

**ISTANBUL KÜLTÜR UNIVERSITY  
INSTITUTE OF SOCIAL SCIENCES**

**EVOLUTION OF MINORITY RIGHTS IN EUROPE: THE CASE OF  
WESTERN THRACE MUSLIM TURKISH MINORITY**

**MA Thesis by  
Şule CHOUSEIN**

**Department: International Relations  
Programme: International Relations**

**Supervisor: Assistant Professor Cüneyt Yenigün**

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## LIST OF ABBREVIATIONS

<b>AYK:</b>	Azınlık Yüksek Kurulu / Supreme Minority Council
<b>COE:</b>	Council of Europe
<b>CSCE:</b>	Conference on Security and Cooperation in Europe
<b>DEB:</b>	Dostluk Eşitlik Barış Partisi /Friendship, Equality, Peace Party
<b>D.I.K.A.T.S.A:</b>	Diapanepistimiako Kentro Anagnoriseos Titlon Spudon Tis Allodapis- Greek Inter-University Center for Recognition of Foreign Degrees
<b>ECHR:</b>	European Convention on Human Rights
<b>ECRI:</b>	The European Commission against Racism and Intolerance (established by the Council of Europe)
<b>EPATH:</b>	Eidiki Paidagogiki Akadimia Thessalonikis (Special Pedagogical Academy of Thessaloniki)
<b>EU:</b>	European Union
<b>ICCPR:</b>	International Covenant on Civil and Political Rights
<b>OSCE:</b>	Organization for Cooperation and Security in Europe
<b>PCIJ:</b>	Permanent Court of International Justice
<b>UN:</b>	United Nations
<b>UNCHR:</b>	United Nations Commission on Human Rights
<b>VIH:</b>	Vaaz İrşad Heyeti /Sermon and Guidance Committee

## **ABSTRACT**

This thesis explores evolution of minority rights in the European context: minority stipulations and enforcement mechanisms of international organizations, the European institutions' minority protection mechanisms, minority governance in five western democracies (Germany, Switzerland, Belgium, United Kingdom, and Spain) and the case of Western Thrace Muslim Turkish minority of Greece. The unit of analysis is autochthonous or historical minorities. The study therefore seeks to explore the nature and applicability of these rights and their role in the protection of minorities. Accordingly, the major institutions have been scrutinized: the League of Nations, the United Nations, the European Institutions of Council of Europe, Organization and Security in Europe, the European Union and their related legislation concerning minorities. Implementation in five European democracies has been mentioned in order to offer a comparative perspective. The bulk of the study is about the Muslim Turkish minority of Greece; elaborated within a historical, legal and political perspective; within the framework of kin-state, host-state relations, the internal structure of the minority and their interactions in a social environment where perception of identities has largely been shaped by historical animosities.

## KISA ÖZET

Bu çalışma tarihi çerçeve içerisinde azınlık haklarının gelişimini, uluslararası örgütlerin azınlık hak ve uygulama mekanizmalarını, Avrupa kurumlarının azınlık hakları ve koruma mekanizmalarını, beş batı demokrasisinde azınlık yönetimlerini (Almanya, İsviçre, Belçika, İngiltere, İspanya ) ve Yunanistan'daki Batı Trakya Müslüman Türk Azınlığı'nı inceler. Uluslararası azınlık haklarının içeriği, uygulanabilirliği, ve azınlıkların korunmasındaki etkinliği incelenmiştir. Bu bağlamda Milletler Cemiyeti, Birleşmiş Milletler, Avrupa Konseyi, Avrupa Güvenlik ve İşbirliği Teşkilatı, Avrupa Birliği gibi belli başlı örgütlerin azınlık haklarının uygulanmasındaki rolü tartışılmıştır. Çalışmanın büyük kısmı Yunanistan'daki Batı Trakya Müslüman Türk Azınlığı'nı kapsar. Müslüman Türk Azınlığı tarihsel, hukuksal ve politik bir perspektif içerisinde; akraba devlet (Türkiye) ve evsahipliği yapan devlet (Yunanistan) ilişkileri, azınlığın kendi iç yapısı, ve kimlik algılamaların tarihsel husumetlerle birbirine zıt olarak şekillendiği toplum içerisindeki varoluş çabaları çerçevesinde incelenmiştir.

## INTRODUCTION

In this thesis, minority is conceptualized as an autochthonous or historical minority living within the boundaries of a particular state for an indefinite time even prior to the establishment of the state in question; a minority whose members are the nationals of the state and are much smaller in number compared to the majority population.

This concept of minority was born with the establishment of nation-states in the 19<sup>th</sup> century. Initially it was conceived as a group of people who are ethnically or culturally different from the mainstream population in the body of a nation-state. Thereupon, altering state borders have created minorities. New nation-states and new minorities were sprung up after three major waves of nation-building; the birth of European model nation-states following the dissolution of the Habsburg, Romanov, Wilhelmine and Ottoman empires after WWI, independence of colonies after World War II, and the disintegration of multinational states with the end of the Cold War.

In medieval times minorities were defined by religious criteria; hence the first European minorities recognized as such were Jews, and later Protestants. Likewise, in the multinational and multireligious Ottoman Empire, minorities were non-Muslim populations protected by a system of collective rights known as the 'millet system'.

Religious definition of minorities was replaced by national definition following the emergence of nation-states- for the first time at the Congress of Vienna (1815) and then at the Congress of Berlin (1878). The Treaty of Berlin was the first international treaty to contain national minority provisions as a precondition for international recognition of new born nation states. From this time on, minorities were made a pawn in the 'balance of power' games played by big powers. Great

powers became the protector of minorities in empires. Prior to and during the course of WWI, European nation-states stirred up nationalist, anti-imperial discourse among the minorities.

Following the dissolution of the empires and the establishment of an international order dominated by the nation-state model, protection of minorities shifted from being the monopoly of great powers to the first international organization; the League of Nations. Protection of minorities was enshrined in international legal documents and made a precondition for the recognition of all new-born nation-states.

However, after the Second World War, the minorities question had been largely suspended by the United Nations until it became significant again after the Cold War. The new European institutions (Council of Europe, Organization of Security and Cooperation in Europe) established in the final years of the Cold War, advanced new standards for minority protection. The European Union was to become one of the most influential institutions for the enforcement of minority rights in the post 1992 Europe.

Greek and Turkish nation states were created in the first wave of nation building as a result of the collapse of Ottoman Empire. Both states came into being after years of wars against one another. As a result, their identities were constructed on hostile perceptions against each other. The Muslim Turkish and the Greek Orthodox minorities were legally recognized by the Treaty of Lausanne (1923) signed in the aftermath of the Turkish War of Independence.

In such a context, this study aims to explore the historical evolution of minority rights in Europe beginning with the League period until today- What kind of rights were granted to minorities? What was the role of international organizations, the kin and host states in their enforcement? Accordingly, the related legal legislation and the enforcement mechanisms of international organizations are going to be analyzed with special reference to Europe.

The research also explores the situation of Western Thrace Muslim Turkish minority from Lausanne (1923) until today. Located on the fault line of Greek-Turkish border, this community has been vulnerable to balance of power considerations. They have been subject to discrimination and oppression even in the exercise of basic human rights such as the freedom to exercise profession, to repair and build houses and places of worship, excluded from employment in public institutions and encouraged to emigrate. In this regard, the research aims to find out what minority rights this community has enjoyed and has been deprived of. What factors were involved in shaping the host state's minority policy, what implications has it produced? And what are the prospects for future integration?

In doing this, minority governance in Germany, Belgium, Switzerland, the UK and Spain is discussed in order to provide an insight about the relationship between government type and minority governance. These states were selected to represent Western European democracies. Germany is relatively homogeneous in ethnic terms, however embodies a few autochthonous minorities although in small numbers. Belgium and Switzerland are multinational federal states who have enjoyed a peaceful coexistence compared to the UK and Spain, which have suffered from a years-long ethnic conflict. It is also noteworthy to analyze minority governance in these states in order to provide some thoughts about the reasons and resolutions of ethnic conflicts.

It is hypothesised that anti-democratic, discriminative minority policy shaped by kin state-host state relations and historically constructed hostile perceptions of ethnic identities curtail a socio economically backward minority's democratic integration in the host state. In case of the Western Thrace Muslim Turkish minority- minority mobilization in early 1990s, kin-state involvement, and the EU-induced decentralization reforms in mid 1990s have brought about a positive, democratic, integration-oriented change in Greek minority policy and a likewise positive change in the minority attitude against the state.

Integration in this context does not mean the 'melting pot' as in the USA but a 'salad bowl' which allows the community to preserve its distinctive culture and identity while participating in state institutions and communal life as equal citizens. After all,

a healthy, sustainable democratic integration should not threaten the right of the community members to preserve their cultural distinctiveness or allow the dominant group to exercise supremacy over the other.

The case of Western Thrace Muslim Turkish minority is analyzed within the context of Turkish- Greek relations, international legislation concerning minorities, and the social fabric of the minority itself. The Greek state's minority policy is analyzed in a comparative perspective; prior to and after the the EU-induced reforms in fulfillment of the requirements of EU integration.

The first chapter elaborates on the concept of minority. The second chapter analyzes emergence of international minority rights in a historical perspective and investigates the role of international organizations and European institutions in minority protection. The third chapter elaborates on minority governance in Germany, Switzerland, Belgium, the UK and Spain. The fourth chapter presents the case study on the Muslim Turkish minority of Greece.

## I. CONCEPTUALIZATION OF MINORITY AND ETHNICITY

### A. Conceptualization of Minority by International Organizations

#### I. The League of Nations

The concept of minority was first incorporated in international treaties in the 1919 Versailles Peace Conference; in peace treaties with the emerging states from dissolution of Austro-Hungarian Empire, Ottoman Empire and Prussian Kingdom.<sup>1</sup> The treaties were obliging the new states of East and Central Europe (Poland, Yugoslavia, Czechoslovakia), states which had increased their territory (Romania and Greece), and states which had been defeated (Austria, Hungary, Bulgaria, Turkey) to grant religious and political equality as well as some special rights to their minority peoples.<sup>2</sup>

In the first international treaties containing minority provisions, minority was defined as '*persons who belong to racial, religious, or linguistic minorities*'.<sup>3</sup> This definition was based on objective criteria; belonging to a different race, religion, language. It was also maintained by the decision of the Permanent Court of Justice in the case of *Upper Silesia Minority Schools* in Poland, that whether a person belonged to a minority or not was a 'question of fact not of will'.<sup>4</sup> Inclusion of the adjective *racial* in the definition also reveals that what was meant by minority in this era was undoubtedly *national minority*. National minority is the one who has a kin-

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<sup>1</sup> Jennifer Jackson Preece, **National Minorities and the European Nation-States System**, 1<sup>st</sup> Edition, Oxford University Press, NY, 1998, p.15

<sup>2</sup> Carole Fink, "*The League of Nations and The Minorities Question*", World Affairs, Vol.157 No.4, Spring 1995, pp:197-205, p.197.

<sup>3</sup> Preece, op.cit, p.16.

<sup>4</sup> Fink, *ibid.*, p:202-203. There were too many applications to the German Minority School of Polish Silesia, and the governor, suspecting chicanery, ordered examination of parents to find out if the students spoke Polish or not. Receiving severe reaction from the parents upon this request, the issue was brought to the League of Nations by the German Minority Organization, the Deutscher Volksbund with the claim that – *Minderheit ist wer will*- belonging to a minority is a matter of will.

state; the state dominated by the fellowmen. The state where the minority lives and is bound by citizenship is called the host state.<sup>5</sup>

## II. The United Nations

The most comprehensive and widely used definition of minority was made by the UN Special Rapporteur Francesco Capotorti in his *Study of the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities*. Capotorti defined minority as:

a group numerically inferior to the rest of the population of a state, in a non-dominant position, whose members- being nationals of the state-possess ethnic, religious, or linguistic characteristics differing from those of the rest of the population and show, if only explicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.<sup>6</sup>

An important distinction of Capotorti's definition from the League's is the substitution of the adjective 'ethnic' instead of 'racial'. This is intended to refrain from the negative connotations of 'race'; racism and the disastrous experiences of World War II. Compared to the League's definition of minority solely on objective criteria, Capotorti's definition also incorporates subjective criteria. Objective criteria can be outlined as follows:

- a. The minority should be much less in number compared to the entire population of a country, but dominance in a specific region does not alter the situation. Yet, there must be a sufficient number of persons who want preserve their traditional characteristics<sup>7</sup>.
- b. Non-dominance. However, there may be such dominant minorities who have control over the state like South African Whites in apartheid period. Therefore, this definition does not apply to them.<sup>8</sup>
- c. To be different from the rest of the population in the country in terms of 'ethnicity, race, religion'.

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<sup>5</sup> Baskın Oran, **Türkiye'de Azınlıklar**[Minorities in Turkey], 2nd Edition, Tesev Yayınları, İletişim Yayıncılık, İstanbul, 2004,s.40.

<sup>6</sup> United Nations, E/CN.4 / Sub.2/384 Add.1,10, cited in Preece,ibid., p.19.

<sup>7</sup> UN Doc. E/CN.4/703 (1953), para.200,cited in Javaid Rehman, **International Human Rights Law: A Practical Approach**, Pearson Education Ltd, England, 2003, p.300.

<sup>8</sup> Levent Ürer, **Azınlıklar ve Lozan Tartışmaları, [Minorities and the Debates on Lausanne]**Yayın No:31, Derin Yayınları, İstanbul, 2003, p.12.

d. To be a citizen of the state. Refugees and migrant workers are therefore excluded.

Subjective criterion includes existence of a ‘sense of solidarity’, in other words, ‘minority consciousness’ as an inseparable part of identity, and a desire to preserve it. An individual or a group willing to assimilate into the majority cannot be considered as minority.<sup>9</sup>

Capotorti’s definition holds for autochthonous or historical minorities. Immigrants, permanent residents, or migrant workers are excluded, although they also share the cultural distinctiveness of a minority group. It embodies ‘minorities by will’ and ignores ‘minorities by force’; which are two terms articulated by Laponce.<sup>10</sup> Minorities by force are those who desire assimilation but are denied by the majority and minorities by will are those who want to retain their distinctiveness and therefore refuse assimilation.<sup>11</sup>

An alternative definition by Palley includes other variables such as power, government type and the minorities’ relative influence in it.

a minority is any racial, tribal, linguistic, religious, caste or nationality group within a nation-state and which is not in control of the political machinery of the state’.<sup>12</sup>

### III. Organization of Security and Cooperation in Europe

The OSCE’s definition of minority includes the kin-state variable. Although not every minority has a kin state, most of the minorities do.

non dominant population that is numerical minority within a State but that shares the same nationality/ethnicity as the population constituting a numerical majority in another, often neighboring or “kin” State.<sup>13</sup>

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<sup>9</sup> Oran **Türkiye’de Azınlıklar**, op.cit.,p.26.

<sup>10</sup> J.A Laponce, **The Protection of Minorities**, University of California Press, 1960, p.15, cited in Rehman, op.cit, p.302.

<sup>11</sup> Ibid, p.302.

<sup>12</sup> C. Palley, **Constitutional Law and Minorities**, London Minority Rights Group, 1978, p.3, cited in Rehman, op.cit., p.300.

<sup>13</sup> *Pamphlet No.9 of the UN Guide for Minorities*, p.5, available online at <http://www.ohchr.org/english/issues/minorities/guide.htm>, 02.05.2006.

#### IV. Council of Europe

The Parliamentary Assembly's Recommendation 1134 (1990) defined minorities as:

separate or distinct groups, well defined and established on the territory of a state, the members of which are nationals of that state and have certain religious, linguistic, cultural or other characteristics which distinguish them from the majority of the population<sup>14</sup>

#### B. Conceptualization of Ethnicity

The term 'ethnic' was derived from the Greek  $\epsilon\theta\nu\sigma$  (ethnos), meaning 'heathen', which applied particularly to 'non-Israelitish nations or Gentiles'<sup>15</sup>. Usage of the word 'ethnicity' was first recorded in *Oxford English Dictionary* in 1953; therefore it is a recent term in the social sciences discourse<sup>16</sup>. The population of ethnic groups in the world amount to more than 900 million; one sixth of the world's population. In the 1980s, Gurr identified 233 sizeable ethnic groups faced with discrimination, 'organized for political assertiveness, or both'<sup>17</sup>. According to the country profile provided by the World Factbook, Greece claims that there are no ethnic divisions in Greece<sup>18</sup>.

According to Goldmann, ethnic identity is a fluid and subjective concept shaped by the social, economic and political circumstances of the host society. Therefore, ethnic identity rests more on self-identification of the persons<sup>19</sup>. That is to say, in order to be considered an ethnic group, it is essential that the individuals who constitute the minority define themselves as such. An individual might reject his or

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<sup>14</sup> Council of Europe, Parliamentary Assembly Recommendation 1134 (1990), available online at the official website of Council of Europe, <http://assembly.coe.int/Main.asp?link=http%3A%2F%2Fassembly.coe.int%2FDocuments%2FAdoptedText%2Fta90%2FEREC1134.htm>, 02.05.2006.

<sup>15</sup> Victor T. Le Vine, "Conceptualizing "Ethnicity" and "Ethnic Conflict": A Controversy Revisited", *Studies in Comparative International Development*, Summer 1997, Vol.32, No.2, p:42-75.

<sup>16</sup> Robert Bartlett, "Medieval and Modern Concepts of Race and Ethnicity", *Journal of Medieval and Early Modern Studies* 30:1, Winter 2001, p.39.

<sup>17</sup> Ted Robert Gurr and Barbara Harf, **Ethnic Conflict In World Politics**, Westview Press, 1994, p.5.

<sup>18</sup>The World Factbook. 2003, available online at: <http://www.bartleby.com/151/fields/35.html>, 19.12.05

<sup>19</sup> Gustave Goldmann, "Defining and Observing Minorities: An Objective Assessment", *Statistical Journal of the United Nations ECE* 18 (2001), pp: 205-216, p.206.

her ethnic identity and seek individual assimilation to the majority for several reasons.

A shift in declared ethnic identity is described as ‘ethnic mobility’<sup>20</sup>. The underlying reasons might be political; such as a change in the political system in the territory, demographic; increasing interaction with other communities, especially if the country receives continuous migration or it might be economic; to get more economic advantages not limited due to discrimination otherwise.<sup>21</sup> On the other hand, if the person wants to identify himself with the majority, it should not be prohibited since this is a natural right of the individual to identify himself or herself the way he or she wants. In this case, it is important to note that a person’s decision to belong to a minority is not only a ‘question of fact’, but also a ‘question of will’. Moreover, people can also declare multiple identities in multicultural and democratic societies like Canada<sup>22</sup>.

In a country, there might be a sort of hierarchy among ethnic identities. If a particular ethnic identity is in a dominant position compared to others, an individual belonging to an ethnic identity may adopt a different ethnic identity as his/her subjective identity.<sup>23</sup> Commonalities, especially in terms of religion, play the most important factor in acceptance of another ethnic identity. In Western Thrace, Greece, for example, the Turks are the dominant and populous ethnic group; hence, other Muslims like Pomaks and Roma identify themselves as Turks because religion [Islam] is their common characteristic and the Turkish are content to embrace them due to the same reason.

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<sup>20</sup> Ibid., 208.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid. p.209.

<sup>23</sup> Oran, **Türkiye’de Azınlıklar**, op.cit., p.28.

## II. EVOLUTION OF MINORITY RIGHTS

### A. World Imperial System

#### I. Medieval Ages

In ancient Greece and Rome, there was no concept of minority. Citizens were free people and therefore they were small in number. People were divided in terms of class but not in terms of minority-majority. In medieval ages, too, minority concept was non-existent. The Church was strong enough to keep people together and had generated a perfect religious unity. Jews were the only religious minority. However, they were not strong enough to assert themselves and were totally excluded<sup>24</sup>. Identification was based on religion; a person was either born a Christian, a Jew or a Muslim, but not a French or Persian.<sup>25</sup>

Political units; polities and empires in the medieval Europe were composed of people of different races or religions. There was hardly ever an ethnically homogenous political entity. Therefore citizenship meant loyalty to the dynasty. Furthermore, the rulers had a multicultural approach. For example, the Holy Roman Emperor Charles IV demanded that the Electors of the Empire learn foreign languages as it was a multinational empire. A phrase from a medieval Hungarian tract stated that ‘a kingdom of one race and custom is weak and fragile’.<sup>26</sup> There are also indications that these entities were granted self autonomy in cultural and legal matters. For example, the Holy Roman Emperor Charles IV’s aforementioned demand was to ensure the enforcement of the ‘laws and government of various

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<sup>24</sup> Oran, **Türkiye’de Azınlıklar**, op.cit., p.17-18.

<sup>25</sup> Barlett, *ibid.*, p.42.

<sup>26</sup> “Libellus de institutione morum”, ed. J.Balogh, **Scriptores rerum Hungaricarum 2**, cited in Barlett, *ibid.*, p.50.

nations, distinct in their customs, life and language'.<sup>27</sup> Like Charles IV, Edward I ruled various nations including the Gascons, Scots, Irish, and English who had their own laws and customs.<sup>28</sup>

Ethnic and religious differences were quite intertwined in the medieval period although it cannot be generalized for overall Europe. For example, in the Catalan town of Tortosa, a Christian had to prove a case against a Muslim with at least two Muslims; likewise, a Muslim needed at least two Christians to prove a case against a Christian. Religion was one of the laws that distinguished between Spanish Muslims and Christians. However, it was different for Germans and Czechs. For example, Duke Sobieslaw II of Bohemia, in his charter, based their distinctiveness on nation, 'just as the Germans are different from the Bohemians (Czechs) by nation, so they should be different from the Bohemians in their law and custom'.<sup>29</sup> An example for a more homogeneous society between the kingdom and its subjects is the Kingdom of England. Consequently, it is considered that English nationalism developed earlier than most other parts of Europe.<sup>30</sup>

## II. Ottoman Empire

Ethnicity in the Ottoman Empire was based on religion as well. The subjects of the Ottoman Empire were composed of *millets*; each community consisting of 'people of the book' was considered millet. The millet system had its origins in earlier Middle Eastern States; both Muslim (Umayyad, Abbassid) and non-Muslim (Persian, Byzantine). However, it was institutionalized by the Ottomans.<sup>31</sup> The main millets in the Ottoman Empire were Greeks, Armenians, Jewish and Muslims. Muslims were the dominant community as well as the core component of Ottoman Empire, and were made up of Turks, Albanians, Pomaks, Muslim Bosnians, and Arabs, including other Muslim ethnic groups in Eastern Anatolia and Caucasus after

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<sup>27</sup> Ibid.

<sup>28</sup> Ibid., p.52.

<sup>29</sup> Herbert Helbig and Lorenz Weinrich, eds. **Urkunden und erzählende Quellen zur Deutschen Ostsiedlung im Mittelalter**, quoted by Barlett, ibid., p.52.

<sup>30</sup> Davies, "Peoples of Britain", quoted by Barlett, ibid., p.53.

<sup>31</sup> Avigdor Levy, "*Christians, Jews and Muslims in the Ottoman Empire: Lessons for Contemporary Existence*", Near Eastern and Jewish Studies Department, Brandeis University, 2000.

the 16<sup>th</sup> century. The Greeks and Slavs made up the Greek Orthodox Community whereas the Armenians were divided into two as Gregorian and Catholic<sup>32</sup>.

The millet system meant cultural and judicial autonomy or a kind of self-government for the non-Muslim communities in Ottoman Empire. They were provided with substantial autonomy in administrative, fiscal, judiciary, educational, religious fields.

The need to establish such a mechanism had arisen by the period of Fatih Sultan Mehmet, following the conquest of the majority of Byzantine, Serbian and Bulgarian territories in the Balkans. After the conquest of Istanbul, Sultan Mehmet II granted autonomy to Christians and recognized the Jewish, Armenian and Gregorian communities. The then spiritual leaders of Greek Orthodox Church, Jewish synagogue and Armenian Church Bishop; Gennadios Scholorios, Mosche Kapsali, and Yovakim respectively, were recognized as the leaders of their communities.<sup>33</sup> Accordingly, within the millet system different Orthodox people were assimilated into a single national body; ‘for centuries the non-Greek Orthodox populations- Slavs, Albanians, Vlachs, Roma- under the control of the Phanariot Greeks and the Istanbul Patriarchate were subject to being Hellenicised’.<sup>34</sup>

The Churches which were granted substantial religious and conscientious freedom were not allowed to participate in politics. The state did not interfere in the religious affairs of its communities. However, since the religious leaders were also responsible for administration, it did interfere in their election. They were first elected by their communities and then were approved and appointed by the Sultan. The millet leaders were in charge of the implementation of the community law pertaining to marriage, divorce, and inheritance, which was based on their religious creed. The millets set their own laws, collected and distributed their own taxes. They were subject to the *Shariat* (Islamic Law) on special cases, for example, when a particular dispute involved Muslims or the non-Muslim subjects asked for its

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<sup>32</sup> Ürer, op.cit, p.124.

<sup>33</sup> Ibid.

<sup>34</sup> Hugh Poulton, “*The Muslim Experience In The Balkan States, 1919-1991*”, Nationalities Papers, Vol.28, No.1, 2000, Carfax Publishing, 2000, p.47. Exceptions to this are the Bulgarians after the nineteenth century since the Bulgarian Exarchate Church was established in the nineteenth century and the Serbs who had a patriarchate in Pec since 1557.

application. Also concerning matters of public law, non-Muslims were subject to rules of Shariah Law's special provisions for them.<sup>35</sup>

However, the millet system incorporated some obvious inequalities as well. To begin with, non-Muslims had to pay higher taxes and they were not recruited for governmental and military posts until the 1840s. Other such practices include prohibition of settlement in certain neighborhoods, dressing like Muslims, carrying arms without special permission, serving in the army, tolling the church bell too loud to be heard from outside, witnessing against a Muslim in the court of law.<sup>36</sup>

Nevertheless, the kind of ethnic conflicts which precipitated development of human rights doctrine in seventeenth century Europe did not occur in Ottoman Empire.<sup>37</sup> There was a mutual respect and tolerance prevailed in the millet system as is evident in the Ottoman acceptance of the Sephardic Jews expelled from Spain in the fifteen and sixteen centuries.<sup>38</sup>

One of the factors that contributed to the change of the millet system was foreign powers declaring themselves protectors of their religious cohorts in the Ottoman Empire. This was indeed more a pawn for dismantling the Ottoman Empire in parallel with their interests in the Middle East. In this regard, Russians became guardians of the Eastern Orthodox groups, the French of the Catholics, and the British of the Jews and other groups.<sup>39</sup>

The first international treaty the Ottoman Empire was a party to was the 1606 Zitvatorok Treaty which entitled Catholics to have their own church. In 1250, for example, XIV Louis, in a letter written to the Sultan, Patriarchate, and Bishop, was promising to protect Maronites. This promise was restated by XV Louis and such commitments were included in the treaties of 17<sup>th</sup> century. Treaty of Carlowitz, dated 1699 granted the Polish Ambassador to directly resort to the Sultan in addressing the problems of Catholics. Treaties of Koutchouk Kainarji entitled

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<sup>35</sup> Berdal Aral, "*The Idea of Human Rights as Perceived in the Ottoman Empire*", Human Rights Quarterly, 26.2.2004, pp:454-482, p.475.

<sup>36</sup> Aral, *ibid.*, p.476.

<sup>37</sup> *Ibid.*, p.456.

<sup>38</sup> Poulton, *ibid.*, p.46.

<sup>39</sup> *Ibid.*

ministers of the Imperial Russian Court to make representations in favor of the Orthodox religion. It was a pretext for facilitating Russian imperial expansion in south-eastern Europe; particularly in Moldova, Walachia and Montenegro.<sup>40</sup> These treaties are also an example for minority protection guarantees that precede even Westphalia. This meant a direct interference in Ottoman sovereignty; as a result the non-Muslim peoples became subject to the foreign powers' balance of power considerations who would be provoked for freedom as the nationalism wave began to dominate the continent in the 19<sup>th</sup> century.

Upon pressure from foreign powers and from assertions for modernization and liberty from inside, the Ottoman Empire made several groundbreaking reforms; the most significant being the *Tanzimat* reforms of mid nineteenth century, followed by Imperial Rescript of Gülhane in 1839 (*Gülhane Hattı Hümayunu*) and Reform Edict of 1856 (*Islahat Fermanı*). As a result, the Ottoman millet system was to a large extent replaced by the European codes of law based on legal equality, although not totally removing the legal autonomy the millets used to enjoy before. As a result, non-Muslims were allowed to services in government and in military, the special tax (*cizye*) was abolished, and prohibition of being witnesses against Muslim citizens was lifted.<sup>41</sup>

Disputes arising from commercial or other reasons would be adjudicated by mixed courts in provinces and sandjaks. Furthermore, non-Muslims gained representation in municipal, provincial, state councils, participated in the parliaments of 1876-1877, 1908-1914, and held posts as government ministers, especially in the ministries of finance and foreign affairs. These reforms withdrew the privileges granted to religious leaders of millets except for those concerning religion. The ultimate aim was to establish a modern concept of citizenship.<sup>42</sup>

Nevertheless, the millet system did help Balkan peoples preserve their identities as it precluded integration or assimilation into the dominant Muslim group. Consequently, it was easy for them to mobilize for independence under the support of great powers. For example, creating national myths of Muslim oppression and the

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<sup>40</sup> Ürer, op.cit.,125-8.

<sup>41</sup> Aral, ibid., p.466, p.477-8.

<sup>42</sup> Ürer, op.cit., p.137.

destruction of their medieval kingdoms made significant contributions in this process.<sup>43</sup> As Mentzel argues, ‘the national identities of the Balkan peoples grew out of their millet identities’.<sup>44</sup> However, it would be impossible for the Balkan Muslims to be influenced by similar motives and this is why they developed a national self-consciousness much later than their Christian neighbors.<sup>45</sup> Unfortunately they would be persecuted, killed and forced to emigrate by their Christian neighbours during and after the Balkan wars. During the Balkan wars of 1912-1913, 1,450,000 Muslims were killed and 410,000 were uprooted.<sup>46</sup>

## **B. Dissolution of Empires and Emergence of Nation States**

### **I. Emergence of Nation-States in Europe**

Beginning in the fifteenth century, colonial expansion brought about substantial changes in the political, social and economic system of the European continent. Trade flourished and paved the way for the Commercial Revolution. The political system was entirely altered; bourgeoisie emerged as a new class and feudalism was replaced with capitalism. The power of the Church waned. Arts and modern science gained significance. Findings in science and technology led to the *Industrial Revolution*.<sup>47</sup> Finally, the Glorious Revolution, the American and French Revolutions brought about the end of absolute monarchs in Europe.

*The Glorious Revolution* of 1688-1689 marks a milestone in the process of power transfer from the monarch to the Parliament guaranteed by the passage of the Bill of Rights.<sup>48</sup> In fact, the power of King in Britain was already restricted by *Magna*

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<sup>43</sup> Peter Mentzel, “Conclusion: Millets, States, And National Identities”, Nationalities Papers, Vol.28, No:1, 2000, pp: 200-204, p.203.

<sup>44</sup> Ibid., p.201.

<sup>45</sup> Ibid.

<sup>46</sup> Levy, ibid., p.4.

<sup>47</sup> Online Encyclopedia, [http://en.wikipedia.org/wiki/Early\\_modern\\_Europe](http://en.wikipedia.org/wiki/Early_modern_Europe), 01.04.2006.

<sup>48</sup> The English Bill of Rights of 1689 is one of the basic documents of English constitutional law. Among the basic principles of this document are; superiority of law over the sovereign, taxation to be determined with the consent of the Parliament, punishment and fines to be determined by law. For details, see [http://en.wikipedia.org/wiki/English\\_Bill\\_of\\_Rights](http://en.wikipedia.org/wiki/English_Bill_of_Rights), 05.01.2006.

*Carta (1215)*, which made the King accept the superiority of law.<sup>49</sup>The English Civil War (1639-1651) resulted in the victory of the Parliamentarians over the Royalists. Thus the absolute power passed from the monarch to the elected Parliament and the English monarchy was replaced with the Commonwealth of England.<sup>50</sup> However, this system is totally different than the doctrine of the ‘sovereignty of the people’, which operates through a formal constitution governing all branches of the polity. Later most other European countries acquired it from the example of USA or the French Revolution.<sup>51</sup>

The underlying reason behind the *American Revolution* was resistance to the imposed British legislation and laws which culminated with the issuance of additional taxes to finance the wars of Britain. Therefore, it was not born out of a class struggle as in France, but rather, on the idea that the government should be based on the consent of the subjects. The unique circumstances of the settler populations precluded the formation of classes as in Europe. Furthermore, the vastness of land and relatively scarcity of labour urged the colonizers and settler populations to collaborate in building settlements and infrastructure, which also precluded concentration of power in the hands of colonizers. This cooperation enabled them to build estates and businesses, create towns and counties through exploitation of original inhabitants and slaves from Africa. As a result, they were economically and politically strong enough to resist against the financial exploitation by Britain.<sup>52</sup>

The American Revolution produced profound implications for Europe and the rest of the world. Of all the most significant was the idea that government should be by the consent of the governed, the separation of Church and the state, a discourse of

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<sup>49</sup> One of the most important clauses was Article 39 according to which “No free man shall be arrested, or imprisoned, or deprived of his property, or outlawed, or exiled, or in any way destroyed, nor shall we go against him or send against him, unless by legal judgement of his peers, or by the law of the land.” This placed law over the King’s will. Similarly, Article 40 stated: “To no one will we sell, to no one will we refuse or delay, right or justice”. These clauses were a check on the power of the king and the first step in the long road to a constitutional monarchy., [http://en.wikipedia.org/wiki/Magna\\_Carta](http://en.wikipedia.org/wiki/Magna_Carta), 05.01.2006.

<sup>50</sup> Norman Davies, **Europe: A History**, Pimlico, London, 1997, p.631.

<sup>51</sup> Ibid.

<sup>52</sup> Jack P. Grene, “*The American Revolution*”, *American Historical Review*, February 2000, pp: 93-102.

liberty, individual rights and equality, the delegation of power through written constitutions, promotion of republicanism to overthrow monarchs.<sup>53</sup>

*The French Revolution* of 1789-1799 was born out of 'class conflict' which stemmed from the unequal status of the classes the French society was made up of. The society was divided into three main classes known as the First Estate, the Second Estate and the Third Estate. The First estate was the Church; the smallest in size yet the most powerful. The Second Estate was the nobility with extensive rights and privileges and great land wealth who made up less than 2 percent of the population and hardly paid any taxes. The Third estate, on the other hand was the largest in size but the least powerful; it consisted of commoners; peasants, city workers and the bourgeoisie. Particularly peasants were forced to pay heavy taxes and rents to the landlords as they did not even possess the land they lived on. In a period of economic crisis, France imposed heavy taxes on the Third Estate when the peasantry was on the verge of starvation due to poor harvests and the bourgeoisie was restricted by harsh trade rules.<sup>54</sup>

The French Revolution opened a new era in Europe, especially the development of nationalism and democracy signaled the beginning of the end of powerful empires and the birth of new nation states along with which national minorities emerged.

## **II. Minority Concept from Westphalia to the League of Nations**

The minority concept was born on the basis of religion in the Reformation Period of 16<sup>th</sup> century. It was incorporated in international law and international relations by treaties signed between Catholic and Protestant states in order to protect their minorities after the thirty years war (1618-1648) to which the 1648 Peace of Westphalia put an end. The Prince granted special concessions to his subjects to freely exercise their religion both in private and in public. Thus his previous right to determine the religion of his subjects was lifted. Protestants were returned the churches and ecclesiastical estates they had possessed previously. The minorities of

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<sup>53</sup> [http://en.wikipedia.org/wiki/American\\_Revolution](http://en.wikipedia.org/wiki/American_Revolution), 01.05.2006.

<sup>54</sup> [http://en.wikipedia.org/wiki/French\\_revolution](http://en.wikipedia.org/wiki/French_revolution), 01.04.2006.

this period were not national minorities but religious minorities, because religion was the basic distinguishing factor among people in this period. They defined themselves in terms of religious similarity or difference; Catholic or Protestant, Lutheran or Calvinist instead of Irish or English, Italian or French.<sup>55</sup>

The Treaty of Westphalia, followed by the Treaty of Utrecht in 1713, marks the beginning of transition from medieval periods to modern periods. First of all, the feudal system was transformed into centralist, sovereign state system with geographically defined territories.<sup>56</sup> Secondly, with the birth of sovereign states international politics began to be characterized by clash of their interests for survival and prosperity, creating an anarchic system of states.<sup>57</sup>

Following Westphalia, some international legal arrangements were made for the protection of people who became minorities after border changes. The first example was the Oliva Agreement of 3 May 1660, signed between Poland and Sweden, for the protection of Catholics in Livonia which was left to Sweden by Poland.<sup>58</sup> The Treaty of Dresden (1745), the Treaty of Hubertusburg (1763), and the Treaty of Paris (1763) included similar minority stipulations as well.<sup>59</sup> After they stopped fighting against each other, European powers strengthened and dedicated themselves to protection of Christians outside Europe.<sup>60</sup>

#### a. **Congress of Vienna (1815)**

The Congress of Vienna was an effort of Europe's multinational monarchies to formulate a common way to resist nationalism triggered by the French Revolution and the Napoleonic wars. At that time, except for Britain and France, none of the European states were nation-states. Napoleon had provoked the subject peoples who were living in dynastic states by offering them national independence in return for their alliance. For example, in his proclamation to the Hungarians in Habsburg

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<sup>55</sup> Ürer, op.cit., p.40.

<sup>56</sup> Clive Archer, **International Organizations**, Routledge, NY, 1992, p.4.

<sup>57</sup> Joseph Nye, **Understanding International Conflicts: An Introduction to Theory and History**, Longman, 2005, p.3.

<sup>58</sup> C.Parry(ed), **The Consolidated Treaty Series**, New York, 1969 cited in Preece,op.cit, p.57.

<sup>59</sup> Ibid.

<sup>60</sup> Oran, **Türkiye'de Azınlıklar**, op.cit., p.20.

Empire in 1809, he told them that they have national customs and a national language and advised them to set up their own nation.<sup>61</sup> Upon Napoleon's defeat at Waterloo, the great powers (Austria, Russia and the Kings of Prussia, Denmark, Bavaria with Great Britain) met in Vienna to negotiate the terms for peace. During the period of Napoleonic wars, Poland and Italy became independent nation-states with the support of Napoleon. However, they were dissolved and their territories were shared by the victorious powers upon Napoleon's defeat. The victorious powers were seeking a way to cope with the nationalist ideals in the territories they shared. However, the French Revolution had spread new forces of democracy and patriotic nationalism throughout Europe which would continue to threaten monarchies in Europe.<sup>62</sup>

Minorities were for the first time defined as 'national groups' in several treaties signed at the Congress of Vienna. Poland was divided between Prussia, Russia and Austria, as a result of which Polish became a national minority. The General Treaty gave Poles the right to maintain their own institutions as a means for protection. However, there were no enforcement measures or any mechanism to check its implementation. Later, following the Polish uprising of 1831, France, Great Britain and Austria would seek to legitimize their intervention in Russian controlled Poland on these grounds.<sup>63</sup>

#### **b. Congress of Berlin (1878)**

Nationalism has two contrasting characteristics; disruptive and unifying. It was disruptive for empires, for the Ottoman Empire and the Austrian Empire, but unifying for the fragmented states of Germany and Italy.<sup>64</sup> Since the beginning of the 19<sup>th</sup> century, indigenous peoples living under Ottoman sovereignty became subject to the influence of nationalism. The first nation to secede from Ottoman rule was Greeks; followed by Serbs, Romanians and Bulgarians. Although Ottoman reforms aimed to curb Balkan nationalism by offering a more comprehensive set of

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<sup>61</sup> Preece, op.cit., p.59.

<sup>62</sup> Ürer, op.cit., p.50.

<sup>63</sup> Preece, op.cit., pp:60-61.

<sup>64</sup> J.A.R. Marriott, **The Remaking of Modern Europe**, Volume VI, Methuen &Co Ltd., London,10th edition, 1918, p.2.

civil and political rights, the Russian policies inciting Slav nationalism and the support from great powers produced a counter effect. Therefore Ottoman sovereignty within the region declined rapidly following mid 19<sup>th</sup> century.

The Congress of Berlin was organized with the purpose of revising the San Stefano Treaty which was signed after the 1877 Russo-Ottoman War that was incited by the Serbian revolt in 1875.<sup>65</sup> The great powers wanted to share Russia's gains. Britain took Cyprus and Austria-Hungary took Bosnia-Herzegovina. Macedonia and Western Rumelia, two territories including a number of ethnic divisions were left to Ottoman rule.<sup>66</sup>

The Treaty of Berlin, for the first time, made recognition of national minorities a precondition for the international recognition of newly founded Balkan states. The rationale behind this was the belief that the new-born nation states were backward and therefore needed guidance on such matters which could '[...] potentially threaten international order and stability as defined by great power interests.'<sup>67</sup> Articles 27 and 34 of the *Treaty of Berlin* were guaranteeing non-discrimination and religious freedom for Muslims in Serbia and Montenegro. Romania had to assure nondiscrimination and religious freedom both to her religious minorities and to the subjects and citizens of all the Powers in Romania. The same stipulation was also incorporated in the treaties imposed upon China concerning the rights of European civilians residing there. Article 4 obliged Bulgaria to consider the interests of all national groups; Turkish, Romanian, Greek and others in drafting electoral regulations and the 'organic law of the Principality'.<sup>68</sup>

However, these national minority provisions lacked enforcement mechanisms; recognition was not withdrawn in the case of non-compliance. Nevertheless, the great powers did intervene in Romania to end the mistreatment of Jewish minority.<sup>69</sup> Through the end of the 19<sup>th</sup> century, under the influence of the nationalism wave,

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<sup>65</sup> According to the San Stefano Treaty, Serbia, Montenegro, Romania and Bulgaria gained their independence. However, this treaty was tailored to the strategic aims of Russia. The new nation states included a number of ethnic minorities which would enable Russia to intervene in internal affairs of these states in case of disorder. This was altering the balance of power in the region. Upon insistence of Britain and Austria-Hungary, they met in Berlin to revise the treaty. Ürer, op.cit., p.52.

<sup>66</sup> Ibid, p.54.

<sup>67</sup> Preece, op.cit, p.62.

<sup>68</sup> C.Parry, **Treaty Series**, cited in Preece, op.cit, p.65.

<sup>69</sup> Ibid., p.66.

minorities strived either to become nation states or annex to their kin states. This led to bloody revolts in multinational states of Eastern Europe and Ottoman Empire. Ottoman Empire was further weakened by Armenian revolts in 1890s and in the Balkan wars of 1912-13, in the end of which she lost all of her territories on the Balkan Peninsula. Minority rights in this period served for the purpose of great powers to weaken the sovereignty of multinational empires and the relatively poor new-born nation states.

### **C. Minority Rights Granted By International Organizations**

#### **I. The League of Nations**

World War I destroyed the German, Austro-Hungarian, Russian and Ottoman Empires. During the war, nationalism was exploited as a means to provoke the opponents' minority populations for independence. Germans employed this policy in Russia and Ireland, the Entente in Eastern Europe, and the British in the Near and Middle East.<sup>70</sup>

The interwar period was dominated by two ideologies; liberalism (idealism) and socialism. The influence of idealism is best revealed in the famous *Fourteen Points* speech of American President Woodrow Wilson in January 1918. The speech addressed two important issues; the formation of a world government and the national self-determination of peoples. The League of Nations was founded with the purpose of establishing a system of collective security to prevent another war. This meant peaceful settlement of disputes through negotiation and diplomacy and improvement of global welfare.<sup>71</sup>

Wilson believed that each distinct national group had the right to sovereignty over their own territory. However given the diverse number of ethnic groups in the Balkans and Central and Eastern Europe emanating from the previous Ottoman and

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<sup>70</sup>Carole Fink, "*The Paris Peace Conference and The Question of Minority Rights*", *Peace &Change*, Vol.21, No.3, 1996, pp: 273-288, p.276.

