



T.C.
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ABSTRACT

EUROPEANIZATION OF MINORITY RIGHTS IN TURKEY AND GREECE: A COMPARATIVE ANALYSIS

Even though the European Union (EU) does not have a common minority rights policy, it has put ‘the respect for and protection of minorities’ as a condition (within the political conditionality of the Copenhagen criteria) for full membership. In this way, through its conditionality mechanism, the EU forces candidate and applicant countries to provide both negative and positive rights to their minorities. According to the EU, these rights should be at the EU standard which standard is actually absent. Moreover, when the impact of the EU on Turkey and Greece with regard to the enhancement of minority rights protection is compared and contrasted, Turkey appears to be more effectively Europeanized than Greece. Therefore, while significant developments have taken place in Turkey concerning the protection of minority rights which technically makes it eligible for full EU membership, the country should begin to more effectively implement these reforms. Furthermore, Turkey should also change its both governmental and societal perception of minorities and other marginalized groups in terms of completing the social-learning element of the Europeanization process. Similarly, Greece should also adopt the ‘legal equality-equal citizenship’ philosophy of the early 1990s stemming from some major international agreements by granting more positive minority rights.

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| | |
|--------------------|---|
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ÖZET

TÜRKİYE VE YUNANİSTAN'DAKİ AZINLIK HAKLARININ AVRUPALILAŞMASI: KARŞILAŞTIRMALI BİR ANALİZ

Avrupa Birliđi (AB), standart bir azınlık hakları politikası olmamasına rağmen, 'azınlıklara saygı ve onların korunması' şartını Kopenhag Kriterlerine eklemiş ve bu şartı yerine getiren aday ülkeleri üyeliđe kabul etmeye başlamıştır. Böylece, AB şartlılık mekanizması aracılıđıyla aday ve başvuran ülkeleri azınlıklarına hem pozitif hem de negatif haklar vermesi için zorlamaktadır. Eğer bu haklar AB standartlarında olmazsa üyeliđe kabul etmemektedir. Aslında, azınlık hakları konusunda bir AB standardı da yoktur. Eğer AB'nin Türkiye ve Yunanistan'ın azınlık haklarını koruma mekanizmalarını geliştirmeleri üzerine uyguladıđı baskı karşılaştırılacak olursa, Türkiye'nin Yunanistan'dan daha etkin bir şekilde Avrupalılaştıđı görülmektedir. Böylece, Türkiye'de azınlık hakları konusunda ülkeyi teknik olarak AB üyesi olmaya elverişli hale getiren önemli gelişmeler yaşanırken, Türkiye'nin bu reformları daha etkin bir şekilde uygulaması gerekmektedir. Ayrıca Türkiye, Avrupalılaşıma sürecinin sosyal-öđrenme kısmını yerine getirmek için hem hükümet düzeyinde hem de toplumsal düzeyde azınlık ve diđer marjinal gruplara karşı olan algısını deđiştirmelidir. Benzer şekilde, Yunanistan da taraf olduđu birkaç uluslararası antlaşmaya dayanarak 1990'ların başındaki 'yasal eşitlik-eşit yurttaşlık' felsefesini daha çok pozitif azınlık hakları vererek benimsemelidir.

TABLE OF CONTENTS

| | Page No. |
|--|----------|
| LIST OF TABLES | ix |
| TABLE OF CASES | x |
| TABLE OF LEGISLATION | xiii |
| ABBREVIATIONS | xxi |
| TRANSLITERATIONS | xxv |
| | |
| 1.INTRODUCTION | 2 |
| 2. THEORETICAL FRAMEWORK: THE CONCEPT OF EUROPEANIZATION AND MINORITY RIGHTS IN EUROPE | 12 |
| 2.1 Introduction..... | 12 |
| 2.2 Europeanization as a Conceptual Framework..... | 13 |
| 2.2.1 Europeanization of Member States..... | 17 |
| 2.2.2 Europeanization of Candidate Countries: Accession/Enlargement Europeanization..... | 20 |
| 2.3 What is Europeanized? (Domains)..... | 22 |
| 2.4 To What Extent is it Europeanized? (Directives)..... | 23 |
| 2.5 How is it Europeanized? (through mechanisms): The New Institutionalisms..... | 24 |
| 2.6 Historical Evolution of Minorities in Europe..... | 27 |
| 2.6.1 What does ‘minority’ mean?..... | 27 |
| 2.6.2 Diversity in, and Rights of, Minorities..... | 33 |
| 2.6.3 The Emergence of Minorities..... | 34 |
| 2.7 The Promotion and Protection of Minority Rights in Europe..... | 37 |
| 2.7.1 The Pre-League of Nations Period..... | 38 |
| 2.7.2 The League of Nations Period..... | 41 |
| 2.7.3 The Period of the United Nations, the Council of Europe and the CSCE/OSCE..... | 44 |
| 2.7.3.1 <i>Minority Rights in the United Nations (UN)</i> | 46 |
| 2.7.3.2 <i>Minority Rights in the Council of Europe (CoE)</i> | 52 |
| 2.7.3.2.1 <i>European Charter for Regional or Minority Languages (ECRML) – 1992</i> | 53 |
| 2.7.3.2.2 <i>Framework Convention for the Protection of National Minorities (FCNM) - 1995</i> | 54 |
| 2.7.3.3 <i>Minority Rights in the Conference on Security and Co-operation in Europe (CSCE /Organization for Security and Co-operation in Europe (OSCE)</i> | 55 |
| 2.8 Minority Rights in the European Union..... | 58 |
| 2.8.1 Is a Minority who has EU Citizenship still a Minority?: The Case of ‘New Minorities’..... | 63 |
| 2.8.2 Is there a minority rights policy within the EU? Is the EU visible or invisible player in minority rights protection?..... | 65 |
| 2.8.2.1 <i>Minority Rights in the EU Treaties</i> | 65 |
| 2.8.2.2 <i>Minority Rights in Acquis Communautaire</i> | 72 |
| 2.8.2.3 <i>Minority Rights in the Accession Treaties</i> | 74 |

| | | |
|-------------|---|-----|
| 2.8.2.4 | <i>The Emergence of Conditionality for Candidates</i> | 75 |
| 2.8.2.5 | <i>The ‘Human Rights Clause’ as the ‘Essential Element’ of the Agreements with Third Countries</i> | 76 |
| 2.8.2.6 | <i>Minority Rights in the EU Institutions: The European Commission, the Council, the European Council, the European Parliament, and the ECJ</i> | 79 |
| 2.8.2.6.1 | <i>European Commission</i> | 80 |
| 2.8.2.6.2 | <i>The Council of the European Union</i> | 83 |
| 2.8.2.6.3 | <i>The European Council</i> | 86 |
| 2.8.2.6.4 | <i>The European Parliament (EP)</i> | 87 |
| 2.8.2.6.5 | <i>ECJ - ECtHR Judgments on Minorities</i> | 91 |
| 2.8.2.6.5.1 | <i>The European Court of Justice (ECJ)</i> | 93 |
| 2.8.2.6.5.2 | <i>The European Court of Human Rights (ECtHR) of the Council of Europe</i> | 97 |
| 2.8.2.7 | <i>Non-binding Instruments for Minority Rights Protection within Europe</i> | 107 |
| 2.8.2.7.1 | <i>The Non-binding Instruments of the EU</i> | 108 |
| 2.8.2.7.2 | <i>Other NGOs and IGOs working for the Improvement of Minority Rights</i> | 111 |
| 2.9 | <i>Conclusion</i> | 114 |
| 3. | EUROPEANIZATION OF MINORITY RIGHTS IN TURKEY | 122 |
| 3.1 | <i>Introduction</i> | 122 |
| 3.2 | <i>Minority Rights in the Ottoman Empire</i> | 123 |
| 3.2.1 | <i>Minorities in Islam</i> | 123 |
| 3.2.2 | <i>Minorities in the Ottoman Empire (1453-1922)</i> | 124 |
| 3.3 | <i>Minority Rights Evolution in Turkey</i> | 135 |
| 3.3.1 | <i>Lausanne Peace Conference and Minorities in Turkey</i> | 138 |
| 3.3.2 | <i>Minorities in the Turkish Constitutions</i> | 144 |
| 3.3.3 | <i>Hyper-Nationalist Anti-Minority Occurrences</i> | 148 |
| 3.3.3.1 | <i>‘Citizen, Speak Turkish!’ Campaign</i> | 149 |
| 3.3.3.2 | <i>The Recruitment of the Non-Muslim Minorities and the Wealth Tax</i> | 150 |
| 3.3.3.3 | <i>6-7 September 1955 Pogrom</i> | 154 |
| 3.3.3.4 | <i>1964 Mass Deportations</i> | 159 |
| 3.3.3.5 | <i>1974 Turkish Intervention in Cyprus</i> | 163 |
| 3.3.3.6 | <i>Violations on Minority Rights after 1980</i> | 164 |
| 3.4 | <i>Main Problems of the Rum minority in Turkey</i> | 172 |
| 3.4.1 | <i>Restrictions on Fundamental Rights by Law</i> | 180 |
| 3.4.2 | <i>Restrictions on Economic Rights by Law</i> | 182 |
| 3.5 | <i>Mechanisms of Minority Rights Protection in Turkey</i> | 185 |
| 3.6 | <i>The Impact of the EU, UN, CoE and the OSCE for the Development of Minority Rights in Turkey</i> | 190 |
| 3.6.1 | <i>What does Ex Ante Minority Rights Conditionality mean?</i> | 195 |
| 3.6.2 | <i>An Analysis of the Regular Progress Reports</i> | 196 |
| 3.7 | <i>Evaluation of Interviews with Nine Orthodox Rum Minority Persons of İstanbul</i> | 224 |

| | |
|--|----------------|
| 3.8 To what extent is Turkey Europeanized in Minority Rights Protection? Rational Choice Institutional External Incentives Model and Sociological Institutionalism for Explaining Europeanization of Minority Rights in Turkey..... | 239 |
| 3.9 Conclusion..... | 249 |
| 4. EUROPEANIZATION OF MINORITY RIGHTS IN GREECE..... | 251 |
| 4.1 Introduction..... | 251 |
| 4.2 Minority Rights Evolution since its Independence from the Ottoman Empire: Anti-minority Attempts..... | 252 |
| 4.3 The Main Problems of the Minorities in Greece..... | 270 |
| 4.4 The Mechanisms of the Minority Rights Protection in Greece..... | 284 |
| 4.5 The Impact of the EU, UN, CoE and the OSCE for the Development of Minority Rights in Greece..... | 290 |
| 4.6 Evaluation of Interviews with Eleven Turkish Minority Persons of Western Thrace..... | 298 |
| 4.7 To what extent is Greece Europeanized in Minority Rights Protection? Sociological Institutional Social-learning and Lesson-drawing Models and the Rational Choice Institutionalism to Explain Europeanization of Minority Rights in Greece..... | 316 |
| 4.8 Conclusion..... | 322 |
| 5. CONCLUSION..... | 324 |
| APPENDIX..... | 332 |
| BIBLIOGRAPHY | 446 |

LIST OF TABLES

Page No.

| | |
|---|------------|
| Table 1. The Summary of the Legislation and Monitoring Mechanisms for the Protection and Promotion of Minority Rights in Europe..... | pp.117-118 |
|---|------------|

TABLE OF CASES

Page No.

European Court of Justice cases

| | |
|---|----|
| BA v. Commission, Case F-29/11 [2012]..... | 97 |
| Bickel and Franz, Case C-274/96 [1998]..... | 97 |
| Internationale Handelsgesellschaft v. Einfuhr-und Vorratstelle für Getreide und Futtermittel, Case 11/70 [1970]..... | 92 |
| Kadi and Yussuf v. Council and Commission, Case T-315/01 [2005]..... | 95 |
| Omega Spielhallen v. Stadt Bonn, Case C-36/02 [2004]..... | 95 |
| Oyowe and Traore v. Commission, Case 100/88 [1989]..... | 95 |
| Prais v. Council, Case 130/75 [1976]..... | 94 |
| Rutili v. Minister for the Interior, Case 36/75 [1975]..... | 92 |
| Schmidberger v. Austria, Case 112/00 [2003]..... | 95 |
| Wachauf v. Germany, Case 5/88 [1989]..... | 92 |

European Court of Human Rights cases

| | |
|--|-----|
| Ahmet Sadik v. Greece [1996]..... | 102 |
| Ahmet Sadik v. Greece [1997]..... | 104 |
| Apostolidi and Others v. Turkey [1999]..... | 99 |
| Barankevich v. Russia [2003]..... | 105 |
| Bekir-Ousta and Others v. Greece [2005]..... | 104 |
| Bozcaada Kimisis Teodoku Rum Ortodoks Kilisesi Vakfi v. Turkey [2003]..... | 99 |
| D.H. and Others v. the Czech Republic [2000]..... | 105 |
| Dink v. Turkey [2007]..... | 101 |
| Ecumenical Patriarchate (Fener Rum Patrikliği) v. Turkey [2005]..... | 100 |
| Emin and Others v. Greece [2005]..... | 104 |
| Fener Rum Erkek Lisesi Vakfi v. Turkey [1997]..... | 98 |
| Fokas v. Turkey [2009]..... | 101 |
| Folgerø and Others v. Norway [2002]..... | 105 |
| Gozelik and Others v. Poland [1998]..... | 104 |
| Grosaru v. Romania [2001]..... | 105 |
| Hasan and Eylem Zengin v. Turkey [2007]..... | 101 |
| İnhanlı v. Greece..... | 263 |
| Nacaryan and Deryan v. Turkey [2002]..... | 99 |
| Ouranio Toxo and Others v. Greece [2005]..... | 103 |
| Ponometryovi v. Bulgaria [2005]..... | 106 |
| Presidential Party of Mordovia v. Russia [2001]..... | 104 |
| Salah Sheekh v. the Netherlands [2004]..... | 105 |
| Serif v. Greece [1999]..... | 103 |
| Şükran Aydın and Others v. Turkey [2006]..... | 100 |
| Tănase v. Moldova [2008]..... | 106 |
| The Eğitim ve Bilim Emekçileri Sendikası v. Turkey [2005]..... | 100 |

| | |
|---|-----|
| Tourkiki Enosis Xanthis and Others v. Greece [2005]..... | 104 |
| Vatan v. Russia [1999]..... | 104 |
| Yaşa and Others v. Turkey [1998]..... | 217 |
| Yedikule Surp Pirgiç Ermeni Hastanesi Vakfı v. Turkey [1999]..... | 98 |
| Yordanova and Others v. Bulgaria [2006]..... | 106 |
| Yorgiyadis v. Turkey [2004]..... | 99 |

Decisions of the UN Treaty bodies

| | |
|---|----|
| Apirana Mahuika et al. v. New Zealand-case [Communication No. 547/1993]..... | 50 |
| Ballantyne, Davidson and McIntyre v. Canada [Communications Nos. 359/1989 and 385/1989]..... | 51 |
| Diergaardt et al. v. Namibia [Communication No. 760/1997]..... | 51 |
| Kitok v. Sweden [Communication No. 197/1985]..... | 50 |
| Lubicon Lake Band-case [Communication No. 167/1984]..... | 50 |
| Sandra Lovelace v. Canada [Communication No. 24/1977]..... | 50 |
| Waldman v. Canada [Communication No. 694/1996]..... | 51 |

ICJ/PICJ cases

| | |
|--|-------|
| Greco-Bulgarian ‘Communities’ [1930]..... | 29 |
| Minority Schools in Albania [1935]..... | 98 |
| Upper Silesia Minority Schools [1928]..... | 28,98 |

Turkish cases

| | |
|--|-----|
| Apostolidi and Others v. Turkey [1999]..... | 99 |
| Bozcaada Kimisis Teodoku Rum Ortodoks Kilisesi Vakfı v. Turkey [2003]..... | 99 |
| Dink v. Turkey [2007]..... | 101 |
| Ecumenical Patriarchate (Fener Rum Patrikliği) v. Turkey [2005]..... | 100 |
| Fener Rum Erkek Lisesi Vakfı v. Turkey [1997]..... | 98 |
| Fokas v. Turkey [2009]..... | 101 |
| Hasan and Eylem Zengin v. Turkey [2007]..... | 101 |
| Nacaryan and Deryan v. Turkey [2002]..... | 99 |
| Şükran Aydın and Others v. Turkey [2006]..... | 100 |
| The Eğitim ve Bilim Emekçileri Sendikası v. Turkey [2005]..... | 100 |
| Yaşa and Others v. Turkey [1998]..... | 217 |
| Yedikule Surp Pirgiç Ermeni Hastanesi Vakfı v. Turkey [1999]..... | 98 |
| Yorgiyadis v. Turkey [2004]..... | 99 |

Greek cases

| | |
|--|-----|
| Ahmet Sadık v. Greece [1996]..... | 102 |
| Ahmet Sadık v. Greece [1997]..... | 103 |
| Bekir-Ousta and Others v. Greece [2005]..... | 104 |
| Emin and Others v. Greece [2005]..... | 104 |
| İnhanlı v. Greece..... | 263 |

| | |
|--|-----|
| Ouranio Toxo and Others v. Greece [2005]..... | 103 |
| Serif v. Greece [1999]..... | 103 |
| Tourkiki Enosis Xanthis and Others v. Greece [2005]..... | 104 |

TABLE OF LEGISLATION

Page No.

