of All Forms of Racial Discrimination, The Convention on The Rights

of the Child, The Convention on the Elimination of All Forms of Discrimination Against Women, The Convention Against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>x</sup>, The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities<sup>xi</sup>, The Declaration on the Elimination of Intolerance and Discrimination Based on Religion or Belief<sup>xii</sup>.

On the other hand, in the context of Europe, the European Convention of Human Rights provides an important protection for the Turks of Western Thrace. The 14<sup>th</sup> article of the Convention, apart from the others, forbids any discrimination based on membership of a national minority. Besides, Greece is under the jurisdiction of the European Court of Human Rights. The court expresses that the protection of minorities is a basic European norm. In the context of the European Union, minority rights are protected by the Framework Convention for the Protection of National Minorities<sup>xiii</sup> (FCNM).<sup>xiv</sup> Actually, the European Union has no system of its own for the protection of minorities. However, the principles about the minority rights and their recognition are included in the *acquis* of the European Union. In the enlargement process of the European Union, the principle of “protection of and respect for the minorities” in the 1990 Copenhagen criteria also provides an additional protection. Although minority rights are not mentioned directly in the Charter of Fundamental Rights of the European Union, an article states that minority rights, in some cases, may be regarded as discriminations forbidden by the Charter. There are some written guidelines such as Helsinki Final Act, The Conference/Organization of Security and Co-operation in Europe that define some European standards which include education of minorities, rights of language, effective participation of minorities and the use of minority languages in the media.<sup>xv</sup> Moreover, there other regulations, which we won’t mention, that provides protection for the Turks of Western Thrace.

Besides, there are other ways of protecting minority rights, such as the Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, the Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation and the concept of indirect discrimination whose circumstances were defined by the European Union Equality Directive.<sup>xvi</sup>

The European Charter forbids discriminations due to “membership to a national minority”. The principles about the “protection of human rights of minorities” in the last draft of the European Constitution, which was not accepted by some of the member countries, may provide further protection, as well.

## **II.The Current Problems of the Muslim Turks in Greece as a Member of the EU**

We could outline the problems of Turks of Western Thrace in Greece, mainly as follows:

### **A)The Problems in Freedom of Religion and Belief**

There are problems especially in the institutions of Mufti and assistant Mufti in Western Thrace. The Muftis in Western Thrace and the ones in Turkey should not be confused, since their statutes are different. The Muftis in Greece have the following duties and authorities stemming from the treaties: a) they are offices of *fetva* giving their opinions about religious affairs; b) they have special judicial authority as a court within an appellation '*kadi*' in conflicting matters like marriage, divorce, tutelage and inheritance between Muslim Greek citizens or Muslim foreigners. This situation is applicable to Muslims in Greece, hitherto. Muslims in Greece are not subject to Greek law in civil law; they are autonomous and subject to their own religious law of Islam and to customs and traditions, which form their common law. Greece considers the judicial authorities of Muftis in the name of *Kadis* in accordance with the Sharia and common laws, as "*a paradox in the 21<sup>st</sup> century Greece as a member of the EU*"<sup>xvii</sup> and wants to abolish the rights of Muslim community in Western Thrace that stem from treaties and thus to remove their autonomy and forbid the Muftis' authority to judge as *Kadis*. It argues that only after a Mufti is removed from his judicial authority and only as an office of declaring *fetvas* in religious matters, could they be freely elected by the Muslims. However, these opinions or claims go against the treaties signed between Greece and Turkey (especially the 11<sup>th</sup> article of the Athens Peace Treaty). Many Turks may share this opinion concerning the position of the Sharia law in Western Thrace. The important point that deserves attention, is the fact that the authorities of the Mufti which are to be abolished concern the 'legal autonomy'. The question that needs to be decided is, whether Muslim Turks of Western Thrace should lose their legal autonomy and their collective rights or otherwise advocate them. The rights that were acknowledged in the framework of the EU are individual rights. Yet, for the Muslims in Greece, the rights in the above-mentioned treaties to which Greece is a party and under the obligation, are collective.

Today, Greek officials do not authorize the establishment of the office of a Head-Mufti, in contradiction with the treaties. On the other hand, the council's meeting -in İskeçe, Gümülcine and Dedeağac- in the chairmanship of the Orthodox-Christian Governor appoint the Muslim Turkish candidates who are eligible for being *Mufti* and are also ready to cooperate with Greek officials.<sup>xviii</sup> However, such an appointment is not approved and recognized by the Muslim Turks of Western Thrace. Greek officials have not arranged any election or appointment for the Islands of Menteşe, Rhodes and İstanköy's Muftis, after

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they passed away. Muslim Turks of Menteşe, Islands, nowadays do not have an official Mufti which they did have in the past.