<sup>71</sup> Timothy Dunne, "Liberalism", **The Globalization of World Politics: An Introduction to International Relations**, (eds) John Baylis and Steve Smith, Oxford University Press, New York, 1997, pp:147-163, p.152.

Austrian empires, it was very difficult to apply the right to national self determination equally for all. As a result, a lot of fragile states were formed in Central and Eastern Europe; Hungary, Yugoslavia, Rumania, Bulgaria, Czechoslovakia, and Poland. Most did not have previous state experience and embodied many ethnic cleavages.<sup>72</sup> For example, in 1921 over 30 percent of Poland's population was composed of ethnically different peoples; Ruthenian (14 percent), Jewish (8 percent), White Russian (4 percent), German (4 percent), and Lithuanian (1 per cent). Likewise, 35 percent of the population of Czechoslovakia was composed of German (24 percent), Hungarian (6 per cent), Ruthenian (4 percent), Jewish (1 percent) and Polish (0.5 percent)<sup>73</sup>.

The League of Nations is the first international organization to offer guarantees for the protection of minorities. Prior to the League, minorities were under the protection of great powers. In fact the the western great powers were disinterested in minority affairs considering them an internal affair because they had similar problems within themselves (Irish problem of the UK, discrimination of Black population in the USA, unfair treatment of the Jews in Russia).<sup>74</sup> However, some of them, as mentioned previously, exploited the matter as a means to interfere in the internal affairs of empires just like the Russian policy in the Balkans. Furthermore, prior to and during the World War I, the new Balkan states' persecution of Muslim and Jewish subjects generated widespread ethnic tensions, pogroms, revolts and emigration to Western Europe and the USA.<sup>75</sup> In order to avoid such unfavorable consequences that could threaten domestic as well as international order, it was decided to embody minority protection within international law to be enforced by an international organization.

American efforts to establish internationally guaranteed minority guarantees in this period were largely influenced by American Jews' struggle to protect their kin who were exposed to discriminatory and unfair treatment in Europe.<sup>76</sup> However, contrary to Wilson's idea for establishment of general minority provisions, minority treaties

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<sup>72</sup> Susan L. Carruthers, "International History 1900-1945", in **The Globalization of World Politics** (eds) John Baylis and Steve Smith, Oxford University Press, New York, 1997, p.54-55.

<sup>73</sup> L.Mair, **The Protection of Minorities**, London, Christophers, 1928, p.76, cited in Preece, op.cit, p.68.

<sup>74</sup> Fink, "Paris Peace Conference...", *ibid.*, p.275.

<sup>75</sup> *Ibid.*

<sup>76</sup> Preece, op.cit, pp.70-71.

were prepared and imposed separately upon states for which the League of Nations was the guarantor.<sup>77</sup> Like in the Congress of Viena, recognition of independence for new born states (Poland, Czechoslovakia, Kingdom of Serbs, Croats, and Slovenes—later named Yugoslavia) and territorial enlargement (Romania and Greece) was made conditional upon acceptance of national minority guarantees and admission in the League of Nations.<sup>78</sup>

The treaties were multilateral except for the Upper Silesia Agreement between Germany and Poland.<sup>79</sup> Besides, minority provisions would be superior to all other domestic legal codes, legislations or edicts.<sup>80</sup> National minority treaties signed with Czechoslovakia, Romania, Yugoslavia, Greece, Austria, Hungary, Bulgaria, and later with the new Baltic states of Latvia, Lithuania, and Estonia were based on the pattern of the first minority treaty in history, *the Polish Minority Treaty* signed on June 28, 1919 at the Paris Peace Conference at Versailles.<sup>81</sup> The Treaty was targeting Jews and Germans as the largest minorities in Poland.

The Polish Minority Treaty, composed of 12 articles, was granting negative civil rights and a number of positive cultural rights. First of all, as enshrined in Article 1, basic civil, political and cultural rights were granted to all inhabitants of Poland; ‘full and complete protection of life and liberty to all inhabitants...without distinction of birth, nationality, language, race or religion’<sup>82</sup> Article 7 granted cultural rights pertaining to the use of minority languages in private intercourse, religion, commerce, the press, at public meetings and before the courts. Article 8 granted minorities the right to establish, manage and control at their own expense private charitable, religious, and social institutions as well as schools and other

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<sup>77</sup> Ibid., p.71.

<sup>78</sup> Ibid., 68.

<sup>79</sup> Treaties concerning the defeated states were; Austria, (Saint German-en-Laye, 10 September 1919), Hungary (Trianon, 4 June 1920), Bulgaria (Neuilly-sur-Seine, 27 November 1919), Turkey (Sevres, which was revised by Lausanne, 14 July 1923 after the Turkish-Greek War). Treaties with the new or enlarged states were; Poland (Versailles, 28 June 1919), Czechoslovakia (Saint Germain-en-Laye, 10 September 1919), Romania (Paris, 9 December 1919), the Kingdom of Serbs, Croats, and Slovenes (Saint German-en-Laye, 10 September 1919), Greece (Sevres, 10 August 1920 and later Lausanne Treaty of 14 July 1923). Finland also made national minority commitments in regard to the Aaland Islands (27 June 1921), *ibid.*, p.73.

<sup>80</sup> Fink, “Paris Peace Conference..”, *ibid.*, p.281.

<sup>81</sup> The underlying reason behind the Polish Minority Treaty were the pogroms against the Jews in Lemberg, former capital of Austrian Galicia. (Nov.22,1918, Pinsk (Apr.5,1919), and Vilna., *Ibid.*

<sup>82</sup> Carole Fink, “*The League of Nations and the Minorities Question*”, *World Affairs*, Vol.157, No.4, Spring 1995, pp:197-205, p.198.

educational establishments without interference from the government. Article 9 called for the establishment of primary schools for the minority at public expense in extensively minority-inhabited areas. Articles 10 and 11 (addressed specifically to Jews), permitted establishment of Educational Committees and primary schools by the Jewish communities in Yiddish language. Article 11 recognized Sabbath as their religious holiday. Article 12 affirmed the Council of the League of Nations as guarantor of the Treaty and the PCIJ, or the World Court as the enforcement mechanism. However, only Council members were allowed to resort to this mechanism. Direct access of national minority groups was not allowed.<sup>83</sup>

In conclusion, these minority treaties possessed four common characteristics. To begin with, citizenship was made compulsory; it would be granted to inhabitants of the transferred territory and to their children even if they were not residents when the treaty came into effect. Secondly, basic civil and political rights were granted to all inhabitants of the concerned state. Thirdly, the treaties guaranteed non-discrimination, equality before law, equal civil and political rights. Fourthly, the treaties provided for cultural rights. Minority languages could be used freely in private discourse, religion, commerce, in the press, in publications and in public meetings. Besides, the minorities were entitled to establish, control, and manage charitable, religious, social and educational institutions at their own expense, and to use their own language and practice their religion freely within them- except that the official language was mandatory in schools. Finally, the state was supposed to assign an equitable share of public funds for education, religious or charitable purposes in areas with a considerable amount of minority population.<sup>84</sup>

The League Council and the Permanent Court of International Justice (PCIJ) were responsible for the execution of the minority guarantees. The National Minorities Section of the Secretariat was the League organ responsible for receiving the complaints. Complaints could be submitted by a state, organization or national minority group in the form of a petition, which would be evaluated by the Secretary General and then submitted to the accused state for explanation and response. In

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<sup>83</sup> Ibid., pp:198-199.

<sup>84</sup> League of Nations, **Resolutions and Extracts of the Protection of Linguistic, Racial or Religious Minorities by the League of Nations**, Geneva: League of Nations, 1929, pp:162-3, cited in Preece, op.cit., pp:74-75.

return, the state had to provide a rebuttal and reply to each member of the League Council. The file would then be discussed by a Committee of Three or Five, composed of the League Council President and two or four chosen League Council Members by him. The final decision would be either to dismiss the charge, or to seek for rectification through informal negotiations with the accused state, or to bring it to the League Council for further investigation. In this case, however, a representative from the accused state would be given a seat in the League Council, whose affirmative vote was necessary to reach a decision. In fact, the League Council could also appeal to the PCIJ for an advisory opinion or any League member could submit a complaint directly to the PCIJ, whose decisions were binding. However this alternative was hardly ever employed. Rather, the League Council resorted to diplomatic means to reach a compromise between the parties involved.<sup>85</sup> This indicates a major weakness in the enforcement mechanism for the protection of minorities.

The League's minority protection mechanism was to an extent successful. To begin with, minority guarantees were inspired by liberal philosophy. The primary purpose was to guarantee non-discrimination by ensuring equal rights and liberties to all citizens. The individual nature of the positive rights was meant to preclude creation of minorities by force and also endorse survival of those minorities created by will. Besides, they were broad enough to meet the communities' need for cultural survival considering the right to establish and manage their own institutions and use their language and practice their creed therein.

The League also ensured some successful settlements which are in force even today. The settlement for the Aaland Islands, a matter of dispute between Finland and Sweden, who were not even party to the League's minority provisions constitute a good example. The Aaland Islands, a collection of 6,500 islands between Sweden and Finland, belonged to Finland since early 1900s, however, the majority of residents were Swedish-speaking who wanted to cede the islands to Sweden. The agreement reached at the League Council on 27<sup>th</sup> June 1921 provided for establishment for Aalanders a system of both minority protection and local self-

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<sup>85</sup> Preece, op.cit, pp:82:83.

government, which was even strengthened by Finland in the domestic Act of 1951.<sup>86</sup> A second example is the minority provisions of the Lausanne Treaty (Articles 37-45) signed between Turkey and Greece for the protection of Muslim minority in Greece and the Greek Orthodox minority in Turkey.

Nonetheless, the League did not manage to establish a universal system for minority protection. The major weakness of the system was the unilateral imposition of minority rights on Central and Eastern European states and those who enlarged their territories. This undermined the system's legitimacy. The western powers also possessed national minorities and were confronted with minority problems. There was an increasing demand for national self-determination; in Wales and Scotland of Britain, Alsace of France and Basque and Catalonia of Spain.<sup>87</sup> Besides, Britain and France were facing secessionist threats from their colonies such as India, Egypt, Morocco and Iraq. However, it was not in the interest of great powers to apply the principle of national self-determination to colonies in Asia and Africa. As was candidly affirmed by Wilson himself in 1919:

It was not within the privilege of the conference of peace to act upon the right of self-determination of any peoples except those which had been included in the territories of the defeated empires.<sup>88</sup>

Secondly, the League system was further weakened by the interplay of strong kin states and strong minorities. Preece defines strong minorities as those with a strong kin state with strong minority consciousness, which in this context were Germans and Hungarians as well as Poles in Lithuania, Croats and Slovenes in Austria and Jewish groups with ties to international Jewish organizations.<sup>89</sup> Weak minorities, on the other hand were those with limited national consciousness who did not have strong advocates abroad like Ruthenians, Belorussians and Vlachs who therefore did not raise their voices much.<sup>90</sup>

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<sup>86</sup>J.Barros, **The Aaland Islands Question: Its Settlement by the League of Nations**, Yale University Press, 1968, cited in Preece, *ibid.*, p.90.

<sup>87</sup> Preece, *op.cit.*, p.92.

<sup>88</sup> Speech of 17.Sept. 1919. Baker and Dodd (eds), **Public Papers of Woodrow Wilson**, New York, (no Publisher, 1927) and Cobban, **The Nation State and National Self-Determination**, New York, Thomas Crowell, 1970, p.35, cited in Preece, *op.cit.*, p.92.

<sup>89</sup> *Ibid.*,p.84.

<sup>90</sup> *Ibid.*

The strong minorities almost exploited the system by frequent complaints to the League, sometimes even for issues that fell outside of the system's procedures. For example, petitions of German minorities in Poland made up almost 30% of all League petitions.<sup>91</sup> Strong kin states also acquired a privileged position in the League Council as they did not confront any objection by other members while prioritizing the complaints of their kin. Within time the League began to be concerned only in those complaints advocated by strong kin states.<sup>92</sup> This resulted in a 'political struggle' between kin states who had revisionist aims and host states who strived to preserve the status quo; such as Germany versus Poland and Czechoslovakia, Hungary versus Romania, Poland versus Lithuania, Bulgaria versus Greece, Greece versus Turkey and Albania.<sup>93</sup>

Finally, under these circumstances the host states bound by minority provisions were reluctant to implement them. Especially strong minorities were perceived as potential threats to territorial integrity and the related provisions as interference in their sovereignty. Hence, they did not implement them properly and intended to prevent submission of complaints to the League. For example, Poland sometimes persecuted Polish citizens who resorted to the League. Yugoslavia denied passports to those citizens who wanted to go to Geneva. Lithuania intended to persecute two Polish deputies of the Lithuanian Assembly who had appealed to the League.<sup>94</sup> In 1925, 11,750 hectares in Poznan and Pomerania 90 percent of which belonged to German minority were parceled as a result of Poland's agrarian reform.<sup>95</sup>

The League of Nations was founded on the basis of the liberal philosophy of that period; however it was overwhelmed by realpolitik and finally fell victim to balance of power considerations. It did not succeed in maintaining collective security and preventing alliance building. Firstly, it did not have an armed force of its own to maintain peace but depended on the Great Powers to enforce its resolutions. Secondly, it did not encompass all nations. For example, United States never joined the League. Japan began as a permanent member of the Council, but withdrew in

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<sup>91</sup> J. Robinson, **Were the Minorities Treaties a Failure?**, New York, Institute of Jewish Affairs, 1943, p.252, quoted by Preece, *ibid.*, p.84.

<sup>92</sup> *Ibid.*, p.91.

<sup>93</sup> *Ibid.*

<sup>94</sup> *Ibid.*, p.86.

<sup>95</sup> Dirksen, "Das Polnische Agrargesetz", Berlin, cited in Fink, *ibid.*, p.202.

1932. Italy also began as a permanent member but then withdrew in 1937. Soviet Union had joined the League in 1934 but was expelled in 1939 for aggression against Finland. When Hitler came to power in 1933, Germany exited the League. Depending upon her rapprochement with Germany, Poland renounced her minority obligations in 1934.<sup>96</sup>

## II. The United Nations (1945-1990)

Unlike the aftermath of WWI, national minority guarantees were not given a special, independent status in post WWII. Instead, they were absorbed within the broader framework of human rights guarantees. This approach was once again influenced by the Americans who regarded minority rights as a problem of discrimination that could be remedied by ensuring non-discrimination and equal rights and liberties. The principle of national self-determination was only applied for the Jews by the creation of Israel.<sup>97</sup> The rationale behind this was the concern that minority rights could threaten international peace and security. It was largely due to the experiences of World War II; Hitler's irredentist claims and the German minority's support to the Nazi invasion of Czechoslovakia and Poland, and extermination of about six million Jews together with a number of gypsies and political dissidents. Furthermore, there was only a few border changes and not many additional national minorities emerged.<sup>98</sup>

Population transfers and assimilation were two other approaches in dealing with national minority issues. 6.5 million ethnic Germans were transferred from Czechoslovakia, Poland and Hungary.<sup>99</sup> In 1944, the Polish Committee of National Liberation and the government of the Ukrainian Soviet Socialist Republic signed an agreement for the transfer of Poles from Ukraine and Ukrainians from Poland. Similar bilateral agreements were made in 1944 between the Polish National Liberation Committee and the Byelorussian Soviet Committee of National Liberation, and in 1945 between the Lithuanian Soviet Socialist Republic and the

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<sup>96</sup> Fink, "The League of Nations....", p.284.

<sup>97</sup> Preece, *op.cit.*, p.98:100.

<sup>98</sup> There were only two boundary changes in Europe after WWII, between Germany and Poland and Poland and Soviet Union, and the Yugoslav-Italian frontier around Trieste. *Ibid.*, p.102.

<sup>99</sup> According to Davies, the number of German expellees was at least 9 million of whom tens of thousands died due to maltreatment in the collection centres. Davies, *op.cit.*, p.1060.

government of the USSR. Other population exchanges were also organized by Yugoslavia and Poland, Czechoslovakia and Hungary in 1946.<sup>100</sup>

Population transfers and assimilation were not considered as violation of human rights. For example, transfer of ethnic German population from Eastern and Central Europe was legitimized on the grounds of their collaboration with their kin state during the war. It was also considered to be to the benefit of the minorities since they would not be subject to discrimination in their kin-states.<sup>101</sup> Although not included in treaties or conventions, assimilation was implicitly advocated in order to build homogeneous nation states and to eliminate discrimination by the host society as well as irredentist threats by the minority.<sup>102</sup>

Unlike the previous League of Nations, the United Nations set up the principles for universal adoption of human rights. Neither the UN Charter nor the Universal Declaration of Human Rights (1948) or other international accords of the UN contained any specific minority rights provisions. Universal Declaration of Human Rights incorporated provisions against all forms of discrimination. *The Universal Declaration of Human Rights (UDHR)* was meant for all people. Non-discrimination was stipulated by Article 7 (also Art 26 of ICCPR), ‘all persons are equal before the law and entitled without any discrimination to equal protection of the law’. It also contained some provisions that could be invoked by individual members of minorities such as the right to freedom of thought, conscience and religion (Art 18 and 19), the right to peaceful assembly and association (Art 20), and the right to freely participate in the cultural life of the community (Art 29).<sup>103</sup> The Declaration was legalized by the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESC) by the General Assembly in 1966.<sup>104</sup>

The UN Charter was based on the principles of non-discrimination, and non-intervention in the internal affairs of any state unless on occasions of human rights

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<sup>100</sup> Preece, op.cit, p103-4.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid., p.106.

<sup>103</sup> Universal Declaration of Human Rights, UN Official website, <http://www.un.org/Overview/rights.html>, 15.01.2006.

<sup>104</sup> Steven Wheatley, **Democracy, Minorities and International Law**, Cambridge University Press, 2005, p.11.

violations. Principle of non-intervention in the internal affairs of a state rendered minority protection as a domestic matter. Intervention was allowed only on the grounds of human rights violations and even in such instances the role of UN was restricted to peace-keeping instead of peace-making.<sup>105</sup> Loyalty to the State was the norm for the minorities and intervention on behalf of minorities was rejected by the UN members due to the fear of fragmentation.<sup>106</sup>

The only organ of the UN concerning national minorities was the Subcommission for the Prevention of Discrimination and Protection of Minorities established under the United Nations Commission on Human Rights (UNCHR) in 1947. However it was rather concerned with discriminatory practices in such fields as education, employment, immigration and travel, the apartheid in South Africa in 1960s and rights of immigrant workers and refugees and in the 1980s with the abolition of the death penalty, the use of child labor in developing countries and the rights of indigenous peoples. Their work concerning national minorities is limited to the report of Capotorti in which he presents the definition of the term itself and the incorporation of Article 27 into the International Covenant on Civil and Political Rights<sup>107</sup> (ICCPR) (1966) which stipulated that:

in those states in which ethnic, religious, or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their culture, to profess and practice their own religion, or to use their own language.

In this article minorities include both nationals and non-nationals within a state as depicted in the General Comment of the Human Rights Committee.<sup>108</sup> Furthermore, the ICCPR provides for individual petition if the state has ratified the Optional Protocol.<sup>109</sup> A striking feature of the article is the negative wording, ‘not deny the right to enjoy their culture’. Moreover, it does not make any mention of the term

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<sup>105</sup> James Fawcett, “*The International Protection of Minorities*”, Minority Rights Group Report No.41, London, 1979, p.12.

<sup>106</sup> *Ibid.*, p.5.

<sup>107</sup> Preece, *op.cit.*, p.112.

<sup>108</sup> Article 27 confers rights on persons belonging to minorities which exist in a State party...Just as they need not be nationals or citizens, they need not be permanent residents. Thus, migrant workers or even visitors in a State party constituting such minorities are entitled not to be denied exercise of those rights. E/CN.4/Sub.2/149, para.26., cited in Geoff Gilbert, “The Council of Europe and Minority Rights”, *Human Rights Quarterly*, Vol.18, Nr.1, February 1996, pp: 160-189.

<sup>109</sup> For details of Optional Protocol, see [http://www.unhchr.ch/html/menu3/b/a\\_opt.htm](http://www.unhchr.ch/html/menu3/b/a_opt.htm), 20.01.2006.

national minority. This reflects the principle of non-interference in domestic matters and preservation of the status quo.<sup>110</sup>

Out of the same reason, the principle of ‘national self-determination’ was converted to an obscure term of ‘self-determination’ of peoples.<sup>111</sup> Besides, the principle of ‘self-determination’ was identified with colonial independence but not for the national minorities within defined states.<sup>112</sup> Furthermore, no national minority guarantees were imposed on the new and relatively weak states of Asia and Africa as a precondition for recognition of their independence. Two important reasons behind this were the disinterest of the great powers- USA and USSR- in the national minority issue, and the possible rejection of such stipulations by the new states to be imposed upon themselves by the previous colonial powers. Moreover, the new states did not adopt any national minority measures for themselves, since they considered independence to have fulfilled the principle of ‘self-determination’.<sup>113</sup>

The UN endorsement of national minority protection was restricted to the very few occasions of involvement in territorial disputes. For example, there was a separate chapter in the 1947 *General Assembly Resolution on the Future of Palestine* requesting limited cultural autonomy for Arab and Jewish communities.<sup>114</sup>

UN Conventions related with minority protection were *The International Convention on the Elimination of All Forms of Racial Discrimination* (1966) and the *Convention on the Prevention and Punishment of the Crime of Genocide* (1948). The former was meant to prevent racial discrimination by establishing a complaints procedure for such groups.<sup>115</sup> The latter incorporated ‘genocide’ in international law and legal discourse for the first time during the Nuremberg Trials. Genocide was defined in Article II as ‘any of following acts committed with intent to destroy in whole or in part a national, ethnical, racial or religious group, as such by:

- a) Killing members of the group
- b) Causing serious bodily or mental harm to members of the group

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<sup>110</sup> Preece, op.cit, p.113.

<sup>111</sup> Ibid., p.108.

<sup>112</sup> Fawcett, ibid., p.12.

<sup>113</sup> Preece, op.cit., p.108.

<sup>114</sup> Ibid., p.107.

<sup>115</sup> Rehman, op.cit, p.313.

- c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d) Imposing measures intended to prevent births in the group
- e) Forcibly transferring children of the group to another group'.<sup>116</sup>

Rehman indicates two gaps in the Convention; exclusion of cultural destruction and demographic changes such as forced or mass expulsions although they are in violation of Article 11 (Right to Adequate Housing) and of the International Covenant on Economic, Social and Cultural Rights (ICESCR).<sup>117</sup>

It can be concluded that the UN mechanisms did not incorporate separate minority provisions and tended to refrain from involvement in minority issues in this period. The enforcement mechanism for the prevailing guarantees depended on the resolutions of the Security Council obtained by unanimous vote. Therefore it was fairly weak and susceptible to interests of great powers.

### **III. Council of Europe**

The Council of Europe was founded in 1949 with the purpose of strengthening peace and cooperation on the continent via protection of human rights, democracy and the rule of law. It was primarily based on the European Convention on Human Rights (1953) whose ratification was a precondition of membership. Like the UN legislation, it did not contain special provisions for minorities except for Article 14 on prohibition of discrimination:

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

The European Commission of Human Rights and the Committee of Ministers were the responsible organs for implementation of the Convention in case of alleged violations. The Commission was responsible for examining the admissibility of applications which had to meet two requirements; exhaustion of internal remedies

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<sup>116</sup> Ibid., p.304.

<sup>117</sup> Ibid., p.305.

(Article 26) and compliance with the standards set forth in Article 27. Once declared admissible, the Commission would either work out a friendly settlement with the parties or if not, they would refer the case to the Committee of Ministers. The Committee of Ministers could take the case to the European Court of Human Rights only if the contracting states had consented to its jurisdiction. Otherwise, they would decide themselves whether there had been a violation or not. They were also responsible for the execution of the Court's decisions. By general rule, contracting states could apply to the Commission whereas individual applications could be brought up against those states which had consented to it and individuals were not entitled to directly apply to the Court.<sup>118</sup> Hence the enforcement mechanism was not competent enough.

Several efforts to examine the implications of the Convention on the status of minorities were rejected by the COE members in order to avoid any reaction from member states.<sup>119</sup> One noteworthy effort was the establishment of a special Sub-Committee of the Legal Committee to examine the legislation on minorities in member states. Accordingly, in 1957, the Sub-Committee on Minorities was created. It presented its report (the Struye Report) in 1959. However, its scope was limited to minority laws and regulations in Austria, Denmark, Federal Republic of Germany and Italy.<sup>120</sup>

The *Belgian Linguistic Case* is of special importance relevant to the violation of non-discrimination clause in this period. The case was about the complaint of French-speaking families in Belgium who applied to the Court claiming violation of Articles 8 (respect for private and family life) and Article 14. The parents wanted their children to be educated in French. However in that particular Dutch-speaking region all primary schools offered education in Dutch by Belgian law. The Court decided in favour of parents as it found out that in six communes within the borders of Brussels there were Dutch-language schools for Dutch speaking children in

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<sup>118</sup> Official website of the Council of Europe, <http://www.echr.coe.int/ECHR/EN/Header/The+Court/The+Court/History+of+the+Court/>, 12.01.2006.

<sup>119</sup> Preece, op.cit., p.115-6.

<sup>120</sup> Patrick Thornberry, **International Law and the Rights of Minorities**, Oxford University Press, 1991, pp:304-305.

French speaking regions but no French-language schools in Dutch-speaking regions for French speaking children.<sup>121</sup>

Interestingly, however, some states engaged in bilateral agreements concerning the protection of national minorities within their jurisdictions. The De Gasperi-Gruber Agreement between Austria and Italy (1946) guaranteed the German-speaking minority of Bolzano and Trento primary school education in German and ensured German-Italian parity in public administration. The 1955 agreement between Denmark and Federal Republic of Germany granted similar rights to the Danish minority in Federal Republic of Germany and to German minority in Denmark. Austrian State Treaty of 1955 recognized Slovene and Croatian as official languages alongside German in Carinthia, Burgenland, and Styria and granted the right to education in the minority language in primary schools. The 1954 Special Statute for the Territory of Trieste granted similar rights to the Slovene and Croatian minorities.<sup>122</sup>

#### **IV. Conference on Security and Cooperation in Europe**

CSCE was established in 1970s as an intergovernmental conference to initiate a dialogue between the East and the West over security related issues. National minority rights were consequently referred in this context. Of special importance is the Helsinki Final Act of 1975 signed by representatives of thirty four states in which they agreed that:

The Participating States on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, afford them the full opportunity for the actual enjoyment of human rights and fundamental freedoms, and in this manner, protect their legitimate interests in this sphere.<sup>123</sup>

However, the concept of national minorities was not clearly defined and was therefore open to self interpretation by the parties. Several different opinions were submitted over the concept during the preparatory works for the Final Act. Yugoslavia, who prepared the paragraph on minorities, demanded that it should be

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<sup>121</sup> Ibid., p.302.

<sup>122</sup> Ibid., p.116.

<sup>123</sup> Ibid., p.251.

understood as minorities whose mother country was another state. The Soviet delegation opted for ethnic group instead. The others wanted it to compromise all minorities. Greece came up with an interesting proposal: ‘The Participating States respect the legitimate interests of people belonging to minorities already recognized by bilateral treaties or by internal legislation’.<sup>124</sup> Obviously she did not want to officially recognize any minority other than the Muslim minority of Thrace recognized by the Lausanne Treaty in the League period. Moreover, it was all about non-discrimination measures. After all, the Helsinki Final Act was not a legally binding treaty but a political statement and a ‘[...] reaffirmation of the tenets of the United Nations Charter’ in a European context.<sup>125</sup>

On the whole, international organizations of the Cold War era: United Nations (UN), Council of Europe (CoE) Conference on Security and Cooperation in Europe (CSCE)- to be renamed as Organization for Security and Cooperation in Europe (OSCE) in 1995- , did not contain national minority provisions. Their approach to the minority issue was restricted to non-discrimination. Therefore, protection of minorities was left to the self initiatives of states which became subject to bilateral relations between kin and host states.

## **V. Post Cold War Developments and the UN (1990 - )**

Subsequent to the demise of the Cold War, ethnic nationalism intensified, especially in the territories of the disintegrated multi ethnic states of Yugoslavia and Soviet Union. Reasons behind the emergence of ethnic nationalism are manifold, the most significant being the authority gap in the process of transition from authoritarian to democratic rule.<sup>126</sup> The ambiguity of future economic and political conditions sharpened the perceived threats from ethnically different communities and triggered the long-term oppressed aspirations for national self determination. Those ethnic groups with relatively more advanced economies and higher degree of cultural

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<sup>124</sup> Ibid., 251-252.

<sup>125</sup> Ibid.,p.250.

<sup>126</sup> Timothy M. Frye, “*Ethnicity, Sovereignty and Transitions from Non-Democratic Rule*”, The Andrew Wellington Cordier Essay, Journal of International Affairs, Winter 1992, 45, No.2, pp:599-623.

differentiation from the dominant group tended to be the first to strive for independence.<sup>127</sup>

Nonetheless, it would be incorrect to relate ethnic conflict directly to the end of Cold War, since ethnic conflicts occurred before and during the Cold War. In the 1950s, around 1000 self-conscious ethnic groups seeking some autonomy or statehood were distinguished. However in the early 1990s, the number of such groups was estimated as 2500.<sup>128</sup>

During the Cold War era, international environment's major concern with the preservation of status quo and the consequent shift of priority from minority rights to human rights empowered the states to liquefy ethnic diversities through assimilationist and even oppressive measures in violation of basic human rights and freedoms. However, assimilation has not always been achieved either in democratic or non democratic regimes. Examples include democracies like Canada where the Quebecois demanded greater political autonomy, an upsurge in the nationalisms of Scottish and Welsh people who had been subject to linguistic assimilation, and minorities in some Communist Bloc countries<sup>129</sup> such as the violent assimilationist campaigns against the Turkish Muslim minority in Bulgaria, and ethnic Hungarians and Germans in Romania.<sup>130</sup> More alarming was the violent ethnic cleansing in Bosnia in the beginning of post Cold War era.

In the light of such developments, states in Europe were divided on the issue of minority rights. Kin-states with substantial number of national minority communities abroad such as Germany and Hungary were advocating international collective rights for the survival and maintenance of minority cultures whereas host states who had substantial number of national minorities at home such as Bulgaria, France, Greece, Romania and Slovakia insisted that minority guarantees should be

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<sup>127</sup> Ibid., p.613. The argument holds for the case of Slovenia to be the first to declare independence as the richest of former Yugoslav republics, the nine republics of Soviet Union (Estonia, Latvia, Lithuania, Georgia, Moldavia, Armenia) and the Basque region of Spain but does not hold for Slovakia and Kosovo.

<sup>128</sup> Stanovic, V., "Problems and Options in Institutionalizing Ethnic Relations, International Political Science Review, 10, 1992, pp:191-207, cited in Lütfighak Alpkhan, "**Ethnic Conflict in the Post Cold War Era**", unpublished thesis, Bogazici University, 1996, p.4.

<sup>129</sup> Connor, W., "Nation Building or Nation Destroying (in) **World Politics**, pp:319-355, cited in Alpkhan, *ibid.*, p.4.

<sup>130</sup> Preece, *op.cit.*, p.125-126.

confined to the existing human rights stipulations.<sup>131</sup> Behind this stance was the fear of secession or irredentism collective rights could engender, particularly given the geographical concentration of the minorities on fault lines<sup>132</sup>: in the regions bordering their kin states. Romania feared that the ethnic Hungarian community in Transylvania could demand an independent Hungarian state or annex the territory to Hungary. Slovakia shared the same concern about the Hungarian minority, Greece for the non-recognized Macedonian minority, Ukraine for the Russian minority and Bulgaria for the Turkish minority.<sup>133</sup>

Two major developments in the UN in this period were the 1992 *UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* and the establishment of the *Working Group on Minorities* in 1995. Unlike the previous texts, the Declaration mentions the term ‘national minority’, incorporates a number of rights for the survival of minorities and calls states for affirmative action (Article 1(2) and Article 5). Firstly, Article 1(1) has changed the negative wording of Article 27 (ICCPR):

States shall protect the existence and the national or ethnic, cultural, religious or linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity.

The new wording lifts the previous leverage given to states to decide about the existence of minorities; henceforth existence would be determined by objective criteria and the right of the minorities to self identification.<sup>134</sup>

The declaration grants a number of cultural rights such as the right to practice their religion, to use their language both in private and public discourse, to establish and maintain their own organizations (Article 2). Although they are individual in nature, some of them, such as the right to freedom of assembly (Article 2(4)) are eligible for

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<sup>131</sup> Mastny, **The Helsinki Process and the Re-integration of Europe**, p.238, cited in Preece, op.cit, p.126.

<sup>132</sup> Fault- line is the term coined by Samuel Huntington, **The Clash of Civilizations and the Remaking of World Order**, Touchstone, New York, 1<sup>st</sup> Edition,1997.

<sup>133</sup> Ibid., p.127.

<sup>134</sup>United Nations Human Rights Committee General Comment No. 23 (50) (Article 27) Adopted by the U.N. Human Rights Committee on 6 April 1994. U.N. Doc. CCPR/C/21/Rev.1/Add.5 (1994).

collective use as is explicitly mentioned in Article 3. Furthermore, it allows the minorities to establish contacts with their kin abroad (Art 2(5)).<sup>135</sup>

*Working Group on Minorities* was established as a subsidiary of Sub-Commission on the Promotion and Protection of Human Rights to endorse the Declaration. Headed by Professor Asbjorn Eide, the Working Group has issued a number of proposals for minority protection and has provided an open forum for dialogue to promote mutual understanding and respect among minorities and between minorities and governments. The Group meets with individuals belonging to minority groups, representatives from intergovernmental organizations, non-governmental organizations, as well as state representatives and interested scholars to make recommendations for peaceful settlement of problems concerning minorities.<sup>136</sup>

#### **D. Post Cold War Minority Rights and Enforcement Mechanisms in Europe**

Throughout the world, the most comprehensive human and minority rights are adopted and implemented in Europe. Other regions in the world, especially those where serious minority rights violations take place such as South-Asia, the Middle East and Africa have no initiatives to protect minorities.<sup>137</sup> The *Council of Europe* and the *Organization for Security and Cooperation in Europe* are the two major organs that have set standards for minority protection.

Europe's concern for minority rights culminated due to security concerns in post Cold War, triggered by the violent ethnic conflicts in Soviet Union, most notably in former Yugoslavia. It was aggravated by the ethnic tensions between the Hungarian minority and the Romanian majority in Transylvania, the unwelcome demands for minority guarantees by the Hungarian minority in Slovakia, and denial of citizenship for the Russian minorities in Baltic States.<sup>138</sup>

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<sup>135</sup> Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities", Adopted by General Assembly Resolution 47/135, 18 December 1992, available online on UN official website, [http://www.unhcr.ch/html/menu3/b/d\\_minori.htm](http://www.unhcr.ch/html/menu3/b/d_minori.htm), 10<sup>th</sup> January, 2006.

<sup>136</sup> Rehman, op.cit, p.318.

<sup>137</sup> Ibid.,p.324.

<sup>138</sup> J.J Preece, "*National Minorities and The International System*", Politics, Vol.18, Nr.1, February 1998, pp:17-23.p.21.

Relating minority rights directly to security, three significant initiatives were taken for their promotion in 1993. Firstly, respect for minorities was made a criterion for membership in the Council of Europe. Accordingly, the applicant state's constitution, laws, and practices concerning human and minority rights were inspected.<sup>139</sup> Secondly, membership to the CoE was made a precondition for membership in the EU. Thirdly, respect for minority rights became a norm in the *Copenhagen Criteria* adopted by the EU in 1993. Based on three dimensions (political, economic and harmonization with the community law), fulfillment of the political criteria is a precondition for opening accession negotiations with candidate countries. The political criteria require stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.<sup>140</sup>

It is possible to draw an analogy to the League of Nations; according to which ratification of minority treaties and membership to the League were preconditions for recognition of independence. Likewise, these preconditions were set for new members but not for existing members, which once again raised the concern for double standards. Nonetheless, this time, the big powers of Europe refrained from setting a separate minority treaty and direct imposition. Determined as preconditions for membership to the European institutions, compliance was to be on a voluntary basis.

## **I. The Council of Europe**

In this period, the Council of Europe adopted The European Charter for Regional or Minority Languages (1992) and The Framework Convention for the Protection of National Minorities (1994). The European Court of Human Rights became a more influential body for protection of human rights after reforms in 1998.

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<sup>139</sup> Ibid.

<sup>140</sup> Official website of the European Union, [http://ec.europa.eu/enlargement/enlargement\\_process/accession\\_process/criteria/index\\_en.htm](http://ec.europa.eu/enlargement/enlargement_process/accession_process/criteria/index_en.htm), 24.01.2006.

### **a. The European Court of Human Rights [European Convention on Human Rights]**

Although the European Convention on Human Rights does not contain any provisions specific to minorities, the European Court of Human Rights (ECtHR) has provided protection to minorities on the basis of several provisions in the Convention; Article 14 (prohibition of discrimination), Article 8 (right to family life), Article 9 (right to freedom of religion), Article 10 (right to freedom of assembly) and 11 (right to freedom of association) provide direct reference to minorities.<sup>141</sup>

Court decisions concerning minorities involve violations of rights pertaining to recognition of minorities, right to identity and religion, freedom of expression and assembly, education, language, media, and their participation in cultural, religious, social, economic and public life.<sup>142</sup>

Several amendments made to the application procedure in 1998 have improved the Court as an enforcement mechanism, the most significant being the adoption of Protocol No.11. Due to the rise in the number of Contracting States in post Cold War period, the number of applications culminated; from 404 in 1981 to 4,750 in 1997 and to over 12,000 in 1998. Protocol No. 11, adopted on 1<sup>st</sup> November 1998, abolished the Commission of Human Rights and the adjudicative role of the Committee of Ministers', made acceptance of individual application as well as decisions of the Court compulsory for contracting states.<sup>143</sup>

The Court does not necessarily require state recognition of a minority because existence of minorities is a 'question of fact'.<sup>144</sup> The case of *Sidiropoulos v. Greece (1997)* illustrates the Court's recognition of a minority (Macedonians) which is not

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<sup>141</sup> Roberta Medda-Windischer, "The European Court of Human Rights and Minority Rights", European Integration, 2003, Vol.25(3), September 2003, pp:249-271, p.249.

<sup>142</sup> Geoff Gilbert, "The Burgeoning Minority Rights: Jurisprudence of the European Court of Human Rights", Human Rights Quarterly, Vol. 24, Nr.3, August 2002, pp:736-780.

<sup>143</sup> Official website of the CoE, <http://www.echr.coe.int/ECHR/EN/Header/The+Court/The+Court/History+of+the+Court/>, 12.01.2006.

<sup>144</sup> U.N.Doc.CCPR/C/21/Rev.1/Add.5 (1994). Cited in Gilbert, "The Burgeoning....", p.750. See also footnote 136, p.43 of this dissertation.

recognized in the respondent state (Greece) and has been considered to have ‘initiated a new era in the Court’s approach to minority rights’.<sup>145</sup> The case was about the refusal of Greek authorities to register the association of *Home of Macedonian Civilization* in Florina, in the region of Macedonia, based on the reasoning that it had separatist intentions and therefore threatened the country’s territorial integrity.<sup>146</sup>

Greek suspicion of irredentist intentions must have been exacerbated by the fact that the FYRM borders with the Macedonian region of Greece, which is also home to ethnic Macedonians. This is evident in the Greek court judgments’ assumptions that ‘the applicants have engaged in promoting the idea that there is a Macedonian minority in Greece’, which was also backed by the domestic media (the newspapers *Makhitis*, *Ellinikos Voras*, *Nea* and *Stokhos* of June 1990).

ECtHR, in its decision stated that the arguments put forward by the national courts and the Government were ‘baseless, vague and unproved’, adding that the way a national legislation enshrines the freedom of assembly and its practical application was an indicator of the state of democracy within a country. Contrary to the respondent country’s allegation of ‘intending to create a non-existent minority’, the Court concluded that ‘mention of the consciousness of belonging to a minority and the preservation and development of a minority’s culture could not be said to constitute a threat to democratic society’. Finally the Court concluded that the organization, contrary to the Greek judgment, had no separatist aims and decided that there had been a violation of Article 11 (freedom of assembly).<sup>147</sup> The judgment of the Court was published in two Greek legal journals and referred to in a book entitled *European Convention on Human Rights* which was distributed to judges, courts of appeal and the Court of Cassation added with the following text:

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<sup>145</sup> Windischer, *ibid.*, p.250.

<sup>146</sup> Case of Sidiropoulos and Others v. Greece, (57/1997/841/1047), available online at: <http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=Case%20%7C%20of%20%7C%20Sidiropoulos%20%7C%20Others%20%7C%20v.%20%7C%20Greece&sessionid=8028042&skin=hudoc-en>, 03.03.2006.

<sup>147</sup> *Ibid.*

The Government of Greece is of the opinion that, considering the direct effect today given to judgments of the European Court in Greek law, the Greek courts will not fail to prevent the kind of judicial error that was at the origin of the violation found in this case<sup>148</sup>

The European Court of Human Rights is not a direct mechanism for the protection or enforcement of minority rights, however it has offered and continues to offer protection to individuals belonging to minorities in a variety of circumstances. This protection however is restricted in the sense that the enforcement of the Court's decisions depends on the Committee of Ministers under Article 46(2) and it does not go beyond payment of compensation for the applicant's damages. It depends entirely on states to change the related legislation.<sup>149</sup>

#### **b. Framework Convention for the Protection of National Minorities**

The Framework Convention for the Protection of National Minorities was opened to signature on 1 February 1995 and entered into force upon ratification by 12 members on 1 February 1998. As of 23 March 2006, it has been ratified and put into force by 38 member states. The countries who have signed but not ratified the Convention are Belgium, Greece, Iceland, and Luxembourg. Andorra, France, Monaco and Turkey have neither signed nor ratified it.<sup>150</sup>

The Framework Convention is a legally binding document which grants a number of positive rights to minorities to preserve and develop their culture. It has references to conventions and declarations on the protection of national minorities within the body of UN and CSCE, especially the Copenhagen Document of 29 June 1990.<sup>151</sup> It is the first European Convention bearing the term 'National Minority' in its title. While the *1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* refers both to nationals and non-

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<sup>148</sup> Committee of Ministers, Appendix to Resolution DH (2000) 99, 24 July 2000, cited in Gilbert, "The Burgeoning Minority Rights....", p.754-5.

<sup>149</sup> Ibid., p.780.

<sup>150</sup> <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=157&CM=8&DF=8/8/2006&CL=ENG>, 02.03.2006.

<sup>151</sup> Framework Convention for the Protection of National Minorities, Council of Europe, 1995, available online at: [www.coe.int/t/dg4/CulturalConvention/Source/DGIV-DC-FARO\\_2005\\_11EN.pdf](http://www.coe.int/t/dg4/CulturalConvention/Source/DGIV-DC-FARO_2005_11EN.pdf), 01.04.2006.

nationals, in this Convention, ‘national minority’ refers to groups of people who are nationals of the state but are of different ethnic origins.<sup>152</sup> Non-nationals are excluded from this definition; they depend on either their own country’s power or on international law pertaining to basic human rights, particularly the right to be free from discrimination.<sup>153</sup>

Akin to the related international law, the Framework Convention emphasizes non-discrimination and affirmative state action for the integration of minorities but refrains from collective rights, although some are eligible for collective use. What differentiates the Convention from other related legislation is the provision of a wide range of linguistic rights for minorities. For example, Article 10 is about the free use of minority language in private and public. Of special importance is the second paragraph which calls the states to ensure the conditions for the use of minority languages in relations between minority members and administrative authorities. This is particularly important for the elderly who might not be competitive in the official language. It could also be interpreted as ensuring a quota for the employment of minority members in administrative bodies.

Article 11 allows national minorities to use their names in their own language although officially they could be written differently due to phonetic differences. This is an important provision in the protection of identity, since ‘name’ is the most basic demonstration of identity. The provision also stands against forced change of names, instances such as the forced Bulgarization of the names of Turkish minority during the communist rule in 1984.<sup>154</sup> It also allows persons belonging to a national minority to use their language in displaying traditional local names, street names and other topographic indications intended for the public. Article 14 requires affirmative action by the state for the promotion of minority languages to provide the necessary opportunities for the minority members to learn their language within the existing framework of the education system.