Documents of the Pre-League of Nations Period

| | |
|---|----|
| 1530 Confession of Augsburg..... | 38 |
| 1555 Peace of Augsburg..... | 35 |
| 1598 Edict of Nantes..... | 38 |
| 1606 Treaty of Transylvania..... | 38 |
| 1615 Austro-Ottoman Treaty..... | 40 |
| 1648 Peace of Westphalia..... | 35 |
| 1650 Treaty of Oliva..... | 38 |
| 1678 Treaty of Nijmegen..... | 38 |
| 1697 Treaty of Ryswick..... | 38 |
| 1699 Treaty of Karlowitz..... | 40 |
| 1713 Treaty of Utrecht..... | 38 |
| 1745 Treaty of Dresden..... | 38 |
| 1763 Treaty of Hubertusburg..... | 38 |
| 1763 Treaty of Paris..... | 38 |
| 1774 Treaty of Koutchouk Kainardji..... | 40 |
| 1815 Congress of Vienna..... | 39 |
| 1815 Holy Alliance..... | 39 |
| 1830 Concert of Europe..... | 39 |
| 1830 London Protocol..... | 39 |
| 1839 Tanzimat Firman..... | 40 |
| 1856 Islahat Firman..... | 40 |
| 1856 Paris Agreement..... | 40 |
| 1878 Congress of Berlin..... | 40 |
| 1915 Draft Declaration of the Rights of Nationalities..... | 41 |
| 1916 Draft International Treaty on the Rights of National Minorities..... | 41 |

Documents of the League of Nations Period

| | |
|---|----|
| 1919 Paris Peace Conference..... | 41 |
| 1919 Treaty of Saint Germain-en-Laye..... | 42 |
| 1919 Treaty of Neuilly-sur-Seine..... | 42 |
| 1919 Treaty of Versailles..... | 42 |
| 1920 Treaty of Trianon..... | 42 |
| 1920 Greek Sevres..... | 42 |
| 1922 Geneva Convention..... | 42 |
| 1923 Treaty of Lausanne..... | 45 |
| 1928 Treaty of Upper Silesia..... | 42 |

Documents by the European Union

EU Treaties

| | |
|---|-------|
| 1951 Paris Treaty..... | 65 |
| 1957 Rome Treaty..... | 65 |
| 1965 Merger/Brussels Treaty..... | 66 |
| 1972 Treaty of Accession with Denmark, Ireland and the United Kingdom..... | 74 |
| 1976 Lomé I Convention..... | 77 |
| 1979 Treaty of Accession with Greece..... | 74 |
| 1981 Lomé II Convention..... | 77 |
| 1985 Lomé III Convention..... | 77 |
| 1985 Treaty of Accession with Spain and Portugal..... | 74 |
| 1986 Single European Act (SEA)..... | 66 |
| 1989 Lomé IV Convention..... | 77,78 |
| 1991 Europe Agreements..... | 79 |
| 1992 Treaty of Maastricht (TEU)..... | 67,68 |
| 1994 Treaty of Accession with Austria, Finland and Sweden..... | 74 |
| 1997 Treaty of Amsterdam..... | 68 |
| 2000 The Treaty of Nice..... | 69 |
| 2000 The Charter of Fundamental Rights..... | 71,72 |
| 2000 Stabilization and Association Agreements (SAA) with Western Balkans..... | 78 |
| 2002 Consolidated version of the TEC..... | 69 |
| 2003 Treaty of Accession with the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia..... | 74 |
| 2003 Cotonou Agreement..... | 78 |
| 2004 Constitutional Treaty..... | 69 |
| 2005 Treaty of Accession with the Republic of Bulgaria and Romania..... | 74 |
| 2005 European Neighbourhood Policy (ENP) Action Plan with Ukraine..... | 78 |
| 2007 Treaty of Lisbon..... | 70,71 |
| 2007 Interim Agreement on Trade and Trade-Related Matters with the Republic of Montenegro..... | 79 |
| 2012 Consolidated versions of the TEU and the TFEU..... | 71 |
| 2012 Treaty of Accession with Croatia..... | 74 |

Documents by the Council of the EU

| | |
|--|----|
| 1998 Accession Partnerships [Council Regulation (EC) No 622/98]..... | 84 |
| 1999 EU Annual Report on Human Rights..... | 85 |
| 2000 EU Annual Report on Human Rights..... | 85 |
| 2000 Council Race Directive (2000/43/EC)..... | 85 |
| 2001 EU Annual Report on Human Rights..... | 85 |
| 2003 EU Annual Report on Human Rights..... | 85 |
| 2005 EU Annual Report on Human Rights..... | 85 |
| 2006 EU Annual Report on Human Rights..... | 85 |
| 2007 EU Annual Report on Human Rights..... | 86 |
| 2008 EU Annual Report on Human Rights..... | 86 |

| | |
|--|----|
| 2008 Handbook ‘Mainstreaming Human Rights and Gender into European Security and Defence Policy (ESDP)’ | 84 |
| 2009 EU Annual Report on Human Rights..... | 86 |
| 2010 EU Annual Report on Human Rights..... | 86 |
| 2011 EU Annual Report on Human Rights..... | 86 |
| 2012 EU Strategic Framework and Action Plan on Human Rights and Democracy..... | 86 |
| 2013 EU Annual Report on Human Rights..... | 87 |

Documents by the European Commission

| | |
|---|-----|
| 1986 Declaration on Human Rights..... | 80 |
| 1996 Commission declared that the EU adopted the Vienna Declaration..... | 82 |
| 1997 Agenda 2000: For a stronger and wider Europe..... | 83 |
| 1998 Progress Report on Turkey..... | 196 |
| 1999 Progress Report on Turkey..... | 197 |
| 1999 Report on ‘Countering Racism, Xenophobia and Anti-Semitism in the Candidate Countries’ | 83 |
| 2000 Progress Report on Turkey..... | 198 |
| 2001 Progress Report on Turkey..... | 200 |
| 2002 Progress Report on Turkey..... | 200 |
| 2003 Progress Report on Turkey..... | 201 |
| 2004 Progress Report on Turkey..... | 203 |
| 2005 Progress Report on Turkey..... | 203 |
| 2005 Framework Strategy for ‘Non-discrimination and Equal Opportunities for All’ | 81 |
| 2006 Progress Report on Turkey..... | 206 |
| 2007 Progress Report on Turkey..... | 207 |
| 2008 Progress Report on Turkey..... | 208 |
| 2009 Progress Report on Turkey..... | 209 |
| 2010 Progress Report on Turkey..... | 210 |
| 2011 Progress Report on Turkey..... | 211 |
| 2012 Progress Report on Turkey..... | 213 |
| 2013 Progress Report on Turkey..... | 215 |
| 2014 Progress Report on Turkey..... | 219 |

Documents by the European Parliament

| | |
|--|----|
| 1973 Declaration on European Identity..... | 88 |
| 1977 Joint Declaration..... | 79 |
| 1981 Resolution on a Community Charter of regional languages and cultures and on a charter of rights of ethnic minorities..... | 89 |
| 1982 Resolution on the multilingualism of the European Community..... | 89 |
| 1982 Budget Line B3-1006..... | 89 |
| 1983 Resolution on measures in favour of minority languages and cultures..... | 89 |
| 1987 Resolution on the languages and cultures of regional and ethnic minorities..... | 89 |

| | |
|---|----|
| 1989 Declaration of Fundamental Rights and Freedoms..... | 80 |
| 1989 Fundamental Rights and Freedoms Report..... | 90 |
| 1990 Resolution on the situation of languages of the Community and the Catalan language..... | 90 |
| 1994 Resolution on linguistic minorities in the European Community..... | 90 |
| 1994 Resolution on the right to use one’s own language..... | 90 |
| 1995 Resolution on the use of the official languages in the institutions of the European Union..... | 90 |
| 1999 Budget Line B2-1000..... | 89 |
| 2000 Decision No 1934/2000/EC..... | 91 |
| 2001 Opinion of the Committee of the Regions on the promotion and protection of regional and minority languages..... | 91 |
| 2001 Morgan motion for a resolution on minority languages..... | 91 |
| 2001 Resolution on Regional and Lesser-Used European Languages..... | 90 |
| 2001 European Year of Languages..... | 91 |
| 2003 Resolution with recommendations to the Commission on European regional and lesser-used languages — the languages of minorities in the EU — in the context of enlargement and cultural diversity..... | 91 |
| 2003 Resolution on the role of regional and local authorities in European integration (2002/2141(INI))..... | 91 |
| 2005 Resolution on the protection of minorities and anti-discrimination policies in an enlarged Europe..... | 91 |
| 2006 Resolution on non-discrimination and equal opportunities for all – a framework strategy..... | 91 |

Documents by the European Court of Justice & European Court of Human Rights

| | |
|-------------------------------|-----|
| 1991 ECJ Annual Report..... | 96 |
| 1998 ECJ Annual Report..... | 97 |
| 2005 ECtHR Annual Report..... | 106 |
| 2009 ECtHR Annual Report..... | 107 |
| 2012 ECtHR Annual Report..... | 107 |
| 2012 ECJ Annual Report..... | 97 |

Documents by the European Council

| | |
|--|-----|
| 1991 Declaration on Human Rights..... | 87 |
| 2001 Accession Partnership Document (APD) on Turkey..... | 199 |

UN documents

| | |
|--|------------|
| 1945 United Nations Charter..... | 46,190,291 |
| 1945 San Francisco Conference..... | 47 |
| 1948 Universal Declaration of Human Rights..... | 48,190,291 |
| 1948 Resolution 217 C(III) on the ‘Fate of Minorities’..... | 48 |
| 1948 Convention on the Prevention and Punishment of the Crime of Genocide..... | 48 |
| 1960 UNESCO Convention against Discrimination in Education..... | 48,190,291 |

| | |
|---|---------------|
| 1965 International Convention on the Elimination of All Forms of Racial Discrimination..... | 48,190,292 |
| 1966 International Covenant on Civil and Political Rights..... | 31,48,191,292 |
| 1966 International Covenant on Economic, Social and Cultural Rights..... | 49 |
| 1979 Francesco Capotorti, ‘Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities’ | 29,50 |
| 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief..... | 191,292 |
| 1985 Jules Deschenes, ‘Proposal Concerning a definition of the term ‘minority’’ | 30 |
| 1989 Convention on the Rights of the Child..... | 48,191,293 |
| 1992 Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities..... | 49,52,191,293 |
| 1993 Asbjorn Eide, ‘Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities’ | 30,50 |
| 1993 Vienna Declaration and Programme of Action..... | 48 |
| 1994 Human Rights Committee, ‘General Comment No.23’ | 49 |
| 1997 Stanislav Chernichenko..... | 31 |

CoE documents

| | |
|---|------------------|
| 1948 European Convention on Human Rights and Additional Protocols..... | 52,191,293 |
| 1961 European Social Charter..... | 192,293 |
| 1990 Parliamentary Assembly Recommendation 1134 on the Rights of Minorities..... | 32 |
| 1992 European Charter for Regional or Minority Languages..... | 32,46,54,192,294 |
| 1993 Vienna Summit..... | 45 |
| 1993 Recommendation 1201 of the Parliamentary Assembly..... | 32 |
| 1995 Framework Convention for the Protection of National Minorities..... | 31,46,54,192,294 |
| 1997 European Convention on Nationality of the Council of Europe..... | 192,294 |
| 2006 Venice Commission, the Report on Non-citizens and Minority Rights..... | 53 |

CSCE/OSCE documents

| | |
|---|---------------|
| 1975 Helsinki Final Act..... | 56 |
| 1983 Concluding Document of the Madrid Meeting..... | 56 |
| 1989 Concluding Document of the Vienna Meeting..... | 56 |
| 1990 Concluding Document of the Copenhagen Meeting..... | 46,295 |
| 1990 Charter of Paris for a New Europe..... | 46,56,192,295 |
| 1991 Geneva Report on National Minorities..... | 46,56 |
| 1991 Concluding Document of the Moscow Meeting..... | 46,56 |
| 1992 Concluding Document of the Helsinki Meeting..... | 46,56 |
| 1994 Concluding Document of the Budapest Meeting..... | 46,56 |
| 1995 Pact on Stability in Europe..... | 56 |
| 1996 HCNM Hague Recommendations Regarding the Education Rights of National Minorities..... | 58 |

| | |
|--|----|
| 1998 HCNM Oslo Recommendations Regarding the Linguistic Rights of National Minorities..... | 58 |
| 1999 HCNM Lund Recommendations on the Effective Participation of National Minorities in Public Life..... | 58 |
| 2003 HCNM Minority-Language Related Broadcasting and Legislation..... | 58 |

Legal materials of Turkey and Greece

| | |
|---|-----|
| 1923 Agreement on Compulsory Population Exchange..... | 142 |
| 1930 Turkish-Greek Settlement Agreement..... | 144 |
| 1930 Agreement of Friendship, Neutrality, Reconciliation and Arbitration..... | 150 |
| 1930 Agreement of Residence, Trade and Navigation..... | 150 |
| 1930 Protocol of Restriction on Naval Forces..... | 150 |
| 1951 Turkish-Greek Culture Agreement..... | 155 |