In Western Thrace, on the one hand, there are Muftis appointed by the Christian-Orthodox and Greek governor and by the others in cooperation; on the other hand, there are Muftis born, raised and lived in Western Thrace and elected by Muslim Turks of Greek nationality in their mosques in accordance with the treaties. The problem, which has been present since 1985, could not be solved in accordance with the treaties in Greece because of the irreconcilable position of Greece. While the situation is such in Western Thrace, in Greece, every fraction of the society is in consensus, in all occasions and in all platforms, and uses every chance to keep issues like "Patriarchate", "Universal Patriarchate", "Foundations" or "Heybeliada School" on the agenda in view to make pressure on Turkey.

At this point, our proposition is to enact a law providing the election, duties and authorities of the Istanbul Archbishop in line with and parallel to the law "About the Muslim Religious Officials" numbered 1920 and dated 1991. In other words, Turkey should do the same for the Archbishop of Istanbul, as Greece does for the Muftis.

### **B)The Problems in Foundations**

Greece, in contradiction with the treaties, has transformed the Administrative Council of Muslim Community, which resides in every province, into "the Administrative Council of Muslim Property", in 1951. It prevented the free election of the community leaders of Muslim Turks just as it did with the Muftis; appointed persons who are close to the Greek administration without taking any advices from the Muslim Turks and authorized these Administrative Councils in Iskeçe, Gümülcine and Dedeağac only for foundations' property and income management.

Therefore, the 'administrative autonomy' that the Muslims in Greece had previously enjoyed thanks to international treaties has been seriously weakened. Moreover, these foundations' right to acquire property has been eliminated. Since 'cooperative' Turks who were close to the Greek State were appointed to the management of the Administrative Council of Foundation Estates, the foundations' properties that belonged to the Muslim Turkish Community are being confiscated by sale, nationalization, renting, sale for flats (all of which are against the Islamic law) and by mismanagement. Today, the real nominal value of the foundation properties of Western Thrace Muslim Turkish Community, their incomes and expenditures and how they are governed are unknown, since there is no transparency. For that reason, a true control seems also to be unlikely. The problem of the foundations in Western Thrace is like a sealed box.

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The city plan of Gümülcine municipality was prepared in 1933. According to this plan, passage from the Muslim Turks' holy places and their lands like foundation properties, mosques and their adjacent schools, graveyards and the nationalization of the Muslim Turkish Community's foundations with the application of this plan will create serious problems. This incident not only concerns Gümülcine but also the Turkish historical monuments (like foundations, mosques and graveyards, other lands and structures belonging to the Turks) in İskeçe, Dedeağac, Menteşe Islands (Oniki Adalar), and generally in Greece. There had already been such nationalizations and demolitions throughout Western Thrace and in all of Greece in the past. Yet, today Greece being a member of the European Union, places of historical and cultural heritage and holy sites to be preserved in the context of laws adopted by the EU. On the other side, the Turkish Greek 'friendship' and 'trust' which began in 1999 should have provided a separate and important protection for Western Thrace Muslim Turkish Community and Minority.

While Turkey publishes laws and decrees which impose non-Muslim minority foundations' conditions in Istanbul, sustain their managers to be elected in 2004; it is very meaningful that foundation properties of Muslim Turks in Greece are nationalized, sold for flats, and by a decree numbered 235 issued on 30 December 2004 in the Official Gazette of Greece, the people who are not consented by the Western Thrace Muslim Turkish Community were appointed to the foundations' management councils.<sup>xix</sup>

It is necessary to return and reinstate the Muslim Turkish foundations' properties in Western Thrace which were acquired by the Greek State and persons by using legal tricks, various pressures and arbitrary nationalizations. Most importantly foundations of Muslim Turks in Greece should be given the right to have real estates, as well.