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<sup>152</sup> Geoff Gilbert, “The Council of Europe ...”, *ibid.*, p.166.

<sup>153</sup> *The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)*, *The First UN Convention on Migrant Workers (1991)*, *Copenhagen Document Article 22*, are all part of international law concerning non-nationals of different ethnic origins. *Ibid.*, footnote 29.

<sup>154</sup> Slavi Pashovski, “Minorities in Bulgaria” in **The Protection of Ethnic and Linguistic Minorities in Europe**, (eds) John Packer and Kristian Myntti, 1993, pp:71-5, cited in Gilbert, *ibid.*, p.185.

The main weakness of the Convention is the absence of an enforcement mechanism; a supranational organ either allowing individual members of the minority group to petition or one which self-monitors states' compliance with the Convention. For instance, the rights in the Framework Convention are not justifiable before the European Court of Human Rights. Implementation is monitored by the Committee of Ministers of the Council of Europe through periodical state reports.<sup>155</sup> This leaves implementation largely to the initiatives of the state parties.

Another weakness is the absence of a consensus on the definition of national minority.<sup>156</sup> Article 5 of the Convention incorporates identity, religion, language, traditions, and cultural heritage as characteristics of a national minority whereas the explanatory report states that not all ethnic, cultural, linguistic or religious differences make up national minorities.<sup>157</sup> This raises the questions about which groups it will refer to, because individuals cannot claim to be a national minority and states cannot deny existence of national minorities only because they do not recognize them officially.<sup>158</sup> Some declarations by states reveal that the scope will be restricted to historical minorities. For example, Denmark declared that it will apply to the German minority. Germany declared that it will apply to the Danes, Frisians, Sinti and Roma of German citizenship. Sweden declared that it will apply to the Sami, Swedish Finns, Tornedalers, Roma and Jews.<sup>159</sup>

Despite its weaknesses, however, Framework Convention is the most comprehensive legal document concerning the protection of national minorities. Overall, it aims at fostering integration of national minorities while providing them with the means to preserve and sustain their cultural distinctiveness.

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<sup>155</sup> Ibid., p.174. The first reports were received from the following state parties; Austria (2000), Croatia (1999), Cyprus (1999), Czech Republic (1999), Denmark (1999), Estonia (1999), Finland (1999), Germany (2000), Hungary (1999), Italy (1999), Liechtenstein (1999), Malta (1999), Moldova (2000), Romania (1999), Russian Federation (2000), San Marino (1999), Slovak Republic (1999), Slovenia (2000), Ukraine (1999), United Kingdom (1999), <http://www.humanrights.coe.int/minorities/index.htm>, 27.03.2006.

<sup>156</sup> Framework Convention, Explanatory Report, paragraph 12.

<sup>157</sup> Ibid., para.43.

<sup>158</sup> Gilbert, *ibid.*, p.177.

<sup>159</sup> Wheatley, *op.cit.*, p.53.

### c. The European Charter for Regional or Minority Languages

The European Charter for regional or Minority languages was opened for signature on 5 November 1992 and entered into force on 1 March 1998. It has been ratified by twenty members, signed but not ratified by twelve members. Those CoE members who have neither signed nor ratified it include; Albania, Andorra, Belgium, Bulgaria, Estonia, Georgia, Greece, Ireland, Latvia, Lithuania, Monaco, Portugal, San Marino and Turkey.<sup>160</sup>

The European Charter for Regional or Minority Languages aims to promote the languages spoken by national minorities both as part of the protection of their identities and the multicultural structure of Europe. Regional or minority language is defined in Article 1 as: '[those] traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population', and 'different from the official language(s) of that State'.

The Charter incorporates provisions for the protection, promotion and use of minority languages in a wide range of areas; education (Art 8), judicial authorities (Art 9), administrative authorities and public services (Art10), media (Art11), cultural activities and facilities (Art12), economic and social life (Art13), transfrontier exchanges (Art14).

Those pertaining to education are the most important since it is through education that a language can best be learned and conveyed to the consequent generations. In this regard, Article 8 stipulates making available pre-school, primary school, secondary or technical or vocational education, universities entirely or partly in the minority language within the territory where such languages are spoken. Although a wide room for discretion is provided by incorporating statements such as 'at least to those pupils whose families so request' and 'whose number is considered sufficient', it offers a wide range of commitments for the protection of minority languages.

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<sup>160</sup><http://conventions.coe.int/treaty/Commun/ChercheSig.asp?NT=148&CM=&DF=&CL=ENG>, 01.03.2006.

Implementation of the Charter is similar to that of the Framework Convention, except that the signatories are supposed to submit reports to the Secretary General of the Council of Europe at three year intervals.

## **II. Organization for Security and Cooperation in Europe (OSCE)**

Established as a conference on cooperation for international peace, CSCE gradually transformed into a permanent intergovernmental organization and was renamed as Organization for Security and Cooperation in Europe (OSCE) as of 1 January 1995.<sup>161</sup> Organization for Security and Conference in Europe has fifty five participating states from Northern America to Asia and Africa and it is the largest regional security organization in the world. It has been very successful in post cold war conflict prevention. Its success relies on the structure and working of the organization which links security directly to human rights.

The OSCE human dimension operates through follow-up meetings, fact-finding missions, early warning mechanisms and visits. A procedure for monitoring state actions was adopted after the follow up meetings in Vienna (1989) and Moscow (1990) respectively. Accordingly, the states have agreed to the following: a) exchange information and respond to requests for information b) hold bilateral meetings to examine matters relating to human dimension with other states c) a participating state may invite the assistance of an OSCE mission consisting of three experts to address or contribute to the resolution of questions on its territory relating to human dimension, d) a Rapporteur mission could be initiated if a state considered that a particularly serious threat to the fulfillment of human dimension had arisen in another participating state if it had the support of nine other participating states<sup>162</sup>

Helsinki Final Act (1975), the Copenhagen Document (1990), the Charter of Paris for a new Europe (1990), the Geneva Report on National Minorities (1991), the Moscow Document (1991), the Helsinki Document (1992) and the Budapest

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<sup>161</sup> Jane Wright, *"The OSCE and Protection of Minority Rights"*, Human Rights Quarterly 18.1, 1996, pp: 190-205, p.1, footnote 1.

<sup>162</sup> Vienna and Moscow Mechanisms, available online at: [http:// www.osce.org/odihr/13483.html](http://www.osce.org/odihr/13483.html), 14.03.2006.

Document (1994) are the basic instruments concerning human and minority rights. The Copenhagen Document, which also inspired the formulation of Framework Convention on National Minorities, is the most relevant to national minorities. Nonetheless, it does not diverge from other related international legislation on minority rights except that its commitments are much wider in scope.<sup>163</sup>

OSCE documents do not offer a specific definition of the term ‘national minority’; therefore it is not clear whether non-nationals are also included or not. The previous High Commissioner on National Minorities (HCNM) Van der Stoel defines a minority as ‘a group with linguistic, ethnic or cultural characteristics which distinguish it from the majority....and seeks to maintain its identity’<sup>164</sup>. Furthermore, the OSCE does not make enjoyment of minority rights conditional on formal legal recognition of a minority by the State.<sup>165</sup> Van der Stoel affirms it in the same speech; ‘...I would dare to say that I know a minority when I see one... the existence of a minority is a question of fact and not definition...to belong to a minority is a matter of a person’s individual choice’.

The OSCE mechanism has two notable distinctions; the post of High Commissioner on National Minorities (HCNM) and the politically binding character of its instruments.<sup>166</sup>

The mandate of High Commissioner on National Minorities (HCNM), established at the 1992 Helsinki follow-up meeting, has played a key role in prevention of conflicts. His or her role is not direct enforcement of human or minority rights, but, to deal with disputes involving national minorities that could escalate into armed conflict.<sup>167</sup> The role gives her or him the necessary impartiality and neutrality to win the disputing parties’ trust in order to act as a mediator between the national

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<sup>163</sup> For details, see the Copenhagen Document, available online at: [http://www.osce.org/documents/odihr/1990/06/13992\\_en.pdf](http://www.osce.org/documents/odihr/1990/06/13992_en.pdf), 24.01.2006.

<sup>164</sup> Speech by Van der Stoel, “Case Studies on National Minority Issues: Positive Results”, 24 May 1993, available online at: [www1.uni-hamburg.de/ifsh/interview.pdf](http://www1.uni-hamburg.de/ifsh/interview.pdf), 27.03.2006.

<sup>165</sup> “*High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe*”, Pamphlet No.9 of the UN Guide for Minorities, p.5.

<sup>166</sup> Only the treaties on Conventional Armed forces in Europe, Open Skies, and Convention on Arbitration and Conciliation are legally binding.

<sup>167</sup> “*High Commissioner on National Minorities...*”, p.2.

minority and the concerned state to resolve such disputes.<sup>168</sup> In doing this, he uses ‘quiet diplomacy’ and ‘direct confidential contacts’. Thus, he or she provides ‘early warning’ and where necessary ‘early action’ for those problems which have potential to escalate into conflicts. In doing this, he or she receives and collects information from any source and maintains contacts with anyone (except those who practice or publicly condone terrorism) including governments, associations, NGOs, and representatives of minorities. He seeks to find solutions to sources of tension through making recommendations to states.<sup>169</sup>

This way, the HCNM has been successful in prevention of many post war ethnic tensions that could have escalated into conflicts in Central and Eastern Europe; Albania, Baltic States(Estonia, Latvia, Lithuania), Macedonia, Moldova, Slovakia, Romania, and the Ukraine. Yet it could not prevent the ethnic conflicts in Yugoslavia, Nagorno-Karabakh, Kosovo and Chechnya.<sup>170</sup> Settlement of ethnic tensions in Baltic States and Albania are two successful examples.

The Baltic States have a considerable number of Russian minorities. In Estonia, they constitute 30%, in Latvia 34% and in Lithuania 9.4% of the entire population. Between 1992 and 1995, ethnic tensions emerged in Estonia and Latvia upon denial of citizenship to ethnic Russians who settled after 1940, the year of Soviet occupation. This left thousands of ethnic Russians stateless in Estonia, and Latvia. The Citizenship Law required that they had to pass a language test in the official language and in the Constitution to prove eligibility for citizenship. However, it was further restricted by establishment of yearly quotas.<sup>171</sup> With the involvement of the HCNM, citizenship law was moderated and the ethnic tensions were peacefully settled by 2001.<sup>172</sup>

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<sup>168</sup> Safia Swimelar, “Approaches to Ethnic Conflict and the protection of Human Rights in Post-Communist Europe: The Need for Preventive Diplomacy”, *Nationalism and Ethnic Politics*, Vol.7, No.3, Autumn 2001, pp:98-126, p.108.

<sup>169</sup> Ibid., p.6.

<sup>170</sup> Preece, op.cit., p.152.

<sup>171</sup> Rob Zaagman, “Conflict Prevention in the Baltic States: The OSCE High Commissioner on National Minorities in Estonia, Latvia and Lithuania”, *European Center for Minority Issues (ECMI) Monograph # 1*, April, 1999, pp:33-5.

<sup>172</sup> Swimelar, ibid., p.118.

Van der Stoel was also a mediator in the ethnic tensions concerning the Greek minority in Albania in 1993. In the period of transition to democracy, the Greek minority was suffering from discriminatory and oppressive practices; their shops were attacked, some of their schools were closed down, and there were reported cases of abuse by the police. As a result the minority appealed to Greece for help to which Greece's reaction was expulsion of 2,100 Albanians from the country. In 1994, the situation was aggravated with the arrest of a Greek organization's leaders on charges of involvement in an attack on a small military post. In 1994 the HCNM visited them in jail and investigated the situation of the minority. Then he made some recommendations to the government referring to the Copenhagen Document. In 1995, the arrested leaders were released, and the relations between Albania and Greece began to improve.<sup>173</sup>

It is argued that the politically binding character of the OSCE instruments has made significant contributions to its success. Van der Stoel claims that it is the politically binding character of his recommendations that gives them their strength, because they are not externally imposed like laws.<sup>174</sup> Similarly, Van Dijk claims that the consequences of the binding force are more significant than the character of the binding force itself.<sup>175</sup> Compliance with politically binding commitments has proven to be more successful than with those imposed legal rules because they are decisions made by the consensus of participating States. Besides, absence of bureaucratic and legal procedures offers a more practical approach for dealing with problems.<sup>176</sup> However, they cannot be invoked in courts. For that reason, Swimelar argues that the best approach for prevention of ethnic conflicts should have both politically and legally binding character. Accordingly, the cooperation of CoE and the OSCE will be most fruitful in the enhancement of human rights and prevention of ethnic conflicts.<sup>177</sup>

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<sup>173</sup> Ibid., pp: 118-120.

<sup>174</sup> Ibid., p.110.

<sup>175</sup> Arie Bloed, "The CSCE process from Helsinki to Vienna: An Introduction" in **From Helsinki to Vienna: Basic Documents of the Helsinki Process**, (eds) Arie Bloed, 1990, cited in Wright, *ibid.*, p.193.

<sup>176</sup> Ibid., p.107-110.

<sup>177</sup> Ibid., p.121.

### III. Regionalism in the European Union

In 1993, *Regions of Europe* was created to offer a more participatory involvement in decision making and therefore to strengthen democracy and integration at the regional level. Given the fact that some of the regions of member states incorporate historical minorities -though with varying degrees, it also offers them representation at the European level. Regions of Europe are represented by the *Committee of Regions*, (*CoR*) with headquarters in Brussels, created by the principle of subsidiarity in the Treaty of Maastricht (1993).<sup>178</sup> The representatives and an equal number of alternates are appointed by the Council of Ministers for a four-year period on the basis of proposals provided by each member state. The nominees submitted by member states are elected officials within their regional or local constituencies.<sup>179</sup>

It is directly below the nation-state level in the layer of the EU government administration. Given the fact that about three quarters of EU legislation is implemented at local or regional level, it ensures local or regional representatives, who are the closest level of government to citizens, to participate in EU legislation.<sup>180</sup> It is a consultative body. Yet, the treaties make it obligatory for the Commission and the Council to consult the Committee of Regions in formulation of proposals that have potential consequences at regional or local level; especially in fields of economic and social cohesion, trans-European infrastructure networks, health, education and culture, as determined by the Maastricht Treaty, and employment policy, social policy, the environment, vocational training support and structural funds; determined by the Amsterdam Treaty.<sup>181</sup>

The Council of Europe has a similar structure to that of the EU; *Congress of Local and Regional Authorities*, whose main purpose is to promote democracy within

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<sup>178</sup> [http://en.wikipedia.org/wiki/Committee\\_of\\_the\\_Regions](http://en.wikipedia.org/wiki/Committee_of_the_Regions), 14.04.2006. Currently the Committee of Regions is composed of 139 regions and 317 representatives of regional and local governments.

<sup>179</sup> **The Selection Process of CoR Members: Procedures in the Member States**, Brussels, 2004, available online at: [www.cor.europa.eu/document/documents/members\\_selection\\_procedures.pdf](http://www.cor.europa.eu/document/documents/members_selection_procedures.pdf), 09.08.2006.

<sup>180</sup> [http://en.wikipedia.org/wiki/Committee\\_of\\_the\\_Regions](http://en.wikipedia.org/wiki/Committee_of_the_Regions), 11.04.2006.

<sup>181</sup> *Ibid.*

communities.<sup>182</sup> Regionalism is further advocated in the *European Charter of Local Self-Government*, the *European Charter for Regional Self-Government*, the *European Charter for Regional or Minority Languages* and in several resolutions and recommendations of the Parliamentary Assembly of the Council of Europe.<sup>183</sup>

Representation of regions at the EU level has cultural, political and economic implications. It allows ethnoregional groups, especially those in unitary states where they constitute minority at state level, but majority at regional level to promote their cultural and economic development at the regional or local level. Consequently, it promotes both the development of ethnocultural regions and the unity of the state.

Yet the CoR is criticized for not providing ample room for subnational participation in the EU-decision making.<sup>184</sup> It is argued that the concept of region is not clearly defined as it comprises both small regions and federal regions.<sup>185</sup> Besides, participation at the regional level varies among regions depending on the government type. For example, regions of Germany can represent the state in Brussels, whereas regions of unitary states like those of Britain and France can not.<sup>186</sup>

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<sup>182</sup> **The Council of Europe Booklet**, p. 21

<sup>183</sup> Kinga Gal, “*Minority Governance on the Threshold of the Twenty-First Century*”, Introductory Essay, p.1. available online at: [http://lgi.osi.hu/publications/2002/213/001\\_Mg-Introduction.pdf](http://lgi.osi.hu/publications/2002/213/001_Mg-Introduction.pdf), 05.06.2006.

<sup>184</sup> Karoly Gruber, “*Globalisation, Regions, Nations and Integration: Central and Western European Perspectives*”, *Perspectives on European Politics and Society*, 3:2, 2002, pp: 199-228, p.216.

<sup>185</sup> *Ibid*; Michael Keating, “*Assymmetrical Government: Multinational States in an Integrating Europe*”, *Publius*, Vol.29, No.1, Winter 1999, pp:71-86, p.83.

<sup>186</sup> *Ibid.*, p.76-7.

### III. MINORITY GOVERNANCE IN MULTINATIONAL STATES OF WESTERN EUROPE

This section aims to briefly elaborate on minority governance in five multinational Western European states to shed a light on the relation between government type and minority governance. In fact, most of the minorities elaborated in this section are minority nations<sup>187</sup> (Catalans, Basques, Galicians, Northern Ireland, Flemish, Walloons, and Swiss-Germans/French/Italians) whereas few of them are historical minorities (Danes, Sorbs and Frisians in Germany, Romansh in Switzerland, Germans in Belgium). The selected countries; Germany, Belgium, Switzerland, United Kingdom and Spain, are long established democracies fulfilling all the criteria to be considered so.<sup>188</sup> Moreover, they are characterized by ‘civic nationalism’, as opposed to the ‘ethnic nationalist’ Eastern European states.<sup>189</sup>

Consequently, it was considered that Western Europe had settled the minority issue through assimilation, which was a natural consequence of nation-building that first started in Britain with the Glorious Revolution followed by the French Revolution. The process of assimilation was believed to have been further enhanced by modernization, emanating from industrialization, urbanization, increasing literacy, intensified communication and transport networks.<sup>190</sup>

Eastern European States, in the meanwhile, were under the rule of empires; Croats in the Habsburg Empire, Serbs, Greeks in the Ottoman Empire, Baltic states in the Russian Empire. They had therefore already developed self-consciousness of their identities, and upon dissolution of empires, built their states on ethnic premises; a shared language, religion, history and descent, not by state jurisdictions and

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<sup>187</sup> The term is coined by Michael Keating.

<sup>188</sup> Arend Lijphart, **Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries**, Yale University Press, USA, 1999, p.53.

<sup>189</sup> Michael Ignatieff, **Blood and Belonging: Journeys into the new Nationalism**, BBC Books, 1st edition, 1993, p.5-8.

<sup>190</sup> Walker Connor, “Ethnonationalism in the First World”, (eds) Milton J. Esman, **Ethnic Conflict In The Western World**, Cornell University Press, 1977, pp:19-45, pp: 20-3.

institutions like those of the West. The process for evolution into a civic nationalism was further curtailed by the bipolarity of the continent, and the totalitarian communist rule suppressing ethnic identities.<sup>191</sup>

Nonetheless, long-lasting ethnic conflicts in Northern Ireland and Spain, and ethnic unrest in a number of other Western European regions reveal that ethnic nationalism is not only the problem of Balkans, Eastern European countries or the third world. Neither were the minority nations of Western Europe entirely assimilated: Scottish, Welsh, Irish of Northern Ireland never became purely British, Catalans and Basques Spanish, South Tyrolean Germans Italian, Alsatians, Bretons, Corsicans and Occitanians French.<sup>192</sup>

In the examined European states, incidences of ethnic unrest and conflicts were often caused by assimilationist, discriminatory and oppressive state policies and took place in unitary government types (Northern Ireland (UK), Basque (Spain)). On the other hand, federal states such as Switzerland and Belgium have enjoyed relative peace and harmony with no significant incidence of ethnic unrest. Ethnic conflicts were resolved through changes in the prevailing government type, adjusted in a way to provide for political and /or cultural autonomy, resembling elements of federalism. The EU integration also played a significant role in the settlement of ethnic conflicts and reconciliation of minority demands.

#### **A. Federal States (Germany, Switzerland, Belgium)**

Federalism is a territorial sharing of power; in which division of power between the central government and regional governments are guaranteed with strong bicameralism, a rigid constitution, and a strong constitutional review.<sup>193</sup> The regional governments holding power are of equal importance. Federalism is adopted by two kinds of countries; relatively large countries like the USA, and plural societies; Canada, Switzerland, Belgium, India, where it provides territorial as well as cultural autonomy to ethnic, linguistic, or religious minorities when they are

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<sup>191</sup> Ibid.

<sup>192</sup> Lijphart, op.cit, p.23.

<sup>193</sup> Ibid., p.4.

geographically concentrated. However, there are exceptions. For example, federalism for Germany was imposed by the Allied powers to prevent any future military strengthening of the country after the Second World War.<sup>194</sup>

Lijphart makes a further distinction in federalism as ‘congruent and incongruent’, substituting for the terms ‘symmetry and asymmetry’ suggested by Charles D. Tarlton. He defines congruent or symmetric federal systems as those composed of territorial units with a social and cultural character that is similar in each of the units and in the federation as a whole. Incongruent or asymmetric federal systems, on the other hand, have units with social and cultural compositions that differ from one another and from the country as a whole. German federalism is symmetric whereas Belgian and Swiss federalisms are asymmetric.<sup>195</sup>

#### a. Germany

Germany has a relatively homogeneous society. The populations of all component units, *Länder*, share the common German identity, language, religion, and culture. Except for the new minorities (immigrant groups), it does not embody significant religious cleavages.<sup>196</sup> Consequently, German federalism is *symmetric*, and *non-ethnic*. There are three historic minorities in present day Germany; *Danes*, *Frisians*, and *Sorbs*. Unlike the Danish minority, Frisians and Sorbs do not have a kin-state. They are ethno-linguistic minorities. Danes and Frisians are concentrated in the state of *Schleswig-Holstein* in the north bordering Denmark to the north and the Netherlands to the east. *Sorbs* are inhabited in the states of Saxony and Brandenburg, which belonged to former Eastern Germany before unification. Each minority makes up about 0.06% of the entire population.<sup>197</sup> Historic minorities within these regions enjoy a degree of cultural autonomy in language and education.

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<sup>194</sup> Christopher S. Allen, “Germany”, (eds) **Introduction to Comparative Politics**, Mark Kesselman, Joel Krieger, William A. Joseph, Houghton Mifflin Company, 2nd Edition, 1999, p.142.

<sup>195</sup> Lijphart, op.cit, p.195.

<sup>196</sup> Protestant 34%, Roman Catholic 34%, Muslim 3.7%, unaffiliated or other 28.3%, CIA The World Factbook, <https://www.cia.gov/library/publications/the-world-factbook/geos/gm.html>, 02.02.2006.

<sup>197</sup> The number of each minority population is as follows; Danes (50-80,000), Frisians (50,000) and Sorbs (40-45,000)., “Germany”, **World Directory of Minorities**, (eds) Minority Rights Group International, p.150-151.

The protection of the Danish minority is based on bilateral commitments between Germany and Denmark. An ethnic German minority (20,000) also exists in southern part of Denmark. Danish is spoken by 7.7 per cent of the region's population. The first legal commitment is the Kiel Declaration of 1949, succeeded by the Bonn and Copenhagen Declarations of 1955. Both minorities enjoy the right to use their language in private and public and set up their own associations and primary schools. There are several Danish-language nursery and primary schools and a Danish-medium secondary school in the region. The Dansk Skoleforening for Sydslevig (Association of Danish Schools in Southern Schleswig) is responsible for the organization of Danish-medium education. It receives 85 per cent of its funds from the regional Schleswig authorities and 15 per cent from the Danish government. There has not been any reported problem concerning the Danish and German minorities since 1955.<sup>198</sup>

Frisian is a Germanic language with three main variants as Northern, East and West. West Frisian is spoken in the Netherlands. North Frisian has nine dialects and spoken by 8,000-10,000 people. It is not an official language but it is sometimes used in council meetings. Some villages have Frisian road signs. There are no newspapers in North Frisian but it is taught for one or two hours in most schools in Nord-Friesland as an elective course. East Frisian is spoken in Niedersachsen by about 2000 people. The number of East Frisian speakers has declined, because it does not receive enough protection. Moreover, East Frisians are excluded by other Frisians due to the belief that they have collaborated with the Nazis during the war.<sup>199</sup>

Sorbs are settled in the states of Brandenburg and Saxony, which previously were part of former East Germany. The Sorb language is an Indo-European Slavic language. They were exposed to widespread assimilation and repression by the Nazis who denied their Slavic origins but regarded them as Slavic speaking Germans. Their number in the region declined due to the settlement of the expelled German minority after the Second World War. The population is largely dispersed within the region and there are only a few villages where they constitute the

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<sup>198</sup> Ibid.

<sup>199</sup> Ibid.

majority. The Sorb minority enjoyed cultural rights even in the communist period, including government funding for Sorb-medium schools and bilingual signs in the areas where they inhabited. The German Unification Treaty of 1990 maintains their previous rights. The Education Act of the Free State Saxony guarantees learning of the Sorb language in some schools. The University of Leipzig has an Institute of Sorbian Studies and a degree course in Sorb. Sorb is broadcast for twenty hours in Saxony and seven in Brandenburg. There is a daily and weekly Sorb newspaper. The use of Sorb language is even permitted in the authorities and administrations of the Sorb areas alongside German; however it is reported that the staff often do not know the language.<sup>200</sup>

It can be concluded that the historic minorities of Germany are protected by a three layer of commitments; by European institutions, and by federal and state level institutions. Taken into consideration the low proportion of their population and absence of religious cleavages, they are perfectly integrated into the society while preserving their cultural distinctiveness.

#### **b. Switzerland**

Switzerland is the oldest federal state on the European continent. It is made up of German (65%), French (18%), Italian (10%) and Romansh (1%) speaking communities. Swiss federalism is asymmetric; each of the twenty six cantons possesses considerable ethnic and cultural differences from each other. There are four official languages; Swiss-German (spoken by 65 per cent of the population and by most of the business and financial community), French, Italian, and Romansh. However, linguistic diversity is less in the cantons than at the national level. Twenty two cantons have one official language, only three (Bern, Fribourg and Valais) are bilingual and one (Graubünden) has three official languages; German, Romansh and Italian.<sup>201</sup>

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<sup>200</sup> Ibid.

<sup>201</sup> Ibid.

In fact, ‘...it is widely held among Swiss that all Swiss are members of minority groups.’<sup>202</sup> Nonetheless, Romansh speakers are the smallest community (50,000) concentrated in the trilingual canton of Graubunden/Grisons in eastern Switzerland, accounting for only 20 percent of the region’s population. The Romansh language has five dialects but has been standardized into Rumantsch Grischun. They are poor peasants most of whom have resettled in lowland regions for work. Therefore, the Romansh language has been in decline, which is a result of the change in ethnic composition of the region after settlement of many Swiss-German speakers to work in the tourist industry.<sup>203</sup> Although they constitute 1% of the entire population, Romansh is spoken only by 0.5% compared to 1.1% in 1910. It is taught in primary schools but no longer spoken in administrative authorities.<sup>204</sup>

### c. Belgium

Belgium is a federal parliamentary democracy with a Constitutional Monarch. Belgian federalism is highly asymmetric. The country is composed of three communities; Flemish (Dutch-speakers), Walloons (French-speakers) and Germans in three regions; Flanders, Wallonia and Brussels. There are two official languages; French and Dutch. Unlike Swiss regions, Belgian regions are unilingual. The Flemish live in Flanders and make up about 55% of the entire population, whereas the proportion of Walloons is 32% and that of Germans 1%. Hence, Germans constitute a historic minority and they are concentrated in the region of Wallonia.<sup>205</sup>

Brussels incorporates both Flemish and French speakers and therefore it is governed by a complex power-sharing arrangement named by Lijphart as *consociationalism*. It rests on four basic principles; a) the government is *a grand coalition* in which the leaders of all the constituent ethnic communities are represented and participate in order to promote their interests and negotiate their differences, 2) *the right to veto* for the representatives of ethnic communities c) *proportionality*, in order to ensure

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<sup>202</sup> Ibid., p.182.

<sup>203</sup> Ibid.

<sup>204</sup> “Romansh faces a silent future”, available online at:

[http://www.swissinfo.ch/eng/specials/romansh/Romansh\\_faces\\_a\\_silent\\_future.html?siteSect=21021&sid=6956110&cKey=1157460678000&ty=st](http://www.swissinfo.ch/eng/specials/romansh/Romansh_faces_a_silent_future.html?siteSect=21021&sid=6956110&cKey=1157460678000&ty=st), 08.05.2006.

<sup>205</sup> **World Directory of Minorities**, op.cit., p.134.

representation for each community in all layers of the government, and d) *Internal autonomy* for all communities to maintain their distinct identity and culture.<sup>206</sup> For the central government it is required that half the ministers be French-speakers and half Flemish-speakers although the prime minister could be either. Positions in the civil service are also equitably distributed although the Flemish outnumbers the Walloons. Institutional reforms require a double majority of both communities.<sup>207</sup>

The German minority have equal cultural rights as the other two communities, but not regional autonomy. In the region of Wallonia, where they are concentrated, exercise of German language varies in the two sub-regions called Old Belgium and New Belgium. German enjoys official language status in New Belgium but not in Old Belgium. In new Belgium, it is used in courts and local government although not in public authorities. It is a language of communication in local government, especially in public announcements, communications as well as in documents concerning individuals on request. Also in the north of New Belgium road signs are bilingual; French and German. German is also allowed in mass media by law. It is a compulsory official language of education in primary schools and in most secondary schools. The majority of teaching materials come from the Federal Republic of Germany.<sup>208</sup>

## **B. Multinational Unitary Constitutional Monarchy –the UK**

The United Kingdom is a majoritarian democracy. Like all other monarchies in Europe, the British monarchy is symbolic and ceremonial. A major distinction of their system is the lack of a written form of constitution. The composition and powers of the governmental institutions and the rights of citizens are defined in a number of basic laws; the Magna Carta of 1215, the Bill of Rights of 1689, and the Parliament Acts of 1911 and 1949, common law principles, customs and conventions. Contrary to the requirement of supermajorities for amending their written constitutions, the British Parliament can amend any law by regular majorities

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<sup>206</sup> Arend Lijphart, **Democracy in Plural Societies**, New Haven: Yale University Press, 1977, pp:12-15.

<sup>207</sup> Ibid.

<sup>208</sup> Official website of the European Commission, [http://ec.europa.eu/education/policies/lang/languages/langmin/euromosaic/de1\\_en.html](http://ec.europa.eu/education/policies/lang/languages/langmin/euromosaic/de1_en.html), 01.04.2006.

like two-thirds majorities. The European Union law constitutes the only exception to parliamentary sovereignty.<sup>209</sup>

Yet the United Kingdom is a multinational state embodying in itself four nations; Scots, Welsh, English and the Northern Ireland. Being the first country in Europe to institutionalize a set of individual rights and a parliamentarian system to which all the constituent nations were expected to adhere by citizenship, British nationalism is supposedly civic nationalism.<sup>210</sup> Esman defines it as ‘syncretic nationalism’, as ‘an ideology that attempts to construct a new, inclusive national sentiment that will subordinate and eventually supplant the original national sentiments of its component peoples’.<sup>211</sup> However, despite partial assimilation, (i.e. of the Welsh language) the long-lasting ethnic conflict in Northern Ireland and the prevailing demands of Scots for independence affirm Esman’s definition.

In fact, all the nations of the UK have been partially assimilated. The original Scots who settled in present day Scotland in the fifth century were Gaelic speakers from Ireland. After *Scotland* was joined to Britain (the 1707 Act of Union), English was made the language of legislation as for all countries of Britain. Scotland was converted to Christianity by Celts. English became the language of the Church. The Reformation further divided the Scots; the lowlanders became Protestants and the highlanders remained Catholic. In an effort to eradicate the Gaelic identity, King James VI settled the Protestant lowlanders in the Highlands which disrupted Gaelic contacts with Ireland.<sup>212</sup>

Nonetheless, Scotland was granted partial autonomy in local administration and education throughout the years. In 1885, a separate Scottish Office was established responsible for administration, and the Head of Scottish Office was created as a Cabinet Minister bound to the collective decisions of a British Cabinet.<sup>213</sup> However, linguistic assimilation prevailed. For example, the Education Act of 1872 contained no provisions for the teaching of Scots or Gaelic. By the end of the World War I,

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<sup>209</sup> Lijphart, op.cit, pp:18-9.

<sup>210</sup> Ignatieff, ibid., p. 6.

<sup>211</sup> Esman, op.cit., p.42.

<sup>212</sup> “United Kingdom”, **World Directory of Minorities**, op.cit,p.184.

<sup>213</sup> Richard Rose, “Politics in England”, in **Comparative Politics Today**, (ed) Gabriel A.Almond, G.Bingham Jr, Kare Strom, Russel J. Dalton, p.168.

Scots was no longer in use as a communal language. Gaelic was in a slightly better condition due to the support of emigrants and the funding of An Comunn Gaidhealach (the Highland Association) in 1891. In 1958 Gaelic became the medium of instruction in primary schools in the Highlands, and since 1959 Gaelic is used in radio and television broadcasting but it is hardly ever used in public bodies.<sup>214</sup>

Throughout history Scots have strived for political independence. Between 1889 and 1927, 21 legislative attempts were made to regain Scottish independence. In 1928 a variety of organizations campaigning for Home Rule and self determination joined and formed the *National Party of Scotland* which merged with the Scottish party and became the *Scottish National Party* (SNP) in 1932.<sup>215</sup> In 1978 the Devolution Act for Scotland and Wales was passed, but it was not put into effect because of a requirement that it attract 60 per cent support in the ensuing referendum. It was repealed by the Thatcher government one year later.<sup>216</sup>

*Wales* was united with England in 1536. It has been granted a much more limited autonomy than Scotland because it was more integrated in the British system.<sup>217</sup> The Welsh are speakers of a Celtic language who inhabited large areas of Britain. They used to call themselves Cymry and their territory Cymru before Anglo-Saxons called them Wealas, meaning foreigners, which ‘Welsh’ is derived from. After regular attacks the peninsula was finally conquest, like Scotland, by the King Edward I. The island was Christianized. However, unlike in Scotland, the Bible was translated into Welsh, and it was recognized as the official language of worship in the Established Church.

Nonetheless, linguistic assimilation was inevitable. In 1925, the Welsh language was prohibited in schools although over half of the population was Welsh speakers. The ban provoked many reactions. Inspired by the independence of Ireland, the Welsh nationalist party, *Plaid Cymru* was established in 1925 with the purpose of establishing a Welsh parliament and recognition of Welsh as the official language of

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<sup>214</sup> “United Kingdom”, **World Directory of Minorities**, op.cit, p.184.

<sup>215</sup> Ibid.

<sup>216</sup> Michael Keating, “*Reforging the Union: Devolution and Constitutional Change in the United Kingdom*”, *Publius*, Vol.28, No.1, 1998, pp:217-234, p.223.

<sup>217</sup> Ibid., p.221.

Wales. Furthermore, a number of young protesters founded the *Cymdeithas yr Iaith Gymraeg's* (Welsh Language Society) which involved in a number of protests including violence against property, although not against people.

The first Welsh Language Act of 1967, which permitted the use of Welsh in courts and strengthened its status in public life, was the product of their campaign. Furthermore, the Language Act of 1992 gave people in Wales the right to deal in Welsh in public bodies although restricted with statements such as 'when it was reasonable to do so', without specifying the conditions. The Education Reform Act of 1988 allowed Welsh to be taught in Welsh schools. Since then, there has been a significant increase in the number of schools using the medium of Welsh at both primary and secondary level. Moreover, Welsh has been used on road signs and public notices, in chequebooks and advertisements. There is also a radio channel (Radio Cymru) and a regional TV channel broadcasting in Welsh-language.<sup>218</sup>

The *Manx* are also a Gaelic speaking community on the Isle of Man. Previously; they were linguistically and culturally linked to Ireland and Scotland. In 1346, the island was seized by the English which also marks the beginning of English influence in the Gaelic Manx language. After the Island became a British Crown dependency in 1765, the situation of the already impoverished inhabitants aggravated, precipitating a massive migration wave. Linguistic assimilation aggravated with the Education Act of 1870. The 1949 Manx Education Act did little to reverse the situation.<sup>219</sup>

The island has received thousands of rich emigrants since 1958 due to its fiscally autonomous status according to which there is no capital gains tax and a relatively much lower income tax. Immigration has largely changed the demographics and created housing problems for the native inhabitants. This precipitated the Manx nationalist movement (Mec Vannin) in 1964, to promote Manx culture and achieve full autonomy and independence. Nonetheless, according to the 1991 census only 643 adults were fluent, 479 were able to read the language and 343 able to write. In 1992, in an effort to save the endangered Manx language, it was introduced as an

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<sup>218</sup> "United Kingdom", **World Directory of Minorities**, p.185-6.

<sup>219</sup> *Ibid.*, p.188.

elective course in all primary and secondary schools and was taken by 1,500 pupils.<sup>220</sup>

Despite the unitary and centralist state tradition, education and legal systems were never centrally regulated in Britain. Local government was given substantial freedom.<sup>221</sup> Blair's 'Act of Devolution' devolved more autonomy for Scotland and Wales albeit in varying degrees. Accordingly, Scotland has a legislative parliament and a Scottish Executive responsible for the Scottish Office, whereas the Welsh Assembly has only administrative and secondary legislative powers. Main areas devolved to Scotland are health, education and training, local government, social work, housing, economic development, transport, criminal law, civil law (except in reserved matters), judicial appointments, the environment, agriculture, forestry, fishing, and sports and the arts. Main reserved powers are on matters of defense and foreign affairs, taxation, monetary policy, company law and regulation of financial institutions, employment legislation, and social security.<sup>222</sup>

On the other hand the Welsh Assembly was devolved some executive powers and some powers of secondary legislation; the ministers can only change the details of law or the timing of its introduction. The main areas devolved to the Welsh Assembly include economic development, agriculture, forestry, fisheries and food, industry and training, education, local government, health and personal social services, housing, environment, planning, transport and roads, arts, culture, the Welsh language and the built heritage, sports and recreation. The offices of Secretary of State for both Scotland and Wales are maintained as a link with Cabinet and Minister.<sup>223</sup>

The 1997 Acts of Devolution has brought some federal-like features to Scotland and Wales; allowing creation of autonomous and directly elected Scottish Parliament and Welsh Assembly. According to Keating, this is the 'most radical constitutional change since the abolition of the House of Lords' veto in 1910'.<sup>224</sup> However, since

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<sup>220</sup>Ibid.

<sup>221</sup> Keating, "*Reforging the Union...*", *ibid.*, p.218.

<sup>222</sup> *Ibid.*, p.226.

<sup>223</sup> *Ibid.*, p.229.

<sup>224</sup> *Ibid.*, p.217.

they are not retained in a formal written Constitution, they might not be permanent because they can be revoked by another central government.<sup>225</sup>

### *Northern Ireland*

Northern Ireland was a region of ethnic conflict which lasted for almost eighty years, took 3173 lives and caused serious destruction particularly from 1960s until 1998.<sup>226</sup> The population of Northern Ireland is composed of Catholics and Protestants; therefore identity is based on religious or sectarian affiliation.<sup>227</sup> In fact, the Catholics are predominantly ethnic Irish whereas the Protestants, also called Ulsters, are descendants of English and Scottish nobility who settled in Northern Ireland during British colonization.<sup>228</sup> As of today, Catholics make up 40.3% and Protestants 45.6% of the entire population.<sup>229</sup>

History of ethnic unrest dates back to 1603 when the whole island of Ireland was captured by the British. Majority of the plantations on the island were confiscated and distributed to immigrants from England and Scotland, as a result of which Catholic possession of lands had dropped to 22 percent by the seventeenth century.<sup>230</sup> After Ireland became independent in 1922, the Protestants wanted to retain the union with Britain whereas the Catholics wanted to unite with Ireland. The plebiscite, contrary to Catholic demands, resulted in favor of retaining the union with Britain. This marks the beginning of a long period of severe discriminations against the Catholics aggravated by discriminatory policies of Britain and kin state irredentism by Ireland. They were excluded from major power centres; the government, the public sector and the police, which were dominated by the

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<sup>225</sup> Ibid., p.234.

<sup>226</sup> "Northern Ireland", **World Directory of Minorities**, op.cit., pp: 186-188, p.187.

<sup>227</sup> Based on interviews with individuals belonging to the Catholic and Protestant communities, religion in Northern Ireland signifies 'identity'. People identify themselves as either Catholic or Protestant instead of Irish or British. Some of those who identify themselves as Catholic do not actually believe in religion and some fulfill religious rituals in order to retain their cultural and social ties within their community and to differentiate themselves from others. Claire Mitchell, "*Behind the Ethnic Marker: Religion and Social Identification in Northern Ireland*", *Sociology of Religion*, 66:1, 2005, pp:3-21.

<sup>228</sup> John Coakley, "*Ethnic Conflict and its Resolution: The Northern Ireland Model*", *Nationalism and Ethnic Conflicts*, Vol.9, No.3, Autumn 2003, pp: 25-53, p.27.

<sup>229</sup> [http://en.wikipedia.org/wiki/Northern\\_Ireland](http://en.wikipedia.org/wiki/Northern_Ireland), 03.03.2006.

<sup>230</sup> "Northern Ireland", **World Directory of Minorities**, op.cit., pp: 186-188, p.186.

Protestants. Consequently, the Protestants enjoyed a higher social status than the unemployed or poorly paid Catholics.<sup>231</sup>

The first organized reaction came with the *Northern Ireland Civil Rights Association* in 1964, which was a non-aligned, non-sectarian group demanding outlawing of discrimination and the removal of the gerrymandered boundaries. The non-violent civil rights marches encountered violent reactions from the police; 10 people died, 145 injured and 200 predominantly Catholic houses were burnt (Battle of Bogside). As a reaction, the Provisional IRA launched a bombing campaign against commercial targets. Subsequently, the British took even more repressive measures; all parades and marches were banned and indefinite imprisonment- internment- was introduced, which targeted the Catholic community. Britain was found guilty of ‘inhuman and degrading treatment’ by the ECHR the same year. Unable to cope with the escalating ethnic turmoil, Britain abolished the Northern Ireland self government and declared direct rule from Westminster.<sup>232</sup>

The 1998 Good Friday or Belfast Agreement put an end to the long-lasting conflict. It was achieved through a process of ‘...inclusive participation, informal diplomacy, and external mediation’.<sup>233</sup> It started with the 1993 *Downing Street Declaration*, which reflected the British and Irish governments’ determination to include all actors in negotiations except those violent paramilitary groups. The Declaration produced fruitful results; the IRA and the loyalist paramilitary groups declared ceasefire. This was followed by a process of informal diplomacy; establishing dialogue between the parties.<sup>234</sup> External mediators; former senator George Mitchell, former Finnish Prime Minister Harry Holkerri, and Canadian General John de Chastelain, chaired the talks supported by the then US President Bill Clinton.<sup>235</sup>

The EU factor cannot be overlooked in this process. Although both Ireland and the UK became members to the EC in 1973, the process of European integration after

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<sup>231</sup> Ibid., 187

<sup>232</sup> Ibid.

<sup>233</sup> Coakley, *ibid.*, p.40.

<sup>234</sup> For this purpose, *Forum for Peace and Reconciliation* (1994-1996) was established with the initiative of Ireland, which had an important role in promoting dialogue between Sinn Fein, the parties in the Republic of Ireland, and the SDLP and the Alliance Party from Northern Ireland. *The Northern Ireland Forum* (1996-1998) established with the initiative of Britain to enhance dialogue between the parties in Northern Ireland., *ibid.*, p.41.

<sup>235</sup> *Ibid.*, p.42.