Turkey

| | |
|---|-----------------|
| 1839 Tanzimat Firman..... | 128 |
| 1856 Reform Edict..... | 128 |
| 1876 Ottoman Constitution (Kanun-i Esasi)..... | 131 |
| 1908 Law on Associations..... | 180 |
| 1913 Decree Law on Legal Personalities Use of Immovable Property..... | 177 |
| 1923 Treaty of Lausanne..... | 140,141,259,260 |
| 1924 Constitution..... | 144 |
| 1924 Law on Unification of Education (Tevhid-i Tedrisat Kanunu)..... | 172 |
| 1926 Turkish Penal Code..... | 146 |
| 1926 Law of Civil Servants (Memurin Kanunu)..... | 183 |
| 1926 Coast Navigation Law No. 815..... | 184 |
| 1928 Law on Turkish Citizenship..... | 181 |
| 1928 Law on Art of Medicine No. 1219..... | 184 |
| 1929 Law on Stock and Foreign Exchanges..... | 185 |
| 1932 Law Regarding Trades and Services Reserved to the Turkish Citizens in Turkey (No. 2007)..... | 183 |
| 1933 Law of Private Hospitals No. 2219..... | 184 |
| 1934 Law on Residence..... | 181 |
| 1935 Law on Foundations..... | 164,178 |
| 1940 Law on National Protection..... | 153 |
| 1940 Law of Opticians No. 3958..... | 184 |
| 1942 Law on the Wealth Tax..... | 152 |
| 1943 Tax on Agricultural Products..... | 153 |
| 1945 Act for Making Landless Farmer Land-owner..... | 153 |
| 1949 Provincial Administration Law No. 5442..... | 148 |
| 1953 Law Regarding Pharmacists and Pharmacies No. 6197..... | 184 |
| 1954 Law of Union on Veterinary Surgeons No. 6343..... | 184 |
| 1961 Constitution..... | 144 |
| 1961 Law Concerning Fundamental Provisions on Elections and Voter Registries (No. 298)..... | 147 |

| | |
|---|---------|
| 1961 Law of 222..... | 173 |
| 1963 Decree of 246/7..... | 172 |
| 1964 Governmental Decree of 410/6..... | 173 |
| 1964 Decree of 3885..... | 173 |
| 1965 Private Teaching Establishment Law of 625..... | 172 |
| 1969 Cooperative Law No. 1163..... | 184 |
| 1969 Law of Lawyers No. 1136..... | 184 |
| 1972 Law of Travel Agencies No. 1618..... | 184 |
| 1972 Law of Notaryship No. 1512..... | 184 |
| 1973 Fundamental Act on National Education (1739/1973)..... | 147 |
| 1981 Law Regarding the Protection of Some Government Entities No. 2495..... | 184 |
| 1982 Constitution..... | 144,145 |
| 1982 Law No.2820 on Political Parties..... | 146 |
| 1983 Act on Associations (2908/1983)..... | 148 |
| 1983 Law on Foreign Language Education and Teaching (No. 2923)..... | 147 |
| 1983 Law on Civil Aviation No.2920..... | 184 |
| 1983 Law of Judges and Prosecutors No. 2802..... | 184 |
| 1985 Mine Law No. 3213..... | 184 |
| 1992 Decision No. 92/2788 of the Council of Ministers..... | 147 |
| 1994 Law Concerning the Founding and Broadcasts of Television and Radio (No. 3984)..... | 147 |
| 1999 Taxation Law of 4369..... | 179 |
| 1999 Law of Customs No. 4458..... | 184 |
| 2001 National Program for the Adoption of the <i>Acquis</i> | 179 |
| 2001 Constitutional Reform Package..... | 179 |
| 2002 Law of 4771/4..... | 180 |
| 2002 Third Constitutional Package..... | 200 |
| 2003 Law of 4778..... | 180 |
| 2003 Law No. 4817..... | 184 |
| 2003 Law of Trade Union No. 2821..... | 184 |
| 2003 Seventh Harmonization Package..... | 201 |
| 2004 Press Law No.5680..... | 184 |
| 2004 Eighth Constitutional Package..... | 203 |
| 2004 Ninth Constitutional Package..... | 203 |
| 2004 Regulation on the Methods and Principles of the Boards of Non-Muslim Religious Foundations..... | 203 |
| 2004 Law on Associations..... | 205 |
| 2007 Law of 5580..... | 173 |
| 2008 Law on Foundations..... | 179,212 |
| 2011 Law on Foundations..... | 179,212 |
| 2012 Third Judicial Reform Package..... | 216 |
| 2013 Democratization Package..... | 216 |
| 2013 Fourth Judicial Reform Package..... | 216 |
| 2013 EU-Turkey Readmission Agreement..... | 219 |

Greece

| | |
|---|-------------------------|
| 1881 İstanbul Agreement..... | 273,275,284 |
| 1882 Law of ALH/1882..... | 275 |
| 1882 Royal Decree Law of 88/29.08.1882..... | 285 |
| 1884 Law of ARPG/21.04.1884..... | 285 |
| 1889 Law of 44/17.02.1889..... | 285 |
| 1913 Athens Peace Agreement..... | 260,274,275,276,285,286 |
| 1914 Law of 147/1914..... | 279,289 |
| 1920 Act of 2492/1920..... | 259 |
| 1920 Law of 2345/1920..... | 260,274,275,276,278,289 |
| 1920 Greek Sevres..... | 273,284 |
| 1923 Greek Royal Decree of 2/17.01.1923..... | 272 |
| 1923 Lausanne Peace Treaty..... | 287 |
| 1927 Greek Republic Presidency Decree of 01.06.1927..... | 272 |
| 1928 Greek Republic Presidency Decree of 19 March/3 April 1928..... | 272 |
| 1931 Greek Republic Presidency Decree of 8/18 July 1931..... | 272 |
| 1931 Act of 4862/1931..... | 280 |
| 1936 Law of 376/1936..... | 288 |
| 1938 Law of 1366/1938..... | 279 |
| 1939 Law of 1672/1939..... | 288 |
| 1946 Greek Civil Law..... | 279 |
| 1952 Royal Decree of 9 December 1952..... | 272 |
| 1953 Royal Decree of 9 January 1953..... | 272 |
| 1955 Greek Citizenship Code..... | 261 |
| 1964 Royal Decree (No.649)..... | 264 |
| 1972 Law of 1260/1972..... | 265 |
| 1972 Law of 1109/1972..... | 288 |
| 1975 Greek Constitution..... | 265 |
| 1980 Law of 1091/1980..... | 280,288 |
| 1982 Law of 1250..... | 278 |
| 1983 Law of 1329/1983..... | 279 |
| 1990 Greece Presidential Decree of 182/24.12.1990..... | 288 |
| 1991 Law of 1920/1991..... | 275,276,278,279 |

Other documents

| | |
|--|----|
| 1946 Paris Peace Conference..... | 47 |
| 1946 De Gasperi-Gruber Agreement..... | 47 |
| 1950 Agreement between India and Pakistan..... | 47 |
| 1954 Agreement between Italy and Yugoslavia..... | 47 |
| 1955 Manifestos of Denmark, Germany and Austria..... | 47 |

ABBREVIATIONS

| | |
|--------|--|
| ACP | African, Caribbean and Pasific States |
| ADACS | Activities for the Consolidation and Development of Democratic Stability in Europe |
| AKP | Adalet ve Kalkınma Partisi |
| ANAP | Anavatan Partisi |
| APD | Accession Partnership Document |
| CAHMIN | Ad Hoc Committee of Experts on Minorities |
| CARNM | Constitutional Act on the Rights of National Minorities |
| CBM | Confidence-building Measures |
| CDDH | Steering Committee for Human Rights |
| CEECs | Central and Eastern European Countries |
| CERD | Committee on the Elimination of Racial Discrimination |
| CFI | Court of First Instance |
| CFSP | Common Foreign and Security Policy |
| CHP | Cumhuriyet Halk Partisi |
| CIEMEN | International Escarré Centre for Ethnic Minorities and Nations |
| COHOM | Human Rights Working Group |
| CoE | Council of Europe |
| CRC | Convention on the Rights of the Child |
| CSCE | Conference on Security and Co-operation in Europe |
| CUP | Committee of Union and Progress (Turkey) |
| DEB | Dostluk, Eşitlik, Barış |
| DH-MIN | Committee of Experts on Issues Relating to the Protection of National Minorities |
| DP | Demokrat Parti |
| DP | Democrat Party (Turkey) |
| DTP | Demokratik Toplum Partisi |
| EBLUL | European Bureau for Lesser-Used Languages |
| ECHR | European Convention on Human Rights |
| ECJ | European Court of Justice |

| | |
|---------|---|
| ECMI | European Centre for Minority Issues |
| ECRI | European Commission against Racism and Intolerance |
| ECRML | European Charter for Regional or Minority Languages |
| ECtHR | European Court of Human Rights |
| ECOSOC | UN Economic and Social Council |
| ECSC | European Coal and Steel Community |
| EEC | European Economic Community |
| EES | European Employment Strategy |
| EIDHR | European Instrument for Democracy and Human Rights |
| ELEN | European Language Equality Network |
| EMU | European Monetary Union |
| ENP | European Neighbourhood Policy |
| ENPI | European Neighbourhood and Partnership Instrument |
| EOKA | Ethniki Organosis Kyprion Agoniston (Greek Cyprus) |
| EP | European Parliament |
| ERRC | The European Roma Rights Center |
| ESDP | European Security and Defence Policy |
| EU | European Union |
| EUGS | European Union General Secretariat |
| EUMC | The European Union's Monitoring Centre on Racism and Xenophobia |
| EURATOM | European Atomic Energy Community |
| FCNM | Framework Convention for the Protection of National Minorities |
| FEL | Foundation for Endangered Languages |
| FIR | Flight Information Region |
| FRA | Fundamental Rights Agency |
| FUEN | Federal Union of European Nationalities |
| FYROM | Former Yugoslav Republic of Macedonia |
| HDP | Halkların Demokratik Partisi |
| HCNM | High Commissioner on National Minorities |
| HRC | Human Rights Committee |
| HI | Historical Institutionalism |

| | |
|----------------|---|
| ICCPR | International Covenant on Civil and Political Rights |
| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| ICJ | International Court of Justice |
| IEMI | Independent Expert on Minority Issues |
| IGCs | Inter-governmental Conferences |
| IKV | İktisadi Kalkınma Vakfı |
| JDP | Justice and Development Party (Turkey) |
| KIS | Central Organization of Jewish communities |
| KKE | Communist Party of Greece (Greece) |
| LGBTI | Lesbian, Gay, Bisexual, Trans-gender, Inter-sex |
| LIBE Committee | Committee on Civil Liberties, Justice and Home Affairs |
| LoN | League of Nations |
| MERCATOR | European Network for Information, Documentation and Research |
| MG-S-ROM | Specialist Group on Roma/Gypsies |
| MP | Member of Parliament |
| MRG | Minority Rights Group International |
| MSCs | Member State Committees |
| MÜSİAD | Müstakil Sanayici ve İş Adamları Derneği |
| NAP | Nationalist Action Party (Turkey) |
| NAPC | North Aegean Petroleum Company |
| NCHR | Greek National Commission for Human Rights |
| ND | New Democracy (Greece) |
| NGO | Non-governmental Organization |
| NHRIs | National Human Rights Institutions |
| NPAA | National Program for the Adoption of the <i>Acquis</i> |
| NPM | National Preventive Mechanism |
| NSC | National Security Council (Turkey) |
| OHCHR | Office of the High Commissioner for Human Rights |
| OMC | Open Method of Cooperation |
| OPCAT | Optional Protocol to the UN Convention against Torture |

| | |
|----------|--|
| OSCE | Organization for Security and Co-operation in Europe |
| PASOK | Panhellenic Socialist Movement (Greece) |
| PCIJ | Permanent Court of International Justice |
| PDL | Party of the Democratic Left (Turkey) |
| PKK | Partiya Karkeren Kurdistan |
| PTDP | PHARE and TACIS Democracy Program |
| QD | Quiet Diplomacy |
| RCI | Rational Choice Institutionalism |
| RoC | Republic of Cyprus |
| RPP | Republican People's Party (Turkey) |
| RUMVADER | Rum Vakıfları Derneği |
| SAA | Stabilization and Association Agreements |
| SAP | Stabilization and Association Process |
| SEA | Single European Act |
| SI | Sociological Institutionalism |
| TAF | Turkish Armed Forces |
| TBMM | Türkiye Büyük Millet Meclisi |
| TEC | Treaty Establishing the European Community |
| TEEC | Treaty Establishing the European Economic Community |
| TEU | Treaty on the European Union |
| TESEV | Türkiye Ekonomik ve Sosyal Etüdler Vakfı |
| TFEU | Treaty on the Functioning of the European Union |
| TOBB | Türkiye Odalar ve Borsalar Birliđi |
| TÜSİAD | Türk Sanayicileri ve İşadamları Derneđi |
| Türk-İş | Türkiye İşçi Sendikaları Konfederasyonu |
| UN | United Nations |
| UNCHR | UN Commission on Human Rights |
| UNESCO | UN Educational, Scientific and Cultural Organization |
| UPR | Universal Periodic Review |
| USSR | The Union of Soviet Socialist Republics |
| WWI | World War I |
| WWII | World War II |

TRANSLITERATION

For the simplicity of reading and understanding, I convert Greek letters into their English counterparts as in the following table:

| Greek | Latin |
|-------|-------|
| α | a |
| β | v |
| γ | g , y |
| δ | d |
| ε | e |
| ζ | z |
| η | i |
| θ | th |
| ι | i |
| κ | k |
| λ | l |
| μ | m |
| ν | n |
| ξ | ks |
| ο | o |
| π | p |
| ρ | r |
| σ , ς | s |
| τ | t |
| υ | i |
| φ | f |
| χ | h |
| ψ | ps |
| ω | o |

Only to Can...

1. INTRODUCTION

After Turkey signed the Ankara Agreement with the European Economic Community (EEC) in 1963, the country aimed at ending the Customs Union and gaining full membership to the EEC. Since the associate relationship between Turkey and the EEC faltered during the 1970s, Turkey understood that it could not become a full member via the completion of the customs union and applied for full membership to the EEC on 14 April 1987. However, the European Commission did not agree to initiate accession negotiations in December 1989 and the Turkey-European Union (EU) Customs Union was established on 1 January 1996 instead. Subsequently, Turkey again concentrated on its longstanding bid for full membership. Even though the accession negotiations with Turkey began in 2005, the process was paralyzed one year later mainly due to the Cyprus issue. Thus, it can be said that Turkey has endeavored to become a member of the EU since 1987 but has not yet been able to achieve its goal. Despite the fact that the country has made major legislative reforms, their implementation has proven to be problematic. Moreover, because Turkey has not yet received the 'ultimate reward' for its efforts, it has lost its trust in the EU which in turn means that the EU has lost the credibility of its conditionality which also lessens Turkey's desire to implement the reforms that are necessary for membership. Ultimately, this cycle results in a deadlock.

Contrastingly, throughout the twentieth century, Greece suffered from the impacts of the First and Second World Wars (1914-1918, 1939-1945), a destructive civil war (1946-1949), multiple military interventions (1909, 1916, 1923, 1925, 1926, 1935, 1936) and several periods of military dictatorship (1925-1926, 1936-1941, 1967-1974) which ended in 1974 with the establishment of democracy. Even though its relationship with the EEC started in 1961 with the conclusion of an association agreement (the Athens Agreement), the EEC intermittently suspended relations with Greece due to the absence of an elected government. Thus, after the establishment of an elected government, the country applied to the EC for full membership on 12 June 1975. Although the European Commission did not answer positively to this request in January 1976, the Council decided to initiate accession negotiations with Greece. The

Community formally opened accession negotiations with Greece in the same year which ended on 1 January 1981 with the country being granted full membership. Hence, Greece became the tenth member state of the EEC.

When the Soviet Union was dissolved in 1989, the ex-communist states requested EC membership with the desire of 'return to Europe'. Therefore, the EC planned to set detailed conditions on the membership of those economically, politically, and legally weak European countries. Eventually, in June 1993, the EU announced the 'Copenhagen Criteria' which are the economic, political, and legal conditions for applicant countries to join the EU. Until recently, these criteria also applied to Turkey. After Turkey was announced as a candidate country at the Helsinki European Council of 1999, the EU demanded that Turkey improve its minority rights policy as a political conditionality. This is the main focus of this thesis.