### C)Problems regarding the Freedom of Education and Schooling

The minority schools in Western Thrace are not properties of the Greek State as required by the treaties signed between Turkey and Greece. These schools are governed by the councils whose members are elected by the minorities themselves, salaries of the teachers are paid through foundations; sometimes, parents themselves compensate them. In other words, they are autonomous. However, all of these rights were terminated by the Greek State unilaterally and as their properties were progressively transferred to the Greek State, the quality of the education dropped and students were faced with the danger of not excelling in Turkish and Greek. Given these circumstances, parents either send their children to Turkey for a better education (in this case, the children would have various problems resulting from their inability to speak Greek), or attempt to overcome this obstacle by registering their children in Greek state schools. Facing such a dilemma, the Turks of Western Thrace began to entertain the latter option and turned Greek schools. In the future, minority schools would be closed down because of student shortages. Also we must stress that there is

need for opening new minority schools with teachers who graduated from the faculties of education in Turkey and are speaking Turkish fluently. However, Greek authorities allow neither the opening of new schools nor the recruitment of primary school teachers who have Greek nationality with degrees from Turkish universities. In spite of the fact that Turks constitute the half of the population in Western Thrace, there are only two middle and high schools, which belong to the minority. Greece, a member of the EU, does not allow the opening of bilingual (Turkish and Greek) kindergartens, primary and high schools whose existence and status were determined by international treaties to which Greece is a party. Muslim Turks of Western Thrace who are citizens of Greece are deprived of their right to have education in their native language deliberately and systematically.

Although compulsory education in Greece is nine years<sup>xx</sup> in accordance with the Greek Constitution, it is six years in Western Thrace in practice. In so doing, Greece violates the relevant article of her own Constitution, the 40<sup>th</sup> article of the Lausanne Peace Treaty, the international treaties mentioned above and fundamental human rights. Kindergartens, middle and high schools, that were opened by the Greek administration in the villages and provinces heavily populated by the Turkish minority in Western Thrace, in some of which no Greek people live, only Greek curriculum is taught and this policy also violates the same article of the Lausanne Peace Treaty. According to that article, education in these schools has to be both in Turkish and in the official language, Greek. There is no education in Turkish in the Greek state schools of Western Thrace. Recently, due to the increasing number of students from the minorities in state schools, besides English, German and French, Turkish was considered to be taught as an optional foreign language course.

On the other hand, the Greek officials, at the end of the semester of 2003-2004, deposed 11 Greek citizens from their duties with an excuse of age-limit; these teachers from Western Thrace with degrees from the schools in Turkey were not civil servants -- neither receiving their salaries from the Greek government nor benefiting from any social security -- were retired as if they were civil servants of Greece or Orthodox-Christian Greek teachers in state schools. The Greek officials, in contradiction with the Lausanne Peace Treaty and other related international treaties, did not let the appointment of teachers selected by the school committee to vacancies and arbitrarily appointed graduates from Thessaloniki Private Pedagogy Academy.<sup>xxi</sup>

#### **D)The Problem of Thessalonica Private Pedagogy Academy (TPPA)**

In order to eliminate the problems created by the TPPA in the education system of Muslim Turks in Western Thrace, this academy should be closed down because it is claimed to be recruiting Turkish minority schools' teachers, who could not even teach proper Turkish to the students.

### E) The problems of non-employment of Greek citizens and Muslim Turks of Western Thrace in the social services

Muslim Turks of Western Thrace who are also Greek citizens are not employed as civil servant, prosecutor, judge and police. When the reason of this practice is asked, "*problems in language learning*" are mentioned.

Although 90 percent of the population in Western Thrace consists of Muslim Turks, neither during the Bulgarian invasion nor in the Greek invasion, Greeks did employ Muslim Turks as civil servants.<sup>xxii</sup> As in the past, today the Muslim Turks of Western Thrace are not employed as state officials of Greece. There is not a single judge, prosecutor, civil servant or any other high-ranking state official, bureaucrat or police throughout Greece who is a Greek citizen with a Turkish origin.<sup>xxiii</sup> This is in contradiction with the bilateral and multilateral treaties signed by Greece. Although 52 percent of Gümülcine's population is formed by Muslim Turks, they are employed in fewer numbers than Greeks in the governorship and municipality of Gümülcine. They are employed especially on a contractual basis, and they employed as permanent civil servants are considered undesirable. In short, there is no high-ranking bureaucrat with a Turkish origin in Greece, let alone in the İskeçe governorship and municipality.<sup>xxiv</sup>

### F) The Problem of Heimatlose

The Greek administration, whether residing in Greece or outside, expatriated approximately 60.000 Muslim Turks from Greek citizenship between 1955 and 1998. Even the Interior Minister A. Papadopoulos at the time confirmed that more than 60.000 people was expatriated in this period.<sup>xxv</sup> According to the report of the European Commission against Racism and Intolerance (ECRI) dated December 5, 2003, the expatriation of 60.000 Turks of Western Thrace was an unjust practice and this report suggested that these people's citizenship be restored. Yet, the number of the expatriated given to a parliamentarian from Gümülcine, İlhan Ahmet by Greek officials, is 40.000. If we add to this the number of these people's families, we could easily see that in order to change the demographic balance in Western Thrace in her favor, Greece is carrying out a sort of ethnic cleansing. In 1998, the 19<sup>th</sup> article of the related law was abolished. However, since this change was neither applied backward nor did it involve the restoration of the citizenship status of the expatriated, this legal change has only been valid from 1998 onwards. The citizenship rights of these people have yet to be reinstated.<sup>xxvi</sup>