1992 called for domestic institutional changes with an explicit emphasis on respect for human and minority rights. Furthermore, ‘by conceptualizing Northern Ireland as a *European region*, British and Irish governmental elites saw a means to a win-win situation situation’.<sup>236</sup>

The Belfast Agreement is based on three strands; self government for Northern Ireland, links between Northern Ireland and the Republic of Ireland, and links between Ireland and Great Britain. Northern Ireland was devolved powers on internal affairs such as education, economic development and social welfare but issues related with security were retained by Britain. The *Northern Ireland Assembly* (a 108-member legislative assembly) was to be elected by proportional representation and all members were required to identify themselves as ‘unionist’, ‘nationalist’, or ‘other’.<sup>237</sup> The decision making was to be conducted either by a majority of the assembly plus majorities within the unionist and nationalist blocks or by a 60 per cent majority of the assembly plus support from at least 40 per cent of the members of these two blocs. The Prime Ministerial position consisted of a First Minister and a Deputy First Minister elected on a cross-community basis. An executive of 10 ministers and a committee system would be established according to d’Hondt formula.<sup>238</sup>

The final agreement bears similar characteristics to classical consociationalism in Belgium in terms of weighted voting, power-sharing, and proportionality as well as the requirement for the parliamentarians to identify themselves with the community they are affiliated with. Hence, the arrangement seems well-suited to ensure representation and proportionality for both communities. However, the second and third strands; links between Republic of Ireland and Northern Ireland, and between Britain and Ireland differentiates it from classical consociationalism<sup>239</sup>, and attributes it an international character.

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<sup>236</sup> Katy Hayward, “*The Region between State and Nation: British and Irish Conceptions of Northern Ireland as a European Region*”, *Perspectives on European Politics and Society*, 4:3, 2003, pp: 417-445, p.418.

<sup>237</sup> Of the 108 members, 59 are Unionist and 42 are Nationalist, and the remaining 7 are classified as ‘other’. [http://en.wikipedia.org/wiki/Northern\\_Ireland](http://en.wikipedia.org/wiki/Northern_Ireland), 14.04.2006.

<sup>238</sup> Coakley, *ibid.*, p.44.

<sup>239</sup> *Ibid.*, p.49.

### C. Multinational Parliamentary Monarchy -Spain

Spain has three significant historical communities; Catalans, Galicians and Basques who have a legacy of self-government from early times<sup>240</sup>, which was interrupted during the Franco dictatorship between 1939 and 1975. Unlike in Northern Ireland, religion does not have a significant role in ethnic identification in Spain.<sup>241</sup> What is specific about the historical communities is their distinctive language.

Today Spain is officially a unitary state and a constitutional monarchy. Yet, given the various degrees of autonomy granted to 17 autonomous communities and 2 cities by the Spanish Constitution of 1978 (Article 151) and the Autonomy Statues, it resembles a federal structure. The regions have their own Parliament with legislative and taxing powers governing in fields of education, police, health, technology systems and their language is the official language in the region together with Spanish.<sup>242</sup> However, provisions to autonomy are asymmetric; autonomy was provided to the three historical minorities almost in line with their demands, whereas the other regions were devolved fewer self-governing powers.<sup>243</sup>

Unlike other ethnic conflicts in the world, economic backwardness was not a reason behind the ethnic conflicts in this country. On the contrary, the autonomous communities; particularly Catalonia and Basque were among the wealthiest regions marked by industrialization and social modernization, which enjoyed better economic conditions than the rest. The background of the separatist movements in the country dates back to Franco dictatorship which ruled the country between 1931 and 1975. Aspiring to create a homogeneous unitary state, Franco not only abolished

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<sup>240</sup> The Spanish state was never unitary throughout history; the first Spanish state was a federation of the kingdoms and of Castile and Aragon. Catalonia was a self-governing unit in Aragon like the Basques in the kingdom of Castile. In the seventeenth and nineteenth centuries, suppressive attempts on Catalonia and Basque in order to create a unitary state on the model of France failed. Michael Keating, *"The Minority Nations of Spain and European Integration: a new framework for autonomy?"*, Journal of Spanish Cultural Studies, Vol.1, No.1,2000, pp: 29-42, p.31.

<sup>241</sup> 94% of population identify themselves as Catholics whereas 6% identify themselves as other. <https://www.cia.gov/library/publications/the-world-factbook/geos/sp.html>, 05.03.2006.

<sup>242</sup> Daniele Conversi, *"The Smooth transition: Spain's 1978 Constitution and the Nationalities Question"*, National Identities, Vol.4, No.3, 2002, pp: 223-244, p.232.

<sup>243</sup> Keating, *"Asymmetrical Government: Multinational States in an Integrating Europe"*, Publius, Vol.29, No.1, Winter 1999, pp:71-86, p.80.

the autonomy that the communities had previously enjoyed, but also suppressed the distinctive culture of the more industrialized and pro-Republican regions of Basque and Catalonia by methods such as removing Basque and Catalan nationalists from administrative positions and banning their languages.<sup>244</sup>

Following Franco's death in 1975, the long-suppressed minority nationalisms reemerged and terrorist activities culminated between 1977 and 1980. Conversi argues that subsequent democratization process owes a lot to the pressures created by 'peripheral nationalism',<sup>245</sup> particularly of Basque and Catalan nationalism, the former being radical and violent whereas the latter peaceful and non-violent.<sup>246</sup>

Juan Carlos, who was crowned King immediately after Franco's death, played a constructive role in the democratization process by easing the ethnic tensions in some autonomous regions. He declared general amnesty, which meant freedom to 15,000 political prisoners and a large number of exiles.<sup>247</sup> He carefully eliminated the Army's attempts to reverse the democratization process. His integrative multicultural attitude won respect from the historical minorities. For example, on his visit to Catalonia in 1976, he spoke Catalan in his speech to the public.<sup>248</sup>

The second phase of democratic transformation; EU membership was welcomed by autochthonous communities and especially by Catalans and Basques because:

Europe was seen as a source of economic opportunities; as a source of support for their cultural and linguistic promotion policies in the context of a hostile Spanish state; and as a source of support for their self-government aspirations, with its commitment to subsidiarity and the Europe of Regions concept, and through the possibilities of alliances with other minority nations and regions.<sup>249</sup>

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<sup>244</sup> Keating, "Asymmetrical Government....", *ibid.*, p.32.

<sup>245</sup> Conversi, *ibid.*, p.224.

<sup>246</sup> *Ibid.*

<sup>247</sup> *Ibid.*, p.226.

<sup>248</sup> *Ibid.*, p.230.

<sup>249</sup> Keating, "The Minority Nations of Spain..", *ibid.*, p.32.

The Basques are one of the oldest communities in Europe. Their language, Euskara, is one of the oldest languages, which has fallen victim to linguistic assimilation in the Franco period. Today only 27% of 2,123,000 Basques can speak their native language.<sup>250</sup> Basque nationalism emerged following the industrialization of the region, owing mostly to its iron and ore reserves and the establishment of the Basque Nationalist Party (PNV) in 1895 as a reaction to increased migration from other regions of Spain. Suppressed under the Franco dictatorship, it took a radical and separatist form with the establishment of ETA (Freedom for Basque Country) in 1959. With the ultimate goal of independence from Spain, since 1968, it has engaged in a number of violent attacks causing 821 casualties, and a number of kidnappings.<sup>251</sup> Nonetheless, it attracted international and domestic sympathy when they killed Admiral Blanco in 1973, who was expected to be the successor to Franco.<sup>252</sup>

However, Basque nationalism is divided in itself: moderate aspirations of autonomy represented by the PNV in favor of the EU, versus the radical wing ETA aspiring for total independence for the Basque country including the provinces in France, an irredentist goal contradicting the European principle of unity.<sup>253</sup> Nonetheless, after the resettlement of regional autonomy in 1980, and the EC membership in 1986, ETA lost power and legitimacy. In September 1998 ETA declared ceasefire, though renounced it in 1999 and engaged in another terrorist attack on 21 January 2000.<sup>254</sup> On 17 May 2005, a motion was passed to begin peace talks with the ETA without any political concessions and on the condition that it gives up its weapons.<sup>255</sup>

The PNV has taken its part in *Europe of Regions* and in a series of inter-regional consortia, most importantly with the *Conference of Peripheral Maritime Regions and its Atlantic Arc Subsidiary*.<sup>256</sup> Nevertheless, Basque nationalism retains its vitality even today; a 1994 survey reveals interesting outcomes about identification of historic minorities in Spain. The mean score for Spanish identification in the

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<sup>250</sup> [http://en.wikipedia.org/wiki/Basque\\_people#Population.2C\\_main\\_cities\\_and\\_languages](http://en.wikipedia.org/wiki/Basque_people#Population.2C_main_cities_and_languages), 02.04.2006.

<sup>251</sup> <http://en.wikipedia.org/wiki/ETA>, 12.03.2006.

<sup>252</sup> Conversi, *ibid.*, p.225.

<sup>253</sup> Keating, "The Minority Nations...", *ibid.*, p.36.

<sup>254</sup> Conversi, *ibid.*, p.236.

<sup>255</sup> <http://en.wikipedia.org/wiki/Spain>, 14.04.2006.

<sup>256</sup> Keating, "The Minority Nations...", *ibid.*, p.37.

Basque Country was 5.71 against 8.26 in Catalonia and 8.8 for Spain as a whole. Basque identification with Europe was 5.2 against 7.48 in Catalonia and 6.8 for Spain as a whole.<sup>257</sup>

*Catalan* nationalism emerged in the nineteenth century when the region became industrialized and wealthy, which prevails even today. However, it is not separatist or radical. Catalan is an official language both in the region and the entire state.<sup>258</sup> Unlike the Basque language, Catalan has largely survived assimilation. According to the 2001 Linguistic Census, nearly 95% of the region's population understands Catalan while 74% can read or speak it, whereas the proportion of those who can write is 49.8%.<sup>259</sup>

The Catalan industrialists' attitude to the EU membership was twofold: on the one hand they regarded Europe as a safeguard for sustaining regional autonomy, on the other hand they demanded state protectionism for their industry against British, German and northern Italian products.<sup>260</sup> Catalonia is represented in the Europe of Regions and in Brussels by the *Patronat Catala Pro Europa* which is a public-private consortium to promote Catalan interests.<sup>261</sup>

*Galicia* is one of the poorest regions in Spain. The official language, Gallego, is very close to Portuguese.<sup>262</sup> Unlike Catalans or Basques, Galicians have not developed a strong nationalism. This is considered to be related with the conservative and clientelistic political culture highly dependent on central power as well as absence of a nationalist party.<sup>263</sup> Nonetheless, it is a European region and therefore has substantially benefited from EU Structural funds in recent years.<sup>264</sup>

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<sup>257</sup> Jose Louis Garcia Sangrador, "Identidades, actitudes y estereotipos en la Espana de las Autonomias, Opiniones y Actitudes 10 (Madrid: Centro de Investigaciones Sociologicas), cited in Keating, *ibid.*, p.36.

<sup>258</sup> "Spain", **World Directory of Minorities**, op.cit, p.175; Keating, "The Minority Nations...", p.31.

<sup>259</sup> <http://en.wikipedia.org/wiki/Catalonia>, 04.03.2006.

<sup>260</sup> Keating, "The Minority Nations...", p.33.

<sup>261</sup> *Ibid.*

<sup>262</sup> "Spain", **World Directory of Minorities**, op.cit, p.175.

<sup>263</sup> *Ibid.*, p.38.

<sup>264</sup> *Ibid.*

## **IV. CASE: WESTERN THRACE MUSLIM-TURKISH MINORITY OF GREECE**

### **A. Greece and its Minorities**

Greece is a unitary parliamentary republic in southeastern Europe with a population of 11.5 million. It is partly decentralized; some powers have been devolved to 13 regional districts (peripheries) and 51 prefectures (nomi). Geographically situated on the east-west divide, it is a Balkan, a European and a Mediterranean country. It is marked by democratic rule since 1975, succeeding the abolition of monarchy by public referendum and the overthrow of the junta (1974) and the subsequent EU membership in 1981 (then EC).

Today Greece officially recognizes the existence of only one minority on religious criterion: 'The Muslim Minority of Western Thrace'. On the other hand, several academic and non-academic sources reveal the existence of several minorities on religious and ethnic basis. The religious minorities include Old-Calendarists, Catholics, Protestants, Evangelicals, Jehovah's witnesses. Ethnic minorities are Jews, Armenians, Muslim Turks, Slavo-Macedonians, Vlachs as well as the new minorities most of whom are illegal immigrants.<sup>265</sup>

Greece has been a country of emigration until late 1980s when the trend reversed after the economic development and the dissolution of the Communist Bloc. Today it has a substantial number of immigrants; two thirds of whom are Albanians, followed by Bulgarians, the Middle Easterns and Asians (Egypt, Syria, Iran, Morocco, Lebanon, Bangladesh, Algeria, Sudan, Jordan, Iraq, Pakistan) concentrated in big towns of Athens and Thessaloniki where employment

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<sup>265</sup> Richard Clogg, "Introduction", (ed) **Minorities in Greece: Aspects of a Plural Society**, Hurst&Company, London, 2002; "Greece" **World Directory of Minorities**, p.155.

opportunities are greater.<sup>266</sup> Of the 160,000 repatriates from the former Soviet Union claiming 'ethnic Greek origin' (referred to as 'Pontic Greek' or 'Homogenes'), 74% were settled in northern Greece and 15% in Thrace by the government.<sup>267</sup> This represents the only settlement that has slightly altered the demographic composition of Thrace, home of the Muslim Turkish minority.

On the one hand, Greek treatment of its autochthonous minority (Muslim Turks) was better compared to the treatment of other Balkan minorities in the communist era (i.e. Bulgaria's assimilationist and oppressive policies towards Turkish minority). On the other hand, considered within the context of Western democracies, it failed to meet the agreed standards until mid 1990s-after when substantial positive developments have taken place. Among the many factors shaping the host state's minority policy are: ethnic nationalism, anti-secularism, a recently developing civil society, perception of irredentist threat from the neighbouring countries and prejudices emanating from historical animosities.

*a. Ethnic Greek Nationalism*

The ethnic and religious character of Greek nationalism can be attributed to the relatively late nation building; a process which started in 1831 with secession of Morean peninsula from the Ottoman Empire after 400 years of Ottoman rule and completed in 1923 by the Lausanne Treaty ending the Greek-Turkish War. Occupation of the country by Italians, Germans and Bulgarians during the Second World War and the subsequent Civil War were additional factors challenging the status quo. Therefore, Greek nationalism has been considerably shaped by the role of 'Others'; Turks, Bulgarians and those of neighboring countries.<sup>268</sup> The 'hostile other is opposed to the Greek imagined construction of Greek ethnic identity'.<sup>269</sup> Accordingly, the latest of the historical disputes; the Greek defeat in Anatolia that

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<sup>266</sup>Dimitri A. Antoniou, "Muslim Immigrants in Greece: Religious Organization and Local Responses", *Immigrants & Minorities*, Vol.22, Nos.2&3, July/November 2003, pp:155-174, p.156. The number of legal immigrants is estimated to be 371,641 and the illegal nearly 150,000.

<sup>267</sup>Agapi Kandylaki, "*Social Work Practice in Multicultural Settings: A Pilot Study in Thrace, Greece*", *South European Society & Politics*, Vol.10, No.3, November 2005, pp:433-450, p.436. footnote 3, based on a research conducted by the Ministry of Macedonia and Thrace, 2000.

<sup>268</sup> Anna Triandafyllidou and Anna Paraskevopoulou, "When is the Greek Nation? The Role of Enemies and Minorities", *Geopolitics*, Vol.7, No.2, Autumn 2002, pp:75-98, p.76.

<sup>269</sup> Maria Demesticha, **Minorities In the Balkans In The Era of Globalisation: The Case of the Turks in Western Thrace**, unpublished MA thesis, Bogazici University, 2004, p.27.

brought the end of irredentist claims (*Megali Idea*), and the subsequent emergence of the Turkish state have amplified the perception of Turks as the ‘threatening Other’ for Greece.<sup>270</sup>

*b. Anti-secularism; identification of Hellenicity with the Orthodox Church*

Greece is not a secular state. Religion is the indispensable component of ethnic Greek identity. Greek identification with the Orthodox Church is exemplified, above all, by the 1975 Constitution that declares the religion of the state as Greek Orthodox. ‘In the minds of many Greeks, an ethnic Greek is also a Christian Orthodox.’<sup>271</sup> It is the only EU country where proselytism is constitutionally banned albeit condemnation by the European Court of Human Rights.<sup>272</sup> The role of the Orthodox Church is not limited to spiritual or civic matters like marriage and divorce but retains its political role as a legacy of their role in Greek nation building. This position of the Church has great influence on public opinion as well as the shaping of general attitude towards minorities.

*c. A recently developing civil society*

The significant delay in development of civil society is partly a result of the rigid state centralism and regulation of all institutions directly from the center.<sup>273</sup> Another reason is the late establishment of democratic rule (1975) and the inherent traditionalist-modernist divide in Greek society; the former characterized by paternalistic social structure, close adherence to religion and societal values, whereas the latter is more democratic and Western-oriented.<sup>274</sup>

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<sup>270</sup> Triandafylligou, et.al., *ibid.*, p.88.

<sup>271</sup> Antoniou, *ibid.*, p.163.

<sup>272</sup> Atlana Filos, “*Greece: Religious Freedom, the Achilles’ Heel*”, Forum 18 News Service, Oslo, Norway, 17 May 2004, available online at: [http://www.forum18.org/Archive.php?article\\_id=321](http://www.forum18.org/Archive.php?article_id=321), 01.06.2006.

<sup>273</sup> Loukas Tsoulakis, “*Greece: Like Any Other European Country?*”, National Interest, Spring99, Issue 55, pp:65-74, p.67.

<sup>274</sup> Richard Clogg, **A Concise History of Modern Greece**, Cambridge University Press, 1992.

d. *Perception of 'Irredentist threat' from neighboring countries.*

Denial of ethnic minorities; Slavo-Macedonians, Albanians, and the ethnic Turkish identification of the Muslim minority is closely related to the presence of these minorities on the fault lines; bordering FRYM, Albania and Turkey respectively. This is a probable consequence of 'siege mentality', which according to Tsoulakis, is not unusual given the country's neighbors; political turmoil and instability of Balkans, and the militarily stronger Turkey.<sup>275</sup> This has often been manipulated by the nationalist faction, including politicians and the media in pursuit of gains from investment in 'national shares', although in decline after 1990s.<sup>276</sup> This mentality has to an extent been fed by historical events; occupation of Greek Thrace by Bulgaria twice, the Yugoslav support to the Greek Communist fighting forces during the Civil War and the fear that Turkey might intrude in Western Thrace, a fear linked to the 1974 intervention in Cyprus.

e. *Prejudices emanating from historical animosities*

The fact that Greeks lived four years under Ottoman sovereignty and gained their independence fighting against each other in 1830, the deportation of over one million Greek inhabitants from Anatolia lie at the root of prejudices against the Turks of Western Thrace minority. Reasons of prejudices against the Slavo-Macedonian and Albanian minorities arise from the support they afforded to the Communists during the Civil war as well as from their geographical concentration on the fault lines.

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<sup>275</sup> Tsoulakis, *ibid*, p.69.

<sup>276</sup> *Ibid*.

## **B. Background of Western Thrace Muslim-Turkish Minority**

The region of Thrace is divided among three countries today; Bulgaria, Greece and Turkey. According to the 1923 Treaty of Lausanne, the northern part of the region remained in Bulgaria; the eastern part was ceded to Turkey and the western part to Greece. Today, Western Thrace is Greek Thrace, which lies at the extreme north-eastern part of Greece bordering Turkey on the east and Bulgaria on the north. The region of Western Thrace encompasses an area of 8,578 square km bordering Turkey in the east (the river of Maritsa (Meriç)), Bulgaria in the north (Rodopi Mountains), the Aegean Sea in the south and the Greek region of Macedonia in the west. It consists of three administrative regions; Evros (Dedeağaç), Komotini (Gümölcine) and Xanthi (İskeçe) and it is inhabited by a population of 365,571 according to 2001 census.

Western Thrace Muslim minority is the only officially recognized minority in Greece determined by the Treaty of Lausanne in 1923. Although legally and officially defined by religious criterion, the differences of origin, religion and language from the majority and the historical, cultural as well as the legal provisions determined by the Treaty of Lausanne indicate that it is an ethnic minority. Evaluated by objective criteria, the minority is heterogeneous; Turks constitute the largest component, followed by Pomaks and Muslim Roma. However, centered on a common faith (religion) and relatively common language (Turkish), a common geographical territory, a shared history since the Ottoman rule make the minority feel themselves predominantly Turkish.

The exact number of the minority is unknown today because the last census including data about the number of people belonging to different religions and languages is the census of 1951. According to 1951 figures, the number of Muslim minority is 112,665; including 92,443 Turcophones, 18,671 Pomaks and 7,429 Roma.<sup>277</sup> Another source, based on data given by the former deputy foreign minister

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<sup>277</sup> Christos L.Rozakis, *"The International Protection of Minorities in Greece"*, **Greece In A Changing Europe**, (ed) Kevin Featherstone & Kostas Ifantis, Manchester University Press,

Giannis Kapsis pertaining to late 1980s, gives the number as 103,869; 51,917 Turcophones settled mainly in the prefecture of Rhodope, 34,878 Pomaks, settled mainly in the prefecture of Xanthi and in the areas of Kechrou and Organi in the prefecture of Rhodope, 17,078 Roma spread all over Western Thrace.<sup>278</sup> According to another source it is 112,000 and concentration in each province in Thrace is as follows:

**Table 1: Demographic Composition of Western Thrace (1997)**<sup>279</sup>

Prefecture	Total Population	Christians	Muslims	Muslims (percent)
Evros (Dedeagac)	144,000	135,000	9,000	6.25%
Xanthi (Iskece)	91,000	51,000	40,000	43.90%
Rhodope(Rodop)	103,000	40,000	63,000	61.16%
Total	<b>338,000</b>	<b>226,000</b>	<b>112,000</b>	<b>33.14%</b>

Some sources give the number as 120,000, without specifying the provincial concentrations<sup>280</sup>, and this is generally the agreed number. It also includes 12,000 minority guest workers in Germany<sup>281</sup>, 15,000 minority members who live outside Thrace, mainly in Athens due to employment purposes<sup>282</sup>, and also the part of the population-although in a declining trend since mid 1990s- who work and reside in Turkey, especially in Istanbul, Bursa, Izmir. After mid 1990s, as a consequence of change in minority policy, and economic recession in Turkey, several Western Thracian Turks, including those lucky to retain their citizenships have settled back in Greece. The second wave of reverse migration came from Germany; people who have lost their jobs as a result of increasing unemployment as well as the retirees.

The minority makes up about 24% -28% of the regional population and about %1 of the whole country's population. It is concentrated in Komotini (Gümülcine) and

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Manchester and New York, 1996, pp:95-116, p.98. Dr Rozakis is the Vice-President of the European Court of Human Rights.

<sup>278</sup> Giannis Kapsis, *Oi Treis Meres Tou Marti*, Athens, 1990, cited in Ronald Meinardus, "*Muslims: Turks, Pomaks and Gypsies*", (ed) Clogg, op.cit, pp: 81-93, p.85.

<sup>279</sup> Thanasis Vakalios (ed.) *To Provlima tis diapolitismikis Ekpaideysis sti Ditiki Thraki*, Athens, 1997, p.23, cited in Antoniou, *ibid*, p.163.

<sup>280</sup> Rozakis, *ibid.*, p.99; Diamanto Anagnostou, **Oppositional and Integrative Ethnicities: regional Political Economy, Turkish Muslim Mobilization and Identity Transformation in Southeastern Europe (Greece, Bulgaria)**, PhD dissertation, Cornell University, 1999, p.7; Baskin Oran, "*Religious and National Identity Among The Balkan Muslims: A Comparative Study on Greece, Bulgaria, Macedonia and Kosovo*", p.4, paper presented to the conference jointly organized by CERI of Paris and Political Science Faculty of Ankara on "Turkish Areas in the New Regional and International Configuration", Ankara, 2-3 November 1992. p.4.

<sup>281</sup> Meinardus, *ibid.*, p.84.

<sup>282</sup> Antoniou, *ibid.*, p.164.

Ksanthi (İskeçe), about %7 live in Evros, (predominantly Muslim Roma) bordering Turkey. The annual growth rate of the minority is 2%<sup>283</sup>. Growth rate has fallen after 1970s. Before 1970s, the average family had over 3 children, whereas afterwards they had two, and now even one. Taking the 1951 census data, the population should be around 291,472 today, or the 1940 data (140,090), it should be nearly 444,945.<sup>284</sup>

The demographics were influenced mainly by two factors; emigration and a serious decline in growth rate. Four significant emigration waves to Turkey took place, a) during the Balkan Wars, b) after the settlement of Greek inhabitants of Turkey in Western Thrace (1923-1926), c) during the Second World War and subsequently Greek Civil War, d) in mid 1970s as a result of escalating tensions in the region due to the Cyprus conflict. In the period of 1939 to 1951 about 20,000 people migrated to Turkey.<sup>285</sup> Two significant emigration waves to Germany took place in a) the 1960s and 1970s when the Thracian tobacco industry was facing a serious crisis, b) post 1990 as a result of the creation of Single Common Market and worsening situation in Western Thrace.<sup>286</sup>

Although statistical data is not available, the number of Western Thracians who have settled in Turkey far exceeds the population number that remains in Greek Thrace. On the other hand, the number of Greek Orthodox minority in Turkey has shrunk from 120,000s in 1923s to a number of 3,500 today. The Greek side interprets this as a proof of fair treatment of the Muslim minority in Greece and maltreatment of Greek Orthodox in Turkey.<sup>287</sup>

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<sup>283</sup> Lois Whitman, "*Destroying Ethnic Identity:: The Turks of Greece*", NY, Helsinki Watch, p.9, available online at: <http://www.hrw.org/reports/1999/greece/Greec991-03.htm>, 05.06.2006. In a previous publication, it was given as 2.8%, Fred de Jong, "*The Muslim Minority in Western Thrace*", in Georgina Ashworth (ed.) **Muslim Minorities In The Eighties**, Sunbury, Quartermaine House Ltd., 1980, pp:95-99, p.96.

<sup>284</sup> Ibid.

<sup>285</sup> F. de Jong, *ibid.*, p.96.

<sup>286</sup> Meinardus, *ibid.*, p.84.

<sup>287</sup> The words of the deputy Prime Minister Athanasios Kanellopoulos (1991) in a parliamentary debate are illustrative: "There is a historical truth which you cannot ignore. In Polis (Istanbul) there were 130-140,000 Greeks and today there are 3,000. How do you explain this phenomenon? On the other hand in Thrace there were 10,000 Muslims (which is totally false, the minister either lacked historical knowledge or chose to divert the realities) and now they have reached 150,000 and we give them assistance for the augmentation of the population", I Kathimerini, 18 January 1991, cited in Meinardus, *ibid.*, p.86.

The Greek Orthodox population in Istanbul has also been exposed to discriminations and oppression especially in periods of deteriorating relations between the two countries and therefore had to emigrate. However, the economic and intellectual state of Greek Orthodox minority was incomparably higher than that of Muslim Turkish minority which made mobility relatively easier for them compared to the Muslim Turks who depended on agriculture for survival. Nonetheless, it does not legitimize the unfairness they have suffered; above all, the cost of having to abandon a homeland can not be evaluated in economic terms.

### **I. A Brief History of Western Thrace**

The region of Thrace derives its name from Trac tribes who settled in the region between 2000-1200 B.C bordering the Black Sea in the east, Marmara-Dardanelles Straits and the Aegean Sea in the south. The southern and western boundaries were disputable, but the general opinion regards Balkan Mountains as the northern border, and the Struma river the western border.<sup>288</sup> Throughout history, Thrace was occupied by Macedonians, Persians, Romans, Avar Turkish tribes, Bulgarians, Byzantine Empire, Peçenek Turkish tribes, Uz Turkish tribes, Kuman (Kıpçak) Turkish tribes, Latins, and Ottomans. Turkish settlement in the region began in mid-thirteenth century in the period of Sultan Murat I, when Gazi Evrenos Paşa took Komotini in 1362. After the conquest of Constantinople (Istanbul) in 1453, all Thrace became Ottoman land. Turcoman families from Anatolia were settled in the region. The first sanctuary to teach and spread Islam was established in Dimetoka by Balim Sultan, one of the students of Hacı Bektash Veli.

The first challenge posed to the Ottoman Empire against the Thracian status quo was the 1877-1878 Ottoman-Russian War and the subsequent San Stefano Treaty (3 March 1878) according to which a Bulgarian Principality was established bordering Lüleburgaz in the east, comprising the Thracian lands of Babaeski, Kırklareli, Iskece and the Ohri Lake in the west, extending to the Aegean Sea in the south via the strategic Kavala port. However, Russian influence in the Balkan region for a big

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<sup>288</sup> Baskın Oran, **Türk-Yunan İlişkilerinde Batı Trakya Sorunu**, Bilgi Yayınevi, 2.Basım, Ankara,1991, s.5.; Tevfik Bıyıklıoğlu **Trakya'da Milli Mücadele, I. Cilt**, Türk Tarih Kurumu Basımevi, Ankara, 1955, s.3.

Bulgaria was against the interests of some big powers, especially Britain and Austria who insisted on the revision of the treaty in the same year. Therefore, Bulgaria lost most of this territory with the Berlin Treaty of 13 July 1878. Northern part of Thrace was named as Eastern Roumelia (Şarki Rumeli/Dogu Rumeli) and gained a privileged status; the governor would be appointed by the Sultan but Ottoman army was not allowed in the province.<sup>289</sup>

The first Turkish state “Temporary Turkish State of Rodopi” (Rodop-Türk Devleti-Muvakkatesi) was created in 16 May 1878 in the region of Kırcaali (northern part of Rodopi Mountains) as a reaction to the atrocities committed by Bulgarians and Russians after the ratification of the Treaty.<sup>290</sup> The state was terminated in 1886; a year after the region (Eastern Rumelia) was annexed by Bulgaria in 1885, which resulted in large numbers of emigrations from the region to Ottoman territory.<sup>291</sup> Some of the immigrants settled in the region of Greek Thrace today, others settled in eastern Thrace.<sup>292</sup>

Until the outbreak of the first Balkan wars, the region of Thrace -except for Eastern Rumelia -remained under the Ottoman rule. In the end of the first Balkan war, Bulgaria occupied all of Thrace. However, due to disagreement among the victors, the second Balkan War broke out. In the meantime, Ottoman Empire, took advantage of the turmoil in Bulgaria and took back most of Eastern Thrace including Edirne (Adrionopole) but did not go beyond the west of river Maritsa (Meriç in Turkish and Evros in Greek) due to the London Peace Agreement of 30 May 1913. It is after this period that Thrace was divided into two regions; eastern Thrace, which became Ottoman territory and Western Thrace, which remained in Bulgaria. Although Bulgaria was defeated in the Second Balkan War, it regained Western Thrace under the terms of the Treaty of Bucharest.<sup>293</sup>

Upon reports of Turkish Muslims suffering from Bulgarian atrocities in Western Thrace, Enver Bey sent a guerilla force of 116 fighters to Ortakoy at the command

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<sup>289</sup> Bıyıklıoğlu, op.cit, p.21

<sup>290</sup> Ibid.

<sup>291</sup> Ibid., p.23.

<sup>292</sup> My paternal great-great-grandparents were among these migrants whose family was killed while fleeing from Bulgaria during the war.

<sup>293</sup> Bıyıklıoğlu, op.cit, p.72.

of Eşref Kuşçubaşı. Soon they gained control in the regions of Mestanli, Kosukavak and Kırcaali. On 31 August 1913 they took Komotini (Gümülcine) and the next day Xanthi (Iskece). Following this victory, another state was formed in the region; “Temporary Government of Western Thrace” (Garbi Trakya Hükümeti Muvakkatesi) which is regarded as “the first Turkish Republic in history”. Müderris Salih Hoca was elected President by a one-step free public election.<sup>294</sup> The Western Thrace Government had an Assembly (Garbi Trakya Muvakkat Hükümet Heyeti) which consisted of Kamber (from Kosukavak), Mehmet Niyazi (from Xanthi (Iskece), Yusuf (from Darıdere), Hasan Vehbi (from Eğridere), Panayotis (from Ortakoy) and Anastas, the governor of Alexandropoli (Dedeagac).<sup>295</sup>

The Western Thrace government had an army, a flag and official stamps. In their efforts to gain international recognition, the Western Thrace government established a news agency (Batı Trakya Ajansı) and issued a newspaper “Independant” in Turkish (Ottoman Turkish) and French languages. The state included the territories of Kosukavak, Mestanli, Kırcaali, Eğridere, Darıdere (now the territories of Bulgaria), Gümülcine, Iskeçe, Sofulu, Ferecik.<sup>296</sup> However, upon pressure from foreign powers, the guerilla force leaders were called back by the Ottoman Empire (Baskumandanlık Vekaleti) who was against this development right from the beginning. In return, the leaders Esref Kuscubasi and Süleyman Askeri declared that they cut off their ties with the Ottoman Empire and changed the name of the state as “Independent State of Western Thrace”.<sup>297</sup>

The first government to recognize the newly founded state was Greece. Venizelos welcomed a kind of ‘buffer state’ between her, Bulgaria and the Ottoman Empire. In her support of Western Thrace Turkish Republic, Greece even ceded Dedeagac (Alexandropolis) to the new government and made promises of weapons transfer in a period of Ottoman-Bulgarian rapprochement in 8-17 September 1913. Bulgaria, on the other hand was not pleased with this development which meant the loss of her outlet to the Aegean. Neither was Russia.<sup>298</sup>

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<sup>294</sup> Cemal Kutay, **Garbi Trakya’da İlk Türk Cumhuriyeti**, İstanbul, Ercan Matbaası, 1962, s. 214.

<sup>295</sup> Bıyıklıoğlu, op.cit. p.76.

<sup>296</sup> Ibid., p.81-83; Kutay, op.cit, p.232.

<sup>297</sup> Bıyıklıoğlu, op.cit, p.78

<sup>298</sup> Ibid., p.79.

As a result of Ottoman-Bulgarian negotiations, Istanbul Agreement was signed on 29 September 1913 which gave Western Thrace back to Bulgaria.<sup>299</sup> According to this treaty, in the case of an attack by any Balkan state to Bulgaria or Ottoman Empire, they would assist each other. If any one of them was involved in a war with any Balkan state, the other party would align with her. If Bulgaria would expand territorially by the assistance of Ottoman Empire, Western Thrace would be given back to the Ottoman Empire. The decision was declared to the leaders of Western Thrace and the President Müderris Salih Efendi in a meeting in Edirne. The decision to terminate the Western Thrace Turkish state is claimed to be a policy of Ittihat and Terraki (Enver Bay, Talat and Cemal Bey) in order to build an alignment with Bulgaria on the eve of the First World War.<sup>300</sup>

This was the first concession given by the Ottoman Empire for the First World War alliance which was believed to result in victory of allied powers (Germany, Austria-Hungary, Ottoman Empire and Bulgaria in the beginning). The German General von Valkenhein had assured Enver Paşa that upon victory the Ottoman lands given to Bulgaria would be taken back. The second concession given to Bulgaria for the sake of alignment was the 1915 Sofia Agreement which gave additional territory to Bulgaria along the western borders of Eastern Thrace.<sup>301</sup>

Albay Cemal was sent to the region to ensure peaceful occupation of Western Thrace by the Bulgarians. Thus the lifetime of the first republic in Western Thrace lasted only one and a half months (31 August-25 October 1913) Nevertheless, Enver Bey never lost his interest in the region and he established the secret organization “*Teşkilatı Mahsusa*” in August 1914 after signing the Turkish-German alignment. Following this, a “Western Thrace Turkish Committee” (Türk Batı Trakya Komitesi) was founded in Istanbul under the leadership of Süleyman Askeri Bey. Later during the first World War in 1916, when Bulgaria demanded Ottoman assistance for the battle in Romania, they had to promise to give to the Ottoman Empire part or whole region of Western Thrace, however it was not an officially

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<sup>299</sup> Ibid., p.101.

<sup>300</sup> İsmet İnönü, **Hatıralar**, Bilgi Yayınevi, Birinci Basım, Kasım 1987, Ankara, p.66-7.

<sup>301</sup> Bıyıklıoğlu, op.cit, p.103.

written document but only a ‘verbal promise’ which was not fulfilled even after receiving Ottoman military assistance.<sup>302</sup>

Western Thrace remained under Bulgarian sovereignty until the end of the WWI. The region was taken from Bulgaria -which was on the defeated side- and occupied by the Entente (France, United Kingdom, Greece) with the Treaty of Neully. Greece occupied part of Western Thrace – including Ksanthi- to the border of Kurucay. Komotini and Evros were occupied by French forces under General Charpy on 20<sup>th</sup> April 1920. The remaining region was decided to cede to Greece at San Remo Conference and by Sevres Agreement on 10 August 1920. The Sevres Agreement, which was signed but not ratified, ceded to Greece not only Western Thrace but also Eastern Thrace and a territory in Western Anatolia around Izmir. It must be indicated that the Western Thrace region ceded to Greece was the southern part of Rodopi mountains- the Western Thrace of today- and did not include the northern part of these mountains as they were inside the borders of previous Western Thrace Government of 1913. The regions of Kircaali, Kosukavak, Mestanli, and Ortakoy remained in Bulgaria.

Oran describes the period of allied occupation as the ‘dark period’ of Western Thrace.<sup>303</sup> Bıyıklıoğlu claims that under the allied occupation an autonomous Western Thrace Government (Müttefiklerarası Batı Trakya Hükümeti) was established under the auspices of the French which was by the time supported by Turkish Muslims and Bulgarians in the region as well as by the Trakya-Paşaeli Müdafai Hukuk Cemiyeti.<sup>304</sup>

A Turkish source, which is not a scholarly work but a memoir written by a Western Thracian Turkish author, mentions a two-stage referendum held in order to determine the future of the region: either an autonomous state under the sovereignty of France or annexation to Greece. A committee was elected by public consisting of

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<sup>302</sup> Ibid., p.108.

<sup>303</sup> Oran, **Türk Yunan İlişkilerinde Batı Trakya Sorunu**, op.cit, p.32.

<sup>304</sup> Bıyıklıoğlu, op.cit, p.316. A French newspaper depending on information from Sofia includes the following: A revolutionary government has been established in Western Thrace. Under the leadership of Tevfik Bey, an inhabitant of Komotini, this government consists of 7 notable Turks and 3 Bulgarians. In her declaration in French, Turkish and Bulgarian, the revolutionary government announces her thanks to France and declines Greek sovereignty. The allegation that this revolutionary act has been organized by the Bulgarian Macedonian Committee is inaccurate.

5 Turks, 1 Jew, 1 Bulgarian and 1 Greek who voted for the option of annexation to Greece<sup>305</sup>

On the other hand, Greek resources quoted by Aarbakke reveal a different story. Since most of the Bulgarian civil servants had fled upon the French occupation of the region, the Greek diplomat Vamvakas was sent there to assist the French General Charpy and an administrative council was established in Komotini consisting of 4 Greeks, 4 Turks, one Jew, one Armenian against the Western Thrace Committee's plan to appoint six Muslims and only 2 Greeks. Finally, a Supreme Administrative Council was established consisting of 5 Greeks, 5 Turks, 2 Bulgarians, 1 Armenian, 1 Jew and 1 Levantine and a Greek member was elected the Chairman of the Council against 3 Turkish and 2 Bulgarian votes. Hafız Salih (President of the former First Western Thrace Turkish Republic (1913)) and Osman Ağa voted in favour of the Greek member which caused tension in Western Thrace Committee and hence they were labelled as defectors.<sup>306</sup>

The last Western State Government (Batı Trakya Devlet-i Muvakkatesi) was established three days after the occupation of the region by Greece in the village of Organi (Hemetli) on 25 May 1920 under the leadership of Peştereli Tevfik. After two and a half years of struggle, the government was dissolved following the Lausanne Treaty. This was the last attempt to create a Turkish state in the region.<sup>307</sup>

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<sup>305</sup> Kemal Şevket Batıbey, **Batı Trakya Türk Devleti (1919-1920)**, İstanbul Bogazici Yayınları, 1979. 5 Turkish representatives were Hafız Galip (who later served as an MP in Greek Parliament), Tabak Halil Ağa, Ortacılı Ali Bey, Karamusa Köylü Osman Ağa, Hacı Yusuf, Muis Karasu (Jewish Rep.), Petro Daçef (Bulgarian Rep) and Nikolaos Zoidis (Greek Rep). Allegedly, 4 Turkish representatives -except for Hacı Yusuf and the Bulgarian Petro Daçef -voted in favor of annexation to Greece. He also mentions the extensive propaganda made by the Greek government representative Vamvakas for the purpose of ensuring voting in favour of Greece. Batıbey evaluates this referendum outcome as the betrayal of Ağas (large land owners employing poor peasants) and the religious leaders (esp Hafız Salih Efendi's opinion on the side of Greece) for their own personal benefits. Baskin Oran indicates this as a questionable incidence since it is not mentioned in any other source, not even in Bıyıklıoğlu, who has written the most comprehensive book concerning the history of Thrace, and adds that the incidence is still reflected in political debates in Western Thrace. The story is also familiar to me since I heard a similar story from my elderly relatives.

<sup>306</sup> Vemund Aarbakke, **The Muslim Minority of Greek Thrace**, unpublished Ph.D. dissertation, Bergen University, 2000, pp: 23-24.

<sup>307</sup> Bıyıklıoğlu, op.cit, pp:140-141.

## II. Emergence of Western Thrace Minority

De facto occupation of Anatolia after the signing of Sevres Treaty and the submission of Ottoman government paved the way for a revolutionary resistance under the leadership of Mustafa Kemal. A new state was declared in Anatolia with the opening of the Turkish Assembly in 1920, and an organized army (Kuvayi Milliye) was established to fight against the invading powers. Finally Greece was defeated and had to retreat from the territories it had occupied; Izmir and Eastern Thrace. As a result, a peace treaty had to be made in Lausanne. The relevant part of the Lausanne Treaty concerning minorities is the articles (37-45) and the *Convention Concerning the Exchange of Greek and Turkish Populations*.

Western Thrace was never included as a territory within the borders of the new Turkish state in “National Pact” (Misak-ı Milli) which was determined at Erzurum and Sivas Congresses in 1920. Article 3 of the National Pact stated that the future of the Western Thrace inhabitants should be determined by a plebiscite.<sup>308</sup> In the beginning Atatürk was in favor of Western Thrace region’s annexation to Turkey but proposed a plebiscite for the region to determine its own fate and emphasized very clearly that it would not be proper to think of a unified Eastern and Western Thrace; that Eastern Thrace was an indisputable part of Turkey but Western Thrace had been ceded to another country by a Treaty.<sup>309</sup> Later in his talk in Izmir (1923), he argued that efforts to acquire Western Thrace would not be worth the benefit of keeping it and that for the well-being of the fatherland Turkey, Western Thrace should be renounced. He added that the region would be a matter of conflict between Greeks and Bulgarians.<sup>310</sup>

Consequently, it is obvious that Turkey did not have a territorial demand in Western Thrace before Lausanne or afterwards. During the negotiations in Lausanne, Turkish side invoked the ‘self-determination’ principle of Wilson and demanded a plebiscite

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<sup>308</sup> Toktamış Ateş, **Türk Devrim Tarihi**, Der Yayınları, 10. Basım, İstanbul, 2003, p.209.

<sup>309</sup> Bıyıklıoğlu, op.cit, p.192.

<sup>310</sup> cited in Oran **Türk Yunan İlişkilerinde Batı Trakya Sorunu**, op.cit, pp:300-301. Oran explains that the this statement of Atatürk was taken from the original documents recorded by Turkish Parliament secretaries in the press conference on 16-17 January 1923 held in Izmit and that it was first published in his book.

to determine the fate of the Western Thrace inhabitants arguing that an overwhelming majority of the region was Turkish. This demand was rejected by Venizelos, Lord Curzon, the British Parliamentarian heading the Conference, and the Serb-Croat-Slovenian representative Nintchitch. The Bulgarian representative Stamboulisky, on the other hand proposed either establishment of a neutral autonomous Thrace under Great Powers or cessation of the region to Bulgaria.<sup>311</sup> Bulgarian proposal reflected their demand to have an outlet to the Aegean.