The aim of this thesis is a comparison of the Europeanization of minority rights in Turkey and in Greece. Firstly, the subject of minority rights was selected for analysis because the EU has increased the emphasis that it places on these issues as criteria for joining the union. To demonstrate the EU's commitment, on 6 October 2004, in its Recommendation on Turkey's progress towards accession, the European Commission stated that "legislation and implementation measures need to be further consolidated and broadened" under six areas which are "the zero tolerance policy in the fight against torture and ill-treatment and the implementation of provisions relating to freedom of expression, freedom of religion, women's rights, ILO standards including trade union rights, and minority rights" (Recommendation of the Commission on Turkey's progress towards accession [6 October 2004], 21.10.2012, p.7). Because minority rights were put forward by the European Commission as one of the six essential elements for Turkish membership in 2004 and Turkey has yet to attain EU membership, the issue of minority rights has been chosen for examination in this thesis in order to understand the different treatment of minorities in the EU, Turkey and Greece. This thesis will determine whether Turkey is eligible for EU membership on the basis of its extant legislation affecting minority rights, whether Greece, as an EU member state, has sufficient legislation to protect its minorities and implements it effectively, and whether the EU

has a common minority rights policy applied equally to its member and candidate countries.

Since the EU plays an important role in the improvement of minority rights protection in its member and candidate countries, the concept of Europeanization will be used as a research method as it applies to the Turkish and Greek cases in terms of their policies protecting minority rights. After the end of the Second World War (WWII), the first wave of European studies analyzed European integration through the lens of international relations. As this approach could not explain the state-like structure of the EU, the second wave of European studies (that began after the end of the Cold War) used Comparative Politics to assess multi-level governance. Since the late 1990s, the third wave of European studies has taken the EU institutions for granted so that the process of integration itself is not considered in detail, but the top-down effect of the European Union on its member states' institutions and policies is examined. The third wave of European studies borrows from the new institutionalisms which are divided into three strands, Rational Choice (or Rational) Institutionalism (RCI), Historical Institutionalism (HI) and Sociological Institutionalism (SI). Europeanization is mainly based on these new institutionalisms, especially RCI and SI, because they are better able to explain the influence of the EU as an institution on Turkey and Greece's minority rights issues. Even though the mechanisms of Europeanization were created initially for the member states, the EU's conditionality can be explained by the mechanisms of RCI for the candidate and applicant countries. That is to say that the EU exerts pressure on its candidate countries through its conditionality tool in terms of changing their norms and institutions on a specific issue and also by creating consistency with the EU. However, the EU does not apply conditionality equally to all of its candidates so it has been blamed as a result of its differentiated approach towards the candidate countries, especially in terms of how they address minority rights issues.

Greece was chosen due to the fact that while it became an EU member state within a short period of time even with its relatively poor economy and newly established democracy after a period of long-term authoritarian rule, Turkey has encountered a variety of conditions that it must fulfill before it can be considered for

membership. This has protracted the accession process for the country. EU membership notwithstanding, Turkey should be a country with the rule of law, have a functioning democracy and economy, and respect and protect human and minority rights. Nevertheless, the very first considerations for this thesis started with an inquiry into the situation in terms of minority rights in the EU member states which were not subject to the Copenhagen criteria in the past. In this thesis, Greece was chosen as a country to be compared and contrasted with Turkey because its only official religious minority group, the Muslim Turks, continue to experience problems that are left unresolved. On the other hand, their counterpart, as mentioned in the Lausanne Treaty, is the Orthodox Rum minority in Turkey which was chosen as a case study because their rights have yet to be elevated despite the EU's insistence on it.

The research problem of this thesis concerns the extent to which Turkey and Greece have been Europeanized in terms of their minority rights policies in a comparative sense. The other problem that will be considered is the fact that while the European Union has been encouraging Turkey to improve its minority rights protection policy under the 'respect for and protection of minorities' condition for full EU membership, the EU does not have a common minority rights policy, internationally accepted minority rights legislation, or effective monitoring mechanisms and 'sticks' applied equally in its member states. This is problematic because while Turkey is subjected to strict conditionality in terms of its minority rights protection, Greece, as a member state of the EEC/EU since 1981, has not been monitored in this respect. However, since the EU's conditionality has lost its credibility for Turkey, Turkey has not effectively implemented the adopted reforms. Therefore, the problems experienced by the country's minorities have persisted. Similarly, since the EU does not have effective monitoring mechanisms in place, the problems of Greece's minorities are also unresolved. Ultimately, minorities have suffered most from the EU's differentiated policy applying for its member and candidate countries. Therefore, the main aim of this thesis is to reveal the deficiencies of the policies of the EU, Turkey, and Greece in terms of their approaches to minority rights protection and to propose reforms of their policies and protection mechanisms in order to benefit minorities.

The hypothesis of this thesis is that Turkey has been more effectively Europeanized than Greece in terms of its minority rights policies and that although the EU does not have a common minority rights policy, it has established ‘the respect for and protection of minorities’ as a condition (within the political conditionality of the Copenhagen criteria) of its membership. Through its conditionality mechanism, the EU forces the candidate and applicant countries to provide both negative and positive rights to their minority groups. Paradoxically, common EU standards in this regard are actually non-existent because of the differing approaches taken by the 28 member states. Member states differ in their definitions of the term minority, their approaches to granting minority status to religious, linguistic, ethnic or national groups, and their legislation on minority rights and its full implementation.

After presenting the preliminary research, this thesis will argue that when comparing and contrasting the impact of the EU on Turkey and Greece for the improvement of minority rights protection, Turkey seems to have been much more positively affected by this pressure than Greece. Thus, more developments have taken place in Turkey concerning minority rights than in Greece. In the end, this thesis reaches the conclusion that the minority rights issue is not the biggest obstacle for Turkey’s EU membership even though this has been mentioned in every Annual Progress Report as one of the main problems facing its membership. It can be argued that Turkey is eligible to be a member of the EU on the basis of its current legislation covering minority rights. However, these developments have not been enough. Both Turkey and Greece still lack adequate legislation and implementation. Thus, they should alter their perceptions of the minorities and other different groups and should continue to implement reforms in order to complete the internalization of their Europeanization.

In the literature, there are several studies that examine the area of the Europeanization of minority rights in Turkey and Greece separately. Because Europeanization is applied in general terms to EU member states, European scholars typically do not compare and contrast a candidate country with a member state. Among those who do is Ioannis N. Grigoriadis (2008) who wrote an article in which he explores the Europeanization of minority rights protection in Turkey and Greece by examining

the two countries' responses to the EU's pressures on them to reform their minority rights policies. Schimmelfennig and Sedelmeier (2005) support this approach when they argue that Europeanization can be also applied to the candidate countries through the use of the EU's conditionality tool, which Börzel (2012b) refers to as the 'Accession/Enlargement Europeanization'. The comparison of Turkey and Greece in terms of their minority rights policies is one of the original contributions that this thesis will make to the existing literature on the subject.

Contrastingly, Bölükbaşı, Ertugal, and Özçürümez (2011, p.82) argue that in order to develop and enrich the third wave of European studies, comparative studies between member and candidate countries should be made. They claim that the EU's differential treatment of its member and candidate countries can be generalized by making more comparisons between them. Therefore, this thesis contributes to European studies in the manner of making generalizations leading to a comparative analysis of the Europeanization of minority rights in Turkey and Greece.

Moreover, even though there is already research that investigates whether the EU has a minority rights regime or not and research regarding the Europeanization of minority rights in Turkey and in Greece, these three cases are brought together for the first time in this thesis. In doing so, this thesis aims to broaden the literature on European studies by contributing a more comprehensive analysis of this topic.

Firstly, this thesis will ask to what extent have Turkey and Greece been Europeanized in terms of their minority rights protection and has Turkey been more effectively Europeanized than Greece? After analyzing the impact of the EU on its member and candidate countries in terms of the improvement of their minority rights policies, the question of whether the EU has a common minority rights policy and, if not, can the EU's conditionality tool be effective for Turkey's Europeanization process? will be considered in detail.

In Chapter 2, Europeanization will be analyzed since the aim of this thesis is to apply Europeanization to our understanding of minority rights in Turkey and Greece. Then, in order to determine how Europeanized Turkey's and Greece's minority rights

protection regimes are, the Rational Institutional External Incentives Model will be applied to the Turkish case, whereas the Sociological Institutional Social-learning and Lesson-drawing Models will be applied to the Greek case. Afterwards, the EU's minority rights regime, which has its roots in three major international organizations: the United Nations (UN), the Council of Europe (CoE) and the Organization for Security and Co-operation in Europe (OSCE), will be investigated. Following this, the EU's minority rights law will be examined through the prism of its treaties, institutions, *acquis communautaire*, and the Court's decisions along with other non-binding instruments. Furthermore, the change in the wording from the Copenhagen criteria's 'respect for and protection of minorities' to Article 2 of the TEU's 'respect for human rights, including the rights of persons belonging to minorities' will be questioned in order to determine whether this represents an attempt at upgrading or downgrading the minority rights regime within EU law.

In Chapter 3, cases demonstrating both violations and the protection of minority rights in Turkey will be analyzed followed by an examination of the extent to which Turkey has been Europeanized. In this chapter the scope of the analysis is mainly based on the rights of non-Muslim minorities, especially the Orthodox Rum. After analyzing the minority rights present in Islam and during the Ottoman period, minority rights violations in Turkey, protection mechanisms, and the EU's effect via the Regular Progress Reports will be considered. Finally, nine interviews that were conducted with the nine Interviewees from the Orthodox Rum minority of İstanbul will be evaluated.

Lastly, Chapter 4 examines the violations of minority rights in Greece, the main problems faced by the Muslim Turkish minorities, the protection mechanisms in place, and the EU's effect. Following this, the responses of the 11 Interviewees from the Muslim Turkish minority of Western Thrace will be evaluated along with an analysis of the Europeanization of minority rights in Greece.

Theoretical Framework and Methodology of the Thesis

In terms of the theoretical conceptualization, in this thesis Europeanization is applied to both Turkey and Greece in terms of their minority rights policies and

mechanisms. This is analyzed according to whether the Europeanization processes in these countries can be explained by rational institutionalism or sociological institutionalism, or both of them simultaneously. While the Turkish case is explained generally by the rational institutionalist external incentives model due to its candidate status, sociological institutionalism also explains its non-implementation since the EU accession negotiations have stalled. On the other hand, the sociological institutionalist social-learning and lesson-drawing models are more suitable in the Greek case while rational choice institutionalism explains the lack of change, inertia, due to the country's nationalist and right-wing veto players.

Relying on the abovementioned theoretical perspectives, a comparative analysis will be conducted contrasting the Europeanization of Turkey and Greece along two dimensions: internal and external. Internal dynamics in Turkey and Greece will be compared and contrasted along with an analysis of the similarities and differences in each country's veto players, formal supporting institutions, norm entrepreneurs, political cultures, and other informal institutions which have shaped the Europeanization process of minority rights in each state. On the other hand, external dynamics are directly related to the states' relations with the European Union. In this regard, the EU's impact on Turkey and Greece in terms of the promotion of minority rights protection will be compared and contrasted placing a particular emphasis on a number of issues, including relations with the EU, its impact on legal and political reforms and the countries' shortcomings.

In order to respond to the research questions, comprehensive explanation of Europeanization the EU, Turkey, and Greece in terms of minority rights will be provided. First of all, Europeanization will be analyzed in order to explain how far Turkey and Greece have been Europeanized in terms of their minority rights protection. The work of scholars Radaelli, Börzel and Risse will be used to consider the Europeanization of Greece as a member state, while Schimmelfennig and Sedelmeier will be consulted in order to dissect the Europeanization of Turkey as a candidate country. Following this, in order to analyze whether the EU has a common minority rights policy and associated legislation, all the EU (founding, amending, accession, and

trade) treaties, official documents of the EU institutions and agencies/groups, the EU *acquis communautaire*, the judgments of the ECJ and ECtHR, and the non-binding instruments pertaining to minority rights will be examined in detail.

For the Turkish case, almost all the literature on the violation of the rights of the non-Muslim minorities in Turkey, particularly the Orthodox Rum minority, will be examined. Next, the protection mechanisms for minority rights and the EU's influence on Turkey to improve its minority rights protection regime in terms of adopting and implementing reforms (or not) were evaluated by reviewing all of the Annual Progress Reports prepared by the European Commission from 1998 to 2014. Finally, the interviews that were conducted with members of the Orthodox Rum minority of İstanbul will be analyzed in order to compare and contrast theory with practice.

For the Greek case, even though it is limited in number, almost all the literature on the violations of, and the protection mechanisms for, the rights of the Muslim Turkish minorities in Greece will be examined. Since the EU lacks effective monitoring mechanisms for the implementation of minority rights protection in its member states, the EU's 'invisible' impact on Greece through 'political shaming' (Moravcsik, 1995; Grigoriadis, 2008) to encourage the improvement of its minority rights protection regime will be investigated by making direct references to the relevant international agreements. This part will conclude with an analysis of the field interviews that were carried out with the Muslim Turkish minority of Western Thrace in order to uncover clues that will aid our understanding of whether minority rights in Greece have experienced Europeanization.

In this thesis, the two chosen minority groups, the Orthodox Rum minority in Turkey and the Muslim Turkish minority in Greece, were consulted and posed questions regarding the problems that they face and asks to suggest solutions. In-depth interviews with 20 individuals in total were conducted in situ. After asking how far their governments have gone in an attempt to meet their needs and realize their fundamental rights and freedoms, it became possible to create a list of suggestions for reforms that can be implemented in order to improve minority rights protections in Turkey and Greece. This will be provided in the conclusion of the thesis.

Limitations and the Scope of the Thesis

This thesis begins with an historical analysis of the two countries in terms of their minority rights situations, but it mainly focuses on the republican era of Turkey and the last Kingdom of Greece and the third Hellenic Republic in Greece up until the end of December 2014. Throughout this thesis, the term ‘minority’ will be used to include ‘ethnic, religious, linguistic and national minorities’ which excludes the ‘new minorities’, which are composed of immigrants, migrant workers, refugees and stateless people, from the definition because they are subject to a different set of EU legislation. Although there is debate among scholars regarding the sociological, political or legal definitions of what constitutes a minority, this thesis accepts the legal definition of minority because the EU, as an international organization, tries to play the key role in terms of the legal protection and promotion of the minority rights. Hence, other definitions were not examined.

Moreover, the Europeanization approaches that are applied to both the Turkish and Greek cases are limited to the ‘new institutionalisms’ because they are better able to explain the impact of the EU as an institution. However, since Historical Institutionalism is not commonly applied in explanations of the Europeanization of policies, politics, and polities of the EU’s member and candidate countries, it is excluded from this research.

Because Turkey and Greece are compared and contrasted, only the Orthodox Rum minorities from the Turkish side and the Muslim Turkish minorities from the Greek side will be considered in this thesis. Other non-Muslim, non-Turkish and non-Sunni minorities in Turkey and non-Turkish and non-Muslim minorities in Greece were excluded in order to streamline the analysis of the two countries in terms of their ‘reciprocal’ minorities. Lastly, while analyzing the Annual Progress Reports prepared by the European Commission for Turkey, only the minority part of the political criteria and the minority part of Chapter 23 (Judiciary and Fundamental Rights) of the *acquis communautaire* were evaluated.

2. THEORETICAL FRAMEWORK: THE CONCEPT OF EUROPEANIZATION AND MINORITY RIGHTS IN EUROPE

2.1 Introduction

When the Copenhagen criteria were set as the conditions for European Union membership in 1993, ‘respect for and protection of minority rights’ became one of the accession criteria which has to be fulfilled by all the applicant and candidate countries before they can attain membership. Therefore, in its Annual Progress Reports, prepared by the Commission for the candidate countries since 1998, the EU has been persuading the countries to develop their minority rights policies and meet EU standards. However, because the EU is accused of having double standards for the member and candidate countries in terms of their minority rights policy, the current member states are also expected to create effective minority rights protection regimes in their countries. In order to assess how extensively the member states have adapted to the EU’s policies, rules and institutions, Europeanization is created. Over time, Europeanization has begun to be applied to candidate countries as well through the EU’s conditionality tool.