The Muslim Turks of Western Thrace are facing an administrative practice, which is totally antidemocratic and nonexistent in any of the EU member states. They are perceived as "*foreign Greek citizens*" or as "*threats to the nation*" since they do not have Greek origins and gained their citizenship status by law, only "*later*", following 1923 Lausanne Peace Treaty.<sup>xxvii</sup> For this reason, the Turks of

Western Thrace of Greek citizenship are not only affiliated to the Internal Ministry but also to the Ministry of Foreign Affairs. Because there is no office of the latter itself in the region, the decisions concerning the Turks of Western Thrace are made in "The Office of Political Affairs", an extension of the Ministry of Foreign Affairs in regional governorships, in İskeçe and, additionally, by way of double check and discrimination by the Ministry of Interior.<sup>xxviii</sup>

### **G) The Problem of the System of Permits and Authorizations for the Possession of Real Estate in Greece**

Until 1991, the Muslim Turks of Western Thrace was forbidden to possess real estates by "the Law about the Necessity of Prohibition of the Right to Purchase and Sale in the Frontier and Coastal Regions". An amendment to the law in 1991 provided the Turks of Western Thrace with a limited right to purchase real estate. We call it "limited" because a system of permission, which is carried out by the committees formed in the governorships, was introduced. This practice, a violation of the EU norms, continues in Greece. Furthermore, the properties of the Turks of Western Thrace are confiscated with various excuses - "anadasmos", including land incorporation, nationalization, building universities or penitentiaries - by Greek authorities. Yet, the ultimate objective of Greek state is to deprive of the Muslim Turks, who are in large numbers farmers, from their lands and leave them to confront with economic problems and force them to migrate and realize ethnic cleansing. Although Turks in Western Thrace owned about 80 to 85 percent of the land in the region (according to the statistics given in the Lausanne Conference, it was 84%), today only about 25-30 percent belongs to the Turks.

The lands confiscated by the Greek state and private individuals by way of legal tricks, pressures and arbitrary nationalizations, 'anadasmos' that belonged to the people and the foundations should be restituted.

### **H.) The Problems in Political Participation and Representation**

The introduction of 3% threshold in the elections of independent deputies prevented the Muslim Turks of Western Thrace from electing their own independent representatives. On the other hand, with "the law enacted within the framework of the Kapodistrias Plan" which is applied in local governments; districts, provinces and villages in which Muslim Turks live in large numbers were incorporated into those districts, provinces and villages in which Orthodox-Christians live by modifying the population density in favor of the Greeks; Turks were thus prevented from electing their own governors and mayors.

### **I) The Problems in Freedom of Association**

It is observed that Greece tries to divide the Muslim Turkish Community of Western Thrace into different ethnic groups and religious sects, like Turk,

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Pomat, Gypsy, Yörük, 'Tatarmoğolları', Çerkez, Alevi, Bektaşı and Kızılbaş and is carrying out these activities by featuring claims that "You are Helen Muslims. Turks arrived in and pushed you to become Muslims and Turks by force. There is no democracy in Islam. Now, it is time to return to your origins. Islam is a state of terror throughout the world. In particular, in (Western) Thrace and in Turkey, it is an outdated sharia." The aim of Greece is to destroy "the unity and peace" of the Muslim Turkish Community of Western Thrace and assimilate it into Greek nation.

Greece, by putting forward the 45th article of the Lausanne Peace Treaty, has been claiming that "there is no Turk", "there are only Muslims" in Greece, as a state policy. If the 27th to 45th articles of the Lausanne Peace Treaty are taken into consideration, it can be seen that in these articles the term "Rum" is never mentioned and the term "non-Muslim" is instead used quite often. In accordance with this, a question arises whether we should use the terms "non-Muslim" or "Orthodox-Christian" instead of "Rum", "Greek", "Helen" for some citizens living in Turkey - as Greece does-, or not.