The major debate concerning Western Thrace was the population figures in the region. İsmet Paşa insisted that the Turkish Muslims constituted an overwhelming majority whereas Venizelos claimed that as a result of population movements since 1912, and especially after the emigration of Eastern Thrace Greeks into the region after the Mudros armistice, population balances in Greek Thrace had changed and that Turks did not constitute the majority anymore. He also inquired what region was meant by the ‘Western Thrace’ emphasizing that the Turks were majority in the Bulgarian part of Western Thrace but not in Greek Thrace.<sup>312</sup> During the talks at Lausanne, Turkish-Muslim population in the region was claimed to be 84% of the total population. The figures presented by İsmet Paşa at Lausanne were the results of 1914 census:<sup>313</sup>

**Table 2: Population Figures of Western Thrace given by Turkish side at Lausanne Talks**

	Turks	Greeks	Bulgarians	Jews	Armenians
Komotini	59,967	8,834	9,997	1,007	360
Alexandropolis	11,744	4,800	10,227	253	449
Sufli	14,736	11,542	5,490	-	-
Xanthi	42,671	8,728	552	220	114
	129,118	33,904	26,266	1,480	923

<sup>311</sup> Seha L.Meray (cev), **Lozan Barış Konferansı Tutanaklar-Belgeler**, Cilt I, Kitap I, Yapı Kredi Yayınları, 1993, pp: 22-36.

<sup>312</sup> Ibid.

<sup>313</sup> Ibid., p.42. Venizelos questioned the validity of the census by asking how Ottoman Empire could conduct a census in 1914 when the region was under Bulgarian rule, and İsmet Paşa replied that it was conducted by the Turkish officials who were still in charge in the region.

The statistics of Turkish side pertaining to the period of allied occupation in the region (1919-1920) showed Turkish population as 132.666; Greeks as 35.271, Bulgarians 26.266.<sup>314</sup> On the other hand, the statistics presented by Venizelos pertaining to the same period indicated a total of 114.810 Turks, 54.786 Greeks and 28.783 Bulgarians in the region.<sup>315</sup> On the other hand, population figures cited in Aarbakke reveals different results by different sources:<sup>316</sup>

**Table 3: Population figures of Western Thrace in 1912, 1919, 1920.**

Sources	Muslims	Pomaks	Bulgarians	Greeks	Others	Total
1912 Estimate	120,000	-	40,000	60,000	4,000	224,000
1919 Bulgarian	79,539	17,369	87,941	28,647	10,922	224,418
1919 Bulgarian	77,726	20,309	81,457	32,553	8,435	220,480
1920 French	74,730	11,848	54,092	56,114	7,906	204,690
1920 Greek	93,273	-	25,677	76,416	6,038	201,404

**Table 4: Population census for Western Thrace by Allied Powers before cessation of the region to Greece (20 March 1920):<sup>317</sup>**

District	Total	Turks	Pomaks	Bulgarians	Greeks	Others
Orestiada	27,193	5		10,210	15,045	1,933
Didimoticho	26,313	1,274		4,956	18,856	1,227
Sufli	21,250	2,770		10,998	7,435	47
Alexandrupoli	16,317	642		11,543	3,355	777
Komotini	64,951	39,601	2,341	14,794	4,773	3,442
Ksanthi	48,666	30,438	9,507	1,591	6,650	480
Total	204,690	74,730	11,848	54,092	56,114	7,906
%		36.5	5.8	26.4%	27.4	3.9

<sup>314</sup> Ibid., p.54.

<sup>315</sup> Ibid., p.62.

<sup>316</sup> Aarbakke, *ibid*, p.52. The figures of 1912 are estimation by Joelle Dalegre, who has worked extensively on population statistics. The first Bulgarian figures for 1919 belong to a census taken in the beginning of 1919 whereas the second Bulgarian figures were provided in October-November 1919, on request by the French occupation force. The Greek figures for 1920 were taken by the Greek authorities soon after the area passed under their control. The others category consists mostly of Armenians and Jews. Pomaks were calculated separately by Bulgarians later since they were considered to be “Bulgarian Muslims”.

<sup>317</sup> Ibid., p.29.

According to this table, Turks constitute the majority of the population by March 1920, although not an overwhelming majority. Taking this data into consideration, it is highly likely that by the time of Lausanne Peace Talks, (1923), the Turkish population was either equal to or slightly more than the Greek population in the region since substantial number of Greeks had fled to Greece with the retreating Greek army and a number of them had settled in Western Thrace.

In this regard, it is important to indicate significant population movements that took place in the region in the period 1912-1920. Firstly, after the Balkan wars of 1912-1913, mass migrations took place from Bulgaria and Greece to the then Ottoman Empire. In the Balkan War of 1912-1913, 1,450,000 Muslims perished and 410,000 became refugees.<sup>318</sup> ‘The population movements during this period were partly the direct result of warlike operations, partly the result of political reprisals and persecutions, partly the consequence of voluntary emigration, and partly the result of formal agreements.’<sup>319</sup> After 1912, about 30,000 Muslims emigrated from Thrace to Ottoman Empire as a result of Balkan wars and the population exchange between Ottoman Empire and Bulgaria in 1913.<sup>320</sup> Annexation of the region by Bulgaria in 1913 by the Treaty of Bucharest led to emigration of Greeks from the region and settlement of Bulgarians from eastern Thrace and Greek Macedonia. Population movement reversed when the region was ceded to Greece in 1920; Greeks returned and Bulgarians left.<sup>321</sup>

İsmet Paşa’s demand for a plebiscite invoking the Wilsonian principle of self-determination was justifiable as he stated that if the Greek population was equal to or more than the Turkish population, they would vote for remaining within the existing status quo.<sup>322</sup> Venizelos and Lord Curzon rejected the demand for a plebiscite arguing that with the 1912 London Treaty and the 1913 Treaty of Bucharest, the region was ceded from Ottoman Empire by will.<sup>323</sup> İsmet Paşa suggested that the plebiscite exclude the Greek Orthodox immigrants from Eastern

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<sup>318</sup> Levy, *ibid.*, p.4.

<sup>319</sup> Aarbakke, *ibid.*, p.27.

<sup>320</sup> *Ibid.*, p.28 In another table cited in Aarbakke (p.30), based on Turkish sources, prior to 1913 population Exchange between Bulgaria and Ottoman Empire, percentage of Turks in the region is given as 67%; also cited in Kutay, *op.cit.*, p.215.

<sup>321</sup> *Ibid.*, pp:28-9.

<sup>322</sup> Meray, *op.cit.*, p.42.

<sup>323</sup> *Ibid.*, pp:27-45.

Thrace.<sup>324</sup> It was rejected by the Serb-Croat-Slovenian representative Ninntinch on the ground that it was unsuitable in the Balkan region, which is quite understandable considering his own country. Lord Curzon put an end to the plebiscite demand of Turkish side stating that if plebiscite was to be conducted in Western Thrace, it should also be conducted in several regions of Turkey where the majority population was non-Turkish.<sup>325</sup> As a result, it was decided that Western Thrace remain in Greece.

The state of refugees and the remaining minorities in Greece and Turkey was another significant issue of debate at the Lausanne Conference. About one million refugees from Izmir, Eastern Thrace and other parts of Anatolia had already emigrated to Greece with the retreating Greek Army.<sup>326</sup> League of Nations had entrusted Dr Nansen with the state of refugees. Compulsory population exchange is considered to be Nansen's idea which was also supported by the Turkish side. Venizelos proposed that the population exchange be voluntary but it did not receive enough support in the negotiations.<sup>327</sup> Turkish side demanded complete removal of Greek Orthodox from Turkey in exchange for a complete removal of Turkish Muslims in Greece. However, the big powers (Lord Curzon) opposed the exchange of Greek Orthodox in Istanbul on the grounds that industry and commerce, which were vital for the prosperity of the country, were largely owned by them, therefore losing those people would in return be detrimental to the domestic economy. Venizelos opposed the exchange of Istanbul Greeks due to incapacity of Greece to receive additional refugees.<sup>328</sup>

Finally it was decided to exclude the Greeks in Istanbul and on the islands of Imroz and Tenedos as well as the Muslims of Western Thrace from the population exchange. *The Convention Concerning the Exchange of Greek-Turkish Populations* was signed by Greece and Turkey at Lausanne on 30 January 1923 and annexed to the general peace treaty of Lausanne of 20 July 1923.

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<sup>324</sup> Ibid., p.87.

<sup>325</sup> Ibid.

<sup>326</sup> Ibid., p.125. The number is given by Venizelos. Dr Nansen gives the number as 850,000 based on a report prepared 3 weeks before the start of Lausanne Talks., *ibid.*p.52.

<sup>327</sup> Ibid, p.125.

<sup>328</sup> Ibid.,pp:125-7, 336.

Due to humanitarian reasons, the population exchange was decided to be conducted in May 1923. Article 1 of the Convention conveys the ‘obligatory character’ of the population exchange stating that ‘the persons subject to exchange shall not return to live in Turkey or Greece respectively without the authorization of the Turkish and Greek governments respectively’.<sup>329</sup> A contradiction with the title of the convention (...exchange of *Greek-Turkish* Populations), Article 2 of the Convention states the *Muslims* inhabitants of Western Thrace and the Greek Orthodox inhabitants of Constantinople. Although the title mentions ethnic identities: *Turkish and Greek* populations, in article 2 ethnic identities are replaced by religious identities. For example Catholic and Protestant Greeks were excluded from the exchange and so were Albanian Muslims of Epirus.<sup>330</sup>

Article 3 considers those who had emigrated before the signing of the Treaty as included in the population exchange. Consequently, Turkey received 354,647 Muslims and Greece the remaining 200,000 Greek Orthodox in Anatolia.<sup>331</sup> Thus Greece had received over one million refugees. A *mixed committee* was established to supervise and facilitate the emigration and to carry out the liquidation of the movable and immovable property.<sup>332</sup> Those exempted from the exchange were called “*etablis*” (inhabitants) and were given *etabli* documents.

The population exchange bore substantial repercussions for both sides, especially for the Greek immigrants who were greater in number to be settled in a relatively smaller territory. Described as the ‘Asia Minor Disaster’ (Μικρασιατική Καταστροφή) by the Greek side<sup>333</sup>, ‘humanitarian shock’ by Oran<sup>334</sup>, the population exchange has remained at the very root of Greek nationalism.

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<sup>329</sup> Dimitri Pentzopoulos, **The Balkan Exchange of Minorities and its Impact on Greece**, Paris, Mouton, 1962, London, p.67.

<sup>330</sup> Aarbakke, *ibid.*, p.52.

<sup>331</sup> Pentzopoulos, *op.cit.*, pp.:68-9.

<sup>332</sup> *Ibid.*, p.68. The eleven-member Mixed Commission consisted of 4 Greeks, 4 Turks and 3 neutrals.

<sup>333</sup> For more details about the Population Exchange, see Pentzopoulos, *op.cit.*, and Stephen –P. Ladas, **The Exchange of Minorities Bulgaria, Greece and Turkey**, Mac Millan Company, New York, 1932.

<sup>334</sup> Oran, *op.cit.*, p.21.

### III. Protection of Minorities in the Lausanne Treaty

Articles 37-45 of the Lausanne Treaty constitute the provisions on the protection of minorities. These provisions were based on the model of the first minority Treaty- the Polish Minority Treaty- and reflected the general minority treaties of the League period.<sup>335</sup> Four important features that differentiate these provisions from the standard minority protection treaties of the era are; a) minority provisions did not constitute a separate treaty but was part of the general Lausanne Treaty, b) religious criteria was used in definition of minorities instead of ethnicity /race or language c) the principle of reciprocity was adopted in the treatment of minorities (Article 45), d) Lausanne Treaty was born out of 9 months negotiations and was not imposed as a condition for recognition<sup>336</sup>, which might explain why the treaty provisions concerning minorities are still valid today despite the collapse of the League of Nations.

Religious identification of both minorities was demanded by the Turkish side.<sup>337</sup> According to Oran, this was due to the legacy of the Ottoman millet system which defined ethnicity in terms of religion.<sup>338</sup> Özgüç claims that the purpose was to embody all Muslims implying Pomaks and Muslim Roma.<sup>339</sup> According to Akgönül, this reflected the Turkish concerns that determining minorities on the basis of 'ethnicity' would create national minorities and pave the way for foreign intervention.<sup>340</sup>

The provisions embody a wide array of negative and positive rights for minorities and a non-discrimination clause for all inhabitants stipulated by Article 38:

38.1. The Turkish Government undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion.

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<sup>335</sup> For The Polish Minority Treaty, see pp: 32-33 of this dissertation.

<sup>336</sup> Baskın Oran, "Lausanne Barış Antlaşması", **Türk Dış Politikası**, (eds) Baskın Oran, Cilt I, İletişim Yayınları, İstanbul, 2001, p.222.

<sup>337</sup> Meray, op.cit, p.310.

<sup>338</sup> Oran, op.cit, p.135.

<sup>339</sup> Adil Özgüç, **Batı Trakya Türkleri**, Kutluğ Yayınları, İstanbul, 1974, p.94.

<sup>340</sup> Samim Akgönül, "*Une communauté, deux états: la minorité turco musulmane de Thrace occidentale*", cited in Demesticha, ibid., p. 59.

38.2. All inhabitants of Turkey shall be entitled to free exercise, whether in public or private, of any creed, religion or belief, the observance of which shall not be incompatible with public order and good morals.

It should be noted, however, that, as a characteristic of that period, the minority rights are individual and not collective although some of them were eligible for collective exercise, such as the right to assembly. Besides equality in civil and political life, a number of positive rights are granted to preserve the minority culture and institutions.

Article 39 emphasizes equality before law, free enjoyment of civil or political rights such as admission to public employments, free exercise of professions and industries, free use of any language in commerce, religion, in the press, in publications of any kind or at public meetings as well as before the Courts. Article 40 grants the right to assembly; to establish, manage and control at their own expense, any charitable, religious and social institutions, schools or other establishments for instruction and education where they can use their language and religion freely. Article 41 ensures minorities equitable share from public funds under the state, municipal or other budgets for educational, religious and charitable purposes. Article 42 allows marriage, divorce and related matters to be resolved by religious institutions like in the millet system of the Ottoman Empire. Article 43 states that minorities shall not be compelled to perform any act which would violate their faith or religious observances and to attend Courts of Law or to perform any legal business on their weekly day of rest. Article 44 accepts the League of Nations' superiority in resolving any problem emanating from minority provisions.

Article 45 incorporates the principle of reciprocity: 'The rights conferred by the provisions of the present Section on the non-Moslem minorities of Turkey will be similarly conferred by Greece on the Moslem minority in her territory'. Although it is widely regarded as a principle of reciprocity, it is also argued that reciprocity can not be justified on legal grounds and that it is therefore more political than legal in nature. According to Oran, this article embodies parallel responsibility in the treatment of minorities for both states.<sup>341</sup> Aydın maintains that minorities mentioned in the Lausanne Treaty are nationals of the states and principle of reciprocity can not

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<sup>341</sup> Oran, *ibid.*, p.229.

be implemented against nationals.<sup>342</sup> Nevertheless, this article would be used as a justification for the discriminative acts and violations of the minority provisions by both states in the treatment of their reciprocal minorities.

#### IV. Debates on Ethnic Identity of the Minority: Muslim? Turkish?

Legal identification of the minority is “Muslim” as was stated in the Treaty of Lausanne. On the other hand, the *Convention Concerning the Exchange of Greek–Turkish Populations* defines people to be exchanged in terms of ethnicity in its title; the *etabli* documents use ‘Turks’ and ‘Greeks’ and not Muslims.

Furthermore, the minority was determined as ‘Turkish’ from 1954 until the coup d’Etat of 1967. In 1954, following the order of Papagos government (Law No. 3065 of 1954), the minority was recognized as Turkish and consequently the schools and other foundations which bore the title ‘Muslim’ were renamed as ‘Turkish’.<sup>343</sup> Muslim and Turkish identification was used interchangeably in some periods. Rozakis argues that during periods of crises, Muslim identification is emphasized in order to limit the nature of the minority and its protection to the religious and linguistic rights enshrined in Lausanne; in rare periods of rapprochement between the two countries, the minority is identified in ethnic terms as Turkish, thus extending the religious and linguistic protection offered by the treaty.<sup>344</sup>

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<sup>342</sup> Zeynep Aydın, “Lozan Antlaşması’nda Azınlık Statüsü: Farklı Kökenlilere Tanınan Haklar”, (in) **Ulusal, Ulusalüstü ve Uluslararası Hukukta Azınlık Hakları**, İstanbul: İstanbul Barosu, İnsan Hakları Merkezi, 2002, pp: 209-217, p.217.

<sup>343</sup> cited in Whitman, “Destroying Ethnic Identity...,” *ibid.*, p. 51. The official text sent by the government to the General Commander of Thrace was as follows:

KINGDOM OF GREECE  
GENERAL ADMINISTRATION OF THRACE  
INTERNAL MINISTRY AFFAIRS

Komotini, 28/1/1954

Urgent

To the Mayors and President of Communities of Rodopi Prefecture

According to the order of the President of the Government we demand that from now on you use the words “Turk-Turkish” instead of Muslim. That means that you are responsible to change the many writings in our prefecture, like “Muslim School”, “Muslim Community” etc. to “Turkish”

The General Administrator of Thrace

G. Fessopoulos

<sup>344</sup> Rozakis, *ibid.*, p.105.

As mentioned before, objective criteria reveal that the Muslim minority embodies Turks, Pomaks and Roma.

**Table 5: Ethnic Composition of the Muslim Population in Western Thrace (1997)**<sup>345</sup>

Ethnic Background	Population	Percentage
Gypsies	18,000	16%
Pomaks	38,000	34%
Turks	56,000	50%
Total	112,000	100%

Turks, the largest component, are the descendants of Turkish families from Anatolia; especially from towns of Konya, Aydin, Balikesir,<sup>346</sup> and possibly include indigenous peoples who converted to Islam and henceforth adopted the Turkish language and culture during the Ottoman reign. There is also some evidence for Turkish Muslim settlement in the region prior to the Ottoman conquest.<sup>347</sup>

Pomak identity is the most debated one. Pomaks live in three countries; Bulgaria, Greece and Turkey. They are Muslims who speak a native language different from Turkish and Greek. According to the Bulgarian view, they are Bulgarian Muslims. According to the Turkish view, they are descendants of some ancient Turkish tribes who settled in the Balkans prior to Ottoman conquest. The name “Pomaga”, “Pomagadiç” or “Pomak”, which means ‘helper’ in their native language, was given by Sultan Murat I for their support to the Ottomans in the war of Kosovo in 1389.<sup>348</sup> According to a Greek view, they are ‘Inhabitants of the mountainous Rhodope...believers of Islam...speaking the non-written Pomakic language that includes Bulgarian, Turkish and Greek words...descendants of an indigenous Thracian population and especially of the ancient tribe of Ahrian’.<sup>349</sup> Another Greek view claims that they were turkified by the Greek government as a result of anti-Bulgarism measures stemming from the perception of communist Bulgarian threat

<sup>345</sup> Antoniou, *ibid.*, p.163.

<sup>346</sup> Ozguc, *op.cit.*, p.16.

<sup>347</sup> A gravestone found in Kirmahalle Mosque of Komotini belongs to a date some 180 years prior to Ottoman conquest, *Ibid.*

<sup>348</sup> Ahmet Kayihan, **Lozan ve Batı Trakya : 1913'de ilk Türk Cumhuriyeti**, Ötüken Yayınevi, İstanbul, 1967, p. 3.

<sup>349</sup> Η Μουσουλμανική Μειότητα στην Ελλάδα (The Muslim Minority of Greece), Athens: ELIMEP editions, cited in Demesticha, *ibid.*, p.44.

from the north until mid 1950s.<sup>350</sup> According to F. de Jong, a Danish scholar, they are ‘a turkicised Muslim people of obscure origins mostly speaking a Bulgarian dialect with Turkish as a second language.’<sup>351</sup>

Majority of the Pomak population are urban, except for those in the mountainous villages of Rhodope and Xanthi. Likewise, they have totally absorbed the Turkish language. Yet Greece has aimed to assimilate them into the majority through endeavours such as the medical blood tests conducted in Athens in 1969 according to which the results showed that ‘there is no slightest difference between the Pomaks and the rest of the Greek population’.<sup>352</sup>

Muslim Roma is the third and the smallest component. They have also absorbed the Turkish language, but are generally poorer than the rest of the minority. They are not nomadic tribes; they are settled predominantly in villages and towns. They have adopted most of the Turkish culture and traditions which is evident in their clothing, religious rituals, marriages etc.

It is widely considered that categorization of the minority into three ethnic components is a deliberate attempt to create division within the minority because Pomaks and Muslim Roma predominantly identify themselves as Turkish. Some identify themselves as ‘Pomak Turk’, thus stating double ethnic identities-“I am a Pomak of the Turkish minority”, whereas the majority opinion on these people would be “He is a Turkified Pomak/Gypsy”.<sup>353</sup> The Turkish identification is a historical outcome of the common religion (Sunni Islam), because ‘being Muslim’ is associated with ‘being Turkish’ in this context. As Anagnostou correctly argues, ‘In Greece, Turkish ethnicity is defined by extensive economic, educational practices and communal ties, as well as the distinct influence and presence of Muslim religion

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<sup>350</sup> G.Magkriotis, *Pomakoi i Rodopaioi? Oi Ellines Mousolmani. Ti akriivos simvainei?*, Athens, 1990, cited in Meinardus, *ibid.*, p.88. The occupation of Greece by the Bulgarians during the Second World War brought many hardships for the country. Right after the end of Second World War, Civil War broke out. Consequently, the government perceived the northern communist countries (Bulgaria) as a major threat to its security until the emergence of Cyprus issue.

<sup>351</sup> Fred de Jong, *ibid.*, p.95.

<sup>352</sup> P.Mylonas, *Oi Pomakoi tis Thrakis (The Pomaks of Thrace)*, Athens, 1990, cited in Meinardus, *ibid.*, p.89.

<sup>353</sup> Also cited in Antigoni Papanikolaou, “The more they deny my ethnic identity, the more Turk I become”- The Babel of a minority identity in Thrace(Greece), Part of MA dissertation submitted to the University of Sussex (UK), 2002, available at <http://www.kemo.gr>, 10.06.2006.

in the family, gender and social relations'.<sup>354</sup> Pomaks and Turks coexist in same settlements and intermarry whereas marriage with ethnic Greeks and also Muslim Roma is a very rare practice. Furthermore, Turkish identity has been a sign of prestige over the years because Pomaks and Muslim Roma do not have a kin-state.<sup>355</sup>

Religious identification (Muslim) of the minority is based on the Lausanne Treaty's minority provisions as well as the Convention concerning the Exchange of Greek and Turkish Populations. Therefore Greece's identification of the minority is based on a legal ground. 'Greek Orthodox' identification of the Greek minority of Istanbul is also a religious identification: the adjective 'Greek' or 'Greek Orthodox' was not included in the Lausanne Treaty (where mention of this minority is non-Muslim) but it was included in Convention concerning the Exchange of Populations to exclude Orthodox people of other origins. In Turkey the Greek minority is called "Rum Azınlığı"- meaning a relic of the Roman Empire and not "Yunan Azınlığı" (Hellenic Minority).

However, recognition of 'Muslim Turkish' identification for the minority would neither mean denial of other components (Pomaks and Roma), nor violation of the Lausanne Treaty, because religion and ethnicity are intertwined in Western Thrace. Muslim identity is inseparable from Turkish identity, just like the indivisibility of Greek Orthodoxy and Greek identity. In this regard, both minority and majority identities reflect the legacy of Ottoman millet system.

This also underlies the historically constructed hostile perceptions of Turkish and Greek ethnic identities. Four hundred years of Ottoman rule, Greek- Turkish War, memories of population exchange, the Cyprus conflict and problems in the Aegean have ossified these perceptions of 'otherness'. This is another obstacle against the recognition of the Turkish identification mostly evident in banning the cultural minority organizations for bearing the adjective 'Turkish' in their titles.

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<sup>354</sup> Anagnostou, **Oppositional and Integrative Ethnicities**, ibid., p.19.

<sup>355</sup> Oran, **Türkiye'de Azınlıklar**, op.cit., p.28.

### **C. The State of the Minority from Lausanne Treaty until 1990s**

Since 1923, treatment of the minority has been largely determined by Greek-Turkish relations. Depending on the advent of bilateral relations, except for rare periods of friendship, the minority has been excluded, discriminated, oppressed and encouraged to emigrate. Rozakis evaluates the Greek minority policy as follows:

Unfortunately, the Greek state has never made any concerted effort to change the social and economic posture of the minority by affirmative action beyond the confines of the Treaty of Lausanne, so as to allow its integration into the wider society and its positive participation in aspects of the social and economic life of the country.<sup>356</sup>

After 1991, the state's minority policy began to change as a result of ethnic tensions and international concern. Mid 1990s marks a turning point for the minority; the end of the oppressive and discriminatory regime and the beginning of a new era of positive developments aiming at social and economic integration of the minority.

#### **I. The period of 1923-1939**

In the beginning of this period, refugee settlement altered the demographic structure of the Western Thrace region in contravention of the Lausanne Treaty (Articles 65 and 66).

Different sources reveal different data on the settlement of refugees in Western Thrace, or Greek Thrace. According to Alexandris, in the period of 1920-1924, nearly 100,000 refugees were settled in the region.<sup>357</sup> Pallis mentions 120,000 refugees.<sup>358</sup> Pentzopoulos, on the other hand, proclaims 189,000 refugees, as a result of which 62.1% of the region became Greek.<sup>359</sup>

Use of Muslim homes and properties in the Western Thrace region for the accommodation of Greek Orthodox refugees raised complaints by Turkey. Referring

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<sup>356</sup> Rozakis, *ibid.*, p.107.

<sup>357</sup> Alexis Alexandris, **The Greek Minority of Istanbul and Greek Turkish Relations 1918-1974**, Centre for Asia Minor Studies, Athens, 1992, p.121.

<sup>358</sup> A.A.Pallis, "*Racial Migrations In The Balkans During The Years 1912-1924*", 1936, pp:315-331, p.319.

<sup>359</sup> Pentzopoulos, *op.cit*, p. 136.

to Article 16 of the Convention, which guaranteed enjoyment of the rights to property of inhabitants exempt from the compulsory exchange, Turkey complained Greece to the League Council. In 1923-4, 13,835 rooms in Muslim houses were occupied, together with 127 schools and mosques and an area of 100,153 stremmata.<sup>360</sup> Greece defended the situation by referring to the availability of Western Thrace region for temporary refugee settlement since the region of Macedonia was already filled with refugees.<sup>361</sup>

Greece also complained Turkey to the League Council in 1924 alleging that some Greek Orthodox minority property in Istanbul was seized by the Turkish authorities.<sup>362</sup> The matter was settled by bilateral negotiations between Turkey and Greece a year later.<sup>363</sup>

As a result of the Mixed Commission's inspection in Western Thrace, 20,500 refugees were removed from the region by the end of 1924.<sup>364</sup> The official report of the League Council, dated November 29, 1925, revealed restrictions only on the right to free enjoyment of property by Muslim minority due to refugee settlement. These restrictions comprised seizures, requisitions, expropriations, and forced sharing of habitations. The official policy for expropriations targeted abandoned properties and large rural estates (*çiftlikler*) comprising an area of above 300 stremmata.<sup>365</sup> An area of 204,331 stremmata from a total of 467,191 classified as large rural properties was occupied. However, 123,640 stremmata belonged to the landlords present in Western Thrace, and only 80,691 stremmata were considered to be abandoned property. An additional 83,392 stremmata of small properties was also seized as abandoned property. For the payment of indemnities, a special law was enacted on January 10, 1925, according to which special committees were entrusted to determine indemnities due for Muslim properties seized or occupied in Western

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<sup>360</sup> Ladas, op.cit, p.478.

<sup>361</sup> Ibid., 479.

<sup>362</sup> Ibid., 481

<sup>363</sup> Ibid.,483. According to the official report released by the League Council in 1925, only a few thousands of the nearly 100,000 Greeks in Istanbul were given certificates of non-exchangeability (etabli documents) until the end of 1925., ibid., 488.

<sup>364</sup> Ibid.,480.

<sup>365</sup> Ibid., 485. Stremma (plural stremmata) is a Greek unit of land area, which is equal to 1000 square meters.

Thrace since 1922 for the shelter of refugees. Muslims were represented in these committees.<sup>366</sup>

The number of refugees in western Thrace was 150,000 at the time of the signature of the Lausanne Treaty, 120,000 in February 1924 and 85,000 in April, 1925.<sup>367</sup> By 1928, 17,000 refugee families were settled in Western Thrace in 208 villages.<sup>368</sup>

The final settlement of 17,000 refugees in 1928 can partly be attributed to the high number of refugees and the geographical inavailability of the country. However, considering the geographical proximity of the region to Turkey, the settlement also reflects an attempt towards homogenization of the region as a precaution against perceived irredentism. A significant number of minority population migrated to Turkey in this period; especially from the province of Evros (Dedeağaç), bordering Turkey.<sup>369</sup> After the settlement of refugees there were no expropriations of Muslim minority land until the 1950s.<sup>370</sup>

Problems arising from the settlement of refugees were further dealt with by the 1930 (Ankara), and 1933 (Athens) Conventions between Turkey and Greece, signed during the first visit of Venizelos in Ankara. Especially the period of 1928-1932 is considered as the first friendly period in Greek-Turkish relations.

According to the first of Ankara Conventions (10 June 1930), all the Greek Orthodox population, regardless of their birth of date and place in Istanbul, and all the Muslims who had settled in Western Thrace regardless of their birth of date and place were recognized as 'etablis'.<sup>371</sup> The evacuated property by the exchanged Muslims and Greek Orthodox populations became the property of that state.

During the Greek Prime Minister Venizelos's visit to Ankara, on 30<sup>th</sup> October 1930, three agreements were signed; a Treaty of Friendship, Neutrality, Conciliation and Arbitration (*Dostluk, Tarafsızlık, Uzlaşma ve Hakemlik Antlaşması*), a Protocol of Naval Armaments (*Deniz Kuvvetlerinin Sınırlandırılmasına İlişkin Protokol*), and

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<sup>366</sup>Ibid.

<sup>367</sup>Ibid.

<sup>368</sup> Ibid, p.494.

<sup>369</sup> Oran, **Türk Yunan İlişkilerinde Batı Trakya Sorunu**, op.cit., p.279.

<sup>370</sup> Aarbakke, ibid., p.57.

<sup>371</sup> Melek Fırat, "Yunanistanla İlişkiler", Baskın Oran (ed.), *Türk Dış Politikası, İletişim Yayınları*, 6th edition, İstanbul, 2002, pp:325-356, p.349.

the Convention of Establishment, Commerce and Navigation (*Ikamet, Ticaret ve Seyrisefain Antlaşması*).

*The Treaty of Friendship and Neutrality* was meant to build a political or economic alliance; ensuring neutrality in the case of an attack to the other party, refraining from any alliance against the interests of the other party and friendly settlement of disputes. *The Protocol of Naval Armaments* required both parties to inform each other 6 months before import or production of arms. This protocol was of crucial importance because it put restrictions on armament. Thus the money to be spent on armament would be used for economic development especially at a time of global economic crisis. *The Convention on Establishment, Commerce and Navigation (Ikamet, Ticaret ve Seyrisefain Antlaşması)* guaranteed the freedom of movement for citizens between the two countries and set the rules for bilateral trade.<sup>372</sup> According to a non-academic source, implementation of this article has resulted in a great number of Western Thrace Turks selling their property and migrating to Turkey.<sup>373</sup>

In October 1931, Turkish Prime Minister İsmet İnönü and Minister of Foreign Affairs, Tefik Rüşti Aras made an official visit to Athens. They demanded expulsion of the former *şeyhülislam* (chief religious official in the Ottoman Empire) Mustafa Sabri and his group, who were engaged in active propaganda against the revolutions and the secular regime in Turkey. They also asked for the abolition of minority religious courts and suggested that the government should provide the minority with freedom to choose the kind of court they preferred.<sup>374</sup>

In this period of rapprochement, Venizelos proposed Atatürk for the Nobel Peace Prize for his contributions to peace on the Balkan Peninsula. The rapprochement between the two countries continued even after the resignation of Venizelos from the government. In October 1933 Prime Ministers of the two countries, İsmet Paşa and Căldaris signed another Friendship Agreement (*Türkiye ile Yunanistan arasında Samimi Anlaşma Belgesi*) against a possible threat from Bulgaria. Both sides agreed on the defense of mutual borders (Greek and Turkish Thrace) in the case of an attack and the defense of common interests in international meetings. Furthermore, two

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<sup>372</sup> Ibid, pp: 346-9. Migration of Greek Orthodox as a result of the Convention had created a significant loss of qualified workforce in Turkey whereas they contributed to unemployment in Greece. The agreement would redress this loss.

<sup>373</sup> <http://www.batitrakyalilar.com/dev/kronoloji/toprak.asp>, 10.07.2006.

<sup>374</sup> Demesticha, *ibid.*, p.75.

other agreements were signed in December 1933 and November 1934 establishing alliance on economic and commercial issues. The signing of the Balkan Pact in 1934 was the most significant outcome of bilateral rapprochement at the regional level.<sup>375</sup>

On 26 May 1937 Prime Minister Ismet İnönü visited Greece when General Metaxas was the head of government after the fall of Venizelos government in 1932. It was succeeded by another agreement on 27 April 1938 which ensured neutrality in the case of an attack by one or more powers against one party. Furthermore, it was agreed to deny residence to persons who posed a threat to the security and the regime of the other's country.<sup>376</sup>

Friendly relations bore fruits in the cultural realm as well: in 1937 the Greek sculptor Athineos presented his Atatürk bust to Turkey. The Thessaloniki Municipality bought Atatürk's house and presented it to Turkey. Reciprocal chairs were established in the universities of both countries.<sup>377</sup>

Prior to the Second World War the two countries had established political, economic and military alliances. These alliances were largely influenced by the perceived threat from Bulgaria and Italy as well as deteriorated economic and political structures in each country. However, the alliances could not be implemented during the course of Second World War, and Turkey could only support Greece during the war through supply of food and medicine.<sup>378</sup>

The rapprochement between the two countries in this period was positively reflected in their treatment of the reciprocal minorities. Upon Turkey's demand, Greece expelled the anti-Kemalists in Western Thrace and reformed the minority education by replacing Arabic language with Turkish. In return, Turkey lifted the support given to Papa Eftim, avoided interference in Patriarchate elections and in minority education.<sup>379</sup>

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<sup>375</sup> Firat, *ibid.*, p.350.

<sup>376</sup> *Ibid.*, p.355.

<sup>377</sup> *Ibid.*

<sup>378</sup> One year after the signing of the 1930 Agreements, Greece unilaterally declared that it extended her air zone from 3 miles to 6 miles. In 1936, after the visit of Metaxas to Ankara, the territorial waters were extended from 3 miles to 6 miles. In parallel with the Montreux Convention of 1936, Turkey allowed Greece to militarize the islands near the Straits. However, after the Second World War, this would cause trouble between the two countries. *Ibid.*, p.356.

<sup>379</sup> *Ibid.*

Nevertheless, Western Thrace minority was susceptible to developments in Turkey and in the region, which set the stage to an internal divide within the community. The modernists adopted the secular Kemalist reforms whereas the conservatives remained under the influence of the expelled Mustafa Sabri and his group referred as '*Yüzellilikler*'.<sup>380</sup>

Some schools adopted Saturday and Sunday as the weekend holiday, while the others insisted on Friday. The modernist faction began to wear hats and coats instead of *fez* (a kind of hat worn in Ottoman period by males) and *ferace* (traditional Muslim gown which is still worn in villages today) whereas the conservative faction maintained their dress code. These groups became hostile against each other. According to an incident narrated by Ozguc in his semi-academic work, when a man from the modern stratum died one day, a group refused to allow his burial in a Muslim cemetery because he was wearing a hat instead of a *fez* or *sarık*, and the tension was calmed down by the interference of the Komotini prefect.<sup>381</sup>

According to Ozguc, among the many factors precipitating the divide was the discriminatory behaviours of some Turkish Consuls against the conservatives and the rich feudal landlords.<sup>382</sup> The landlords were particularly influential on ordinary people, taking into consideration the fact that the overwhelming majority depended on agriculture. They were uneducated and narrow-minded people who perceived the reforms as a threat to their dominance.<sup>383</sup> Education can be considered a third factor contributing to the conservative modernist divide. The educated were more inclined to be modern. However majority were uneducated, even illiterate as education had been interrupted by the political turmoil in the region since the Balkan wars of 1912-1913.

The first modernization move was initiated by a group of secular intellectuals. Mehmet Hilmi stands out as a prominent figure in this regard. He published the first

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<sup>380</sup> Sabri's newspapers and publications, tolerated by the Greek government, fiercely opposed Kemalist reforms and had a significant influence on the uneducated people. Ozguc, op.cit, p.56.

<sup>381</sup> Ibid.

<sup>382</sup> Ibid.

<sup>383</sup> An incident he cites is very illustrative; in 1932, when a minority primary school began education in Latin letters (Turkish alphabet) in the Yenice neighborhood of Komotini, the Aga opposed the reforms saying 'As long as I am here, I will not allow Latin alphabet enter this school'. However, in the same period, his child was attending a Greek school. Ibid.

minority newspaper (*Yeni Ziya*) and is therefore considered to be the father of minority press. He also founded the Ksanthi Turkish Union (then Turkish Hearth; the first modern minority cultural organization). It was succeeded by another cultural organization in Komotini (the Komotini Turkish Union), the Western Thrace Turkish Minority Teachers Union in Komotini and Xanthi as well as a few charity organizations. Attempts to establish similar cultural organizations in rural areas were refused by the Greek government.<sup>384</sup>

On the other side were the organizations of the anti-secular conservative faction; two Islamic Unions (Ittihad-ı İslam Cemiyeti, Intibah-I Islam Cemiyeti) and Union of Theology Graduate Teachers (Medrese Mezunu Müslüman Muallimler Birliği). *Ittihad-I Islam Birliği* (Union of Islamic Society) was established in Komotini by the expelled soldiers of Cerkez Ethem, and Alexander Mimoglu, a Greek Orthodox immigrant from Anatolia. An excerpt from the speech of Mimoglu in a minority village illustrates the purpose of these organizations:

Muslims! We have come here on order from the government. We will determine whether the public prefers being Muslim or being Turk and register those Muslims in our Union. From now on, Muslims and Turks will be separated in Greece.<sup>385</sup>

*Intibah-I Islam Cemiyeti* (Society of Islamic Awakening) was founded in 1948 after the initial one, Ittihad-I Islam Cemiyet lost its influence on the minority. The founders of the latter were Molla Yusuf, who would serve as a minority MP in 1950s in the Greek Parliament, Hüsnü Yusuf, who would later publish the conservative *Hak-Yol* newspaper and Hafiz Yasar, who would assume a prominent duty in the management of vakifs. *The Union of Medrese Graduates*, founded by the anti secular graduates of theology school, were excluded by the Consulate who favored modern secular unions. On the other hand, the Union was financially and morally backed by the Greek government, the founders were even put on salary.<sup>386</sup>

In fact, such religious organizations were backed by the Greek government who exploited the modern versus conservative divide to promote the latter in order to

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<sup>384</sup> Ibid., p.63.

<sup>385</sup> Ülkü Gazetesi (minority newspaper), 1933, Nr.4, cited in Ozguc, op.cit, p.76.

<sup>386</sup> Ibid., p.77.

preclude the transformation to a collective modern Turkish identity, which they perceived as a potential irredentist threat.

On the other hand, the modern secular minority organizations, particularly the Turkish Teachers Unions, were backed by the Turkish government. According to the Turkish Law nr 160 dated 1960, those minority teachers who did not engage in acts against Turkish revolutions and culture and who did not receive enough salaries or retirement benefits from their governments were entitled to receive wages.<sup>387</sup>

The expulsion of anti Kemalist religious conservatives from Greece (after 1931) and the employment of Turkish teachers from Turkey (following the 1951 Cultural Protocol) are claimed to have transformed the religious Muslim community into an ethnic Turkish minority.<sup>388</sup> However, the secular reforms were advocated within the minority first and foremost to transform it from a backward religious peasant community into a modern secular one to enable them to survive and and to adapt to the requirements of the new era.

## **II. The period of 1939-1967**

Massive migrations to Turkey took place during the Second World War and the subsequent Civil War. This is the second migration wave triggered by the conditions of the Second World War and the subsequent Civil War in Greece. They were times of hardship both for the majority and the minority.

The minority members fought in the Greek army during the Second World War and remained loyal to the royalist government during the Civil War.<sup>389</sup> The Bulgarian occupation in the region during the Second World War was a period of fierce

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<sup>387</sup> Resmi Gazete, Nr. 10688, cited in Ozguc, op.cit, p.79. In that period the decision was important to sustain the teachers' economic survival, because these teachers were employed in minority schools and paid by the minority. They did not receive salaries and social benefits like insurance or retirement benefits from the government. Most were banned to teach in later years, therefore became unemployed. However, as they were banned from teaching by the Greek government, those who lived in villages became peasants and were therefore entitled to social benefits from the government. Yet their salaries from Turkey have never been upheld.

<sup>388</sup> Alexandris, op.cit, p.309.

<sup>389</sup> Ibid., p.308

maltreatment.<sup>390</sup> The following Civil War left the minority people even more vulnerable. As the minority villages were located on the skirts of Rhodope Mountains, they were easily accessible by the guerillas to supply for their basic needs. Some minority boys were taken by force to fight with them. Some of them never returned.

During the Second World War, Greece demanded Turkey to ally with her against the Italian occupation, invoking the bilateral agreements on military alliance and the Balkan Pact. Turkey retained her neutrality, but she sent humanitarian aid by sea when Greece was suffering from hunger during the Nazi occupation and allowed the Greek ship *Adrias* escaping from Nazis to shelter in Turkish waters.<sup>391</sup>

In this period, in Turkey, The Wealth Tax (*Varlık Vergisi*) aimed at prohibition of illegitimate trade gains in the war period generated substantial unfavorable consequences for the non-Muslim minorities. Citizens had to pay 20% of their possessions as tax to the government and those who were not able to pay were sent to Aşkale (Erzurum) to work in mines. Furthermore, as a security measure, all non Muslim males aged between 18 and 45 were taken to military.<sup>392</sup> This was an outright violation of the Lausanne Treaty concerning minorities.

Nevertheless, the period of 1947-1963 is regarded as the second period of friendship and rapprochement between Turkey and Greece. In 1947, the Ankara-Athens rapprochement was facilitated by the Truman Doctrine. After the declaration of the Truman Doctrine, a Turkish-Greek Cooperation Committee was established in Athens and a Trade Agreement was signed in 1948 in order to facilitate bilateral trade. In 1952, both countries became NATO members. From this period on, clashing interests of the allies (USA and the Soviet Union) would play a determining role in shaping the bilateral relations between Turkey and Greece.<sup>393</sup>

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<sup>390</sup> Ibid. A lot of people in the region were tortured to death or sent to jail without any reason by the Bulgarians. My greatgrandfather on my mother's side was sent to Bulgaria where he spent many years in jail, and my greatgrandfather on my father's side was severely tortured under custody.

<sup>391</sup> Firat, *ibid.*, p.579.

<sup>392</sup> Ibid., p.,580.

<sup>393</sup> Ibid., p.581.