Since the aim of this chapter is to elaborate on ‘Europeanization’ in terms of minority rights in Turkey and Greece, Europeanization will be dealt with accordingly in the following. In order to understand how far Turkey and Greece have been Europeanized in terms of minority rights protection, the European Union’s minority rights regime will be analyzed. Since the EU’s undeveloped minority rights regime has its roots in the other international organizations that are devoted to human rights, the historical evolution of the international minority rights regime within the United Nations (UN), the Council of Europe (CoE) and the Organization for Security and Co-operation in Europe (OSCE) will be considered. Next, the minority rights protection activities of the EU set out in its treaties, institutions, *acquis communautaire*, and Court decisions will be studied. Lastly, non-binding instruments, i.e. several of the EU’s instruments and those of non-governmental organizations (NGOs), will be dealt with in terms of their role in affecting the protection of minority rights in Europe.

The main aim of this chapter is to evaluate whether the EU has a standard minority rights regime that applies equally to both its member and candidate countries, even though the ‘respect for and protection of minorities’ has been a condition for full membership since the Copenhagen criteria were set in 1993. In this chapter, and throughout the whole thesis, the term ‘minority’ will be used to include ‘ethnic, religious, linguistic and national minorities’ which leaves the ‘new minorities’ that are composed of immigrants, migrant workers, refugees and stateless people, outside the scope of this definition because they are subject to different EU legislation. Furthermore, the terminology change caused by the Lisbon Treaty (now Article 2 of the TEU) which altered the Copenhagen criteria’s ‘respect for and protection of minorities’ to the ‘respect for human rights, including the rights of persons belonging to minorities’ will be challenged in terms of whether this constitutes an upgrade or a downgrade of the minority rights regime in EU law.

Finally, although the nascent minority rights regime in Europe stems from international human rights law, not all of the human rights provisions within the EU, the UN, CoE and the OSCE will be interpreted. Instead, only the parts of human rights law that were formed by these international organizations in relation to minority rights will be addressed in detail as this section of the thesis is mainly concerned with the analysis of the EU’s minority rights policy with regard to its member and candidate states.

2.2 Europeanization as a Conceptual Framework

After the end of the Second World War (WWII), the first wave of European studies analyzed European integration through the perspectives of international relations. The integration theories dealt with the ontology of European integration, that is, the reason behind the member states’ creation of the EU institutions. When theorists became unable to explain the state-like structure of the EU, a second wave of European studies was introduced after the end of the Cold War which replaced the first wave by using Comparative Politics to understand multi-level governance. The late 1990s ushered in the third wave of European studies which is concerned with the post-ontology of the member states’ adaptation to the EU’s policies and institutions; that is to say that the philosophy behind Europeanization accepts the EU institutions as a given so

that the process of integration is not considered but what occurred after it is examined. In this way, the third wave of European studies analyzes the top-down impact of the European Union on its member states' institutions and policies. According to the third wave of European studies, Europeanization is not viewed as constituting European integration but is very much related to it. The third wave of European studies borrows from new institutionalisms which are divided into three strands: Rational Choice Institutionalism, Historical Institutionalism, and Sociological Institutionalism.

Wallace (2000) and Vink (2003) claim that the EU is the main focus of Europeanization scholars although there are other institutions concerning Europe, like the CoE, the OSCE or EFTA (European Free Trade Area). Nevertheless, due to its political and economic impact on the European countries, the EU has remained the focus of Europeanization scholars. Europeanization scholars, such as Radaelli (2003), Börzel, and Risse (2003), deal with the Europeanization of member states; Schimmelfennig and Sedelmeier (2005) are concerned with the Europeanization of candidate countries; Giuliani (2003) views Europeanization as the process of the institutionalization of Europe; Lenschow (2005) considers Europeanization as both pressure and usage; Bomberg and Peterson (2000) examine horizontal Europeanization; while Simon Bulmer (2007), Heritier (2001), Olsen (2002) and Dyson and Goetz (2003) are interested in the details of the Europeanization process of the European countries (Radaelli and Exadaktylos, 2010, pp.192-194). Grabbe (2003, p.303), on the other hand, sees Europeanization as an asymmetrical relationship between the EU and the member or candidate countries.

Duina (1999) uses the term 'misfit', Heritier et al. (1996) uses the term 'mismatch', while Börzel and Risse (2003) use the term 'the goodness of fit' in order to explain the differences between the European-level and domestic processes. Lawton (1999) and Andersen and Eliassen (1993, pp.255-256) use 'Europeification' as a substitute for 'Europeanization'. Olsen (2003) asks whether Europeanization is a useful term or not. Moreover, Radaelli (2003) coined the term 'EU-isation', while Kohler-Koch (2000) contributes 'EU-Europaeisierung' and Allen (1998) adds 'Brusselization' to the literature.

Featherstone (2003, p.7) views Europeanization as the domestic adaptation of a country to meet the European norms and practices stemming from the 'direct or indirect' pressures from the EU. According to this definition, Europeanization seeks to analyze how actors, institutions, and policies are affected by this pressure. Furthermore, Featherstone (2003, p.18) applies the chicken and egg analogy to explain the process of Europeanization by asking "which comes first or who is affecting whom". According to Featherstone and Radaelli (2003), Europeanization does not emerge as a new theory but it occurs as a result of the integration of political science, international relations, comparative politics, and political economy. However, Europeanization is not a newly emerging theory. "Rather, Europeanization is seen as 'orchestration' of existing concepts and theories, with major theoretical import from comparative politics and theoretical policy analysis" (Radaelli, 2004, p.1).

Ladrech (1994, p.69) was the first among the European scholars to define Europeanization as "an incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making" (quoted in Featherstone, 2003, p.12). Stemming from Ladrech's definition, the most detailed definition of Europeanization comes from Radaelli (2003; 2004, p.3):

Europeanization consists of processes of a) construction, b) diffusion and c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and subnational) discourse, political structures and public policies.

According to Olsen (2002, pp.923-924), Europeanization can be regarded in five different ways:

1. Europeanization as 'changes in external boundaries': This refers to what Brussels wants from the newcomers, i.e. from Central and Eastern European Countries (CEECs) in 2004.

2. Europeanization as ‘developing institutions at the European level’: This implies the building of EU capacity.

3. Europeanization as a ‘central penetration of national systems of governance’: This refers to the member states’ adaptations to EU politics, polity and policies. This is the most commonly used definition of Europeanization.

4. Europeanization as ‘exporting forms of political organization’: This should be regarded as a two-way process. That is to say, that on the one hand, the EU may export its values to its member states, candidates, applicants or trade partners through its foreign policy or trade or aid agreements, while on the other hand, the member states may export their values to others, mostly through the Open Method of Coordination (OMC).

5. Europeanization as ‘a political unification project’: This can be understood as the effort to create and develop the EU’s capacity.

Radaelli and Exadaktylos (2010, pp.196-197) argue that not only member states but also candidate and applicant countries (which are mostly the EU’s trading partners or recipients of its aid) should be regarded as the targets of the Europeanization process.

There are also some limitations to Europeanization. For example, Europeanization is not convergence and should not be confused with globalization. Convergence, harmonization, political integration, and EU policy formation are contiguous but different terms from Europeanization. Europeanization is regarded either as governance or as institutionalization or as discourse by several scholars of European studies. Consequently, Europeanization is not a ‘stand-alone conceptual framework’ (Featherstone, 2003, p.12). Instead, new institutionalism, liberal intergovernmentalism, multi-level governance and policy networks have been applied over the years in order to explain Europeanization.

While Bache (2003), Buller and Gamble (2002), Goldsmith (2003), Gualini (2003), Kohler-Koch and Eising (1999), Scharpf (1999), and Winn and Harris (2003)

treat Europeanization as a process of governance, Cowles et.al. (2001) argue that institutionalization occurs when a domestic change happens as a result of the misfit between the country and the EU. On the other hand, Hay and Rosamond (2002) and Kallestrup (2002) treat Europeanization as a discourse which “can change the preferences of actors, [and also] reformulate policy problems” (Radaelli, 2004, p.8). Risse, Cowles and Caporaso (2001) view Europeanization as political institutionalization which corresponds to “the development of formal and informal rules, procedures, norms and practices governing politics at the European, national and subnational levels” (Featherstone, 2003, p.13).

In the first wave of European studies, Europeanization is considered European integration. According to Moravcsik’s (1993, 1994, 1998) liberal intergovernmentalist rationale, Europeanization occurs in a top-down manner in which the member states integrate themselves into the EU. Taking a different approach, as the second wave of European studies, Sandholtz (1996) and Kohler-Koch (1996) are concerned with multi-level governance as “European integration was the independent variable explaining domestic outcomes or change” (Bulmer, 2007, p.49).

The next wave of the research on Europeanization is mostly related to the new institutionalisms. Hall and Taylor (1996) divide the new institutionalisms into three parts: Rational Choice Institutionalism, Historical Institutionalism and Sociological Institutionalism. In RCI, actors either use opportunities or are prevented by the veto points. In HI, time, timing, and tempo play important roles in the context of Europeanization. SI deals more with norms, values, discourse, ideas, and culture. In order to define and explain Europeanization, major Europeanization scholars interpret some aspects of these three new institutionalisms, and sometimes they combine them (mostly RCI and SI). As a result, HI is underutilized in explanations of Europeanization.

2.2.1 Europeanization of Member States

Börzel (1999), Cowles et al. (2001, and Börzel and Risse (2005) created the terms ‘degree of fit’, ‘misfit’ and ‘adaptational pressure’ in order to explain the process of Europeanization between the domestic and the EU level. If the national and European

norms and institutions in terms of, for example, minority rights protection, are not the same, then there is misfit between the member state and the EU. When there is misfit between the member state and the EU, the EU exerts adaptational pressure on its member state in order to impose its norms and policies. However, Börzel and Risse are the subjects of the criticism by claiming that there is never a need for adaptational pressure in order for Europeanization to take place (Jacquot and Woll, 2003; Thatcher, 2004) because, according to sociological institutionalism, a country can be Europeanized by the social-learning and lesson-drawing models without any adaptational pressure. According to Heritier and Knill (2001), the term ‘goodness of fit’ can also apply to vertical Europeanization.

According to Börzel and Risse (2003), there must be a ‘degree of misfit’ or ‘incompatibility’ between domestic and European policies and institutions and secondly, that there must be ‘various facilitating factors’ present in order to force the member states to change. Furthermore, there are two types of misfit which lead to the exertion of adaptational pressure on the member states.

1. Policy misfit: A policy misfit can occur when the European policies and the domestic policies are different from each other. Hence, all the member states of the EU may face adaptational pressure.

2. Institutional misfit: An institutional misfit can occur when the domestic rules and procedures differ from the European ones.

When the EU model is compatible with the domestic model, the adaptational pressure is lessened so there is a good fit and no need for any domestic change. However, when the EU policies are totally different from the domestic ones, the adaptational pressure is increased so there is a misfit present that makes it difficult for a member state to easily adapt to the EU policies. On the other hand, when there is a misfit between the member states and the EU, the adaptational pressure applied is not the same for all the member states. This is referred to by Heritier (2001) as the ‘differential Europe’. This can be explained by RCI because if the number of veto points is low and the number of supporting formal institutions is high (such as EU

funding), then the adaptational pressure may also be low. SI explains this ‘differential pressure’ through norm entrepreneurs and social-learning (Bulmer, 2007, p.51).

Europeanization emerged as a subfield of European studies in the early 1990s in order to evaluate the adaptation process of countries into Europe. Europeanization should not be regarded as solely the European Union’s top-down effect on its member, candidate or even applicant countries; it is also an interactive process occurring between the countries and the EU on both a vertical and horizontal level. According to Aydın and Açıkmeşe (2007), there are three conceptualizations of Europeanization: top-down, bottom-up and a combination of the two approaches (cited in Özer, 2012, p.47).

1. Top-down Europeanization: Early European studies in the 1990s initially considered the top-down effect of Europeanization. Here, Europeanization begins with the EU and affects the individual member state. As a result, Europeanization is regarded as the member state’s adaptation and implementation of European policies.

2. Bottom-up Europeanization: Europeanization begins with the member state and affects the EU through Intergovernmental Conferences (IGCs) and daily decision-making on the issues of each of the three former pillars (European Communities, Common Foreign and Security Policy [CFSP], Cooperation in the fields of Justice and Home Affairs [JHA]). In this way, member states try to establish a system of EU governance through uploading their policy models. According to Börzel (2002, 2005), through uploading, member states also try to decrease the adaptational costs of Europeanization.

3. Merger of the two ways: Here, Europeanization begins with the member state which then affects the EU in terms of its institutions and policy-makers, and finally, the EU feeds back to the member state and the member state is expected to adapt to the changes suggested (Major, 2005, p.177). In this manner, Europeanization is “an ongoing, interactive and mutually constitutive process of change linking national and European levels” (Özer, 2012, p.47).

2.2.2 Europeanization of Candidate Countries: Accession/Enlargement Europeanization

Because the mechanisms of Europeanization were created only for the member states, Börzel (2010, 2012b) developed a parallel concept for the candidate and applicant countries which is called Accession/Enlargement Europeanization. This means that through its conditionality tool, the EU exerts pressure on its candidate countries in terms of changing their norms and institutions regarding a specific issue in order to bring it in line with the EU. Thus, studies of Europeanization in the candidate countries usually deal with the EU conditionality instead of the other mechanisms (Checkel, 2000; Grabbe, 2001; Schimmelfennig, Engert and Knobel, 2003; Hughes, Sasse and Gordon, 2004; Schimmelfennig and Sedelmeier, 2005). EU conditionality distinguishes acts of member and non-member Europeanization from each other.

In the work of Schimmelfennig and Sedelmeier (2005) on the Europeanization of the CEECs, ‘a rational institutionalist external incentives model’; and two more ‘sociological (or constructivist) institutionalist approaches’, namely ‘social-learning and lesson-drawing models’ have been added to the literature. This dichotomy was formalized by March and Olsen (1984; 1989, pp.160-162) as ‘the logic of consequentialism’ for the former, and ‘the logic of appropriateness’ for the latter. While the former deals with the rational actors “who seek to maximize their own power and welfare”, the latter argues that “actors are motivated by internalized identities, values and norms” (Schimmelfennig and Sedelmeier, 2005, p.9). According to Schimmelfennig and Sedelmeier (2006, p.89), before the accession negotiations begin between the candidate states and the EU, democratic conditionality, which are democratic and human rights norms (the political criteria of the Copenhagen criteria), plays a significant role. Nevertheless, after the negotiations start, adopting the *acquis communautaire* gains importance over the *acquis* conditionality (Schimmelfennig and Sedelmeier, 2006, p.89).

In order to measure the Europeanization of an accession country, the extent to which democratic conditionality is adopted by the candidate state should be investigated. The democratic conditionality relies on two main factors; “the presence or

absence of credible EU membership incentives, on the one hand, and the domestic political costs of adoption for incumbent governments in the target countries” on the other hand (Schimmelfennig and Sedelmeier, 2006, p.91). According to Grabbe (2006, p.83), benchmarking the current candidate countries in particular policy areas and monitoring them through Regular Progress Reports are the key mechanisms used in the conditionality for membership. These Regular Progress Reports that are prepared annually for the candidate countries by the European Commission have become very influential for their impact on the internal politics of the candidate country and also for its international reputation. Hence, Hughes, Sasse and Gordon (2004, pp.526-527) divide conditionality into two main categories; the formal conditionality which refers to the preconditions set out in the principles of the Copenhagen criteria, and the informal conditionality which relates to the pressures and recommendations of the Commission as set out in the Progress Reports.