## CONCLUSION

We have briefly discussed one by one the problems of the Muslim Turks living in Greece. It is obvious that Greece, a member of the EU, violates various rules of international law and the international treaties she signed. Therefore, these practices of Greece are unacceptable. Despite all this, Turkey acts like "there is nothing to be worried about". The Prime Minister of Greece, Karamanlis, expressed Greek government's demands on the matter of "Universal Patriarchate and Heybeliada Clergy School" when he visited Ankara last time. The Turkish Prime Minister could have countered by asking why the institution of Head-Mufti hasn't been established in effect and other problems like the election of muftis and TPPA, already analyzed in brief.

The rights and legal status of the Muslim Turkish Community in Greece is not only protected by the 1923 Lausanne Peace Treaty. Besides that treaty, there are such other international treaties, still valid and effective at present, as 1881 Istanbul Treaty, 1913 Athens Peace Treaty, 1920 Sevres Treaty, providing strong legal foundations for the protection of Turkish minority. Nevertheless, it must be pointed out that non-Muslims in Turkey - Rums of Istanbul - are only protected by the Lausanne Peace Treaty. Therefore, it is also wrong to say that only "under the framework of the European Union norms and *acquis*, the rights of the Turks of Western Thrace should be recognized and that is enough for us," by putting those treaties aside.

While in the Turkish public opinion, it is asserted that "Turkish-Greek relations are improving, friendships are made and young people are coming together", as well as Turkish government introduces laws and decrees improving non-Muslim minority foundations' conditions in Istanbul, maintains that they elect their own managers in 2004; the foundation properties of the Muslim Turks in Greece are

nationalized, sold for flats and by a decree (no 235 issued on 30 December 2004 Official Newspaper of Greece) the people who are not known or supported by the Western Thrace Muslim Turkish Community were appointed to the management of the foundations' councils.

In Greece, according to some authors dealing with the so-called issue of "Patriarchate", the legal, administrative and political status of the Patriarchate has changed since the Lausanne Peace Treaty. However, it is interesting that "Rums" and Greeks' desire and dream of going beyond the status of the Istanbul Archbishop before 1923 began with the process of Turkey's accession to the European Union. After all, Greece is putting restrictions on many issues like Head-Mufti, Muftis, and foundations in contradiction with international law and treaties, and put forward demands contrary to Turkey's national interests.

If the minutes of the Lausanne Conference are analyzed, it could be seen that "Patriarchate" just as it was in the Ottoman Period, and churches were forbidden to intervene in the administrative and political affairs, and the authority of the "Patriarchate" was limited to the spiritual and religious affairs of the Orthodox non-Muslim people of the minority in Istanbul, like an Archbishopric. Therefore, the title of "Patriarch" was reduced to "Archbishop" and the title of "Patriarchate" was reduced to Archbishopric. Today, in Turkey, if the title "Patriarch" and the term "Patriarchate" are used, then "the administrative and political" authority of the church seems to be recognized so does the status of the "Patriarch" and "Patriarchate" de facto. Greeks demand that "The Universal Patriarch" and "Universal Patriarchate" should be recognized. In this case, should Turkey say that "it is the internal affair of the church, we therefore cannot be involved"? The answer must be "No". The Archbishopric of Istanbul is an Institution of Turkey. It is subject to the Turkish law as other institutions in the country and has to act accordingly because this is closely related to state sovereignty. Just as the Greeks decided about the Muftis, Turkey can and should decide and act upon in the same way Istanbul Archbishopric. The status of the Istanbul Archbishopric corresponds to that of the Office of Head-Mufti in Greece. The opening of this office has been disallowed by Greece in contradiction with the treaties. If Greeks do not accept the idea that "the issue of the office of Mufti is an internal affair of the Mosque" and even act against the 11th article of the 1913 Athens Peace Treaty by not letting the opening of the Office of Head-Mufti, and by intervening in the election of muftis, Turkey can and has to act along with the principles of reciprocity and policy of balance (45th article of the Lausanne Peace Treaty).

There is one specific law about foundations, another about muftis in Greece today. Turkey should enact one law for non-Muslim foundations and another for the Istanbul Archbishopric ("Patriarchate"). These two laws' names should be adjusted in accordance with the terminology of the Lausanne Peace Treaty: a) the law about the foundations should be named as either "Non-Muslim Foundations Law" or as "Minority Foundations Law" rather than the current "Community Foundations Law". This is because there is no such term as "community" in the Lausanne Peace Treaty. The terms of "minority" and "non-

Muslim" were instead used. Because their characters are different; b) the name of the law about the Istanbul Archbishopric would be "The law of Istanbul Non-Muslim Archbishopric" instead of the such wrong terms as "Patriarch" or "Patriarchate", the justification again being the Lausanne Treaty; c) these names for two laws which we suggest can and should provide parallelism with the ones in Greece and, moreover, we propose that the usages in Greece should be translated to Turkish and the necessary adjustments in naming in Turkish should be made accordingly. In case Turkey is accused of introducing such laws, it can be countered by arguing that Greece, a full member of the EU, has already introduced and been carrying out similar laws in its legal system.