During 1950s, Turkey and Greece experienced similar political, economic and social developments. Both strived for integration in the western world and were governed by center right parties backed by the USA. Menderes government in Turkey, and Papagos, Karamanlis governments in Greece were aiming to complete the transition to free market economy with the US aids. However, the aid was largely spent on military and infrastructure, and not on industrialization. Nevertheless, the old agriculture-dependent structure was to a large extent transformed. The consequent urbanization in both countries created new social strata that would play a significant role in political developments in 1960s in both countries.<sup>394</sup>

Rapprochement between the two countries in 1950s bore fruits. In February 1952, Venizelos visited Turkey. The Turkish-Greek Mixed Committee on Cooperation took a number of economic and commercial measures like marketing of Turkish and Greek tobacco to third countries, fishing in Aegean waters, bilateral abolition of visas, alliance in security issues. The relations between the two countries were so good that in a declaration, Venizelos said: ‘The friendly relations between Turkey and Greece are so strong that within a short while we will declare the two countries are one’.<sup>395</sup>

In April 1952, Turkish Prime Minister Menderes together with the Foreign Affairs Minister Fuat Köprülü and the Chief of Staff Şükrü Kanatlı visited Greece. In June 1952, King Pavlos and Queen Frederica visited Turkey. In November, Turkish President Celal Bayar visited Athens and then Western Thrace for the opening ceremony of Celal Bayar High School.<sup>396</sup> Both countries became members to Balkan Alliance in 1954.<sup>397</sup>

For both minorities, (Greek Orthodox and Muslim Turkish) the 1950s was the most peaceful period.<sup>398</sup> The host states signed an educational protocol (1951) determining the exchange of teachers and teaching material concerning minority education. The

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<sup>394</sup> Ibid., 586-7.

<sup>395</sup> Ibid., p.587.

<sup>396</sup> Ibid.

<sup>397</sup> Ibid.,p.588. The Balkan Alliance was different from the Balkan Pact of 1934. The former was an alliance against threat by a Balkan country (communist) whereas the latter was backed by the USA as a containment policy against communism on the divided Balkan peninsula in the post Second World War settlement.

<sup>398</sup> Ibid., p.592; Oran, **Türk Yunan İlişkilerinde Batı Trakya Sorunu**,op.cit, p.280.

Halki Seminary was allowed to enroll students from Greece. The Greek Orthodox generally voted for Menderes in 1950 elections. Greek Orthodox MPs in the Turkish Parliament became more active. There were important developments for the Western Thrace Muslim Turkish minority in this period. The schools were renamed as 'Turkish', replacing 'Muslim' (General Papagos Law). Two secondary minority schools were opened in Komotini (Celal Bayar Lisesi, 1949) and in Ksanthi (Muzaffer Salihoglu Lisesi, 1956) respectively. The educational protocol also authorized Turkey to establish Teaching Schools to train Western Thrace minority students to teach in minority schools. In 1949 for the first time Greek administration allowed the minority to elect the community administrative board. (*Cemaat Idare Heyetleri*)

The peaceful and friendly state of bilateral relations was to be reversed with the emergence of Cyprus conflict. The first phase of Cyprus conflict was settled by the creation of an independent Cyprus Republic in 1960. However, the resolution did not last for long and the tensions escalated in the beginning of 1960s. From then on, Turkish-Greek relations would largely be determined by the developments in the Cyprus problem.<sup>399</sup>

Both states would retaliate against her minority for the deteriorating bilateral relations. On 6-7 September, during the talks over Cyprus at the London Conference, the newspaper *Istanbul Ekspres* spread the news that Ataturk's house-of-birth in Salonika was bombed upon which Cyprus is Turkish Society (*Kıbrıs Türktür Derneği*) held a demonstration on the same day. Soon the demonstration turned into a pogrom. A few old Greek Orthodox persons died, 35 were injured, 5622 buildings were destroyed and material loss amounted to 300 million dollars.<sup>400</sup> Turkey condemned the pogrom the next day. *Cyprus-is-Turkish* Society was banned and the 87 members were arrested. However, majority of the 3,000 arrested were Turkish communists, who were held responsible for the pogrom. After several investigations, the person who spread the false news about the bomb in Ataturk's house was found to be a Western Thracian minority student at the University of

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<sup>399</sup> Firat, *ibid.*, p.593.

<sup>400</sup> *Ibid.*, p.601. According to a Greek source, 200 women were raped in the suburbs. 1,004 houses, 4,348 shops, 27 pharmacies and laboratories, 21 factories, 110 restaurants, cafés, and hotels were destroyed. 73 churches, 26 schools, and 5 athletic clubs were plundered, Alexandris, *op.cit.*, pp:257-258.

Thessaloniki who was also working for the Turkish Secret Service.<sup>401</sup> The Prime Minister Menderes and the Deputy Minister of Foreign Affairs Zorlu were also held responsible for the pogrom during their trials after the overthrow of their government by the 1960 coup.<sup>402</sup>

### **III. The period of 1967-1974**

By 1960s, the rigidity of Cold War began to mitigate. Conference on Security and Cooperation in Europe (COSCE) and the signing of Helsinki Final Act in 1975 brought the two blocks together for the first time. Following this rapprochement, disputes began to arise within the Eastern and Western blocks. The first significant dispute in the eastern bloc was between Beijing and Moscow; and in the western bloc between Greece and Turkey.<sup>403</sup>

The period of 1960-1974 is marked with political instability in both Turkey and Greece. In 1967-1974 Greece was governed by a military regime. Turkey experienced three coups, in 1960, 1971 and 1980 respectively. Due to the escalating ethnic tension, Turkey intervened in Cyprus in 1974. As a reaction, Greece withdrew from the military wing of NATO to which it was allowed to rejoin in 1980.

The deteriorating bilateral relations due to the Cyprus conflict bore destructive consequences for the minorities. Turkey unilaterally abolished the 1930 Convention on Residence, Commerce and Navigation (Ikamet, Ticaret, ve Seyrisefain Anlaşması) on 16<sup>th</sup> September 1964. As a result, residence permits of 8600 Greek citizens of Greek Orthodox were cancelled. On 2<sup>nd</sup> November 1964, a secret decree (nr 6/8301) was issued which blocked all transactions on immovable Greek Orthodox property. This precipitated the second largest migration wave to Greece after the pogrom.<sup>404</sup>

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<sup>401</sup> Firat, *ibid.*, p.601; Aarbakke, *ibid.*, p.97.

<sup>402</sup> Firat, *ibid.*, p.601.

<sup>403</sup> *Ibid.*, 716.

<sup>404</sup> *Ibid.*, p.732.

In Greece, oppressive and discriminatory measures against the Western Thrace minority escalated. Arbitrary deprivation of citizenship based on Article 19 began to be implemented against the minority members. Special Pedagogical Academy of Thessaloniki was founded to train teachers for the minority. Papagos law identifying the minority as Turkish was abolished. During the period of military conflict in Cyprus, night-time curfew was put into force in minority villages. Due to the anti Turkish sentiment in the region, minority members would be subject to frequent interrogations by the police. Many minority members fled the country to Turkey out of fear. Restriction on the purchase of immovables, ban on issuing driving licenses and licenses for hunting rifles, repair of houses, arbitrary fines were all introduced in this period.

#### **IV. The period of 1974- 1989**

The overthrow of the junta in 1974 brought back democracy to the country; however not to the minority. The situation of the minority worsened following the Turkish intervention in Cyprus and following the declaration of the Republic of Northern Cyprus in 1983.

The only positive development for the rapprochement of the two countries in this period was the Davos meetings of 30-31 January 1988, initiated by the then Turkish Prime Minister Özal. However it failed to bring about the intended results. One positive implication of Davos for the Greek Orthodox minority of Istanbul (who had shrunk in number to below 5,000) was abolition of the secret presidential decree (2 Nov 1964) which blocked transactions on immovable property on 5 February 1988.<sup>405</sup>

The situation for the Muslim Turkish minority of Western Thrace, on the other hand, continued to deteriorate. From the 1960s on, until the decentralization reforms of 1994, the minority was put under the supervision of **Ministry of Foreign Affairs** and its sub-organ called **Office of Cultural Affairs** established in the prefectures of Ksanthi and Rhodope. The state officials in charge were in the beginning appointed by the military regime, then by the successive governments. They were responsible

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<sup>405</sup> Ibid., p.115, Volume II.

for overall transactions concerning the minority and worked in close cooperation with the government-appointed prefect and prefectural administration. This state mechanism was responsible for implementing the discriminatory and oppressive minority policy; they prevented acquisition of property, bank loans and driving licenses, as well as employment.<sup>406</sup>

This network also prevented the equal distribution of EC structural funds of 1980s in Thrace. In this period, only local Christians benefited from these funds. Investments were made in the central towns of Ksanthi and Komotini and the southern Christian-populated zones whereas the minority populated areas of northern zone were excluded.<sup>407</sup> Blockade of economic development made the minority more dependent on agriculture, and resulted in the transfer of savings to Turkey. Unable to invest in Thrace, people invested their money in real estate and banks in Turkey until mid 1990s. In the long term, this would lead to further 'ghettoization' of the minority'.<sup>408</sup>

Consequently, until mid 1980s, migration to Turkey was more intense, afterwards Germany became a more attracting spot due to economic reasons and the free movement made possible by EC membership. The minority students in Turkey remained there after completion of their studies, because their university diplomas were not recognized in Greece. This led to further division in families, decrease in minority population and human capital that could contribute to the minority's development.

Political mobilization started in late 1980s (29 January 1988) as a reaction to the discriminative and oppressive state policies. From 1960s until 1998, discriminations and oppression against the minority can be analyzed in two categories: violations of human rights and minority rights. The former occurred mainly in economic and social spheres whereas the latter occurred in cultural sphere. It should also be noted that some minority people were able to overcome these restrictions due to clientelistic relations or other secretive means.

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<sup>406</sup> Dia Anagnostou, "Breaking The Cycle of Nationalism: The EU, Regional Policy and the Minority of Western Thrace, Greece", South European Society&Politics, Vol.6, No.1, Summer 2001, pp:99-124, p.105.

<sup>407</sup> Ibid., p.106.

<sup>408</sup> Ibid., p.107.

## **D. Violations of Human and Minority Rights**

### **I. Economic Sphere**

#### **a. Expropriation of Land**

According to the Turkish official documents presented in Lausanne, 84% of the land in Western Thrace was owned by the Turkish Muslims.<sup>409</sup> This figure is challenged by the fact that the population figures presented by the Turkish side belonged to the 1914 census. It was also not specified whether this number included public or private land. Taking into consideration the feudal-like Ottoman system, it is highly likely that it did. Even after land reforms in Greece, the landowners (Ağalar) owned the majority of land in the villages in early years. Nonetheless, although the given number at Lausanne is debatable, it is possible that the majority of land belonged to the minority because it was an agricultural community. Besides land reforms and expropriations, minority owned lands declined due to migrations to Turkey and other countries.<sup>410</sup>

A significant problem related to land ownership was inavailability or inaccuracy of title deeds. Due to a number of wars in the region, most of the title deeds from the Ottoman period were lost. The Ottoman regulation of 1858 pertaining to land ownership grants the land ownership to the person who cultivates the land at least for 10 years. This was recognized in Greek Constitutions of 1914 and 1929.<sup>411</sup>

Several agrarian reforms were made to distribute land to the landless. The agrarian reform of 1952 (law nr 2058/1952) distributed the land corresponding to over 500 stremma of cultivated land and over 250 stremma of uncultivated land to the landless.<sup>412</sup> Christians and Muslims benefited equally from land distributions in the 1950s: in 14 villages 304 Christian families received 3,087 stremma land, and 316

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<sup>409</sup> Meray, op.cit, p.63.

<sup>410</sup> *Trakya* 726/03.02.1958, cited in Aarbakke, *ibid.*, p.60.

<sup>411</sup> Oran, **Türk Yunan İlişkilerinde Batı Trakya Sorunu**, op.cit, p.248.

<sup>412</sup> *Ibid.*, p.240.

Muslim families received 3,228 stremma land.<sup>413</sup> However, it does not hold for land expropriations.

The first expropriation which led to the first mass protest was the Evlalo (İnhanlı) land dispute in 1982. In 1953, the Ministry of Agriculture decided to expropriate 3200 stremma of land of which 1800 stremma belonged to the village of Evlalo within the Ksanthi province. It was cancelled upon objections raised by the locals to the Ksanthi Expropriation Committee in 1956. However this 1800 stremma of land was specified as state property by a secret decision taken in 1973 by Ksanthi prefecture which was declared to the villagers of Evlalo in 1981.<sup>414</sup>

In fact the title deed for this 1800 stremma was owned by two persons in 1872, which was later divided among the heirs, each of which possessed and cultivated about 20-25 stremma. The villagers represented by the lawyer Orhan Hacıbrahim, lost the first of the trials of 15-16 March 1982. Following the verdict, a gendarmerie unit of 50-60 men obliged the villagers to sign an official document prohibiting the use of their land. The villagers organized three successive protests (17 and 22 March, 2–13 April) under the leadership of Orhan Hacıbrahim in Ksanthi town square. The issue was taken to Athens by several minority politicians including the muftis. Although the vice foreign minister Yannis Kapsis (PASOK government) assured that the dispute would be solved by the prefects, no step was taken during the next year. The dispute received wide media coverage in minority press and even incited frictions between the lawyer Hacıbram and some notables.<sup>415</sup>

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<sup>413</sup> Aarbakke, *ibid.*, p.57.

<sup>414</sup> *Ibid.*, p.303.

<sup>415</sup> *Ibid.*, pp:303-307. When Hacıbram decided to postpone the case from 15 June to 2 November 1992, he was strongly criticized for betraying the villagers by Rodoplu (Gerçek /Reality newspaper owner, later MP) and Hatipoglu (owner of Akin (Attack) newspaper and among founders of Supreme Minority Council). Below is a dialogue that took place on the day of Evlavo protests. *Trakya'nın Sesi* 21/03.07.1982, cited in Aarbakke (translated by him into English), *ibid.*, p.541.

-What is happening, Orhan?

-The Evlalo villagers began a protest. They have definitely a just cause.

-Is such a thing possible? Are you bringing A NEW CUSTOM TO AN OLD VILLAGE? It is not possible to protest in such a manner.

-So what can we do, Hasan?

-Make a committee from the villagers. Write a memorandum, give it to the prefect and dissolve [the protest] immediately afterwards.

-When the prefect is not there?

-Is not the vice prefect there?

-No he too is not there.

-Does the prefect not have a concierge? Give it to him.

The court verdict of 18 March 1983 cancelled the protocols and consequently the expropriation of the disputed land. It was based on the absence of clear specifications of the concerned area but not the incorrectness of the previous decision.<sup>416</sup> However the court avoided to give a final decision. On 20<sup>th</sup> November 1983, five days after the declaration of Turkish Republic of Northern Cyprus, nine of the owners of the disputed land were arrested on charges of attacking private property. They had reploughed their own land which was previously ploughed by Christian farmers. They were fined ‘...for occupying their own land’.<sup>417</sup> Once again in 1988 there were clashes between the Muslim and Christian farmers. Nonetheless, the villagers got back their lands and managed to retain them.<sup>418</sup> The lawyer Hacıbram played a vital role in the final outcome.

The minority were not against agrarian reforms for distribution of land to the landless but to those expropriations of fertile land for purposes such as building military and industrial sites and the Democritus University of Thrace. In 1978, 4,000 stremma of land was expropriated for building an industrial site in the villages of Amaranda (Yahyabeyli), Vakos (Makut), Triorion (Kafkas) and Pamforon (Ambarköy). 4,300 stremma were expropriated in Komotini surroundings for military zone and 3200 stremma were expropriated to build the Democritus University of Thrace.<sup>419</sup> Interestingly, only half of the 4,000 stremma was used to build an industrial site and the other half was rented to Muslim and Christian farmers in 1986.<sup>420</sup>

The most detrimental of all the expropriations was the one for the Democritus University. The expropriated land far exceeded the necessary land for a university;

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-Yes, Hasan. If I had listened to you today the prefect’s concierge would have occupied himself with the villagers’ problem, while we have brought it to the level of the prime minister. Esteemed Hatipoglu; Your behaviour at the Monday 22 March protest march was very ridiculous. While we walked around the square together with the villagers and shouted at the top of our voices about their rights, you were watching from the coffee house on the opposite side. But when the protest march was over and it was time to take a photograph you went to the first row and took the photograph of the fighter Hatipoglu which you published in your newspaper. It is no shame to be afraid or to be unable to do something. However, it is a great shame to usurp other people’s struggles. [...]

<sup>416</sup> Oran, **Türk Yunan İlişkilerinde Batı Trakya Sorunu**, op.cit, p.258

<sup>417</sup> Ibid., p.259.

<sup>418</sup> Aarbakke, *ibid.*, p.308.

<sup>419</sup> Oran, **Türk Yunan İlişkilerinde Batı Trakya Sorunu**, op.cit, p.241.

<sup>420</sup> Ibid.

even the biggest university of Greece, the Thessaloniki University was built on a land of 640 stremma. The government did not accept Muslim villagers' offer to give the infertile land for the construction of this university.<sup>421</sup> Worse than that, they were not given land in return for their expropriated property and were paid very low compensation. As a result, many lost their income source and migrated to Turkey. The Greek Information Office Director told the Helsinki Watch that 82% of land expropriated for the same purpose in Ksanthi belonged to Christians.<sup>422</sup> However, the expropriated land for the same purpose in Ksanthi was incomparably smaller.<sup>423</sup>

A protest march was organized with more than 1,000 participants demanding return of the land in excess of the need for construction. The only support from the majority for these protests came from KKE (the Communist party), from the MP Dimitris Sahinis.<sup>424</sup> A committee was formed to organize further protests. However, the plans were curtailed by disagreements among the minority notables. Unlike the Evlavo (Inhanlı) case, the government decision was not successfully protested by the minority.<sup>425</sup>

In the post Cold War, another 1500 acres were expropriated to build settlement for Pontiac Greeks from the Soviet Union.<sup>426</sup> On 24 July 1984, under a Presidential Decree, the government intended to expropriate 6,000 acres of fertile land owned by the minority in Sappes (Şapçı) and Komotini (covering the minority villages of Passas (Basırlıköy), Filira (Sirkeli), Mistika (Bıyıklıköy), Arisvi (Ircan), Aratos (Karacaoglan), Ariana (Kozlukebır) and the Greek village of Anthia). This would deprive 630 minority families of land and leave 15,000 minority peoples unemployed. The Supreme Minority Council assembled upon this development and took decisions to protest the decision. An unexpected move came from the appointed mufti of Mecu Cemali, who sent a telegram to Athens, stating that in the case of such an expropriation he would personally mobilize all the minority people.<sup>427</sup> As a result, the government retreated.

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<sup>421</sup> Whitman, "Destroying Ethnic Identity,...", *ibid.*, p.35 The villagers offered 500 acres of infertile land for free for the establishment of the university which was refused by the government.

<sup>422</sup> Whitman, *ibid.*, p.36.

<sup>423</sup> Aarbakke, *ibid.*, p.308.

<sup>424</sup> Oran, *op.cit.*, p.243.

<sup>425</sup> For details, see Aarbakke, pp: 309-311.

<sup>426</sup> Whitman, "Destroying Ethnic Identity...", *ibid.*, p.35..

<sup>427</sup> Oran, **Türk Yunan İlişkilerinde Batı Trakya Sorunu**, *op.cit.*, p.243.

**b. Curtailment of Freedom to exercise profession**

In 1984 DIKATSA (Greek educational institution responsible for recognizing foreign university degrees) stopped recognizing minority students' diplomas acquired from Turkish universities. The minority graduates failed the required exams many times. Upon protests to the Department of Education, they were directed to the Foreign Department or vice versa.<sup>428</sup> This measure was considered to be inspired by the Greek vice foreign minister Yiannis Kapsis (PASOK).<sup>429</sup> Years passed by without a solution. Most of the graduates were discouraged, gave up and migrated to Turkey or to Germany to seek employment. This led to a significant loss of human capital for the minority. The rest had to work in unqualified jobs; either as peasants or as waiters ...etc. Attempts by minority MPs did not bring about a solution.

The university graduates established a 'Struggle Committee' to deal with the situation themselves. On 3 February 1987, a protest march was organised in Komotini led by Mustafa Mustafa (later MP from Sinaspismos). A letter with signatures of 37 university graduates was sent to Andreas Papandreu, head of government (PASOK). Another protest march was held on 16 June 1987, and a sit down action in front of the Prefecture on 3<sup>rd</sup> February 1987 which ended upon the Prefect' promise to solve the problem.<sup>430</sup> However, the efforts produced no result. It was not even mentioned during the Davos meetings. In May 1988, they started a hunger strike in the courtyard of Yeni Mosque in Komotini which lasted for 20 days and received wide coverage in the Greek press.<sup>431</sup>

What distinguished these protests from previous ones was the handling of the problem. The protesters were young university graduates who did not seek consultancy or authorization from the Supreme Minority Council. This way they managed to receive substantial support from their Greek counterparts, especially

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<sup>428</sup> Ibid., p.152. In 1987, for example, 9 doctors, 5 dentists, 2 chemists and a veterinarian, graduates all Turkish university graduates, failed the DIKATSA exam for the recognition of their diplomas.

<sup>429</sup> *Trakya'nın Sesi* 446/24.02.1993, cited in Aarbakke, *ibid.*, p.316.

<sup>430</sup> Oran, *op.cit.*, p.152.

<sup>431</sup> Aarbakke, *ibid.*, p.320.

from leftist labor organizations and the KKE (Communist Party) as well as media coverage in Athens. On 16 June 1987, representatives of 8 leftist organizations, Greek university graduates, the lawyer Nikos Fakiridis from KKE (candidate at local elections in 1986 for Komotini) participated in the protests. According to Aarbakke, their approach to the problem as a ‘civil rights issue’ instead of the ‘violations of Lausanne rhetoric’ was important in bringing about the change.<sup>432</sup>

**c. Restriction on the Purchase of Immovables, and Issuance of Driving Licenses**

Beginning in the junta period until mid 1990s, the minority was denied permission to buy immovables such as houses and land, open business, build or repair houses or mosques. Those villagers whose lands were expropriated were not allowed to buy new land with the compensation they received and consequently had to migrate to Turkey.<sup>433</sup>

This restriction was based on the law 1366/1938 enacted in 1938 before the Second World War in order to restrict sale of land to foreigners in border areas. Hence all such transactions were subject to the permission of a Commission made up of public officials. However, it was directed against the minority whereas Christians were even encouraged to buy immovables with long term bank loans.<sup>434</sup>

In 1987, the European Community Commission brought the matter to the European Court of Justice. In 1989 the court decided that it was in contravention of the obligations arising from the articles 48, 52, 59 of the Treaty establishing the European Community.<sup>435</sup>

Until mid 1990s, there was no factory, gas station or pharmacies owned by the minority. A baker in Ksanthi was allowed to rent a shop, but he was denied permission to buy new machinery. When Ibrahim Salihoglu, the owner of a small

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<sup>432</sup> Ibid., p.326.

<sup>433</sup> Oran, op.cit, p.260.

<sup>434</sup> Ibid.

<sup>435</sup> Oran, op.cit, p.262. Article 48, 52 and 59 of the Convention granted the citizens of EC member countries and workers the right to free movement and residence and work in other EC member countries, and consequently the right to purchase immovables like houses or land in the host country.

grocery store in the village of Fillira, wanted to enlarge his shop, he was told at the Nomarch's office in Komotini that he did not need permission to do that. However, the local police threatened to close his shop when he started to enlarge it and detained him at the police station for 24 hours.<sup>436</sup> Since people could not buy or repair their houses, most bought estate in Turkey, thus for long years the capital that could have been invested in Greece flew abroad. Contrary to Greek settlements, the minority settlements were poor; the houses were small and in need of repair.

In the civil service, the only position held by the individuals belonging to the minority was street cleaning. In 1990, of the 300 employees in the Komotini Nomarch's office, none was from the minority. Of the 1,000 civil servants in Ksanthi Nomarch's office, none belonged to the minority.<sup>437</sup>

Contrary to the Greek claim, low level of education and dependence on agriculture are not the only reasons for absence of minority members from trade and civil service. The situation can only be explained by outright discrimination including the low quality minority education and non-recognition of Turkish university graduates' diplomas. Even those graduates of Greek universities were not admitted to certain positions. Dr Sadik Ahmet, for example, as a graduate of Thessaloniki University, was denied the only vacant position for a surgeon in the Komotini hospital in 1984, and was told to find a position in a hospital in Thessaloniki instead. The vacancy was later filled with a Greek Christian.<sup>438</sup> Furthermore, even some university graduates whose diplomas were recognized were denied work permits.<sup>439</sup>

The villagers were denied driving licenses, especially tractor licenses, which was necessary to cultivate land. The only way to get a license was through clientelistic relations. Generally the Greek argument would be that the Muslims did not learn Greek and were therefore unable to pass the tests.<sup>440</sup> However, after the issue was

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<sup>436</sup> Whitman, *ibid.*, p.36.

<sup>437</sup> *Ibid.*, p.37.

<sup>438</sup> *Ibid.*.

<sup>439</sup> *Ibid.*, p.38. Out of an unknown number of applicants, six who had applied to the Ksanthi Nomarch's Office were: Mehmet Raifoglu, a dentist, who had applied in 1989, Ramadan Duban, an economist, who had applied in 1989, Mehmetmolaserif Hasan, a graduate of a teaching academy, who applied in 1988, Halil Ethem, a pharmacist, who applied in 1985 and 1986 and then went to Turkey, Cavi Tungur, a pharmacist, who applied in 1985 and Yuksel Nurioglu, a pharmacist, who had been applying since 1982, his case gone to the High Court in Athens at that time.

<sup>440</sup> *Ibid.*, p.37.

brought to the Parliament by the then minority MP Hasan Imamoğlu, it turned out that there was a secret directive to approve only 5% of the applications by Muslims.<sup>441</sup>

**d. Deprivation of Citizenship -Article 19**

Deprivation of citizenship was based on Article 19 (Section VI) of the Greek Nationality Law No.3370 enacted in 1955:

A person of non-Greek ethnic origin leaving Greece without the intention of returning may be declared as having lost Greek nationality. This also applies to a person of non-Greek ethnic origin born and domiciled abroad. His minor children living abroad may be declared as having lost Greek nationality if both their parents and the surviving parent have lost the same. The minister of the interior decides in these matters with the concurring opinion of the National Council.<sup>442</sup>

Originally, the law was intended for the historical minorities; Slavic speakers, Jews, Albanian Muslims, and the communists during the Civil War years who were considered as a threat to the unity of the state. In 1982, based on the decision of Ministry of Interior, citizenship was restored to 1000 people who were deprived of citizenship. They were mainly ethnic Greek refugees who had left the country during the years of Civil War.<sup>443</sup>

The prerequisite for deprivation of citizenship was to have left Greece without the intention of returning, that is to say, to have sold all the property and cut off ties with the country. However, those minority members deprived of citizenship worked and lived abroad and never cut off their ties or sold their property and visited Greece in certain periods.

The law was in contravention of the Greek Constitution itself; Article 4.1 (All Greeks are equal before the law), Article 4.3 (withdrawal of Greek citizenship shall be permitted only in the case of voluntary acquisition of another citizenship or of undertaking service contrary to national interests in a foreign country). It was also in contravention of many international agreements Greece had signed;

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<sup>441</sup> Aarbakke, *ibid.*, p. 205.

<sup>442</sup> Whitman, *ibid.*, p.11.

<sup>443</sup> Dia Anagnostou, "Deepening Democracy or Defending the Nation? The Europeanization of Minority Rights and Greek Citizenship", *West European Politics*, Vol.28, No.2, March 2005, pp:335-357, p.356.

- Treaty of Lausanne (Article 38)
- Universal Declaration of Human Rights (1948), Article 15, which bars states from 'arbitrary' depriving someone of citizenship.
- Convention on the Prevention and Repression of Crime and Genocide (1954)
- 1961 Convention on the Reduction of Statelessness.
- The Convention on the elimination of All Forms of Racial Discrimination (CERD), ratified by Greece in 1970.
- European Convention on Human Rights (ratified by Greece in 1974)
- The 1975 Helsinki Final Act of the Organization for Security & Cooperation in Europe
- The Concluding Document of the Vienna Follow-Up Meeting to the CSCE (1989) which states that 'states will respect the right of everyone to leave his country and to return to it'.
- UN Declaration on the Rights of Persons Belonging to National, Ethnic, Religious, Linguistic Minorities (1992)
- Convention on Torture and Inhuman and Degrading Treatment (1993)
- European Convention on Nationality (1997)

From 1960s onwards, article 19 was applied against the Muslim Turkish minority to counterbalance the demographic decline of Greek Orthodox population in Istanbul.<sup>444</sup> People who were deprived of citizenship were those who worked abroad (mainly in Turkey), among whom were also those living in Greece. Semahat Haliloglu, a soldier, lost his citizenship on July 21, 1989, when he was in the military service.<sup>445</sup> Two minority members were refused re-entry and deported after visiting their son who was studying in Istanbul.<sup>446</sup>

Paradoxically, although Greece recognized the minority as a religious minority (Muslim), Article 19 was overwhelmingly applied for the minority members, based on the fact that they were of non-Greek ethnic origin. This reflects the indivisibility of Greek identity from Orthodoxy, revealing that in their understanding, another religion means another ethnic identity.

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<sup>444</sup> Ibid., p.338.

<sup>445</sup> Whitman, *ibid.*, p.12.

<sup>446</sup> Ibid.

The procedure depriving people of citizenship was no less unlawful. The police informed the Directorate of Citizenship that an individual and his family had deliberately left the country for an indefinite period of time and had no intention to come back.<sup>447</sup> However, the police was usually misinformed by the neighbors who had a dispute with the person in question.<sup>448</sup> Sometimes it was done deliberately to deprive relatives in Turkey of inheritance. Among the many stories about people who were deprived of citizenship this way is a lady I met in Komotini a few years ago who was deprived of citizenship while she was visiting her daughter in Turkey.

The individuals were never informed that they were deprived of citizenship. They learned it randomly afterwards. Since they were not informed by the police or local administration, those deprived of citizenship learned about it either when they demanded an official document from the authorities or at the Greek Customs bordering Turkey. For those who learned it at the Greek Customs, the only way for entrance was to have their passports confiscated by the police. Two of the victims were my father and my aunt. My father learned that he had lost his citizenship when he asked my grandfather to get an official document from the local authorities in 1991. In May 1993, when we were traveling to Greece, at the Customs my aunt was told that she was deprived of citizenship. She was given two options; either she would have her passport detained by the police and enter Greece, or she would take her passport and go back to Turkey. They resorted to legal ways to reclaim their citizenship which lasted over seven years and was finally dropped after the abolition of Article 19 in 1998. In fact, those deprived of citizenship were people who had not involved themselves in politics in any way as mentioned in the following excerpt from a Greek newspaper:

As known, the Greek administration may take away the citizenship of a Muslim who is absent for some period. According to information to us from the Muslim side, in many instances individuals who play the role of double agents are involved in the cases of taking away the citizenship. They suggest, for example, that the citizenship is taken away from some individuals with the accusation that they are dangerous and organs of the consulate, while it is the case of some poor and illiterate workers.<sup>449</sup>

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<sup>447</sup> Lois Whitman, "Greece: The Turks of Western Thrace", Helsinki Watch, NY, January 1999, p.16, available online at: <http://www.hrw.org/reports/1999/greece/Greec991-03.htm>, 02.02.2006.

<sup>448</sup> Also cited in Aarbakke, *ibid.*, p.586, mentioned *en passant* in a letter from Sadik Ahmet to the European Commission for Human Rights dated 18.11.1993.

<sup>449</sup> *Rizospastis* 09.12.1992, Part 2 of a 3 day reportage by Nikos Bundukis, cited in Aarbakke, *ibid.*, p.586.

Deprivation of citizenship produced detrimental consequences. Few people could regain their citizenship. The legal procedure was long and costly, and not everyone had enough money for a legal struggle. The situation got worse for those unemployed in Turkey because they did not have Turkish citizenship either. Therefore they became stateless. In case of illness, for example, those unemployed without a health insurance have been supported either by other Western Thracians in Turkey or by Western Thrace Turkish Solidarity Associations. A minority member, Ferruh Mehmet Pazvantoglu committed suicide after he was deprived of citizenship.<sup>450</sup>

Those deprived of citizenship were not allowed in Greece- unless they acquired another nationality. Those who were allowed in had their passports confiscated at the Customs and became stateless. According to the 1999 Human Rights Watch report, the number of stateless persons in Greece in 1999 was between 1,000 and 4,000. Until December 1997, these people had no legal status. Consequently, they had difficulty receiving social services like health care, education, pensions, while social security continued to take contributions from them. They were even denied protection under the 1954 U.N Convention Relating to the Status of Stateless Persons, which was ratified by Greece in 1975.<sup>451</sup>

The number of minority members deprived of citizenship is a matter of debate. Two reliable sources indicate the total number of people deprived of citizenship between 1955 and 1998 in Greece as 60,000 and the number for those belonging to Muslim minority 50,000.<sup>452</sup> Of this number, 12,882 individuals were deprived of citizenship between 1976 and 1997.<sup>453</sup> This reveals that deprivation of citizenship continued even after the declaration of change in minority policy by Mitsotakis in 1991.

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<sup>450</sup> Evren Dede, “*Kaç Ferruh verirsek geçecek?*” (How many Ferruhs do we have to sacrifice?), *Azınlıkça* (minority periodical), November 2005, Nr.16, pp:80-81.

<sup>451</sup> Whitman, “Greece:The Turks of Western Thrace”, p.17.

<sup>452</sup> Anagnostou, “Deepening Democracy...”, *ibid.*, p.339; The same number (60,000) is also given by Whitman, “Greece: The Turks of Western Thrace”, p.2.

<sup>453</sup> Based on data from Greek Helsinki Monitor, Whitman, *ibid.*

**e. Establishment of the Restricted Zone**

Until 1996, a large area of mountainous land also referred as ‘mountainous region’ bordering Bulgaria, which is home to 25,000 minority members (predominantly Pomaks) was declared restricted zone by law. Inhabitants were restricted to an area within 30 km of their villages. Official permission was required to enter. The area was completely closed between midnight and 5 am in the morning.<sup>454</sup> The inhabitants’ social ties with the rest of the community were almost cut off. According to Alexandris, the idea behind the establishment of the restricted zone was to preempt collaboration of Pomaks with the Bulgarian communists after the Second World War.<sup>455</sup> The restricted zone was abolished in 1996.

**II. Cultural Sphere**

**a. Religious Freedom**

Today there are two muftis in Komotini and Ksanthi -one appointed by the State and one elected by the minority (and one government appointed mufti in Evros the region with the lowest number of minority population) because Greece does not allow election of muftis by minority vote.

The early legal ground designating the election and powers of muftis were the 1913 Athens Convention and 1920 Sevres Convention signed by Greece. The Athens Convention of 1913, allows the mufti to be elected by community members (Article 11, paragraph 6). According to the law nr 2345/1920, all muftis in the country assemble and determine 3 names for the Head Mufti and then submit the list to the Ministry of Religion. The Ministry of Religion then decides on the Head Mufti, who is officially appointed by the King. However, this procedure was never implemented because the required decrees were never issued by the government. Besides, the

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<sup>454</sup> Whitman, “Destroying Ethnic Identity...”, p.14.

<sup>455</sup> Alexandris, op.cit, p.310.

office of Head Mufti was never established.<sup>456</sup> Therefore, until the abolition of monarchy, the muftis of Ksanthi, Dimetoka, Alexandanropoli and Komotini were all appointed by the royal administration. The previous muftis of Ksanthi, Mustafa Hilmi Efendi (birth: 1901), the mufti of Komotini, Hüseyin Mustafa Efendi (birth 1912) and the mufti of Dimetoka were all appointed this way.<sup>457</sup>

Greece refuses the validity of these Conventions (1913, 1920) as they precede Lausanne and therefore determines mufti election according to the Greek Constitution. Consequently, muftis are regarded public servants to be appointed by the state because they have judicial powers. In fact, the right to elect the religious leaders is mentioned both in the Lausanne Treaty (Articles 38 and 40) and the *1981 UN Declaration on the Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief* (Art 6), although the procedure is not specified by either.<sup>458</sup>

The muftis are granted a wide array of administrative and judicial powers by the aforementioned Conventions and the Lausanne Treaty (Art 38 and 40). To begin with, they are responsible for the implementation of *Sharia* law, although not in contravention with the Greek Civil Code. Secondly, they supervise training of clergymen and the Community Administrative Board (*Cemaat Idare Heyetleri*). Thirdly, they judge on matters of family law such as marriage, divorce and inheritance. Their decisions are officially recognized and implemented by the Greek government.<sup>459</sup>

The prohibition of mufti election by popular minority vote has created a stalemate and set the stage for political whims and divisions among the minority notables. The mufti problem emerged upon the death of the Mufti of Komotini, Mustafa Hüseyin Efendi in 1984. A day later the Greek officials appointed Imam Rüştü Ethem Efendi

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<sup>456</sup> Oran, **Türk Yunan İlişkilerinde Batı Trakya Sorunu**, op.cit, pp:160-161.

<sup>457</sup> Aarbakke, *ibid.*, p.329.

<sup>458</sup> Article 6 stipulates that the right to freedom of thought, conscience, religion or belief shall include, inter alia, the following freedoms: 'to train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief'. Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, Proclaimed by General Assembly resolution 36/55 of 25 November 1981, cited in Office of the High Commissioner for Human Rights, [http://www.unhchr.ch/html/menu3/b/d\\_intole.htm](http://www.unhchr.ch/html/menu3/b/d_intole.htm), 26.07.2006.

<sup>459</sup> Oran, op.cit, p.160.

as the deputy mufti, who had previously studied theology in Egypt. Imam Rüşti Ethem Efendi resigned upon reactions from the minority notables. The minority wanted to elect its own mufti and preferred him to have studied in Turkey.<sup>460</sup>

The notables have resorted to local and state authorities for the implementation of 1913 and 1920 Conventions allowing the election of mufti by minority vote but the undertakings have produced no positive change in state policy. A memorandum with nineteen signatures was submitted to the Rhodope prefecture demanding election of the mufti by the minority electorate after the mufti's death and resignation of Rüşti Efendi. However, on 16<sup>th</sup> December 1985, the Prefect appointed Meço Cemali as the deputy mufti of Komotini.<sup>461</sup>

It must be emphasized that the Prefecture did not appoint him solely on his own initiative. Actually, two MPs, including the then MP Mehmet Müftüoğlu, two Muslim community leaders, and two Muslim theology teachers had made a list including three names including Meço Cemali. He had studied in Saudi Arabia, which might explain why the government favored him. The Supreme Minority Council (AYK) opposed the appointment.<sup>462</sup> On the other hand, other notables, including the MPs Ahmet Faikoğlu and Mehmet Müftüoğlu, the former MPs, Celâl Zeybek, Hasan Imamoğlu, Ahmet Mehmet, former MP and head of the pious foundations Hafız Yaşar, and some religious personnel had supported him in the beginning.<sup>463</sup>

Nonetheless, the appointment was a violation of religious freedom. Upon AYK's demand, the MP Müftüoğlu brought the matter to the Greek Parliament calling for the implementation of law 1920 which brought no result. Therefore, he applied to the State Council demanding the application of law 2345/1920 in February 1986.<sup>464</sup> However, under pressure from the AYK, (who thought that if the case was lost, Cemali would be the legitimate mufti) he withdrew the case.<sup>465</sup> Cemali refused to

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<sup>460</sup> Ibid., p.161.

<sup>461</sup> Ibid.p.162.

<sup>462</sup> Aarbakke, *ibid.*, p. 330.

<sup>463</sup> Aydın Ömeroğlu, **Belgeler ve Olaylar Işığında, Bilinmeyen Yönleriyle Batı Trakya Türkleri ve Gerçek**, Avcı Ofset, İstanbul, Birinci Baskı, 1994, p. 76.

<sup>464</sup> Oran, *op.cit*, p.164.

<sup>465</sup> Ömeroğlu, *op.cit*, p.80.

resign and was therefore condemned by many notables and minority members and the Ksanthi mufti Mustafa Hilmi Efendi.<sup>466</sup>

Hence the Ksanthi mufti was regarded as the only legitimate mufti. When he died on 12 February 1990, the situation turned into an even worse stalemate. The Prefect of Ksanthi appointed Mehmet Emin Aga- the late mufti's son- as deputy mufti.<sup>467</sup> On 30<sup>th</sup> March 1990, Meço Cemali was also officially appointed the Mufti of Rhodope by the Greek government. This brought about another dilemma; Mehmet Emin Aga was favored by the minority but acceptance of the appointment would legitimize Cemali. Therefore he refused it.<sup>468</sup>

The minority notables organized alternative elections to elect the mufti for both provinces. Yet the alternative election procedure was no way democratic. The elections were held in the mosques of Ksanthi and Komotini and involved only the male participants of the Friday prayers who voted by raising hands in favor of the candidates. Mehmet Emin Aga was elected the mufti of Ksanthi and İbrahim Şerif the mufti of Rhodope. They have never been recognized by the government. They were prosecuted and penalized for impersonating a clergyman. After exhaustion of domestic remedies, they appealed to the European Court of Human Rights.<sup>469</sup>

On 24<sup>th</sup> August 1991, the government appointed Mehmet Emin Şinikoğlu the mufti of Ksanthi. It triggered widespread tensions in the town. Ksanthi Muslim Turks, who had gathered for a sit-down protest in front of the mufti building, were attacked by a group of 40-50 Greeks. 36 Muslim Turks were injured and 10 shops owned by Muslim Turks in Ksanthi were attacked.<sup>470</sup> The mosques were closed for prayers for a few weeks as a protest,<sup>471</sup> also supported by Yazıcıoğlu, the then Turkish Head of Religious Affairs.<sup>472</sup>

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<sup>466</sup> Oran, op.cit, p.165.

<sup>467</sup> Ibid., p.168.

<sup>468</sup> Ibid.

<sup>469</sup> Turgay Cin, **Yunanistan'daki Müslüman Türk Azınlığın Din ve Vicdan Özgürlüğü**, Ankara, Seçkin Yayınları, 2003, p.270.

<sup>470</sup> Ibid., p.265.

<sup>471</sup> Ibid., p.266.

<sup>472</sup> Aarbakke, ibid., 516.

On 22 January 1991, the Greek Parliament passed a new law pertaining to the election of muftis. According to the new law, the General Secretary of the Region was authorized to appoint the mufti based on the decision of ten minority members who would be assembled under the Prefect to reveal their opinions on the candidates. Thus the Prefect would be the head of the committee, responsible for submitting the committee's proposal to the Ministry of Education and Religion, whose final decision would be confirmed by a presidential decree.<sup>473</sup> The main drawback of the new law is the selection procedure for these ten minority members to represent the minority.

Religious freedom was not confined to mufti election. For many years Muslim places of worship, mosques which were in need of repair could not be repaired because the authorities did not grant permits.<sup>474</sup> The authority to give permission for the building and repairing of mosques was vested in the local Metropolitan Bishop, who denied permits on the grounds that the height of a minaret should not exceed the bell tower of churches,<sup>475</sup> which connotes a similar rule of the millet system that the height of a bell tower must not exceed the height of a minaret.

#### **b. Management of Pious Foundations (vakıflar)**

The pious foundations constitute the main income source of the minority. Income from such property<sup>476</sup> is supposed to be used for the payment of teachers in minority schools, mosques, and clergymen. During the Ottoman period, vakıfs were administered by council members elected by the community. Later management of such foundations was determined by the Treaty of Athens and Treaty of Lausanne which retained the previous system. However, it was abolished by the military junta and never restored afterwards.

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<sup>473</sup> Oran, op.cit, p.170.

<sup>474</sup>The Helsinki Watch report cites a number of mosques in need of repair; a mosque in Iasmos with a half-built minaret waiting for permission to be completed, a mosque in Ziloti waiting for a permission to be enlarged, an old mosque in Diomailla village, a 600-year old mosque pulled down in Komotini, Whitman, "Denying Ethnic Identity...", ibid., p.27.

<sup>475</sup> Cin, op.cit, p.121.

<sup>476</sup> Land, houses, shops, mosques, schools, buildings from the Ottoman period.