When a particular policy area is Europeanized, adaptational costs are incurred. Countries like the CEECs should regard these costs as the benefit of membership, not just in this policy area. Thus, the timing of a rule adoption by a country is usually affected by the adaptational costs and also by the veto players, however they cannot affect the likelihood of a rule adoption. The EU conditionality can be mostly explained by the mechanisms of rational choice institutionalism, especially in the cost-benefit calculations. While in the case of democratic conditionality, a government’s domestic costs of adopting the EU rules are related to compliance with EU conditionality, in terms of *acquis* conditionality, the adaptational costs in policy areas can only affect the timing of the rule adoption. On the other hand, the EU does not apply its conditionality equally to all of its candidates. Thus, the EU has been accused of using a differentiated policy for the candidate countries. Schimmelfennig and Sedelmeier (2005), Kelley (2004), and Kubicek (2003) created the rationalist ‘differential empowerment through conditionality’ mechanism in order to explain the Accession Europeanization process. For example, in the case of Estonia and Latvia, although the two countries had thoroughly transformed their illiberal democracies, the Russian-speaking population’s minority rights remained problematic. Börzel (2012a, p.12) argues that the sociological

institutionalist social-learning model also works for Accession Europeanization but it takes a long time.

According to Börzel (2012a, p.14), Accession Europeanization is a top-down domestic institutional change “focusing on power (a)symmetries; regime type (democracy vs. autocracy); domestic incentives for change; and degrees of statehood (consolidated vs. limited)”. In terms of power asymmetries, in contrast to the Western Balkan countries and also Ukraine, Turkey’s relations with the EU have been less asymmetrical due to the latter’s “size, economic strength and self-understanding as a regional power” (Börzel, 2012a, p.14). Moreover, when the EU only had 15 members, the countries’ regime types were not investigated. However, with the CEECs, the EU has started to engage with ‘democratizing’ countries like Turkey (Börzel, 2012a, p.15; Pridham, 2005; Morlino and Sadurski, 2010). Therefore, in sensitive areas, like minority rights, these democratizing candidate countries lack the impetus for change.

In theorizing Europeanization, these scholars have added different definitions of Europeanization to the corpus on Europeanization and have also offered different concepts while answering three main questions. The first question is ‘what is Europeanized?’ This can be answered with the domains of Europeanization. The second question is ‘how is it Europeanized?’ The answer to this can be found in the mechanisms of Europeanization. The third and final question is ‘to what extent is it Europeanized?’ The answer to this can be found in the directions of Europeanization. When European studies scholars try to answer these three questions, their answers may differ, but this serves to increase the richness of the literature on the subject of Europeanization over time. Not all, but some, of the various answers given to these questions will be explained here.

2.3 What is Europeanized? (Domains)

According to Radaelli (2003), the main domains which are affected by the Europeanization processes are polity, policy and politics.

1. Polity: This can also be described as the domestic apparatus which are composed of the political and legal structures of a country. These are executive-parliamentary relations, intergovernmental relations, and the role of the courts.

2. Policy: This is namely public policy which can be Europeanized by the actors, their material and ideational resources, and new policy instruments and policy style.

3. Politics: “The politics dimension of Europeanization is about effects on public opinion and electoral behavior, party competition, pressure groups and social movements” (Radaelli and Exadaktylos, 2010, p.196).

Radaelli (2003) also adds cognitive and normative dimensions to the abovementioned ‘three Ps’. He argues that while the political and legal structures of a member state are Europeanized, its values, norms, and discourses can be also influenced by this process. On the other hand, all the elements of politics and policy, such as political legitimacy, identities, state traditions (understanding of governance), policy paradigms, frames and narratives may be transformed through the cognitive and normative frames (Radaelli, 2003, pp.35-36).

2.4 To What Extent is it Europeanized? (Directives)

To classify the outcomes of Europeanization, Radaelli (2003) uses a fourfold classification system concerning retrenchment, inertia, absorption, and transformation, whereas Börzel and Risse (2003) offer a threefold typology based on absorption, accommodation, and transformation. Here, these five different elements have been collated.

1. Retrenchment: After the Europeanization process finishes, domestic policy becomes less European than it once was. Börzel (2003) calls this a ‘paradoxical effect’.

2. Inertia: Inertia occurs when there is lack of change at the time that the European policies, politics, or polities are considered dissimilar to the domestic ones. It

is important to note that long-term inertia may lead to a political crisis and prevent domestic change (Radaelli, 2003).

3. Absorption: Absorption is the integration of the EU's policy requirements into the domestic processes, policies, and institutions without making any real modifications to them. Here, the degree of change is low.

4. Accommodation: Börzel and Risse (2003) added this level of Europeanization to the literature. Accommodation is more extreme than absorption but less than transformation. Here, domestic policies and institutions are not replaced by the new ones but are 'accommodated'. The central and fundamental features of the domestic policies and institutions are not changed and the degree of domestic change is modest.

5. Transformation: Transformation can occur when the requirements lead to real change, and even replacement, of domestic structures and political behaviors by the EU structures. Here, the degree of domestic change is high. It should be noted that it is difficult to distinguish between absorption, accommodation, and transformation.

2.5 How is it Europeanized? (through mechanisms): The New Institutionalisms

EU member and candidate countries are Europeanized through mechanisms. In some cases, these mechanisms may be the same for both the member and candidate countries, but in general they differ from each other. March and Olsen (1984, 1989) argued that 'new institutionalism' is well-suited to explain the mechanisms of Europeanization. This is also called Europeanization as institutionalization. Since the historical institutionalism is not commonly used to explain the Europeanization of policies, politics, and polity of the member and candidate countries, only rational choice institutionalism and sociological institutionalism will be considered.

The adaptational processes in response to Europeanization can be conceptualized in two ways: rational choice institutionalism and sociological institutionalism. Schmidt (2008), Caporaso et al. (2001), Knill and Lehmkuhl (1999),

Hall and Taylor (1996), and Börzel (2012a) also draw attention to new institutionalism. March and Olsen (1984, 1989) also add the ‘logic of appropriateness’ model to sociological institutionalism and the ‘logic of consequentialism’ model to rational choice institutionalism. While rational choice institutionalism follows the ‘external incentives model’, sociological institutionalism refers to the ‘social-learning’ and ‘lesson-drawing’ models.

According to Börzel (2012a, pp.11-12), in terms of rational choice institutionalism, a misfit first occurs between the EU and the domestic policies and institutions. As a second step, the cost-benefit calculations of the actors shape the downloading process of adopting the EU norms. In the end, Europeanization occurs when no domestic actors veto this domestic change or when additional resources are given to the formal domestic supporting institutions. On the other hand, sociological institutionalism argues that Europeanization is facilitated by the adoption of, and alignment with, the new rules, norms, practices, and structures of meaning. Sociological institutionalism is based on the social-learning and lesson-drawing models which are facilitated through norm entrepreneurs, such as epistemic communities or advocacy networks, or through political culture and other informal institutions. Börzel (2012a, p.12) argues that in this way, actors of the logic of appropriateness can redefine their “interests and identities accordingly”. “In either case, change through Europeanization is conceptualized as the successful import of EU norms, principles and institutions as established and even fixed identities to be internalized by the member states” (Kaliber, 2012, p.228). Radaelli (2003, p.63) adds that the actors of the logic of consequentialism are “rational, goal-oriented, and purposeful” and they try to maximize their resources through cost-benefit calculations. Moreover, Scharpf (1988, 1999), Tsebelis (1994, 1995), and Garrett and Tsebelis (1996) consider rational choice institutionalism as the restructuring of power within bargaining.

According to Schimmelfennig and Sedelmeier (2005, p.10), the external incentives model introduces external rewards (that is ‘assistance or institutional ties’, and sanctions by the EU, in addition to the cost-benefit calculations) to a candidate state, whereas the social-learning model presents the state’s identification itself with the

EU and its persuasion by the EU as the EU's rules, norms, and institutions are the key conditions to adopt. On the other hand, the lesson-drawing model shows that the state wants to adopt the EU's rules, policies, and practices on its own not because of the EU's pressure. Dolowitz and Marsh (2000) and Rose (1991) claim that lesson-drawing may occur on four different levels: copying, emulation, combination, and inspiration (cited in Schimmelfennig and Sedelmeier, 2005, p.21).

In the external incentives model, a conditionality tool is mainly used as “a strategy of reactive reinforcement or reinforcement by reward” (Schimmelfennig, 2000; Schimmelfennig, Engert and Knobel, 2003; Schimmelfennig and Sedelmeier, 2005). In this manner, a candidate state prefers to adopt the EU rules if the benefits exceed the costs. Moreover, Schimmelfennig and Sedelmeier (2005, pp.12-16) suggest that these cost-benefit calculations of the candidate state are based on four factors: the determinacy of conditions, the size and speed of rewards, the credibility of threats and promises, and the size of adoption costs. These can be explained as follows:

1. **Determinacy of conditions:** This refers to the ‘clarity and formality’ of a rule. When the EU rule is not clear, Dimitrova (2002) and Grabbe (2001) suppose that the candidate country cannot effectively adopt that rule so membership becomes difficult (cited in Schimmelfennig and Sedelmeier, 2005, p.12). As an example, in its minority rights policy, the EU is not clear in its requirements for both its member states and candidates.

2. **Size and speed of rewards:** If the size of the reward is substantial, i.e. full membership, and speedy, then the candidate countries do not care too much about the adaptational costs because at the end the benefits will outweigh the costs.

3. **Credibility of conditionality:** With the opening of accession negotiations, the credibility of conditional rewards increases. However, since 2006, Turkey believes that it will not receive the ultimate reward in any case.

4. **Veto players and adoption costs:** The adoption of new rules is always costly. If there are also veto players involved, the adaptational costs will increase.

Börzel and Risse (2003) argue that the two March and Olsen's (1984, 1989) theories are not mutually exclusive; instead they can occur at the same time or can affect different parts of the Europeanization process of the same country. In this thesis, Europeanization is applied to both Turkey and Greece in terms of their minority rights policies and mechanisms. This will be analyzed according to whether the Europeanization process in each country relies on rational institutionalism or on sociological institutionalism, or both of at different times. For Turkey, due to its candidate status, Schimmelfennig and Sedelmeier (2005)'s external incentives model was generally applied (rational choice institutionalism). Also, for the analysis of the period after the accession negotiations began, sociological institutionalism was used. For Greece, social-learning and lesson-drawing models are more suitable (sociological institutionalism). However, for the analysis of certain time periods, rational choice institutionalism was also applied. As Börzel and Risse (2003) argued, the two types of new institutionalism can be used simultaneously in both the Turkish and Greek cases.

2.6 Historical Evolution of Minorities in Europe

2.6.1 What does 'minority' mean?

The term 'minority' has political, sociological, and legal definitions. In sociological terms, minority means fewer in number and different from the majority. However, within international law, there is no clear definition of minority because it is a sensitive subject, especially for nation-states. Nevertheless, this thesis follows the legal definition of the term 'minority'. According to Jackson-Preece (1998, p.14), there are two types of criteria that must be met in order to be considered a minority: objective and subjective. While the former is based on the distinctions of race, religion, or language, the latter pertains to self-identification as a minority. In the following section, the historical definitions and the usages of the term minority by international organizations are analyzed.

During the League of Nations (LoN) era, minority rights were considered under the citizens' rights so there was no separate definition for them. At the end of the First World War (WWI), the LoN used the term 'minority' for the first time at the 1919

Versailles Peace Conference in order to refer to a 'cultural group'. In this conference, the Austro-Hungarian Empire, the Ottoman Empire, and the Prussian Kingdom signed peace treaties which, while they did not include a definition of 'minority' in particular, they referred to "persons who belong to racial, religious, or linguistic minorities" (Jackson-Preece, 1998, p.15).

In 1928, the Permanent Court of International Justice (PCIJ), the judicial body of the LoN, decided in the *'Upper Silesia Minority Schools'* case that whether a person belongs to a minority or not was a "question of fact not of will" (Jackson-Preece, 1998, p.15; ICJ(a), 1928, p.34). Likewise, the Brazilian representative at the LoN, Mello Toscana, defined minority as being historically connected to one state's nation and land, having a culture of its own, being a permanent member of the country, and impossible to be confused with most other nationalities due to the differences of race, language, or religion (Kurubaş, 2006, pp.27-28). Toscana argued that being a minority required meeting the abovementioned objective criteria.

On the other hand, the broadest definition of minority comes from the 1925 report to the League Council (League of Nations, Official Journal, p.141) which argued that:

A minority ... is not only a racial group incorporated in the body of a nation of which the majority forms a different racial unit. There is also a psychological, social, and historical attribute, constituting, perhaps, for the purposes of the definition we are seeking, its principal differential characteristic (quoted in Jackson-Preece, 1998, p.16).

The other definition given by the PCIJ was formulated in the Greco-Bulgarian 'Communities' case in 1930. According to this definition,

by tradition ... the "community" is a group of persons living in a given country or locality, having a race, religion, language and traditions in a sentiment of solidarity, with a view to preserving their traditions, maintaining their form of worship, ensuring the instruction and upbringing of their children in

accordance with the spirit and traditions of their race and rendering mutual assistance to each other (ICJ(b), 1930, p.21).

After the abolition of the LoN due to the outbreak of WWII, the United Nations was established, and since 1945 it had tried to define the term 'minority' through the UN Sub-Commission on the Prevention of Discrimination and the Protection of Minorities as a part of its global human rights regime, thus moving a step beyond the LoN's minority system which was limited by geography. In 1950, the Secretary-General prepared a memorandum against using the term minority to refer to groups that were small in number. This memorandum on the 'Definition and Classification of Minorities' (United Nations, Definition and Classification of Minorities, 27 December 1949) argued that:

The term minority cannot for practical purposes be defined simply by interpreting the word in its literal sense. If this were the case, nearly all the communities existing within the state would be styled minorities, including families, social classes, cultural groups, speakers of dialects, etc. Such a definition would be useless (quoted in Jackson-Preece, 1998, p.18).

Moreover, in the UN documents, there are two definitions of minority which are universally accepted. First, the Special Rapporteur of the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities, Francesco Capotorti, defined minority in his 'Study on the Rights of Persons Belonging to Ethnic, Religious and Linguistic Minorities' in 1979 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 implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language (Proposed Definition of Minority, 01.03.2013).

In this definition, Capotorti attributes minority status only to nationals or citizens, not to refugees, immigrants or migrant workers, and to non-dominant

minorities, i.e. the term is not applied to white South Africans who were dominant in number (Jackson-Preece, 1998, p.19).

The second definition was supplied by the Canadian Special Rapporteur of the UN Sub-Commission, Jules Deschenes, who defined minority in his ‘Proposal Concerning a definition of the term ‘minority’’ in 1985 as:

a group of citizens of a state constituting a numerical minority and in a nondominant position in that State, endowed with ethnic, religious or linguistic characteristics which differ from those of the majority of the population, having a sense of solidarity with another, motivated, if only implicitly, by a collective will to survive and whose aim is to achieve equality with the majority in fact and law (Proposed Definition of Minority, 01.06.2013).

In this definition, Deschenes added to Capotorti’s definition that a minority should aim “to achieve equality with the majority in fact and law” which leaves the responsibility for achieving de facto and de jure equality between the minority and majority not to the country but to the minority itself.

In contrast to the definitions provided by the two abovementioned rapporteurs, another rapporteur of the same UN Sub-Commission, Asbjorn Eide, suggests that there should not be a citizenship requirement for minorities to be citizens of any particular country. According to Eide’s report ‘Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities’ (1993), a minority is defined as:

any group of persons resident within a sovereign State which constitutes less than half the population of the national society and whose members share common characteristics of an ethnic, religious or linguistic nature that distinguish them from the rest of the population (Proposed Definition of Minority, 01.06.2013).