### End Notes

<sup>i</sup> Iskeçe was mentioned as Iskete in the documents of the Ottoman era. Later, Iskete was transformed into Iskeçe. We think that Iskete, Iskeçe took its name from its first residents, the Iskits. For more information about Iskit Turks see: İlhami Durmuş, İskitler (Sakalar), Ankara 1993.

<sup>ii</sup> It is possible to analyze the struggle for independence and state formation of the Turks of Western Thrace which began in 1878 in four stages: a) First stage: The State of Turks of Rodop between 4<sup>th</sup> March 1878 and 5<sup>th</sup> April 1886, b) Second stage: Western Thrace Turkish Republic was comprised of Kırcaali, Iskeçe, Gümülcine and Dedeağaç districts with the capital of Gümülcine between 31<sup>st</sup> August 1913 and 25<sup>th</sup> October 1913, c) Third stage: Western Thrace Coup Government between 30<sup>th</sup> July 1915 and 27<sup>th</sup> September 1917, d)Fourth stage: The Allied Western Thrace Government between 17<sup>th</sup> October 1917 and 23<sup>rd</sup> May 1920 decided to prepare a referendum in Western Thrace in line with the 48<sup>th</sup> article of the Treaty of Neuilly (7 November 1919). Greek diplomat Vamvakas through some political tactics and intrigues and with the support of France succeeded to change the results of the referendum in their favor. The Turks of Western Thrace did not accept the invasion of their lands by the Greek Army and the results of the plebiscite. The Turks gathered in Hemitli Village of Gümülcine and formed "The National Government of Western Thrace" which existed until 24<sup>th</sup> July, 1923. This government supported the national struggle in Anatolia and the government of Ankara. While in Turkey, the independence war was carried out in the command of Mustafa Kemal, local Turkish militias gave considerable damages to the Greek Army in Macedonia and Western Thrace through sabotages and guerilla warfare. Therefore, they prevented the Greek forces from gathering their full power in Anatolia. The Greek government, considering the incidences in Macedonia and Western Thrace, positioned an important amount of their troops in Macedonia and Western Thrace. The Muslim Turks of Western Thrace made these positive contributions to the struggles of Anatolian Turks.

<sup>iii</sup> For more information see: Cemal Kutay, 1913'de Garbi Trakya'da İlk Türk Cumhuriyeti, İstanbul 1962.

<sup>iv</sup> Seha L. Meray, Lozan Barış Konferansı, Tutanaklar Belgeler, Takım I, Vol. I, Book I, Ankara 1970, p. 54.

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<sup>v</sup> Gagavuz Turks of Western Thrace whom Greeks call “Gagauzi” are especially concentrated in Dedeağac, 80 percent of the residents of Kumçiftliği (the current name is Orestiada) are Turkish speaking Gagavuz Turks. There is a Bible written in Turkish by Greek script in the museum of Kumçiftliği. Greece, in order to show that these Orthodox Christian Gagavuz Turks and other Orthodox Christian Turks are not Turks and to isolate their Turkish identity, stated these claims: “...since praying in Greek was prohibited, the Bible was written in Turkish by Greek scripts so they prayed in Turkish.” However, Orthodox Christian Turks before the Ottoman State and during its era prayed in Turkish as their mother tongue. Nevertheless, Orthodox Christian Turks today, with the persuasions and enforcements of the Greek State, were forced to put away their Turkish Bible in museums and pray in Greek. Orthodox Christian Turks living outside Greece - for instance Gagavuz Turks of Moldavia- still pray in their mother tongue, which is Turkish.

<sup>vi</sup> See: Uluslararası İlişkiler Ajansı: Türk Yunan İlişkilerinde Batı Trakya Türkleri Sorunu, İstanbul 1992, pp. 8, 9, 11.; Th. Musopoulos, Agones tis Thrakis ya eleftheria (Trakya'da Kurtuluş Mücadeleleri), İskeçe 1987, p. 8.

<sup>vii</sup> Petru Georganci (Yorgancı), Vravio Akadimias (Akademi Ödülü) Simvoli is tin istorian tis Ksanthis (İskeçe Tarihine Katkı), İskeçe 1976, p. 111.