The Treaty of Athens (1912) authorizes the Mufti and a popularly elected council on a three year basis to administer the vakıfs. The Treaty of Lausanne (Articles 40-42) grants the right to establish, control, and manage at their own expense any charitable, religious and social institutions. The law 2345/1920 concerning the management of the *vakıfs* was put in force by Royal decree in 1949, allowing for regular elections of councils of 12 persons in Komotini and Ksanthi and 7 persons in Didimotiho and Aleksandrupoli.<sup>477</sup>

However, in 1967, the junta government issued a general law (65/1967) which replaced elected councils with appointed ones. In the junta period, vakıf properties declined substantially.<sup>478</sup> After the fall of the junta, the minority's demand to restore their previous right to elect the persons for the management of vakıfs was denied. Furthermore, the Karamanlis government enacted a new law concerning administration of vakıfs on 12 November 1980, which was ratified in the Parliament with the sole rejection of a Greek MP from the Communist Party.<sup>479</sup> The new law put a number of further restrictions on the management of vakıfs, assigning the government appointed Greek prefect a number of responsibilities in vakıf administration.<sup>480</sup> It aroused great reactions from the minority and from Turkey. Turkey threatened Greece to take the issue to the UN Commission of Human Rights, Organization of Islamic Conference and the signatories of the Treaty of Lausanne. Consequently, Greece retreated and never put the law into effect.<sup>481</sup>

However, on 29<sup>th</sup> January 1997, a new law was passed in the Greek Parliament which put the vakıf property subject to taxation.<sup>482</sup> This reflects the reciprocity understanding of Lausanne Treaty (Art 45) because Greek Orthodox vakıf property is also subject to taxation in Turkey.

Since the junta period, vakıf property has decreased substantially due to the widespread corruption by the appointed minority member administrators and

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<sup>477</sup> Ibid., p.198.

<sup>478</sup> Ibid., p.199.

<sup>479</sup> Ibid., p.200.

<sup>480</sup> Ibid.

<sup>481</sup> Oran, op.cit., p.297.

<sup>482</sup> Cin, op.cit., p.206.

confiscations by the state.<sup>483</sup> Today the value of vakıf property is unknown and they continue to be administered by the antidemocratic junta regulations which also prohibit acquisition of immovables.

### c. Education

The legal basis for the semi-autonomous minority education is Articles 40 and 41 of the Lausanne Treaty (the right to education in native language and management of educational institutions) and the 1951 and 1968 protocols signed between Turkey and Greece. In the beginning, minority education was conducted in medreses (theology schools) in Arabic alphabet. It was replaced by Latin alphabet in early 1930s.<sup>484</sup>

Education was several times interrupted by the Balkan wars, the first and the Second World War, and the Civil War. In many cases rural families, which made up the majority population, did not send their children to school or took them from school after they acquired basic reading and writing skills because they were needed for the labor intensive agricultural tasks.

Until the junta period and the deterioration of bilateral relations, minority education was conducted in conformity with the Lausanne Treaty. Education was bilingual. The schools had a mixed administration. The Greek government appointed the Greek teachers. The Turkish teachers composed of those sent from Turkey paid by Turkish government (known as quota teachers) and minority teachers who were trained in colleges in Turkey (according to the 1951 Protocol), who were paid by the minority school board.<sup>485</sup>

This system was first altered by the military junta. The ‘Turkish’ adjective was removed from school titles (as was made by Papagos law in 1954) and were replaced with ‘M/kon’ which meant either Muslim or Minority school. A special

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<sup>483</sup> Ibid., p.201.

<sup>484</sup> Nilüfer Erdem, **Lozan Antlaşması’ndan Günümüze Batı Trakya Türkleri’nin Eğitim ve Öğretim Birliği Sorunu [The Problem of Uniformity in Western Thrace Turkish Minority Education from Lausanne until the present]**, unpublished MA Thesis, Istanbul University, 2003, p.52-54.

<sup>485</sup> Ibid., p.70.

teacher training institution (Thessaloniki Pedagogical Academy/ EPATH) was established in Thessaloniki to train teachers for the minority, which has been subject to fierce debate ever since.

After the foundation of EPATH, attendance at teacher training colleges in Turkey ended and the number of Turkish teachers sent by Turkey to teach in minority schools were determined vis a vis the number of Greek teachers to be employed in Orthodox minority schools in Istanbul. In 1998, for example, the population of Greek Orthodox minority in Istanbul was 2,500, and the need for teachers 16. Consequently, 16 teachers were allowed from Turkey to teach in minority schools although the minority population was over 100,000.<sup>486</sup> Turkish teachers were severely restricted by the authorities. If they taught anything outside of the old-dated school books, they were deprived of their posts and the Turkish national teachers were sent back.<sup>487</sup> As a consequence, a number of minority Turkish teachers were deprived of their jobs and penalized with life long ban from teaching.

Textbooks for the Turkish curriculum were also determined by the 1968 Protocol on the principle of reciprocity. Until 1990s, minority pupils had to use the out-dated and worn-out books sent before 1960. In 1992 textbooks were prepared by a Greek author, Zegiris, which were refused and protested by the minority alleging that they were insensitive to ethnic and religious realities.<sup>488</sup> The Greek textbooks, on the other hand, were prepared without the consideration that Greek is not the mother tongue of the minority pupils. As a result of the poor education in primary schools, when the pupils graduated from primary school, they were neither competent in Greek nor in other subjects. Most of those who attended Greek secondary schools after primary school have failed because they had not acquired the necessary Greek language skills.

The minority has two secondary schools offering a six-year education; Komotini Minority High School (Celal Bayar Lisesi) and Ksanthi Minority High School, (Salihoglu Lisesi, named after the founder of the school) and two theological schools (medrese). Before the junta period, the secondary schools offered education

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<sup>486</sup> Whitman, "Greece: The Turks of Western Thrace", *ibid.*, p.27.

<sup>487</sup> *Ibid.*, , p.25.

<sup>488</sup> *Ibid.*, p.29.

in two sessions; in the morning and in the afternoon. Hence they could accommodate a larger number of students. From then on, however, afternoon sessions were lifted. Unable to meet the demand, entrance to minority secondary schools began to be determined by a lottery system in 1992; the names of the students would be written on papers and arbitrarily drawn.<sup>489</sup> Therefore, majority of those who were not admitted were sent to Turkey whereas some attended Greek secondary schools. This was done either through arrangements by the Turkish Consulate in Komotini or the relatives in Turkey.

Initially faced with adaption problems in a new environment, these students later became either alienated to their surroundings in Thrace within time or had to remain in Turkey either because their diplomas were not recognized by Greece or due to lack of employment opportunities in the small region of Western Thrace.

## **E. Minority Organization and Representation in Parliament**

### **I. Minority Organization**

Oran classifies minority organizations as official associations and de facto organizations.<sup>490</sup> Official organizations, most of whose signs were banned due to the adjective ‘Turkish’ in their titles are: Ksanthi Turkish Union (*İskeçe Türk Birliği*), Komotini Turkish Union (*Gümülcine Türk Gençler Birliği*), Western Thrace Minority Turkish Teachers Union (*Batı Trakya Türk Öğretmenler Birliği*) and Western Thrace Association of University Graduates University Graduates (*Yüksek Tahsililer Derneği*).

De facto organizations, which do not have legal status are: Supreme Minority Council (Azınlık Yüksek Kurulu) and Sermon and Guidance Committee (Vaaz ve İrşad Heyeti). Minority Supreme Council was established to respond to rapid developments concerning the community in early 1980s. The Supreme Minority Council members consist of notables such as minority MPs, members of local

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<sup>489</sup> Erdem, op.cit., p.90.

<sup>490</sup> Oran, op.cit, pp:172-181.

administration councils, journalists, teachers, and the previous Komotini and Ksanthi muftis until they passed away, and then the unofficial, elected muftis. They meet on a regular basis to discuss important issues and to organize protests, marches, send petitions to related governmental agencies. However, it is also an arena of personal whims far from organizational discipline.<sup>491</sup>

The Sermon and Guidance Committee was established by the late mufti of Komotini as a de facto organization in 1970. It consisted of about 30 clergymen who give sermons in all Western Thrace upon the initiatives of the mufti. After the appointment of Meço Cemali, they sided with the AYK and with the elected mufti instead of the official one. They issue a religion-oriented periodical; *Hakka Davet*.<sup>492</sup>

## II. Minority Representation in Parliament

Since 1927, the minority has been represented both at the national and local level with varying number of representatives.<sup>493</sup> The minority has never had a specific political orientation and has usually voted for the MPs from parties which have the highest chance of winning the elections. Neither have the Greek political parties had any special program for the minority. A common characteristic of their election propaganda in the past was the recognition of ‘ethnic Turkish identity’ which would be forgotten when they won the elections.

The only party who supported the minority by vetoing enactment of several laws against the minority in the Greek Parliament was the KKE; the Communist Party of Greece. However, it never received considerable votes from the minority electorate. In 1996 elections, for the first time a minority MP was elected from a left line party, Sinaspismos (Coalition of the Left), which was founded in late 1990s by a faction of KKE.

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<sup>491</sup> Ibid., p.181.

<sup>492</sup> Ibid., p.182.

<sup>493</sup> Hikmet Öksüz, “Representation of the Western Thracian Turkish Minority in the Greek Parliament”, Turkish Review of Balkan Studies, Annual 7, 2002 , p:107-152

A significant movement in the political history of the minority is the establishment of the 'independent movement', which had a significant contribution to the political mobilization of the minority and attracted international concern. It was initiated by the late minority leader Dr Sadık Ahmet in 1985. He established the 'Trust' (Güven) ticket in Komotini together with Ismail Rodoplu and Ibrahim Serif. In Ksanthi the independent ticket was 'İkbal' (Fortune) was established by Mehmet Emin Aga, Kadir Ali Yunusoğlu, Mustafa Çakır and Rasim Murcaoğlu. Rodoplu became the first elected independent MP at elections held on June 1989 because Sadık Ahmet was not allowed to run for the elections due to a technical problem with his application forms. However, he became the independent minority MP at the next elections (April 1990) together with Ahmet Faikoğlu from the Fortune list.<sup>494</sup>

The independent movement gained significant support from the minority as well as from the kin-state Turkey. However, it aroused fierce opposition from the Greek majority, who regarded it as a threat to national unity. Therefore, in order to prevent re-election of independent candidates, on 24 October 1990, the Parliament made an amendment to the election law, introducing a quota of 3%.<sup>495</sup> This meant 330,000 votes from a population of eleven million, whereas the entire minority population was only 120,000.

Upon the change in electoral law, Sadık Ahmet founded his own party DEB (Dostluk, Eşitlik, Barış Partisi/ Friendship, Equality and Peace Party) on 12 September 1991, and ran for elections of April 1993 but failed due to the quota.<sup>496</sup> For the first time in history, the minority was left without representation in the Greek Parliament from 1993 until the next elections in 1996.

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<sup>494</sup> Ibid., p.136.

<sup>495</sup> Ibid.

<sup>496</sup> Ibid., p. 149. Ahmet rejected the candidacy offered to him by the KKE for 1993 elections. Personal Communications in Komotini, 03.07.2006.

## F. Political Mobilization of the Minority

Four developments attracted international concern in the grievances of the minority and contributed to the change of Greek minority policy; the 1988 mass demonstration, the 1990 pogrom, the independent movement and the subsequent trials of Dr Sadık Ahmet in Greek courts.

The first international interest in the minority was the memorandum prepared by two British members of the European Parliament; John Taylor and Ian Paisley on 7<sup>th</sup> March 1983. The law commission forwarded it to the Greek Rapporteur Gondikas. However, Gondikas's report, which was unfortunately accepted by the Parliament, claimed that there were no discriminations against the minority. Therefore no further research was done on the issue.<sup>497</sup> This reveals the fact that minority issues were not on the agenda of the then European Community. Such a sensitive issue should have been at least forwarded to an outsider to secure objectivity. In Europe, minority issues would gain significance following the end of the Cold War with the transformation of the EC into the European Union.

The second endeavor to bring the grievances to international arena was taken by the Western Thrace Solidarity Associations in Germany. On 3 October 1983, a committee was established in the Frankfurt branch (headquarters in Düsseldorf) to submit a declaration to the Council of Europe. On 4<sup>th</sup> October, the committee attended an open meeting of the COE in Strasbourg entitled 'Is democracy an obligation or a luxury?' where Ömeroğlu gave a short speech in German about the situation of Muslim Turkish minority in Greece.<sup>498</sup> The initiative received support from the German Parliamentarian Wilfried Böhm, who promised to present a draft about the state of Western Thrace Turks to the Council of Europe, which he accomplished on 10 May 1984. Moreover, it is claimed that the signature campaign carried out by Sadık Ahmet, which aroused a lot of publicity in Greece and abroad was first proposed by the Western Thrace Solidarity Association in Düsseldorf.<sup>499</sup>

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<sup>497</sup> Oran, **Türk Yunan İlişkilerinde Batı Trakya Sorunu**, op.cit, p.312-3.

<sup>498</sup> Ömeroğlu, op.cit, p.132.

<sup>499</sup> For details, see Ömeroğlu, op.cit, pp: 140-150.

In December 1983, Western Thrace Solidarity Associations in Germany, in collaboration with the Western Thrace Solidarity Associations in Turkey published and distributed a booklet entitled 'The Drama of The Moslem Turkish Minority in Western Thrace' in English and German.

### **I. The 1988 Mass Demonstration in Komotini**

In fact the first attempt to remove the adjective 'Turkish' from minority associations came along with the new law for associations introduced by the military government in 1972. They were banned by the local court. However, the verdict was not implemented until 1983. Instead these associations were urged to change their names. In 1983, upon declaration of the Republic of Northern Cyprus, the Greek authorities ordered the signs to be removed by the police on the grounds that they would incite tension between the Christian and Muslim population.<sup>500</sup>

The mass demonstration of January 1988 was ignited by the closing of two associations; Komotini Turkish Union and Western Thrace Turkish Teachers Union for bearing the adjective 'Turkish' in their titles. Although the verdict was taken on 4 November 1987, it was publicized on 5 January 1988.<sup>501</sup> It was based on the reasoning that the word 'Turkish' referred to citizens of Turkey and therefore could not be used to describe citizens of Greece, which would otherwise threaten public order.<sup>502</sup> Furthermore, the government spokesman Rubatis made a statement saying that there were no Turks in Western Thrace but only Muslims of various descents.<sup>503</sup> The associations, however, functioned solely on a cultural basis and never involved in illegal acts throughout their history. Furthermore, participation was also restricted due to their location, as the majority of the minority population was rural. Hence, the verdict was obviously more political than legal.

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<sup>500</sup> Aarbakke, *ibid.*, p.344.

<sup>501</sup> Oran, *op.cit.*, p.188

<sup>502</sup> Whitman, "Destroying Ethnic Identity...", *ibid.*, p.16.

<sup>503</sup> Aarbakke, *ibid.*, p.345.

The timing of the verdict coincided with that of the Turkish and Greek Prime Ministers' talks at Davos. The minority notables had sent a letter to the then Turkish Prime Minister Özal to bring up the grievances of the minority during the talks. To the minority's disappointment, Özal made no mention of the issue. Furthermore, to Papandreu's surprise, Özal, like his counterpart, declared the mass demonstration of 1988 as 'provocation'.<sup>504</sup>

The verdict was protested by Western Thrace Solidarity Associations in Germany. Thousands of minority members assembled in Frankfurt carrying banners saying 'We were born Turkish, We will die Turkish', 'We want our human rights to be respected' and left a black wreath in front of the Greek Embassy.<sup>505</sup> On the other hand, Western Thrace Turkish Solidarity Associations' demand to organize a protest march in Istanbul was rejected by the Prefecture.<sup>506</sup>

A protest march was held on 29 January in 1988 in Komotini with the participation of at least ten thousand minority members.<sup>507</sup> Although it was meant to be a democratic and non-violent protest march, many demonstrators were injured by the police. The march ended with submission of a petition to the Prefect over the closing of associations.<sup>508</sup> The protest received substantial media coverage in Greece. The Right tended to interpret it as provocation by Turkey whereas the Left and the Liberals criticized the Greek government's minority politics.<sup>509</sup> Nevertheless, it did help to raise general awareness about the issue.

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<sup>504</sup> Cumhuriyet, 1 February 1988, cited in Oran, op.cit, p.191.

<sup>505</sup> Ibid.,p.189.

<sup>506</sup> Ibid.

<sup>507</sup> Even the protest march was a scene of intrigues among the minority notables. Abdülhalim Dede, journalist and owner of the newspaper *Trakya'nın Sesi* claims that the idea to organize a demonstration was first put forward by him. Consequently, the first demonstration was held on 26 January in Komotini with the participation of around four-five thousand minority members. The Supreme Minority Council (AYK), on the other hand, claims that it was their decision to organize a demonstration. For more details about this debate, see Aarbakke, ibid., pp:345-6; Abdülhalim Dede, "Stalin Zihniyeti ile 26 ve 29 Ocak" (26 and 29 January with Stalin Mentality), *Azınlıkça*, (minority periodical), Nr.19, February 2006.

<sup>508</sup> Aarbakke, ibid., p.349

<sup>509</sup> Ibid., pp:349-350.

## II. Trials of Dr Sadık Ahmet

Dr Sadık Ahmet was tried a number of times against two allegations; false signatures in his campaign, and addressing the minority as ‘Turkish’ in the election propaganda of June 1989. These trials also received considerable domestic and international media coverage.

The signature campaign raised a lot of debate and once again became an arena of intrigue between the minority elites. In the beginning, the signature campaign did not contain a relevant petition about the problems that needed urgent resolution and the people signed on blank sheets.<sup>510</sup> Later a petition was written, however it was not signed by the Association of Western Thrace University Graduates (Yüksek Tahsilliler Derneği/YTD).<sup>511</sup> Unable to receive the support of YTD, Dr Ahmet resigned from his position as the General Secretary of the association.<sup>512</sup> As a result, he decided to run the campaign on his own initiative.

On 9 August 1986, the police stopped Ahmet on his way home and found in his car the petition entitled ‘*Grievances and Requests of the Western Thracian Turkish-Muslim minority living within the borders of the Greek Republic*’ along with 1,300 signatures. He was immediately arrested and accused of engaging in acts that impair the reputation of the state, spreading false information and causing unrest among public. However, he was released later when the public prosecutor of Evros declared a trial was not necessary.<sup>513</sup> Dr Ahmet continued to collect signatures after his release and submitted an English version of the petition to participants in a colloquium on *Democracy and Human Rights* in Thessaloniki on 25 September 1987. According to Oran, after this incidence, the public prosecutor of Evros decided to try Dr Ahmet.<sup>514</sup>

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<sup>510</sup> Minutes from the general assembly of the YTD 27.09.1987, published in *Yeni Adım* 2/January 1989,cited in Aarbakke, *ibid.*,p.360; Ömeroğlu , *op.cit*, p. 145.

<sup>511</sup> Ömeroğlu, *op.cit*, p.145.

<sup>512</sup> Oran, *op.cit*, p.198.

<sup>513</sup> *Ibid.*

<sup>514</sup> *Ibid.*

The first round of trials began in 22-24 June 1988 against the allegation of forging false signatures and spreading false information about the country. The trial was overshadowed by some inherent problems and the uneducated minority witnesses.<sup>515</sup> Sadık Ahmet, along with two other collaborators, Vacip Kanarya and Ali Dalbadan were found guilty of spreading false information and forging signatures. Sadık Ahmet was sentenced to thirty months of imprisonment, 100,000 drachmas fine, Vacip Kanarya to 15 months of imprisonment, and 50,000 drachmas fine and Ali Dalbadan was acquitted.<sup>516</sup>

The verdict was appealed. The trial of appeal took place at the Thessaloniki Court of Appeal on 20 December 1988 and on 29 November 1989 respectively. By this time the events had received a lot of coverage in Greek, Turkish and foreign press. A protest march was held in Frankfurt.<sup>517</sup> During the trials, many minority members were present in Thessaloniki for support. However, participation of some foreign representatives were curtailed. Dr. Hans Heltman, a representative of an organization for protection of Minorities, and Helena Cook, a representative for Amnesty International, failed to attend the second trial of appeal as the airport of Thessaloniki was closed on their date of arrival.<sup>518</sup> Furthermore, five lawyers from the Turkish Bar were denied visas.<sup>519</sup>

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<sup>515</sup> After Sadık's arrest on 9 August 1986, forty of the signatories denied their signatures at the police station; ten of them confessed at the trial that they did so because of fear at the police station. Oran, op.cit, footnote 97, p.199. The following is an excerpt from the court minutes translated into English by Aarbakke, p.365.

Chairman: Did you sign the protest petition?

Witness: Yes.

Chairman: Your wife?

Witness: I signed for my wife too.

Chairman: What was the content of the petition?

Witness: Our complaints.

Chairman: After what you told us you have in your possession what other complaint do you have?

Witness: I do not have a gun. I am a shepherd and want it for the wolves.

Chairman: Your brother however has.

Witness. They give to some.

Chairman: Do you call that oppression or complaint?

Witness: Oppression.

Chairman: Your brother too is Muslim and has a gun. Did they not want to oppress him?

Witness: I do not know. They probably do not give me because I am a Muslim.

Chairman: Is your brother Christian?

Witness: No.

Chairman: Then why do they oppress, as you say, only you.

Witness: ...

<sup>516</sup> Oran, op.cit, p.199.

<sup>517</sup> Ibid., p.378.

<sup>518</sup> *Akin* 968/26.12.1988, cited in Aarbakke, p.379.

<sup>519</sup> Oran, op.cit, p.199.

Eventually, Sadık Ahmet was released as he gained immunity from prosecution after he was elected an independent MP from Rhodope in 8 April 1990 elections. However, Ahmet's parliamentary mandate did not last long. Due to the failure to form the government, elections were reheld on 5<sup>th</sup> November 1990. Ahmet's candidacy was denied due to alleged technical problems in his application form. Upon deprivation of parliamentary immunity, the second round of trials began in January 1990. This time, Sadık, along with one his collaborators İbrahim Şerif, were accused of addressing the minority as 'Turkish' in their election campaign materials, thus violating Article 192 of the Penal Code by 'openly or indirectly inciting citizens to violence or creating rifts among the population at the expense of social peace'.<sup>520</sup> They were found guilty and immediately sent to the prison in Thessaloniki.

The two-day trial period was a scene to many interesting events. First of all, a number of foreign observers managed to attend the trials; a Dutch TV, Turgut Kazan, the President of Istanbul Bar Association, a number of Turkish politicians and journalists, and a German lawyer. The minority members gathered in front of the court and protested the trials shouting 'We are Turks'. A large crowd from the majority attacked the Dutch crew and the Helsinki Watch observers.<sup>521</sup>

The Helsinki Watch Report (1990) described the trials as a 'political demonstration' rather than a 'court of law'.<sup>522</sup> When the defendants told the Court that they were 'Turkish', the judges regarded it as 'Turkish nationals' who asked, in return, 'Why don't you then go to Turkey?'. Then the judges asked the lawyer Fakiridis from the KKE, "Are they (the defendants) Turkish?". He replied, 'If they say so, they are Turkish'. Upon his answer, the judge blamed Fakiridis for doing political propaganda. Fakiridis's response was striking: 'This is a political trial. I have come as a witness. You must learn first of all to distinguish between the concepts of 'citizenship' and 'ethnic descent'.<sup>523</sup> On the other hand, according to Aarbakke, it was Sadık Ahmet who confused the concepts of nationality and ethnic descent. In his reply to the judge, he stated that he was Turkish. Aarbakke refers to the testimony

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<sup>520</sup> Whitman, "Denying Ethnic Identity...", pp:17-18.

<sup>521</sup> Ibid., p.20

<sup>522</sup> Ibid.

<sup>523</sup> Oran, **Türk Yunan İlişkilerinde Batı Trakya Sorunu**, op.cit, p.201.

of Fakiridis in which he said that the defendants answer to the question was false but not dangerous.<sup>524</sup>

Serif had a poor knowledge of Greek and his court-appointed interpreter did not know Turkish. The defense lawyers left the court room, protesting the behavior of judges and the defendants had to defend themselves because the court denied their demand to appoint new lawyers. In the end the prosecutor shouted at Dr Sadık Ahmet ‘Your end will be like Ceausescu’s’.<sup>525</sup>

Dr Ahmet and Serif were released by the court of appeal after 64 days in prison. Their remaining sentences were substituted with fines: \$2,800 for Sadık Ahmet and \$1,875 for Ibrahim Serif. At the court of appeal in Patras on 30 March 1990, Andreas Politakis, President of Abdi Ipekci Peace Prize Committee, testified in favor of the defendants.<sup>526</sup> The declaration he prepared for the defendants cleared out the controversy over national and ethnic identity according to which the defendants declared themselves as Greek citizens of Turkish descent.<sup>527</sup>

After he was released, Dr Ahmet was allowed to stand as an independent candidate for the next parliamentary elections. He was elected an independent MP and served at the Greek Parliament until 1993. He voiced the discriminatory practices in the Greek Parliament and in several other institutions abroad. His work has undeniably contributed to create international awareness and consequently to the change in the minority policy.

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<sup>524</sup> Aarbakke, *ibid.*, p. 429.

<sup>525</sup> Whitman “Denying Ethnic Identity...”, *ibid.*, p.19

<sup>526</sup> Oran, *op.cit.*, p.203.

<sup>527</sup> Aarbakke, *ibid.*,p.442. The declaration (translated into English by Aarbakke):

“I wish to declare publicly and clarify before the Greek people.....in relation to my status as citizen of this country, is the following: I am a Greek citizen, of Muslim faith, and Turkish descent. Just as the Greeks of Turkey are Turkish citizens, of Christian faith, and Greek descent, as the Greeks of USA are American citizens of Greek descent etc. [...].”

### III. The Pogrom of 1990

Oran describes the 29 January events as a mini-pogrom, drawing an analogy to the 6-7 September 1955 pogrom against the Greek Orthodox minority in Istanbul.<sup>528</sup> The 29 January events can be considered as the most serious clash between the Muslim and Christian population in the region.

The Supreme Minority Council organized a prayer (mevlit) to commemorate the protest march of 29 January 1988. On 27<sup>th</sup> January, a declaration publicized in Greek newspaper *Hronos* by a group called “Thracian Anti-pacifists” (*Thrákes írinistes*), was announcing a gathering by the Greeks in front of the old Mosque.<sup>529</sup> There were also rumors that the regional Metropolitan Damaskinos was also involved in this call.<sup>530</sup> On 28 January, Greek radios spread the news that in the Komotini hospital a Muslim farmer had killed the Orthodox Greek Solakidis during an argument and thereupon called the public to prevent the commemoration by the Muslims.<sup>531</sup> Mobs gathered early in the morning and attacked minority-owned shops. No Greek-owned shops were attacked. Later it was observed that all the Greek shops had stickers of Greek flag on their windows, which means that it was a pre-arranged attack and not an instant provocation.

According to the Helsinki Watch Report of 1990, twenty one people were injured, and over 400 minority-owned shops were damaged. The elected Ksanthi mufti Mehmet Emin Aga was hit on the head with an iron bar. The police watched the mob but did not interfere.<sup>532</sup> The government did not pay the indemnities although it had promised to.<sup>533</sup> On the other hand, Aarbakke states that in reply to the question of indemnities by Turkey, the Greek government stated that the victims could apply

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<sup>528</sup> Oran, op.cit, p.191.

<sup>529</sup> Aarbakke, ibid., p.431.

<sup>530</sup> Oran, op.cit, p.191.

<sup>531</sup> Solakidis died on 21 February. Oran, op.cit, p.191. A heated argument took place between the 49-year old Muslim farmer Hasan Salih and the 52-year old customs officer Angelos Solakidis. The Muslim farmer hit him several times with a stool on the head and Solakidis fell into coma. Aarbakke, ibid., p.434.

<sup>532</sup> Whitman, “Greece: The Turks of Western Thrace”, ibid., p.20-1.

<sup>533</sup> Ibid., p.21.

to Greek courts.<sup>534</sup> A minority newspaper announced later that only seven minority shop owners had applied to the Greek courts for indemnities.<sup>535</sup>

The pogrom aggravated the relations between Greece and Turkey when the Turkish Consul in Komotini, Kemal Gür was declared ‘persona non grata’ and expelled from the country for having referred to the minority as ‘our kinsmen’ in a letter he wrote to Greek authorities demanding the indemnification of damaged shops. Turkey retaliated by expelling Ilias Klis, the Greek Consul in Istanbul.

When a group from Sinaspismos (Coalition of the Left) led by Maria Damanaki visited the damaged shops in the region two days after the pogrom, they were verbally attacked by a group of Greek fanatics. During their meeting with the local politicians at the town hall, an angry mob gathered outside to protest calling Damanaki a traitor. The group could not meet the minority representatives under such circumstances and had to abandon the town hall under police surveillance.<sup>536</sup>

The pogrom incited country wide concern. Leaders of the three largest parties assembled to discuss the situation which was a preliminary step in the process of positive change in Greek minority policy.<sup>537</sup> However, only after almost a year did the Prime Minister Mitsotakis (center-right-New Democracy Party) visit the region and declare a new program promising removal of discriminative measures and rectification of the past mistakes on the basis of ‘legal equality-equal citizenship’ (ισονομία–ισοπολιτεία) ‘in line with the norms of human rights protection enshrined in the CSCE, UN and CoE documents, but no less strictly within the frame of the Lausanne Treaty’.<sup>538</sup> He addressed the minority as ‘Muslim’ in his speech, stating that that the minority was composed of three sub-groups, Turks, Pomaks and Roma.<sup>539</sup> Although the promise to eliminate the discriminatory policies was welcomed by the minority, this identification was interpreted as an attempt to divide the minority.

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<sup>534</sup> *Eleftherotipia* (Greek newspaper) 02.03.1990, cited in Aarbakke, *ibid.*, p.433.

<sup>535</sup> *Ileri* 864/24.01.1997, cited in Aarbakke, *ibid.*, p.433.

<sup>536</sup> Oran, *op.cit.*, p.192-193.

<sup>537</sup> Anagnostou “Deepening Democracy...”, *ibid.*, p.340.

<sup>538</sup> *Ibid.*, p.344.

<sup>539</sup> *Ibid.*

The new policy (legal equality- equal citizenship) failed to bring about the expected changes due to the limitations and the lack of necessary domestic political determination because the priority was to alleviate the ethnic tensions. Mitsotakis was in favor of abolishing the discriminatory Citizenship Law Article 19, but he did not receive enough support from his party. Consequently, he could not embark on the abrogation of the article as he relied on their support for the next elections. Mitsotakis lost the elections and PASOK came to power once again in 1993, who was 'less receptive to issues regarding minority affairs'.<sup>540</sup> Furthermore, the government would be occupied with the Macedonian issue afterwards.<sup>541</sup>

#### **IV. Human Rights Reports**

The first international report on the Muslim Turkish minority was the 1990 Helsinki Watch Report, entitled *Destroying Ethnic Identity: The Turks of Greece*. It was followed by the *US State Department Report on Human Rights in Greece* published in 1991. Helsinki Watch published two other reports on the Muslim Turkish minority in Greece in 1992 and 1999 respectively. The reports aroused a lot of reactions from Greece, since they were shadowing the country's image in international arena. Their role in publicizing the state of the minority and their contribution in the change of government policy is remarkable.

#### **V. Organization of Islamic Conference**

A number of Arab countries have expressed concern in the issue. For example, in 1978 an Egyptian fact-finding delegation visited the area.<sup>542</sup> Organization of Islamic Conference has also mentioned the state of the minority and its grievances - especially concerning religious freedom- in many reports and international conferences, the latest being on 19-21 June 2006 at the 33<sup>rd</sup> Session of the Islamic Conference of Foreign Ministers in Azerbaijan.<sup>543</sup>

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<sup>540</sup> Ibid., p.345.

<sup>541</sup> Ibid.

<sup>542</sup> F. de Jong, *ibid.*, p.99.

<sup>543</sup> For details see <http://www.oic-oci.org/baku2006/english/sg-speech.htm>, 04.08.2006.

## VI. Cases brought to European Court of Human Rights by the Minority Members

Several cases invoking violations of human rights enshrined in the European Convention have been brought to the European Court of Human Rights by minority members after 1991. This reflects a change in the previous pattern of bringing up grievances directly to the kin state or remedies sought through clientelistic relations. It can be attributed to the social opening which is a product of political mobilization of the minority. The latest is the case of Ksanthi Turkish Union, which was brought to the Court in 2005 and is still pending.

*Ibrahim Serif* applied to the Court in 1997 against his conviction by the Greek government for usurping the functions of mufti; alleging violation of his rights under Articles 9 and 10 of the Convention. The elected mufti Serif attended religious ceremonies and wore the mufti dress-the black gown-but had not performed judicial functions of a mufti. The Greek Court had found Serif guilty of offences provided for under articles 175 and 176 of Greek Criminal Code.<sup>544</sup> The Court decided that the acts of Serif did not produce any legal effects within the context of Criminal Codes 175 and 176. Furthermore, the government's accusation of Serif, who had the support of at least part of the Muslim community in Rodopi was found incompatible with the requirements of religious pluralism in a democratic society. Finally the Court decided that there was a violation of Article 9 of the Convention.<sup>545</sup> Likewise, *Mehmet Emin Aga*, the elected mufti of Ksanthi, applied to the Court in 1999 on the same ground and the Court decided that there was a violation of Article 9.<sup>546</sup>

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<sup>544</sup> Article 175: 1. "A person who intentionally usurps the functions of a State or municipal official shall be liable to a term of imprisonment not exceeding one year or a fine. 2: This provision also applies where a person usurps the functions of a lawyer or a minister of the Greek Orthodox Church or another known religion.", Article 176: "A person who publicly wears the dress or the insignia of a State or municipal official or of a minister of a religion referred to in Article 175.2 without having the right to do so... shall be liable to a term of imprisonment not exceeding six months or a fine".

<sup>545</sup>For details, see the case *Serif vs. Greece*, available online at <http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=Serif%20%7C%20v.Greece&sessionId=8005031&skin=hudoc-en>, 05.08.2006.

<sup>546</sup> For details, see the case of *Agga vs. Greece*, available online at: <http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=Case%20%7C%20of%20%7C%20Mehmer%20%7%20Emin%20%7C%20Aga%20%7C%20v.Greece&sessionId=8045450&skin=hudoc-en>, 05.08.2006.

*Tsingour* (Cingur) applied to the Court invoking Article 6 (right to a fair trial) in 1996. He was denied membership to the Pharmaceutical Association of Ksanthi after he was given permission to open a pharmacy in 1994 after years of struggle for the exercise of his profession. The Association demanded from him a certificate to prove competency in the Greek language, which is not an ordinary requirement demanded from other applicants. He brought the case to the domestic Court which decided to cancel the requirement after five years of proceedings. The Court found Greece guilty of breaching Article 6 of the Convention due to the excessive length of proceedings.<sup>547</sup>

Likewise, *Nurioglu* applied to the Court invoking violation of Article 6 of the Convention. His application for a license to open a pharmacy was delayed for over ten years by the local authorities because they either lost his file several times or sent the wrong documents to the Court hearings.<sup>548</sup> *Adnan Raif* applied to the Court invoking breach of Article 6 as well. He was imposed a disciplinary penalty of one year's suspension from his job as a minority school teacher by the Prefecture of Ksanthi for having used the terms 'Turkish teachers' and Turkish names of the villages in a document he printed and distributed.<sup>549</sup>

Some of the applications were declared inadmissible as domestic remedies were not consumed. Among them are the *Zeybek* family who applied to the Court upon deprivation of citizenship due to Article 19 of Greek Citizenship Code<sup>550</sup> and *Dr Ahmet* who applied to the Court in 1991 on allegations of discrimination and unfair treatment regarding his denial of candidacy for November 1989 elections and his trials in Greece, referring to violations of articles 5, 6, 9, 10, 11, 14.<sup>551</sup> *Agko* applied to the Court in 1996 for his dismissal from his job as a teacher in a minority school for having participated in a strike to protest the presidential law concerning the employment of minority teachers on a temporary basis in 1994, invoking Article 9,

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<sup>547</sup> Evangelia Psychogiopoulou, "Strasbourg Court Jurisprudence and Human Rights in Greece: An Overview of Litigation, Implementation and Domestic Reform", pp:1-73, p.57, available online at: <http://www.eliamep.gr/eliamep/files/Greece.pdf>.

<sup>548</sup> Ibid., p.59.

<sup>549</sup> Ibid.

<sup>550</sup> Ibid., p.60.

<sup>551</sup> For further details, see *Sadik Ahmet v. Greece*, available online at ECHR portal, <http://cmiskp.echr.coe.int/tkp197/view.asp?item=1&portal=hbkm&action=html&highlight=Sad%u0131k%20%7C%20Ahmet%20%7C%20v.Greece&sessionid=8005031&skin=hudoc-en>, 05.08.2006.

10, 11 of the Convention.<sup>552</sup> Finally, *Imam and others* applied to the Court in 1996 after they were dismissed for having participated in a strike to protest the minority school books prepared by Greek authorities in 1993, which was in violation of previously agreed Conventions, invoking Article 2, 9, 14 of the Convention.<sup>553</sup>

## VII. The Role of Kin-State

The kin state Turkey played a key role in bringing the grievances of the minority to the international arena. Turkish delegates, minority leaders and the Western Thrace Solidarity Associations in Germany regularly brought the grievances to European forums, particularly to the Council of Europe.<sup>554</sup> The grievances brought against Greece put the experts of Ministry of Foreign Affairs in CSCE and the CoE on the spot and subject to charges of double standards especially when they spoke on behalf of the rights of Greek minority in Albania.<sup>555</sup>

Kin-state intervention produces two opposing results. On the one hand, as a kin-state Turkey has a right to intervene in favor of the minority as a party to the bilateral Treaty of Lausanne just as Greece has a right to intervene in favor of the Greek Orthodox minority, which has unfortunately diminished to about 5,000 today.<sup>556</sup> Furthermore, in the OSCE mechanism, member states have the right to invoke violation of minority rights, which also allows kin-state involvement. On the other hand, these interventions are perceived as an intervention in internal affairs and a threat to sovereignty by the host state. Nevertheless, as Tsitselikis argues, ‘the interest of the kin-states would be the counterpart for uncontrolled maltreatment of the minority by the host-state.’<sup>557</sup>

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<sup>552</sup> Psychogiopoulou, *ibid.*, p.60.

<sup>553</sup> *Ibid.*, p.62.

<sup>554</sup> Anagnostou, “Deepening Democracy...”, *ibid.*, p.341

<sup>555</sup> *Ibid.*, p.342.

<sup>556</sup> The number given by Vyrion Kotzamanis, in his speech entitled “A demographic profile of the Rums of Istanbul and of the related groups”, University of Thessaly, at the Conference *Meeting in Istanbul: Present and Future*, Istanbul, 30 January 2006. The number includes Orthodox ethnic Arabs of southern Anatolia (mainly Antakya) who live in Istanbul.

<sup>557</sup> Konstantinos Tsitselikis, “The Legal Status of Islam In Greece”, unpublished article, p.15, cited in Demesticha, *ibid.*, p.213.

## **G. Change in Greek Minority Policy**

Prime Minister Mitsotakis's visit and declaration of the new policy of legal equality-equal citizenship in 1991 bore fruit towards mid 1990s. Thereupon Greece has taken a number of constructive measures aiming at rectification of past discriminations and integration of the minority.

### **I. Positive Developments in the field of Education**

One of the many peculiarities of the minority education is its subordination to both the Ministry of National Education and Ministry of Foreign Affairs. Consequently, no reform initiated by the Ministry of Education can proceed without the approval of the Ministry of Foreign Affairs. "This is because it is felt that minority education derives from Greek international obligations to act reciprocally vis-à-vis Turkish obligations to the Greek-Orthodox minority in Turkey."<sup>558</sup> The *Coordinating Bureau for Minority Schools* based in Kavala is responsible for supervising the functioning of minority education.<sup>559</sup> Minority education is state-funded, except for the Turkish national teachers who are paid by Turkey and theology teachers who are paid by the minority.

Minority schools are supposed to follow national guidelines. However, the nine-year compulsory education period does not cover minority education. Although minority schools are registered as private schools, in effect they are under state control. The curriculum is half Turkish and half Greek. Religion, Mathematics, Physics, Chemistry, Gymnastics and Arts are taught in Turkish; History, Greek language, Geography, Study of the Environment and Civic Education in Greek.<sup>560</sup>

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<sup>558</sup> **The Turkish Language in Education in Greece**, prepared by Konstantinos Tsitselikis and Giorgos Mavrommatis, Mercator- Education, 2003, p.9.

<sup>559</sup> Ibid. p.11.

<sup>560</sup> Ibid, pp:14-15.

Several reforms were made in post 1991 for the improvement of minority education, which have been criticized for exclusion of minority representation from the reform process.<sup>561</sup> The previous lottery system for the admission of minority pupils to the minority secondary schools was lifted. A project was conducted in 1997-2000, financed by the state and the European Union in order to improve the fluency of minority pupils in Greek language and facilitate their entry into the Greek public educational system.<sup>562</sup> Depending on this research, new textbooks were prepared in line with the needs of the Turkophone pupils and put in use in all minority primary schools. Furthermore, the 1968 Protocol was reactivated by Turkey and Greece in 1999, according to which textbooks for the Turkish curriculum are imported from Turkey and teachers exchanged on the basis of reciprocity.<sup>563</sup>

As of 2003, 528 Grecophone Christian Orthodox teachers, 417 Turcophone Muslim teachers and 7 Turkish citizen teachers were employed in 223 active minority primary schools with nearly 6,694 minority pupils.<sup>564</sup> However, albeit improvements, there is a growing trend of sending children to public primary schools in order for them to better acquire Greek language skills for their future professional life. This has resulted in under-populated primary schools some of which are faced with the risk of closing-down.

In 2000, minority secondary schools were reformed and textbooks for the Turcophone part of the programme were imported from Turkey. Education at the theological schools (medrese) was upgraded from 5 years to 6 years. As of 2003, 31 minority teachers and 9 Turkish citizen teachers were employed in these schools.<sup>565</sup> Nevertheless, the number of minority students attending Greek secondary schools is on the rise. For example, in 2002, more than 1,500 Muslim pupils, a number slightly more than those attending minority secondary schools, were attending Greek public secondary schools.<sup>566</sup>

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<sup>561</sup> Personal Communications with minority members in Komotini, 03.07.2006.

<sup>562</sup> **The Turkish Language in Education in Greece**, p.16.

<sup>563</sup> Ibid.

<sup>564</sup> Ibid., p.8. The number belongs to the year 2002-3.

<sup>565</sup> Ibid. p.19.

<sup>566</sup> Ibid., p.18.

Prior to 1996, attendance in Greek universities was a rare practice. Owing to the poor education in minority schools and low level of participation in Greek secondary schools, students lacked the competence to succeed in university exams. Therefore they used to go to Turkish universities. In 1996, the Greek Ministry of Education introduced the 0.5% quota for the minority students in order to encourage their attendance to Greek universities. In 1996, 31 minority students attended Greek universities; in 2004, the number was 193. It is recorded that every year about 200 minority students enter Greek universities.<sup>567</sup>

Furthermore, personal and professional development has been promoted through adult training programs such as NELE (Prefecture's Committee for People's Training) and KEK (Centers for Professional Training). NELE offers services in professional and cultural subjects, alphabetism of the minorities and health education. For example, NELE of Rhodope occasionally offers free Greek language courses from which a substantial number of minority members have benefited so far. However, they are sometimes curtailed by lack of attendance.<sup>568</sup>

There is a growing awareness on the importance of education within the minority. In this regard, beginning from late 1990s on, many minority children are sent to public kindergartens. For example, 300 minority children were estimated to receive preschool education in 2000.<sup>569</sup> It provides an opportunity for children to socialize in a mixed environment and acquire Greek language skills before primary school.

Despite ample improvements in minority education, a number of problems persist. Above all, EPATH graduate teachers continue to be an issue of dissatisfaction and criticism. Besides, dropout rate from primary education is still very high. Minority schools have a dropout rate of 23.5% (for the period 1985-1995) whereas the average dropout rate is 1.2%. Moreover, 70% of minority pupils do not continue to secondary education.<sup>570</sup> Lack of libraries in primary schools and the permit requirement to use additional material restrain the quality of education.<sup>571</sup> Furthermore, it is difficult to speak of unity in minority education since the whole

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<sup>567</sup> <http://www.greekhelsinki.gr/dikaiomatika/10/index.html>, 10.06.2006.