Lastly, Special Rapporteur of the UN Sub-Commission, Stanislav Chernichenko, elaborated on Eide’s definition (1997) and stated that:

“minority” denotes a group of persons in principle permanently resident in the territory of a state, numerically fewer than the remaining population of that State, in other words constituting less than half of its population, endowed with national or ethnic, religious and linguistic and other related characteristics (culture, traditions and so forth) distinct from similar characteristics of the rest of the population, and displaying a will to preserve the existence identify of the group. This shall not be interpreted as authorizing or encouraging any action aiming at depriving anyone of the status of citizen or permanent resident (Proposed Definition of Minority, 01.06.2013).

While Article 27 of the International Covenant on Civil and Political Rights (ICCPR) (1966) referred to ‘ethnic, religious, and linguistic minorities’ and the Declaration on the Rights of Minorities (1992) preferred similar phrasing with the addition of a ‘national’ objective criterion, neither included a definition of minority. Nor has the Council of Europe clearly defined the term; neither in its draft minority rights protocol nor in the Framework Convention for the Protection of National Minorities (FCNM). However, the Venice Commission defined it in 1991 in the Proposal for a European Charter for the Protection of Minorities as a group which is less in number than the rest of the population, is composed of citizens of the country that has different ethnic, religious or linguistic features from the rest of the population, and acts with the intention of protecting its culture, traditions, religion or language (Kurubaş, 2006, p.29). Because the CoE deals with immigrants, refugees, and migrant workers in a different set of legislation, its definition of minority excludes them.

Moreover, the Parliamentary Assembly described national minorities in its Recommendation 1134 (1990) on the Rights of 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 (Council of Europe-Parliamentary Assembly(a), 1990).

In Recommendation 1201 (1993) of the Parliamentary Assembly of the CoE on an Additional Protocol on the rights of national minorities to the European Convention on Human Rights, which has not been accepted, the ‘national minority’ was defined as

a group of persons in a state who: (a) reside on the territory of that state and are citizens thereof; (b) maintain longstanding, firm and lasting ties with that state; (c) display distinctive ethnic, cultural, religious or linguistic characteristics; (d) are sufficiently representative, although smaller in number than the rest of the population of that state or of a region of that state; (e) are motivated by a concern to preserve together that which constitutes their common identity, including their culture, their traditions, their religion or their language (Council of Europe-Parliamentary Assembly(b), 1993).

Furthermore, the CoE’s European Charter for Regional or Minority Languages (ECRML) (1992) defined a regional or minority language in Article 1 as “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” (Council of Europe (a), 1992). It appears that the CoE’s definitions resemble Capotorti’s definition of minority but with some slight differences.

A definition for minority cannot be found in the OSCE’s documents before 1995 because there was no consensus among the OSCE member states. However, the High Commissioner on National Minorities (HCNM) created several unofficial criteria in accordance with Capotorti’s definition. The first HCNM, Max van der Stoep, unofficially described a minority as “distinct from the dominant national group in the State”, having “differences in ethnicity, religion or language” and desirous to “maintain and develop its own distinct identity” (Jackson-Preece, 1998, p.21). Unlike Capotorti, the OSCE did not make any distinction between minorities and immigrants, refugees, and migrant workers. As a result, Capotorti’s definition is the “most widely accepted definition” because it distinguishes “minorities of force” from “minorities of will”, that is to say that this definition excludes immigrants, refugees, migrant workers, and

stateless persons and leaves them to a different part of international law (Jackson-Preece, 1998, pp.26-27).

2.6.2 Diversity in, and Rights of, Minorities

In general, there are four kinds of minorities: religious, linguistic, ethnic, and national minorities. Religious minorities emerged as a consequence of the creation of different religious sects (for example, a Protestant minority within a Catholic majority). Linguistic minorities are those that speak a language that is different from the rest of the population. States refer to these as linguistic minorities in order to prevent them from making any further demands on the basis of their minority status. Ethnic minorities are linguistic minorities with ethnic links to their home countries. National minority is a concept which originated in Europe but dates back to the 1919 Polish Minorities Treaty of the LoN in which the ‘Polish nation’ was referred to as a minority. This minority group has always had a home country in which its descendants are the majority, with the exception of the Roma population. National minorities are simultaneously ethnic and linguistic minorities, but ethnic and linguistic minorities are not always national minorities (Kurubaş, 2006, p.36). Kymlicka (2001b, p.51) defines a national minority as one which “is associated with those groups that have enjoyed a ‘historic presence’ in the state”.

The rights of minorities are a combination of negative and positive rights. While the former is given to every citizen of a country, the latter is given only to disadvantaged groups. There are three main rights given to minorities: the right to exist as a minority group, the right to equality as a defense against assimilation and discrimination, and the right to recognition of the minority identity and to perpetuate and develop its elements, such as the right to use a mother tongue, the right to enjoy a distinctive culture, the right to practice its religion, the right to fully participate in cultural, religious, societal, economic and public life, and the right to establish international relations (Shoraka, 2010, p.92; Kurubaş, 2006, pp.37-39).

Minorities principally demand “to receive equal treatment, to practice their culture, religion and language, and to participate fully in the political and economic life

of the state” (Miall, 1994, p.2). In terms of their linguistic rights, minorities seek the freedom to speak their minority language, the right to be educated in this language, the right to use this language in their surnames and place-names, the right to association and the right to build minority schools, community centers, and so forth (Jackson-Preece, 1998, p.42).

In exchange for these negative and positive rights, states want minorities to not abuse these rights. Besides, states emphasize that these minority rights are personal but not collective rights. In this way, they expect to be able to prevent their minorities from exercising their right to self-determination which allows minorities to design their own political destiny. Since the international legislation for minority rights does not include any right to autonomy or territorial self-government, these rights were not considered in this thesis as a part of the international minority rights legislation. Thus, in this thesis, selected national minorities were analyzed as they applied to the Turkish and Greek cases and their rights were considered to generally include language, religion, culture-ethnicity, education, media and political participation (Henrard, 2000).

2.6.3 The Emergence of Minorities

In general, whenever a significant population movement or border change occurs, minorities are created. Thus, minorities have existed since ancient times but they did not consider themselves to be minorities because they were not officially recognized or protected under the law (Kurubaş, 2006, p.9).

Even though the European nation-states system has long been familiar with the concept of national minorities, minority rights protection was not at the forefront of concern until the start of the Cold War at which time national minorities began to be perceived as potential threats to state security and to international peace and stability. In fact, the birth of nation-states and the first officially recognized minorities occurred simultaneously in Europe (Chaliand, 1989). First, minorities appeared during the sixteenth century along with the Reformation as ‘religious minorities’ who supported Protestantism against the Church’s Catholicism. Rebellions against the Catholic aristocracy, the bourgeoisie adopted Protestantism as its religion. Once the bourgeoisie

became more powerful than the aristocracy, the former was able to demand extra rights and the first minorities were born. In other parts of the world, for example in Africa, the Middle East, and South Asia, minorities appeared as the by-product of colonialism and imperialism (Kurubaş, 2006, p.12).

At the end of the Thirty Years' War and the Eighty Years' War, the Peace of Westphalia was signed between the Holy Roman Emperor and the King of France and their respective allies in 1648. This led to the birth of nation-states and in terms of minority rights, it pushed the signing parties to recognize the Peace of Augsburg of 1555 with which all princes gained the right to select their own state's religion (Kurubaş, 2006, p.10). In addition, Article 28 of the Treaty states that

...all others of the said Confession of Augsburg, who shall demand it, shall have the free Exercise of their Religion, as well in public Churches at the appointed Hours, as in private in their own Houses, or in others chosen for this purpose by their Ministers, or by those of their Neighbours, preaching the Word of God (Treaty of Westphalia, 1648).

With this article of the Treaty of Westphalia, for the first time in history 'religious minorities' were recognized and given the right to choose and also exercise their religion. This means that at the time of the birth of European nation-states, minorities also appeared who were eventually recognized and given rights that differed from the majority of the nation. This occurred despite the fact that nation-states are considered to be composed of people who share the same culture, history, come from the same descent, speak the same language and believe in the same religion. However, as the nation-states were established on heterophobic terms, the rulers of them were not willing to give these extra rights easily (Kurubaş, 2006, p.22).

The 1648 Peace of Westphalia, which established the international states system, was modified as a result of the American and French Revolutions. While the former ushered in "the Lockean ideas of toleration, natural rights, and political representation", the latter claimed that the rights of man lead to the rights of nations (Jackson-Preece, 1998, p.6). In this way, old dynasties, empires, principalities, and the

feudal system were replaced with nationalism; therefore, nation-states had emerged by the end of WWI. While establishing a nation-state, the ultimate aim was the 'one nation-one state' principle. Consequently, the emergence of the nation-states system in Europe has led to two important elements in international law; the concepts of human rights and self-determination (Jackson-Preece, 1998, p.7).

Although some ethnic, linguistic, or religious minorities could be recognized as being present in the European states before the French Revolution, "no one imagined themselves as a national community capable of political independence" (Jackson-Preece, 1998, p.32). Since the Westphalian states system in Europe was based on the principle of *cuius regio eius religio* (like king, like religion), the first minorities in Europe were religious minorities that appeared in the seventeenth and eighteenth centuries (Eide, 2005, p.29; Jackson-Preece, 1998, p.11). Over time, this principle was replaced by the principle of *cuius regio eius natio* (like king, like nation) and national minorities were born in Europe. Thus, especially since the end of WWI, minorities have been referred to as 'national minorities' with a sharp distinction being made between this classification and other minority groups such as immigrants, migrant workers or refugees.

After the collapse of the empires in Europe, new nation-states had started to emerge which meant border changes and the emergence of new minorities. In particular, when the Ottoman and Austro-Hungarian Empires collapsed at the end of WWI, new nation-states were established in Central and Eastern Europe and in the Balkan Peninsula. As these included several minorities, 'religious minorities' were replaced by 'national' minorities at the end of WWI. At the end of the Cold War, with the dissolution of the Soviet Union, new Russian minorities were added to the already minorities in the Balkans and Central and Eastern Europe. Besides these, due to Stalin's Nationalities Policy which gave nations within the USSR (Union of Soviet Socialist Republics) the right to self-determination, new minorities were also created in Caucasia and Middle Asia (Kurubaş, 2006, p.12).

In addition to the abovementioned minorities, as a consequence of compulsory or voluntary migration, Jews, Armenians, Belarusians, Black people, and, more

importantly for this thesis, Turks and Greek people, also became new minorities throughout the world. On the other hand, Basque people, Bretons, Frisians, Sorbs, Sami people and Eskimos became indigenous minorities within their respective countries (Kurubaş, 2006, p.13).

Since the nation-states have their own single-state, single-country and single-nation policy, minority problems have been encountered in Europe. In each nation-state, minorities have three main options. First, minorities can adopt the national identity so they become assimilated. Second, they can reject the national identity but this may create conflict. Third, minorities can both adopt the national identity and also insist on their own minority identity. This has been the state of Europe since the end of the Cold War.

When one minority group has problems in its respective country, at the beginning this emerges as an internal issue, but over time, minority problems gain an international character. This stems from the fact that most of the minority groups have their home countries (or kin-states) which want to protect their descendants. Moreover, minority rights issues have started to be gradually included in universal human rights law and host countries have been using their minorities as a foreign policy tool against their home countries in the international arena.

2.7 The Promotion and Protection of Minority Rights in Europe

Historically, minorities tended to be dealt with only after a new international order was established. This can be seen in 1648, 1815, 1878, 1919, 1945 and 1989 as the Congress of Westphalia, the Congress of Vienna, the Congress of Berlin, the Paris Peace Conference, the League of Nations, the UN, the CoE, and the OSCE have all played an important role in the standard-setting of the rules of minority rights (Jackson-Preece, 1998, p.11-12). According to Jackson-Preece (1998, p.12), because these rules are political and not necessarily legal, they have established a loose system for the minorities. In order to explain the development of the minority rights protection regime in Europe, the following analysis is divided into three parts; pre-LoN period, the LoN period, and the period of the UN, the CoE and the OSCE.

2.7.1 The Pre-League of Nations Period

At the time of the emergence of minorities in the sixteenth century, these religious minorities faced mass-killings (1572 St. Bartholomew's Day massacre) and wars. Hence, states started to give some rights to their religious minorities. These rights were granted by the rulers themselves which could be repealed. The first example of this was the 1598 Edict of Nantes passed to protect Protestants, and was also rescinded, by France in 1685.

The Congress of Westphalia in 1648 marked the turning point for the end of the medieval and the start of the modern world. In the Peace of Westphalia there were no provisions in terms of minority rights as would be understood today, i.e. based on ethnic or linguistic diversities. Nevertheless, with the Peace of Westphalia, international agreements started to provide religious freedoms to certain Christian communities in Europe which were regarded as the concessions to those of the 'Confession of Augsburg', i.e. Protestants. Evidently, 'religion' was the defining characteristic of a minority group in this period, such as Protestants versus Catholics, or Lutherans versus Calvinists. After Westphalia, "Protestants were returned the churches and ecclesiastical estates that they had possessed in the year 1624, and were guaranteed the free exercise of their religion both in private and in public" (Jackson-Preece, 1998, p.57). Similar religious rights were given to the religious minorities in Europe through the bilateral agreements made between the seventeenth and nineteenth centuries, i.e. the Treaty of Transylvania (1606), the Treaty of Oliva (1650), the Treaty of Nijmegen (1678), the Treaty of Ryswick (1697), the Treaty of Utrecht (1713), the Treaty of Dresden (1745), the Treaty of Hubertusburg (1763) and the Treaty of Paris (1763) (Jackson-Preece, 1998, p.57).

All of the abovementioned international agreements were signed in order to solve a problem that existed between 'insiders' and 'outsiders' and regarded the religious minority rights that they had been given as "special concessions granted by the sovereign to his new subjects in the interests of international peace and stability" not to all persons belonging to that religious community (Jackson-Preece, 1998, p.58).

The Congress of Vienna in 1815 was conducted under the influence of the newly emerged nationalism and the nation-states system with the experience of the American and French Revolutions and the Napoleonic Wars providing the backdrop. The Holy Alliance between Protestant Prussia, Catholic Austria and Orthodox Russia was established which ended in 1830 with the Concert of Europe. In fact, not all the dynasties in Europe turned into nation-states immediately thereafter and some would have to wait until WWI. The various treaties that were signed at the Congress of Vienna became the turning point in the understanding of ‘national minorities’ in Europe. Article 1 of the General Treaty of the Final Act of the Congress of Vienna, signed by the European ambassadors on 9 June 1815, regarded the Poles as national minorities in Russia, Austria, and Prussia, and gave them the right to “obtain a representation, and national institutions, regulated according to the degree of political consideration, that each of the governments to which they belong shall judge expedient and proper to grant them” (Final Act of the Congress of Vienna/General Treaty, 30.10.2014). This shows that the Vienna Final Act provided religious, civil, and political rights to the peoples who constituted a national minority group. Nevertheless, this did not work in the long term.

At the time that Greece had seceded from the Ottoman Empire and declared its independence with the signing of the London Protocol in 1830, France, Great Britain, and Russia forced the new Greek state to respect the rights of Muslims in the country as a condition for them to recognize its independence. Article 5 of the Protocol consisted of a statement for the protection of Muslim minorities in Greece including the right to practice their religion and to maintain their religious institutions and foundations (Hellenic Republic-Ministry of Foreign Affairs, 22.02.2011).