<sup>viii</sup> The translation of related parts of the Greece's Court of Appeals' decision about “The Judgment Authority of Muftis” numbered 1723 (1723/1980) in 1980 is as follows: “...In some legal issues, the laws of Holy Islam is applied to the Muslim subjects of Greece, because Turkey and Greece signed the treaty of<sup>2</sup> July 1881 a) The Peace Treaty of Athens dated 14<sup>th</sup> November 1913 (11<sup>th</sup> article) b) The Sevres Treaty and c) The Lausanne Treaty. All these treaties have been ratified with the following laws: Ξ Λ Ζ' numbered and 11th March 1882 dated (articles 3 and 8), Δ Σ Γ' numbered and 14th October 1913 dated, 29th September / 30th October 1923 (14/1 article) ve 25 August 1923 (42. and 45. articles)...”

<sup>ix</sup> 45th article of the treaty refers to the 10<sup>th</sup> article in the drafts of the Allied and Turkey. The Turkish draft was as follows: “The rights that were bestowed to the non-Muslim minorities of Turkey within the provisions of this section are also given to Muslim minorities in the countries of the States of Balkans and Turkey's neighbors.” The Allied draft was as follows: “The rights that were given to the non-Muslim minorities of Turkey within the provisions of this section are also empowered to Muslim minorities in the whole country of Greece.” See: Meray, Takım: I, Vol: 1, Book: 2, pp. 211, 218. The current provision of the 45<sup>th</sup> article that is in effect today states as follows; “The rights that were given to the non-Muslim minorities of Turkey within the provisions of this section are also given to Muslim minorities in the whole country of Greece.” See: Meray, Takım: II, Vol: 2, p. 13. Ismet Pasha stated in the Lausanne Conference that “when reciprocity is taken into consideration regarding the minorities, all the representative delegation must declare that it considers not the interests of Muslims of Greece but the interests of all the neighboring countries' Muslims. That's why the Turkish delegation has the right to hope to take these people's interests into consideration.” See: Meray, Takım: I, Vol: 1, Book: 1, p. 213. Venizelos

"accepted the principle of reciprocity; but in order to prevent it from being applied to the other minorities, he wanted to limit it with the resident minorities of Greece. On the other hand, it is known by the Minority Treaty signed by Greece in Sevres on 10<sup>th</sup> August 1920 that Turkey could benefit from the guarantees if only she gave them to her Greek subjects." See: Meray, Takım: I, Vol: 1, Book: 2, p. 189, 190. Venizelos said that reciprocity claimed by Turkey could not be applied to the Balkan countries except Greece; actually, there was no Romanian and Serbian minority in Turkey. Therefore, there is no condition for reciprocity." See: Meray, Takım: I, Vol: 1, Book: 2, s. 195. Also see: s. 205, 222. Rıza Nur Bey "said that reciprocity must be definitely applied." See: Meray, Takım: I, Vol.: 1, Book: 2, p. 370.

<sup>x</sup> This convention was ratified by the law numbered 1782/1988 and published in ΦΕΚ Α' 116 (The official gazette of the Greek Government).

<sup>xi</sup> This declaration was accepted by the General Council of the United Nations with a unanimous vote.

<sup>xii</sup> For the Turkish translation of this declaration, see: SENCER, M.: Belgelerle İnsan Hakları, Beta Yayınları, İstanbul 1988, p. 296; GÜNDÜZ, A.: Milletlerarası Hukuk Temel Belgeler Örnek Kararlar, Beta Yayınları, İstanbul, 2003, p. 279.

<sup>xiii</sup> For the full text, see: <http://conventions.coe.int/Treaty/en/Treaties/Word/17.doc> (24.04.2007).

<sup>xiv</sup> The States that have not signed the convention are Andorra, France and Turkey and the States that have signed but not ratified it in due process are Belgium, Georgia, Greece, Iceland, Lithuania, Luxembourg and the Netherlands.

<sup>xv</sup> The Conference/Organization of Security and Cooperation of Europe, Guidelines on the Use of Minority Languages in the Broadcast Media, dated October 2003. [http://www.osce.org/documents/hcnm/2003/10/2242\\_en.pdf](http://www.osce.org/documents/hcnm/2003/10/2242_en.pdf).  
10.02.2008

<sup>xvi</sup> <http://europa.eu.int/eur-lex/pri/en/oj/dat/2000/I180/I18020000719en00220026.pdf> (24.04.2007)

<sup>xvii</sup> Hristos D. Vrusti, "To paradokso tis iparksis ierodikaston stin Ellada tis Evropayikis Enosis (The Paradox of Holy Judges in Greece as A Member of the EU)" FAKELOS TURKİAS (The File of Turkey), Nea Politiki (New Politics), Aylık Siyasi Dergi, Vol. I., Papazisi, Athens, October 2005, pp. 35 - 37.