<sup>568</sup> Personal Communications with a minority member, Komotini, 03.07.2006.

<sup>569</sup> **The Turkish Language in Education in Greece**, p.12.

<sup>570</sup> Kandydaki, *ibid.*, p.438.

<sup>571</sup> **The Turkish Language in Education in Greece**, p.16.

curriculum is in Greek in the five minority secondary schools in the mountainous area (Pomak settlement) except for Religion class.<sup>572</sup>

## II. Change in Citizenship Law: Abolition of Article 19

Article 19 was repealed on 11 June 1998 as a result of the intensified pressure from the Council of Europe, especially after Greece signed the European Convention on Nationality (1997)<sup>573</sup>. However it did not apply retroactively. The only party which rejected the abrogation was DIKKI (Nationalist-socialist Democratic Socialist Movement) as well as some MPs from PASOK and ND.<sup>574</sup> Abolition of Article 19 aroused strong reactions from the local Greek community in Thrace, local authorities and the Orthodox Church, which referred to it as ‘national betrayal’.<sup>575</sup>

During the talks at the Parliament, the abrogation of Article 19 was defended on the basis of ‘depriving Turkey, the minority and other European states of another reason to criticize Greece’.<sup>576</sup> Those who advocated it on the basis of human rights, democracy and compliance with European norms and principles were representatives of KKE (Communist Party), Coalition of the Left (Sinaspismos) and the three minority deputies (Birol Akifoglu, Galip Galip, Mustafa Mustafa). They also proposed that it should be applied retroactively. However, it was rejected. Instead it was decided that those who wanted to regain it should apply for it.<sup>577</sup>

According to the 2003 report of ECRI (The European Commission against Racism and Intolerance-established by the Council of Europe), the number of stateless people living in Greece is 200<sup>578</sup>. They are issued special identity cards with which they can benefit from social and health services. Those stateless can acquire their citizenship through naturalization, which is a double-standardized procedure. The

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<sup>572</sup> Ibid., p.18.

<sup>573</sup> Anagnosotu “Deepening Democracy...”, ibid., p.348. The CoE adopted the European Convention on Nationality on 6 November 1997 which entered into force on 1 March 2000. For details, see <http://conventions.coe.int/Treaty/en/Summaries/Html/166.htm>.

<sup>574</sup> Ibid., p.349.

<sup>575</sup> Ibid., p.350.

<sup>576</sup> Ibid., p.351.

<sup>577</sup> Ibid.

<sup>578</sup> European Commission Against Racism and Intolerance, Third Report on Greece, 5 December 2003, released on 8 June 2004, Strasbourg, available online at: [http://www.coe.int/t/e/human\\_rights/ecri/1-ecri/2-country-by\\_country\\_approach/greece/third\\_report\\_Greece.pdf](http://www.coe.int/t/e/human_rights/ecri/1-ecri/2-country-by_country_approach/greece/third_report_Greece.pdf), p.8. 26.07.2006.

formalities for naturalizing non-citizens based on law no. 2910/2001 on *Foreigners' Entry to and Residence on Greek Territory, Acquisition of Citizenship and Other Provisions* are very different depending on whether or not the person is of Greek origin. For instance, the condition of having resided for 10 years in Greece before becoming eligible for naturalization does not apply to persons of Greek origin. Nor are they required to pay the 1,500 € fee for processing the application.<sup>579</sup> These legal requirements make it impossible for those living abroad to regain their citizenships which they had lost due to Article 19.

### **III. The Impact of the EU-induced Decentralization Reforms on the Minority**

Greece became a member to the EEC in 1981. With the transformation of the EEC into the European Union in 1992, she had to undertake a number of reforms to adapt to the *acquis communautaire* in order to be eligible for structural funds from the CAP, the Social Fund and the Regional Fund.<sup>580</sup>

Contrary to the restrictive quota (3%) of 1991 for political parties to enter the Parliament, the EU-induced decentralization reforms have ensured greater minority representation in local administration as well as considerable decline in Cultural Affairs Offices' role in minority administration.<sup>581</sup>

In 1991, a change in electoral law had introduced the 3% quota for political party representation in Parliament. Consequently Sadik Ahmet's party failed to enter the Parliament although he got 90% of the minority vote in 1993 elections.<sup>582</sup> The minority was not represented in Greek Parliament until 1996. Since 1996, however, minority deputies have been elected from Greek political party lists. For the first time in 1996, a minority MP (Mustafa Mustafa) was elected from a left –line party (Sinapismos). In present day, there is one minority MP from the Rhodope province

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<sup>579</sup> Ibid., p.19.

<sup>580</sup> Dimitrios Christopoulos, "Regionalism in Greece", (ed) Peter Wagstaff, **Regionalism in the European Union**, Cromwell Press, Wiltshire, UK, 1999, pp:158-167, p.163.

<sup>581</sup> Anagnostou, "Breaking the Cycle....", p.105.

<sup>582</sup> Aarbake, *ibid.*,p.610.

(Ilhan Ahmet from a center-right party. (ND-New Democracy)) and none from the province of Ksanthi.

Prior to 1994, Greece used to be a highly centralized state. In fact, the first step towards decentralization was taken by the PASOK government in 1986, which called for establishment of elected councils in prefectures (Law 1622/1986).<sup>583</sup> However, it was put into force in 1994 (Laws 2218/94 and 2240/94).<sup>584</sup> The timing of the reform is noteworthy in the sense that it was carried out only two years after the establishment of *Committee of Regions* by the 1992 Treaty of Maastricht<sup>585</sup>.

The new law widened the scope of 13 existing administrative regions by allowing them to establish their own Regional Development Fund and to benefit from national and EU funds and more importantly, provided for direct election of the Prefect and the Prefecture Council, which meant that in the region of Thrace the prefects had to obtain the minority vote as well.<sup>586</sup>

This outstanding reform was succeeded by another one in 1997 called the Capodistrias Plan (Law 2503/1997) as a result of which the previous size of local government was reduced from 6,000 to 900 municipalities (dimi) and communities (kinotita) through consolidation of some small communities.<sup>587</sup>

The current structure of local administration in Greece is made up of municipalities (δῆμοι) and communities (κοινωνιὰ) at the first level and prefectural self-administrations at the second level. Third level of regional administration does not exist because regions are represented by the Ministry of Region and the Secretary General of the Region appointed by the state organ- Ministry of Interior, Public Administration and Decentralization. The Secretary General is the representative of

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<sup>583</sup> Christopoulos, p.163.

<sup>584</sup> Ibid.

<sup>585</sup> No minority member has represented a region in the CoR (Committee of Regions) so far. The Greek delegation to CoR consists of 12 members (7 from municipalities and 5 from prefectures) and an equal number of alternates. The Ministry of the Interior prepares a list of nominees on the basis of proposals from the political parties and the association of regional governments; the national government makes a decision on the basis of proposed list of members and submits it to the Council of Ministers which appoints the CoR members. Selection is made by the national government according to the current rules of the EU, **The Selection Process of CoR Members: Procedures in the Member States**, *ibid.*, p.29.

<sup>586</sup> Anagnostou, "Breaking the Cycle of...", 109.

<sup>587</sup> Christopoulos, *ibid.*, p.163.

the government and responsible for the police, port and fire brigade services in the region. He/she is also the chairperson of the Regional Council and of the Regional Development Fund Board. The regions have their own budget and their own staff. The funds are obtained from European Union programmes and national sources.<sup>588</sup> The prefecture is responsible for the management of prefectural funds and has a limited taxing competency.<sup>589</sup>

The factors that triggered reform were pressure from European Union partners to adopt administrative modernization<sup>590</sup> and more importantly eligibility for the regional funds, particularly the Community Support Framework (CSF). The decentralization reforms considerably liberalized the local administration; however, three prefectures called ‘expanded prefectural administrations’; Athens-Pireus, Rodopi-Evros (Gümülcine-Dedeagac), and Drama-Kavala-Xanthi constitute an exception. It is widely considered that the establishment of expanded prefectures was meant to prevent election of a Turkish Muslim prefect in the regions of Rodopi and Xanthi as the minority members constitute majority of their population.<sup>591</sup> It is also considered anti-democratic by Sinaspismos, (Coalition of the Left) which proposes abolition of the expanded prefectural administrations if they come to power.<sup>592</sup>

Thrace is a part of the administrative region of *Eastern Macedonia and Thrace*, which has a population of 612,000.<sup>593</sup> In this region, the minority constitutes about 20% of the entire population, whereas in Thrace alone it constitutes 30% of the population. Nevertheless, the minority is represented in local government, particularly in municipalities and communes with predominantly minority

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<sup>588</sup> “*Structure and Operation of Local and Regional Democracy in Greece*”, Hellenic Republic Ministry of Interior Public Administration and Decentralization, Athens, 2000.

<sup>589</sup> Maria Kapsi, “Recent Administrative Reforms in Greece: Attempts Towards Decentralization, Democratic Consolidation and Efficiency”, Policy Review Paper, presented at the Socrates Kokkalis Graduate Student Workshop, Feb.2000, p.9.

<sup>590</sup> Ibid., p.162.

<sup>591</sup> Anagnostou, *ibid.*, p.110

<sup>592</sup> Interview with Mustafa Mustafa, previous MP from Sinaspismos, Komotini, 03.07.2006.

<sup>593</sup> Official website of Hellenic Republic, Ministry of Foreign Affairs, International Economic Relations and Development Cooperation, <http://www.agora.mfa.gr/portal/index.php?module=pnews&lang=en&file=view&id=207&p=1&from=modsearch>, 07.07.2006. Primary industries are biological agriculture (cereals, cotton, tobacco), foods and drinks manufacture, clothing and textile manufacture, metal products and timber furniture, and tourism. The region has two airports and commercial ports (both in Kavala, Alexandroupoli) and is also a gate for the entry for the supply of natural gas.

population. For example, out of the nine municipalities of Rhodope prefecture, four are governed by minority members. Municipalities of Sostis (Susurköy), Arriana (Kozlukepir), Sappes (Şapçı), Fyllira (Sirkeli), and the community presidents of the communes of Organi (Hemetli), Kechros (Mehrikoz) and Amaksades (Arabacıköy) are minority members. In the prefecture of Ksanthi (Iskece), the vice-Prefect, and out of six prefectures the mayor of Miki (Mustaçova), and the community presidents of Selero (Gökçeler), Thermes (Ilica), Kotilis (Kozluca) and Satres (Sinikova) are from the minority. Minority members are represented in the Municipal Councils and Prefectural Councils as well.

Decentralization reforms have provided the minority with much greater representation in local government. Depending on the minority vote to be elected, local governors from the majority began to develop concern for the problems of the minority. Nonetheless, the reforms initially incited doubts within the minority and resentment by the majority, who had exploited economic privileges from the state on the grounds of the perceived ‘Turkish threat’.<sup>594</sup> According to Anagnostou, the reforms were not welcomed by the nationalists of both sides. They meant the end of the privileged status of the former, whereas they staked the dominant position of the latter within the minority<sup>595</sup>. In this regard, at first, the cooperation of Muslims and Christians in the Prefecture Council was viewed with suspicion by the nationalist segments; the former would be labelled as ‘friends of the Greeks’ (ελληνοφιλοι) whereas the latter as ‘friends of the Turks’ (τουρκοφιλοι)<sup>596</sup>.

A recent development about nomination of a female minority member in the upcoming local elections (October 2006) affirms that the decentralization reforms have yet a long way to curb nationalism among both the majority and the minority.

Gülbeyaz Karahasan, a minority member-a lawyer from Ksanthi- is nominated by PASOK for the Drama-Kavala-Xanthi expanded prefecture. In fact, Karahasan’s candidacy for expanded prefectural administration is not a first in history. Prior to this, in 1998 elections, Mustafa Mustafa was a candidate for the same post from Sinaspismos (Coalition of Left), and Sebahattin Emin from KKE (Communist

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<sup>594</sup> Anagnostou, “Breaking The Cycle of Nationalism...”, *ibid.*, p.111.

<sup>595</sup> *Ibid.*

<sup>596</sup> *Ibid.*, p.115.

Party), however neither was elected.<sup>597</sup> Karahasan was neither welcomed by the majority nor by the minority. The majority opposed her candidacy because she was a 'Muslim', whereas the minority mistrusted her because she insistently avoided using the terms 'Turkish', or 'of Turkish origin' in her replies to the questions on her identity.

The debates over her candidacy have become an arena for displaying nationalist sentiments. The Eastern Macedonia-Thrace minister, Giorgos Kalantzis questioned her loyalty to her country by asking her if 'she would stand next to him during the March 25 celebrations', the day chosen to commemorate Greece's independence from Turkish rule, to which she gave an ordinary reply, 'I am Greek and Muslim in faith. I was born and brought up in Greece and I attended a Greek University. I believe in a modern society that stands no discriminations; a society that appreciates and respects everyone's opinions.'<sup>598</sup> She was further intimidated at an interview on the Greek Alpha Channel. The questions posed to her were: 'So as a Greek citizen, tell us, do you accept the Pontus genocide carried out by the Turkish? Is Northern Cyprus under Turkish invasion or not?, Do you feel yourself Turkish or Greek? Is the minority of Western Thrace Turkish or Muslim? Do you have your signature under the report prepared by the minority members who will be applying to European courts for the recognition of the minority as 'Turkish'? Have you ever become a member of that Ksanthi Turkish Union which was banned by the Greek Supreme Court?'<sup>599</sup>

Overwhelmed by such questions, as Berberakis argues, Karahasan would aggravate the Greek nationalists if she declared herself ethnic Turkish, whereas she would aggravate the minority and the kin state if she declared herself ethnic Greek or Pomak. Interestingly, however, there has been no debate over the compatibility of her qualifications for the post.

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<sup>597</sup> Interview with Mustafa Mustafa, Komotini, 03.07.2007.

<sup>598</sup> [http://www.abhaber.com/haber\\_sayfasi.asp?id=11428](http://www.abhaber.com/haber_sayfasi.asp?id=11428), news from 07.05.2006, 10.07.2006.

<sup>599</sup> Stelyo Berberakis, "Bu ne biçim demokrasi" (What kind of a democracy is this?), Sabah Gazetesi, <http://www.sabah.com.tr/2006/06/02/cp/gnc116-20060528-102.html>, 10.07.2006.

#### **IV. Socio-economic Development**

Removal of restrictions on the purchase of immovables was the first step leading to an increasing involvement in regional economy. As result, the minority members began to repair, build and buy houses and invest in Greece. This was followed by the abolition of previous unlawful policies against employment such as the denial of taxi permits and permits to open pharmacies.<sup>600</sup> This new period also marks the beginning of rapid urbanization for the agriculture-dependent minority.

Decentralization reforms have also provided the minority with further opportunities for greater involvement in the regional economy and resource distribution. The region of Macedonia (incorporating the administrative regions of Central Macedonia, and Eastern Macedonia &Thrace) gained representation at the Committee of Regions along with four other regions of Greece. This meant a significant increase in the amount of investment in the region and a significant shift from the previous pattern of investment, which was determined by political parties' priorities, ideological considerations and clientelistic networks that excluded the minority against the Christian majority.<sup>601</sup>

The region has considerably developed after 1994. It received the third largest fund in Greece of the 13 regional development programmes under the Community Support Frameworks for 1989-1993, 1994-1999 and 2000-2006. New roads were built to the north and northeastern mountain villages. The infrastructure has been improved by construction of sewage and water supply systems and large public works such as the Egnatia highway, which connects the region to Thessaloniki. However, it is still among the low end of the EU scale. The region's GDP per capita

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<sup>600</sup> The first pharmacy was opened in 1994 by Cahit Cingur. Aarbake, *ibid.*, p.478.

<sup>601</sup> Anagnostou, "Breaking The Cycle of Nationalism...", *ibid.*, p.105.

is 79% of the average for the country (ranking 12th out of the 13 regions), 53, 4% of the average for the EU-15 and 58, 6% for the EU-25<sup>602</sup>.

The Regional Operational Program of Eastern Macedonia and Thrace from the CSF<sup>603</sup> is the most comprehensive regional development program which also provides funding to others such as the URBAN (approved only for the municipality of Komotini), LEADER, the Cohesion Fund (national scale of the CSF, approved only for the municipality of Komotini), OPAACH (Integrated Program for the Development of Rural Areas) and EQUAL (for socially disadvantaged groups), which is funded by the European Social Fund<sup>604</sup>.

Yet the minority still depends predominantly on agriculture (predominantly tobacco cultivation). Today, Muslims make up about 50% of Ksanthi's population but they own 23% of the arable land whereas Christians own 71% of it. In Rhodope, Muslims make up 65% of the province's population and own 53,5% of the arable land, while 46.5% belongs to Christians.<sup>605</sup> Rhodope- predominantly Turkish Muslim inhabited prefecture- is the poorest prefecture in the region and in the whole country. It has a GDP per capita that is 62% of the average for the country, ranking at the very bottom of the country's 52 prefectures.<sup>606</sup>

In Greece, the share of tobacco accounts for 4,5% of total agricultural output, whereas in other member states it hardly reaches 1% threshold. Geographically it is highly concentrated in the regions of Central Macedonia and Eastern Macedonia &

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<sup>602</sup> Dia Anagnostou, and Anna Tryandafyllidou, "Regions, Minorities and European Integration: A Case Study on Muslims in Western Thrace, Greece", ELAMEP, Report, EUROREG, availableonline at <http://www.eliamep.gr/eliamep/content/Document.aspx?d=11&rd=5565300&f=1320>, pp:1-37, p. 3

<sup>603</sup> Based on the National Development Plan submitted to the European Commission by the Greek Authorities in 1999, the Community Support Framework 2000-2006 (the 3rd CSF) is the largest and most important development plan ever to be implemented in Greece. The main priorities of the development program were determined in cooperation with the Commission and financed by both the EU and national funds. However, the choice and management of the projects depend totally on the Greek national and regional authorities. The related operational programs include ; Human Resources (Education/Initial Occupational Training, Employment), Transport (Road Axes, Ports, Urban Development, Rail, airports, Urban Transport), Competitiveness; Rural Development, Fisheries; Improved Quality of Life (Environment, Culture, Health, Welfare); Information Society; and Regional Development. Official website of Cofinanced Development Programs in Greece, [http://www.hellaskps.gr/Index2\\_en.htm](http://www.hellaskps.gr/Index2_en.htm), 13.07.2006.

<sup>604</sup> Anagnostou & Tryandafylliou, *ibid.*, p.16.

<sup>605</sup> I Anaptixi tis AnatolikisMakedonias kai Thrakis, p.48, cited in Anagnostou&Triandafylligou, *ibid.*, p.6.

<sup>606</sup> *Study on employment and the prospects of job creation in Rhodope-Evros*, Prefecture of Rhodope-Evros, Komotini, November 2004, pp. 14-15, cited in Anagnostou & Tryandafylliou, *ibid.*, p.6.

Thrace, which on overall EU basis; represent 60% of tobacco holdings, 25% of tobacco area and 21% of total gross income.<sup>607</sup>

The minority has benefited from the CAP subsidies so far but the change in CAP policy is threatening the future of agriculture for both the minority and the majority.<sup>608</sup> For example, the minimum yearly income of a farmer is determined as 10,000€ in principle, hence those who fall under this amount are financially supported. On the other hand, the 2004 CAP reform concerning tobacco production, which is going to be put into effect from this year (2006) on, aims to gradually eliminate tobacco subsidies. Consequently they will be totally eliminated in 2013.<sup>609</sup> The policy has serious consequences for at least 8,500 minority families, who depend on tobacco cultivation.

However, apart from CAP subsidies, the minority has not benefited sufficiently from EU funds due to reasons such as low education level, a long tradition of dependence on agriculture as an income source and inavailability of infrastructure for investment- especially in the mountaneous regions - as well as lack of information and guidance from the authorities.<sup>610</sup> For example, the participation of the minority in two EU funded programs for individual entrepreneurs was initially between 0-4% which rose to 7, 5% and 10% by 2005.<sup>611</sup>

Dilek Habib, an official partly responsible for the execution of EQUAL program stated that the minority participation in the program was insufficient and restricted in scope. This program provides 50% of the capital needed to establish a business, and the beneficiary is inspected at arbitrary periods whether the fund was used for the stated purpose. Most of the beneficiaries have been the entrepreneurs who opened small shops, supermarkets and cafeterias in villages. According to Habib, the

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<sup>607</sup> “*Tobacco Regime: Extended Impact Assessment*”, Commission of the European Communities, Brussels, Sec (2003) Commission Staff Working Document, available online at : [http://ec.europa.eu/agriculture/publi/reports/tobacco/fullrep\\_en.pdf](http://ec.europa.eu/agriculture/publi/reports/tobacco/fullrep_en.pdf), 14.07.2006.

<sup>608</sup> Greece and Italy are the two biggest producers of tobacco in the EU; they cover more than 75 % of EU raw tobacco production. With 348,013 tons, corresponding to 5.4 % of world production, the EU is the fifth world producer of raw tobacco in the world. “Overall Outlook of the Raw Tobacco, Olive Oil and Cotton Common Market Organisations (CMOs)”, availableonlineat:<http://europa.eu.int/rapid/pressReleasesAction.do?reference=MEMO/03/182&format=HTML&aged=0&language=EN&guiLanguage=en>, 14.07.2006.

<sup>609</sup> Interview with Damianos Stathakis, Prefectural Local Authorities of Rodopi-Evros, Euro Info Centre GR-165 Director, Komotini, 02.07.2006.

<sup>610</sup> Anagnostou & Tryandafylliou, p.16.

<sup>611</sup> Based on data taken from Ilhan Ahmet’s (the minority MP) Office, Komotini, 26 August 2005, *ibid.*

reasons behind insufficient interest are lack of entrepreneurial spirit, insufficient education, especially incompetence in Greek language and hesitance against state institutions, which might be attributed to a psychological legacy of past discriminations. In fact, the program includes funds for NGOs; however Komotini Turkish Youth Union can not benefit from these funds because it is not legally recognized (due to the adjective 'Turkish' in its title).<sup>612</sup>

Nevertheless, Habip is hopeful about the new generation. She claims that the minority is in 'a period of transition'; that the young generation is seeking ways to shift from agriculture and to urbanize. Especially those from villages tend to move to the town after they start their professional careers. Young minority workforce today falls into three categories; those unemployed who stay at home and help their families in agricultural work, those (very few in number) who work at local government and private sector and those who possess their own business; mostly teachers, lawyers, doctors, dentists, small business owners. In the last few years a number of minority teachers have set up private courses for the teaching of foreign languages (mainly English) including Greek, which many young minority people attend. Yet there is no scholar from the minority in Greek universities, although there are such prospects for the future since a significant number of minority students are studying in Greek universities.

Concerning minority employment in the public sector, the KEP program (Citizen Service Center), funded by the EU and the Ministry of Interior, has provided some opportunities for the minority and immigrants. The multilingual program, initiated on a country-wide basis at municipalities in 2001, aims at reducing bureaucracy by providing services such as tax records, business licenses, pension and insurance, birth certificates and voting cards.<sup>613</sup> Unlike civil servants, KEP employees work on a contractual basis and are recruited from minority members, repatriates and immigrants. About one hundred young members of the minority have been recruited at local administration; at the KEP centers and the Prefectures of Rodopi and Ksanthi and the Office of the Secretary General of Eastern Macedonia and

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<sup>612</sup> Interview with Dilek Habip in Komotini, 02.07.2006. 1993 Bogazici University Sociology graduate, Dilek Habip is one of the very few minority members who succeeded the ASEP (National Civil Servant Selection Exam) and to become civil servant.

<sup>613</sup> <http://www1.greece.gr/POLITICS/InternalAffairs/citizencan.stm>, 02.07.2006.

Thrace.<sup>614</sup> Nevertheless, only few minority members are civil servants and there is none working at ministries, at the police force or other spheres of public sector.

Discrimination in employment prevails despite the reforms- although much lower as opposed to the past- as the following part of an interview conducted in the region reveals:

We received many complaints from Muslims who complained they were not employed because they were Muslims. I myself have spoken to entrepreneurs that I happen to know and I repeatedly received the same answer: 'I don't want Muslims in my business'. It is a pity that they say this directly to them.<sup>615</sup>

Below is a part of a dialogue between a young minority member employed at the KEP service of a municipality and a Christian man from the majority:

While I was dealing with his enquiry, he suddenly asked me if I was a Muslim. When I replied 'yes', he said: 'You should not be working here; you should be a cleaner instead.'

She says he must have understood her non-Greek ethnic origin from her Greek accent, since she was not wearing any religious symbols.<sup>616</sup> These cases illustrate the prevalence of prejudices and discriminations against the minority although the findings can not be generalized to the whole region.<sup>617</sup>

In conclusion, current economic backwardness of the minority is an outcome of inability to replace traditional tobacco cultivation with other agricultural produce, insufficient participation in public and private sector, insufficient benefit from funds due to incompetences such as lack of enough capital to start a business, incompetence in the Greek language, a sense of mistrust and hesitance against state institutions although it is on the decline.

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<sup>614</sup> Mihenk,(Minority Periodical), official website, <http://www.mihenk.gr/english/outstandingissues.htm>, 26.07.2006.

<sup>615</sup> Kandylaki, *ibid.*, p.440.

<sup>616</sup> Personal Communications with a minority member in Rhodope, 04.07.2006.

<sup>617</sup> My parents, who own a small business have not revealed any kind of discrimination.

## V. Minority Organization and Minority Press After 1990s

The Ksanthi Turkish Union (*İskeçe Türk Birliđi*) and the Union of Komotini Turkish Youth (*Gümülcine Türk Gençler Birliđi*) which have been banned due to the adjective ‘Turkish’, and the officially recognized Western Thrace Minority University Graduates’ Association (*Yüksek Tahsilliler Derneđi*) are the most prominent cultural organizations. Recently, the Cultural Association of Rodopi Turkish Women (Rodop Kadınları Kültür Derneđi) has been banned on the same grounds. The University Graduates’ Association is the oldest one which has never been banned because it did not have the adjective ‘Turkish’ in its title.

The Western Thrace Minority University Graduates Association has been very active in cultural affairs.<sup>618</sup> Three sub-branches operate under the association; Young University Students’ Society (Genç Akademisyenler Topluluđu /GAT), Women’s Branch (Kadınlar Kolu) and Health Branch (Sađlık Kolu), Theatre Club, Public Relations, a branch for DIKATSA and a Branch for the Unemployed. They occasionally visit villages and inform people about issues such as health, education, cultural affairs. Their role in the field of education is significant; they operate 9 kids’ clubs; six in the province of Rhodope (one in the town of Komotini and eight in the villages) and three in the province of Ksanthi (one in the town, two in villages) and organize education on needlework skills free of charge. Among the many cultural activities are the art exhibitions and theatre plays.<sup>619</sup>

The Supreme Minority Council, (Azinlik Yüksek Kurulu), an unofficial arena for discussion and decision making on certain issues concerning the minority, became functional after 10 years on 22 May 2006. It is presided over by the president of Advisory Committee (Danışma Kurulu) Ibrahim Serif (also the unofficial elected mufti) and the president of the Komotini Turkish Youth Union Adnan Selim. The other participants include the MP Ilhan Ahmet, president of European Federation of Western Thrace Turks Halit Habiboglu, a previous MP Rodoplulı, lawyer Orhan Hacıbram and many other professionals and intellectuals from the minority.

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<sup>618</sup> Official website of the organization: <http://www.btaytd.org>, 13.07.2006.

<sup>619</sup> Ibid.

Its agenda usually covers current issues such as recognition of ethnic Turkish identity, problems related with freedom of assembly, education, vakifs, people deprived of citizenship as a legacy of Article 19. For example, the Council has recently decided to initiate a signature campaign for the ratification of Framework Convention which will be run by the Federation of European Western Thrace Turks, and another signature campaign for the removal of expanded prefectures.<sup>620</sup>

The minority organization, especially the Western Thrace Minority University Graduates Association is a promising one for the cultural advancement of the society. A major shortfall in this sphere is the lack of an economic-oriented minority organization, such as a cooperative for tobacco cultivators.

Today the minority has ten weekly newspapers (no daily newspaper) and five monthly periodicals. The newspapers are; Gündem, Diyalog, Millet, Ötüken, Turuncu, Ülkü, Bülten, Trakya'nın Sesi, Cumhuriyet, Olay; periodicals include Öğretmenin Sesi, Azınlıkça, Mihenk, Davet (religious content), Arkadaş Çocuk (for children). Azınlıkça, is the only bilingual magazine incorporating a variety of scholars, journalists and authors from the minority, Turkey and Greece. Some of the publications have a predominantly nationalist rhetoric, whereas others have a liberal approach.

A major drawback of the minority media is the lack of economic coverage. Consequently, current articles are reflections of personal views and do not target the most significant challenge facing the minority: socio-economic development.

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<sup>620</sup> Ülkü, (minority newspaper), 16 June 2006;  
[http://www.batitrakya.com/index.php?option=com\\_content&task=view&id=12&Itemid=2](http://www.batitrakya.com/index.php?option=com_content&task=view&id=12&Itemid=2),  
13.07.2006.

## CONCLUSION

Sovereignty and territorial integrity have taken precedence over minorities and minority rights throughout history. Minorities as 'others' have been regarded by the host states as a potential threat to the national unity and territorial status quo and were therefore either assimilated, excluded, or forced to emigrate.

The League of Nations was the first international organization to guarantee minority protection by offering minority rights and an enforcement mechanism- the Permanent Court of International Justice (PCIJ). International recognition of new born states was made conditional upon the acceptance of minority stipulations concerning the treatment of the minorities within their jurisprudence. The minority rights of the League system were negative rights, plus cultural rights concerning the use of language, religious freedom, and education. The principle of self-determination was invoked only for peoples in the territories of the defeated empires.

The League of Nations failed to establish a universal system of minority rights, because minority provisions were imposed only on the new-born states of Central and Eastern Europe. Therefore minority rights were exploited by strong kin states. An example of kin state irredentism in the interwar period is Greek occupation of western Anatolia with the purpose of uniting with the Greek diaspora, which in return led to a population exchange between Greece and Turkey and the uprooting of over one and a half million people.

Formulation of minority rights in the period after the Second World War was largely influenced by the concern of preventing kin state irredentism like that of Hitler's Germany. Therefore, minority rights were subsumed within the body of international

law in the United Nations. *The Universal Declaration of Human Rights (1948)* was articulated on the Western liberal philosophy with emphasis on human rights and the individual instead of the group. National minorities were either transferred to kin states or encouraged to assimilate in host states. Six and a half million Germans were transferred from Czechoslovakia, Poland and Hungary to their kin state.

The principle of 'national self determination' was reformulated as 'self-determination' and applied only to the peoples under the colonial rule. The prominent international legal documents concerning individuals belonging to minorities in this period were: *Article 27 of the International Covenant on Civil and Political Rights (1966)*, *International Convention on the Elimination of All Forms of Racial Discriminations (ICCPR)(1966)*, and *Convention on the Prevention and Punishment of the Crime of Genocide (1948)*. Yet the enforcement mechanism, the UN Security Council resolutions required the unanimous vote of the five permanent members, which was vulnerable to balance of power considerations. A noteworthy international organization established on the European continent towards the end of the Cold War is the *Conference on Security and Cooperation in Europe (CSCE)*. Yet the most significant document of the CSCE, the *Helsinki Final Act* contained only a non-discrimination clause concerning minorities.

The minority concept became significant again in the post Cold War, which also marks the beginning of the globalization era. The main reason behind this was the violent ethnic conflicts in the disintegrated territories of the former Yugoslavia and Soviet Union. The UN adopted the 1992 *UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* and a *Working Group on Minorities* was created in 1995.

Linking human rights directly to continental security, European institutions played the most significant role in determination of extended rights for individuals belonging to minorities and their protection in this period. The *Council of Europe (CoE)* and the *Organization of Security and Cooperation in Europe (OSCE)* have introduced a voluntary mechanism for protection of minorities in member states, contrary to direct imposition as in the League period. *European Convention on Human Rights, the Copenhagen Document, Framework Convention for the*

*Protection of Minorities, The European Charter for Regional or Minority Languages* and particularly *the European Court of Human Rights* have been successful in protection of human rights concerning minorities.

Particularly *the Framework Convention* and *The Charter for Minority Languages* provide positive rights for the survival and maintenance of minority cultures and identities, and require affirmative action by states to facilitate integration of those minorities. Yet the minority rights enshrined in the aforementioned texts are not collective rights but individual rights eligible for collective use. Furthermore, EU membership and EU integration process have induced states to respect minority rights voluntarily as EU membership was made conditional upon membership to the CoE and fulfillment of the *Copenhagen Criteria* which required respect for human and minority rights.

Among the five Western democracies, the federal states of Switzerland, Germany, and Belgium have dealt with their minorities in a relatively peaceful way. In the centralist unitary state, United Kingdom, the oldest democracy on the continent, the Northern Ireland Conflict was born out of discriminatory and oppressive policies against the Catholic community. It has been settled through the establishment of an autonomous structure guaranteeing the Catholics equal involvement in power sharing with the Protestants. In the case of Spain, the Basque Conflict was born out of the assimilationist and oppressive measures of the Franco dictatorship and resolved through granting self autonomy. The cases of these five states indicate that authoritarian rule and unitary, centralist structures fail to accommodate minorities and majoritarian democracy does not suffice to satisfy their needs. As an alternative, federalism and consociationalism offer more participation in power sharing and integration of minority populations.

Among all, the EU membership has been the strongest leverage in the enforcement of minority rights for new member states after 1992. This does not entirely apply to Greece, though, as it has been an EU member since 1981(then EEC). Nevertheless, given the perceived benefit from structural development funds, and pressure from the Council of Europe against the repeal of Article 19, Greece has substantially changed her state policy towards the Muslim Turkish minority. The factors that have

contributed to the change were not only the European institutions, though. More significant were the efforts of the kin-state in bringing the issue to the European agenda, the role of Western Thrace Solidarity Associations in Europe, and the efforts of the minority itself, mainly led by the late Sadık Ahmet.

The Western Thrace Muslim Turkish minority has been an economically backward community dependent on agriculture. After they were left within the boundaries of Greece as a minority, they retained the millet community structure. Greek discriminative minority policy beginning in early 1960s, the closed and socio-economically backward internal structure, and migration of the rich and the intellectuals right after the Population Exchange and later (as a result of the deteriorating situation) were the major obstacles to the development and integration of the minority within the Greek state. Internal divides (first conservatives against secularists and later among notables on the grounds of political whims and aspirations) also hindered the minority's integration.

The Muslim Turkish minority of Greece and the Greek Orthodox minority of Turkey have been subject to the state of bilateral relations. In initial periods of rapprochement, both minorities were treated fairly. 1955 marks the turning point for the deterioration of bilateral relations due to the Cyprus conflict. From this period on, both states retaliated against their corresponding minorities through discriminative and oppressive measures.

The situation of the Western Thrace minority aggravated in the period of dictatorship (1967-1974) and did not change even after the establishment of democracy in 1974. Discriminations and oppression continued until mid 1990s, and culminated in certain periods, especially after 1974 with the intensified perception of irredentist threat from the kin state as a result of Turkish military operation in Cyprus and after 1983, when Northern Cyprus Turkish Republic was declared. Furthermore, the decrease in the population of Greek Orthodox minority in Istanbul after 1964 contributed to discriminations against Western Thrace minority, as they were legitimized by the Greek side on the basis of 'reciprocity' (Article 45 of the Lausanne Treaty), which was in fact in violation of international law concerning treatment of state nationals.

From the 1960s until 1991, several discriminations were employed by the host state. Violation of basic human rights and minority rights curtailed development of the minority and encouraged migrations to the kin state and to European countries. Several land expropriations deprived the minority of its major source of income. Curtailment in the freedom to exercise profession (i.e through non recognition of Turkish university diplomas and denial of work permits) left the minority dependent upon agriculture. Restriction on the purchase of immovables resulted in investments in kin state, to the detriment of the host state economy. The backward education system led to a new migration wave for those who wanted to study in their kin state, most of whom did not or could not return. Article 19 deprived about 50,000 minority members of citizenship. In short, basic human rights as well as minority rights were violated until late 1990s. Nevertheless, these discriminative and oppressive minority policies served to strengthen the unity and sense of ethnic Turkish identity of Western Thrace against the state, which is manifest in establishment of independent move and the mass demonstrations of 1988.

In this regard, as the case study demonstrates, anti-democratic, discriminative minority policy shaped by kin state-host state relations and historically constructed hostile perceptions of ethnic identities curtail socio economically backward minorities' democratic integration in the host state.

The minority mobilization in early 1990s, kin-state involvement, and the undertaken reforms in the EU integration process have induced a positive, democratic, integration-oriented change in Greek minority policy and a likewise positive change in the minority's attitude against the state. Another factor contributing to the current positive environment is the rapprochement of Turkey and Greece since the 1999 earthquake. In 2004, for the first time after 1952 (Ismet İnönü's visit), a Turkish Prime Minister visited the region and addressed the minority.

The change in minority politics initiated by the Mitsotakis government in 1991 was followed by the EU reforms. The devolution of administrative powers within the frame of Capodistrias Plan (1999) provided the minority with better chances to participate in power sharing, local government and socio-economic development.

Discriminative measures have been to a large extent lifted. Affirmative action by the state such as the university entrance quota for the minority students is another positive step towards integration.

The positive changes encouraged the minority to gradually get out of its own surroundings and participate in the state institutions. This is most evident in the change in social life: more emphasis attached to education and more participation in socio-economic life. These are all positive steps towards integration. Increasing number of minority students attending Greek schools is another sign of minority's will to integrate.

However, some more steps need to be taken for the democratic integration of the minority. First of all, the ban on two prominent cultural organizations should be lifted. Closing of associations for the mere reason of bearing 'Turkish' in their titles is a direct violation of freedom of expression and freedom of assembly and association (Articles 10 and 11 of ECHR).

Secondly, the requirements for the naturalization process for those minority members who were deprived of citizenship as a legacy of Article 19 should be the same as those for ethnic Greeks.

Thirdly, the Treaty of Lausanne, signed almost a century ago should be supplemented by new modern Conventions such as the Framework Convention on National Minorities and the Charter for Protection of Regional or Minority Languages. This will enhance affirmative action by the state for more participation of minority in economic and social life. This will allow for the appointment of minority teachers in nursery schools and particularly minority members in administrative authorities, which will decrease dependence on minority middlemen to whom particularly the elderly minority members often resort to due to incompetence in Greek language and lack of education.

Fourthly, participation of minorities in power sharing mechanisms is crucial for integration. Within this realm, more participation of the minority representatives in the administration must be encouraged through abolition of expanded prefectures.

Since the minority makes up only a slight majority in the province of Rhodope, this will not lead to regional diversification.

Fifthly, the issue of Mufti and the Vakıfs remains yet unsettled. Taxation on Vakif property should be lifted and the remaining vakif property should be administered by a minority-elected committee to sustain transparency. An alternative solution for the mufti dilemma is the establishment of a legal council of clergymen to decide on the mufti candidates according to which the Greek state appoints the mufti, similar to the procedure of a Greek Orthodox Patriarch's election in Istanbul.<sup>621</sup> Skordas and Mustafa suggest removal of judicial powers of the mufti, and his election by the community vote, in which case, he will be a sole spiritual leader for the community.<sup>622</sup>

Finally, minority intellectuals and media have a lot of responsibilities. Intellectuals are bound by the responsibility of awakening people and helping them develop both culturally and economically. Hence they should be actively engaged in socio-economic development, e.g. by offering guidance about the economic opportunities provided by the regional administration and other initiatives such as establishing cooperatives for farmers.

Overall, future integration depends upon the respect of human and minority rights, and affirmative action by the government as well as internal socio-economic development of the minority.

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<sup>621</sup> Ömeroğlu, op.cit, p.112.

<sup>622</sup> Achilles Skordas, "Yunanistan'da Azınlıkların Korunması ve Liberal Reform Zorunluluğu", (in) **Ulusal, Ulusalüstü ve Uluslararası Hukukta Azınlık Hakları**, İstanbul: İstanbul Barosu, İnsan Hakları Merkezi, 2002, pp:301-334, p.320; Interview with Mustafa Mustafa, Rhodope, 03.07.2006.

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## **APPENDIX**

### **TREATY OF LAUSANNE**

#### **SECTION III PROTECTION OF MINORITIES**

##### **ARTICLE 37**

Turkey undertakes that the stipulations contained in Articles 38 to 44 shall be recognised as fundamental laws, and that no law, no regulation, nor official action shall conflict or interfere with these stipulations, nor shall any law, regulation, nor official action prevail over them.

##### **ARTICLE 38**

The Turkish Government undertakes to assure full and complete protection of life and liberty to all inhabitants of Turkey without distinction of birth, nationality, language, race or religion.

All inhabitants of Turkey shall be entitled to free exercise, whether in public or private, of any creed, religion or belief, the observance of which shall not be incompatible with public order and good morals.

Non-Moslem minorities will enjoy full freedom of movement and of emigration, subject to the measures applied, on the whole or on part of the territory, to all Turkish nationals, and which may be taken by the Turkish Government for national defence, or for the maintenance of public order.

##### **ARTICLE 39**

Turkish nationals belonging to non-Moslem minorities will enjoy the same civil and political rights as Moslems.

All the inhabitants of Turkey, without distinction of religion, shall be equal before the law.

Differences of religion, creed or confession shall not prejudice any Turkish national in matters relating to the enjoyment of civil or political rights, as, for instance,

admission to public employments, functions and honours, or the exercise of professions and industries.

No restrictions shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press, or in publications of any kind or at public meetings.

Notwithstanding the existence of the official language, adequate facilities shall be given to Turkish nationals of non-Turkish speech for the oral use of their own language before the Courts.

#### ARTICLE 40

Turkish nationals belonging to non-Moslem minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals. In particular, they shall have an equal right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein.

#### ARTICLE 41

As regards public instruction, the Turkish Government will grant in those towns and districts, where a considerable proportion of non-Moslem nationals are resident, adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Turkish nationals through the medium of their own language. This provision will not prevent the Turkish Government from making the teaching of the Turkish language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Turkish nationals belonging to non-Moslem minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious, or charitable purposes.

The sums in question shall be paid to the qualified representatives of the establishments and institutions concerned.

#### ARTICLE 42

The Turkish Government undertakes to take, as regards non-Moslem minorities, in so far as concerns their family law or personal status, measures permitting the settlement of these questions in accordance with the customs of those minorities.

These measures will be elaborated by special Commissions composed of representatives of the Turkish Government and of representatives of each of the minorities concerned in equal number. In case of divergence, the Turkish Government and the Council of the League of Nations will appoint in agreement an umpire chosen from amongst European lawyers.

The Turkish Government undertakes to grant full protection to the churches, synagogues, cemeteries, and other religious establishments of the above-mentioned minorities. All facilities and authorisation will be granted to the pious foundations, and to the religious and charitable institutions of the said minorities at present existing in Turkey, and the Turkish Government will not refuse, for the formation of new religious and charitable institutions, any of the necessary facilities which are guaranteed to other private institutions of that nature.

#### ARTICLE 43

Turkish nationals belonging to non-Moslem minorities shall not be compelled to perform any act which constitutes a violation of their faith or religious observances, and shall not be placed under any disability by reason of their refusal to attend Courts of Law or to perform any legal business on their weekly day of rest.

This provision, however, shall not exempt such Turkish nationals from such obligations as shall be imposed upon all other Turkish nationals for the preservation of public order.

#### ARTICLE 44

Turkey agrees that, in so far as the preceding Articles of this Section affect non-Moslem nationals of Turkey, these provisions constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of the majority of the Council of the League of Nations. The British Empire, France, Italy and Japan hereby agree not to withhold their assent to any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

Turkey agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction or danger of infraction of any of these obligations, and that the Council may thereupon take such action and give such directions as it may deem proper and effective in the circumstances.

Turkey further agrees that any difference of opinion as to questions of law or of fact arising out of these Articles between the Turkish Government and any one of the other Signatory Powers or any other Power, a member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Turkish Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

#### ARTICLE 45

The rights conferred by the provisions of the present Section on the non-Moslem minorities of Turkey will be similarly conferred by Greece on the Moslem minority in her territory.