<sup>xviii</sup> For more information see: Turgay Cin, Yunanistan'daki Müslüman Türk Azınlığın Din ve Vicdan Özgürliği Sorunu (Başmüftülük ve Müftülükler) Seçkin Yayınları, Ankara 2003. p. 149

<sup>xix</sup> Muslim Turks in Greece learned in July 2004 that a part of the cafeteria and garden - a space of 187 m<sup>2</sup> - of the student dormitory of the Celal Bayar High School, which was a foundation property of Western Thrace Turks, was nationalized by the municipality of Gümülcine for a road construction. While as a reaction to this situation civil society organizations of Western Thrace Muslim Turkish Community were making declarations of protest and disapproval about the nationalization of Turkish Minority Foundations between 8 July and 22 July 2004; the Archbishop of Istanbul Orthodox-Christian Bartholomeos commented to a Greek newspaper that "Istanbul Rum minority foundations are not governed

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by the minorities, the government intervenes on everything and they cannot act in their own free will and this is a limitation to religious freedom". It was as if Bartholomeos was reacting to the protests the Muslim Turks of Western Thrace in a diplomatic manner. See: the newspaper published on 2.1.2002 numbered 736 and Azınlıkça Dergisi No.2, September 2004, p. 12.

<sup>xx</sup>The third paragraph of the 16<sup>th</sup> article of the Greek constitution is as such: "*The length of the compulsory education could not be less than 9 years.*"

<sup>xxi</sup>Cumhuriyet Newspaper, 27 August 2004, No. 75. (It is a weekly Turkish newspaper published in the province of Gümülcine in Western Thrace.)

<sup>xxii</sup>Petru Georganci (Yorgancı), *Thrakikos Agonas* (The Struggle of Thrace 1912-1920) İskeçe, 1993, p. 227.

<sup>xxiii</sup>In the last months of 2007 and the first months of 2008, Greek citizens with a Muslim Turkish origin were beginning to be transferred to permanent offices from the contractual ones. Especially, people under contract were gained the status of civil servants. We estimate that there could not be more than 50 servants in KEP. Greece, by claiming the teachers from TPPA as civil servants, tries to show the number of the Turkish civil servants in Western Thrace higher than real. In addition to these developments, Greek officials prefer to employ the Muslim Turks who were transferred to permanent offices outside the region of Western Thrace, like Thessaloniki and Athens.

<sup>xxiv</sup>Recently, there is one Muslim Turkish civil servant employed in the General Secretariat of Macedonia and another one in Thrace.

<sup>xxv</sup>Ta Nea newspaper, 24.01.1998, p. 11.

<sup>xxvi</sup>For more information see: Turgay Cin, "The Legal Dimensions of the Understanding of National Identity in Greece and an Example of Violation of Fundamental Human Rights" Journal of Izmir Chamber of Law, No. 3, Year 71, July 2006, pp. 131 - 157. Halim Çavuşoğlu, Greek Citizenship Laws (3370/1955 and 3824/2004), Naturel Yayınları, Ankara, 2007.

<sup>xxvii</sup>For more information on this subject, see: Turgay Cin,

<sup>xxviii</sup>Dinner for the Minority Press by the Chief of the Office of Political Affairs Bornovas. Vasilis Bornovas, the Chief of the Office of Political Affairs in İskeçe and affiliated to the Ministry of Foreign Affairs, hosted a dinner for the members of the minority press on 1 December 2005 in view of exchanging ideas. In this dinner hosted by the Chief of Political Affairs, various problems of the Turkish minority of Western Thrace were discussed and personal opinions were expressed. The most important topics of the meeting were the ethnic identity of the minority and its education problem in which Bornovas did not let the photographs to be taken since he perceived the dinner as a conversation meeting rather than a press conference. He asked that 'Is identity the most important problem of the minority' and when he had the answer of 'Yes.', he said that 'No, the most important problem of the minority is not identity' and he added that 'The most important problem is tobacco culture, therefore economic crisis. For those who don't believe the situation may be shown with a public opinion poll.'" See Cumhuriyet newspaper published in Gümülcine, 16 December 2005, No. 137.

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