Furthermore, in the 1878 Congress of Berlin, the main issue was the question of national minorities in Eastern Europe, mainly in the newly established nation-states in the Balkans that were recognized in return for providing minority rights which from then on became a pre-condition to becoming a nation-state. In the Ottoman Empire, Christian religious minorities had already been granted some guarantees through the ‘millet’ system which was formed in the early fifteenth century. This millet system even

predated the Peace of Westphalia and was above the Western Europe's consciousness of minority which will be explained in detail later in Chapter 3. These minority rights, such as the right to education, the right to practice their religion and the right to build churches, which were given to the Christian communities were regarded as concessions by the Ottoman Empire which extended these rights by making bilateral agreements, i.e. the 1615 Austro-Ottoman Treaty, the 1699 Treaty of Karlowitz, and the 1774 Treaty of Koutchouk-Kainardji. The latter two agreements gave Austria-Hungary and Russia the right to intervene in Ottoman affairs in times of crisis with the Catholic and Orthodox minorities. On the other hand, the *Tanzimat* Firman of 1839 and the *Islahat* Firman of 1856, approved by the Paris Agreement, were accepted by Europeans as one of the first examples of the direct protection of, and equality for, non-Muslims in Europe.

According to Article 4 of the Treaty of Berlin, Bulgaria was obliged to give the Turks, Romanians, and Greeks voting rights in 'the elaboration of the organic law' as a condition for its independence. Moreover, Articles 12, 34 and 35 forced Montenegro and Serbia to recognize the religious freedom of Muslims in their countries and prohibited any kind of discrimination against Muslims as a condition of their independence (The Treaty of Berlin, 1878). However, once these newly emerged countries gained their independence and were recognized by the core Western European countries (and Russia), there was no mechanism in place to monitor the implementation of these rights, and in case of non-implementation the recognition of their independence could not be withdrawn.

Even though the 1878 Treaty of Berlin was composed of national minority rights obligations that were imposed on Austria-Hungary, France, Germany, Great Britain, Russia and Italy, C.A. Macartney (1934, p.166) argues that "the Berlin Congress was the 'most important of all international bodies concerned with national minority rights prior to 1919'" (cited in Jackson-Preece, 1998, p.64). Nevertheless, two private organizations, the Office des Nationalités and the Central Organization for a Durable Peace, considered the national minority protection through the former's two conferences in 1915 and 1916 at the end of which a Draft Declaration of the Rights of Nationalities was prepared and through the latter's Draft International Treaty on the

Rights of National Minorities which was released in 1917 (Jackson-Preece, 1998, p.70). While the former document provided racial, religious, and linguistic freedoms to the national minorities, the latter document added civil and political equality to these rights further.

In sum, as it can be seen above, minority rights issues had been gradually addressed by both bilateral and multilateral agreements starting from the early seventeenth century. While in the beginning, minority rights were regarded as concessions given to the religious minorities in terms of their right to freedom of worship, as nationalism replaced religion in the nineteenth century the question of national minorities became the top issue among the European countries. At the end of the nineteenth century, “[t]he great powers at Berlin made national minority rights to civil and political liberties, religious freedom, and non-discrimination in public affairs the price of their acquiescence to border changes affecting new nation-states in the Balkans” (Jackson-Preece, 1998, p.66), which formed the highest standard for minority rights protection before the establishment of the League of Nations.

2.7.2 The League of Nations Period

During WWI (1914-1918), the warring countries did not pay attention to the problems of national minorities. However, when US President Woodrow Wilson raised the principle of national self-determination at the end of the war at the Paris Peace Conference on 31 May 1919, they began to address this issue. Robinson et al. (1943, p.21) argue that Woodrow Wilson stated that “[n]othing, I venture to say, is more likely to disturb the peace of the world than the treatment which might, in certain circumstances be meted out to the minorities...” (quoted in Shoraka, 2010, p.93). In order to prevent disrupting the peace, the LoN prepared various peace treaties which included the protection of minorities.

After WWI, the League of Nations was established in order to prevent any future war in the world but it had only dealt with the newly emerged minorities in Central and Eastern Europe. It did not try to establish an international system for the protection of minorities, on the contrary, it only considered cases through its Committee

on New States and for the Protection of Minorities. Embracing the new liberal idealism of the inter-war period, the Committee on New States expanded minority rights to include linguistic, cultural, civil, political and religious rights as a whole.

At the end of WWI, several multilateral agreements were signed between the Entente and Central Powers, bilateral agreements were signed by newly established states, and some states unilaterally declared manifestos which outlined their intention to protect minorities. These treaties were signed by Austria (Saint Germain-en-Laye, 10 September 1919), Hungary (Trianon, 4 June 1920), Bulgaria (Neuilly-sur-Seine, 27 November 1919), and Turkey (Lausanne, 24 July 1923) as defeated states; 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 Germain-en-Laye, 10 September 1919), and Greece (Sevres, 10 August 1920) as newly-established states; while Albania (2 October 1921), Lithuania (12 May 1922), Estonia (17 September 1923), and (outside of Europe) Iraq created similar national minority treaties as part of their admission to the LoN (Jackson-Preece, 1998, pp.73-74). All of these treaties granted citizenship, protection of life, equality before the law, and basic religious, linguistic, civil and political rights to Europe's national minorities. Because the Polish Minorities Treaty (1919) referred to the 'Polish nation', the term 'national minority' entered into the European lexicon on minority rights.

Moreover, Finland (27 June 1921) also granted rights to its national minorities in the Aland Islands, while Germany and Poland established a national minority regime in Upper Silesia by virtue of the 1922 Geneva Convention. The Treaty of Upper Silesia was the only bilateral agreement in the League minority system. Since these national minority treaties were signed separately from the LoN, the League Council formally declared that the League was the guarantor of these treaties, and thereby the guarantor of the minority rights regime, by passing a resolution for each of the treaties concerned. In this way, the League minority system was a kind of minority protection regime that was applied throughout Europe. However, this regime only applied to the member states of the LoN which had approved its guarantee. After granting the approval, the Council

of the LoN and the PCIJ were assigned to enforce this regime. Consequently, for the first time a minority rights regime was made a part of international law.

The League Council and the PCIJ had worked on minority rights protection through the petitions coming from the state parties. In the event of a violation of minority rights, states, organizations, or national minority groups, who were members of the LoN, prepared a petition and sent it to the Secretariat of the LoN which in turn passed the petition on to each member of the League Council. If the League Council found the petition worthy of investigation, the issue would be raised with the state in violation. Furthermore, the non-binding advisory opinion of the PCIJ could also be voiced (Jackson-Preece, 1998, pp.82-83). For example, the German minorities in Poland regularly petitioned the League, so much so that they accounted for “almost 30 per cent of all League petitions” (Jackson-Preece, 1998, p.84).

The LoN was successful in managing the national minority petitions only if a powerful country forced the League to act for that minority, although the League’s ability to act in this regard was limited to Central and Eastern Europe. In this way, the League minority system turned “into a political struggle between national minorities and kin-states with revisionist aims towards the international boundaries set by the treaties of 1919” (Jackson-Preece, 1998, p.91). Moreover, “[b]etween 1930 and 1932 there were 305 petitions to the PCIJ of which 153 were declared admissible, while in 1939 there were four petitions, three of which were rejected” (Shoraka, 2010, p.94). This sharp decrease in petitions showed that the system was no longer working.

The LoN could not be totally successful in the protection of minorities because providing international protection for minorities was a big promise for a newly-established international organization. The biggest deficiency of the LoN was that it “provided for the protection of *certain minorities in certain states*, but did not recognize any general rights of minorities” (italics mine; Wheatley, 2005, p.8). Even so, until the early 1990s it was the only organization which had tried to establish a direct and detailed protection system for minorities. Furthermore, “[f]or the first time in history, the protection of the rights of certain groups of human beings was being organized on a multilateral international level by public international law” (Herman, 1996, p.50). Since

the LoN failed as the first international attempt to protect minority rights, European countries agreed to assume the responsibility for the protection of minority issues rather than rely on an international organization.

Ultimately, the LoN era came to an end on 13 September 1934 when Poland renounced its treaty obligations and was overcome with the start of WWII. As an indication of the failure of the League minority system,

The victorious powers of 1919 never considered the principle of national self-determination as applicable to all members of international society nor did they establish national minority rights as universal standards for the government of those nations who existed within the territory or the colonial dominions of another nation's state (Jackson-Preece, 1998, p.94).

2.7.3 The Period of the United Nations, the Council of Europe, and the CSCE/OSCE

In the twentieth century, WWI, WWII, and the Cold War had played an important role in the emergence of new nation-states which thus resulted in new minorities. After the end of WWI, the Austro-Hungarian Empire, Ottoman Empire and Prussian Kingdom were dissolved, after WWII, the European colonies in Asia and Africa gained independence, and after the end of the Cold War, Czechoslovakia, Yugoslavia, and the Soviet Union were dissolved – all of which led to the emergence of dozens of new ethnic nation-states.

Since the start of the post-WWII era and due to the failure of the LoN minority system, instead of creating an international minority rights law, the national minorities problem has been dealt with under human rights law. This can be seen in terms of how states practice 'non-discrimination' and 'equality' by guaranteeing civil and political rights to all their citizens. The USA has preferred this type of minority rights system. On the other hand, some nation-states wanted to get rid of their national minorities rather than protect them. This could be seen in the population exchange between Turkey and Greece which was decided by the Treaty of Lausanne and transferred minorities between their kin-states. Similarly, Greece and Bulgaria decided to an exchange in the

Treaty of Neuilly, and after WWII Germans were sent back to Germany by the Central and Eastern European Countries with the Potsdam Protocol. Furthermore, after the end of the Cold War, national minorities gained the opportunity to relocate to their ethnic kin-states which resulted in mass migrations, mostly to Germany, Hungary and Turkey (Jackson-Preece, 1998, p.44). Hence, national minorities became Europe's number one question after the Cold War.

At the end of WWII, the United Nations was established in 1945 and replaced the LoN. In the beginning, the UN regarded minority rights as a part of human rights law and did not establish an international minority rights regime (Hilpold, 2007, p.181). If the minority rights regime was considered a part of the human rights regime, the only rights provided for the minorities were 'non-discrimination' and 'equality'. Instead, it should have been "the right to existence and identity" as Patrick Thornberry (1994) emphasized (cited in Miall, 1994, p.4). "It was not until 1966 that the UN General Assembly adopted any legal provision specifically dealing with minority rights, in Article 27 of the ICCPR" (Miall, 1994, p.3). Later in 1992, the UN adopted the 'Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities' which forced member states to protect their minorities and to grant minority rights.

The CoE has worked on the protection of minority rights since the early 1990s through its bodies the Parliamentary Assembly, the European Commission for Democracy through Law, the Steering Committee for Human Rights, and the Committee of Ministers. In the Vienna Summit of 9 October 1993, the CoE member states decided to prepare two important documents as a standard of minority rights; an additional protocol to the ECHR on national minorities and a separate convention on national minorities. The former has never come to fruition but the latter was the Framework Convention for the Protection of National Minorities (FCNM) which was signed on 1 February 1995 by twenty two countries (Jackson-Preece, 1998, p.49). Also in November 1992, the European Charter for Regional or Minority Languages was signed by the CoE member states.

Through 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), the Budapest Document (1994), and the post of the High Commissioner on National Minorities, the OSCE has tried to establish a standard of minority rights in two ways; by “minimizing national minority/majority conflicts” and “preventing the oppression of individual members of national minority communities” (Jackson-Preece, 1998, pp.48-49). According to Miall (1994, p.6), “[t]he creation of the HCNM is one of the CSCE’s most significant innovations”.

It is apparent that there are three main international organizations, in addition to the European Union, which have been dealing with minority rights since their establishment and have led the normative and institutional development of minority rights around the world. These are the United Nations, the Council of Europe, and the Conference on Security and Co-operation in Europe (CSCE)/Organization for Security and Co-operation in Europe. These three major international organizations provide international legislation for the protection of minority rights in terms of their ‘negative rights’ which are mainly based on two elements: existence and non-discrimination (Weller, 2005, p.614).

2.7.3.1 Minority Rights in the United Nations (UN)

The United Nations was established in 1945 in order to prevent war. Thus, military and strategic issues were initially more important to the European states than minority problems. In addition, national borders did not change at the end of the war so European countries felt no need to deal with their minorities.

The United Nations Charter (Charter of the United Nations and Statute of the International Court of Justice, 1945) dealt with minority rights protection under the human rights provisions in Articles 1, 13, 62 and 76. In Article 1 of the UN Charter, minorities were included in the ‘respect for the principles of equal rights and self-determination of peoples’ and the ‘respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion’ in order to

promote international peace and security. In Articles 13, 62 and 76, the latter sentence was repeated with the same wording. Moreover, through its primary judicial branch, the International Court of Justice (ICJ), the UN puts pressure on its member states to improve their human and minority rights records.

While during the inter-war period a population exchange took place between Turkey and Greece and Greece and Bulgaria, in the post-war period, six and a half million German minorities were forced to immigrate to Germany from Poland, Hungary, and Czechoslovakia; Italian, Croatian, and Slovenian minorities were exchanged between Italy and Yugoslavia; and German minorities were also forced to emigrate from Romania and Yugoslavia. Moreover, Israel was established in 1948 as a settlement for the largest Jewish minority group in the world. In doing so, it was believed that the biggest post-WWII minority problem had been solved.

While these European countries attempted to rid themselves of their minorities through compulsory population exchanges, the minority rights issue was beginning to be addressed by human rights law on the international stage. This can be demonstrated by the 1945 San Francisco Conference and the 1946 Paris Peace Conference which both decided that minorities would be protected under human rights law. Besides this, bilateral agreements were also being signed by European countries in order to provide protection for minorities. Among them were the 1946 De Gasperi-Gruber Agreement between Italy and Austria regarding the South Tyrollians (a German minority), the 1950 Agreement between India and Pakistan regarding Muslim minorities, the 1954 Agreement between Italy and Yugoslavia, and the 1955 Manifestos of Denmark, Germany and Austria regarding the recognition of their minorities.

For the protection of human rights, the UN Commission on Human Rights (UNCHR) was established in 1946 and was composed of government representatives from the Economic and Social Council (ECOSOC); it also dealt with minority issues. Then, in 1947, the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities was established to help the UNCHR. While the Sub-Commission was established in order to fight against discrimination and protect and promote national minority rights, “reality proved to be different in the end” (Hilpold, 2007, p.182). In

1999, it was renamed as the UN Sub-Commission on the Promotion and Protection of Human Rights and was replaced by the Human Rights Council Advisory Committee in 2006.

On 10 December 1948, the Universal Declaration of Human Rights was adopted by the UN General Assembly but it did not directly mention minorities. Only Article 2 referred to the ban on discrimination and Articles 26 and 27 mentioned cultural rights, which were indirectly related to minority rights. The same day, the UN General Assembly adopted Resolution 217 C(III) on the 'Fate of Minorities' which declared that the UN "cannot remain indifferent to the fate of minorities" while acknowledging that "it is difficult to adopt a uniform solution of this complex and delicate question, which has special aspects in each State in which it arises" (UN General Assembly, 1948). Nevertheless, "[t]he 'no-indifference-but-no-preparedness-to-take-steps' position has become afterwards characteristic of the overall attitude of the UN in this field for years" (Hilpold, 2007, p.183).

Moreover, some treaties were signed which were indirectly related to minority problems; such as the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the 1960 UNESCO (United Nations Educational, Scientific and Cultural Organization) Convention against Discrimination in Education, the 1989 Convention on the Rights of the Child (CRC) and the 1993 Vienna Declaration and Programme of Action (adopted by the World Conference on Human Rights).

The first direct UN document on minorities was the 1966 International Covenant on Civil and Political Rights. Article 27 states:

[I]n those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language (OHCHR (a), 28.11.2014).

Through Article 27, the UN sets out three types of minorities: ethnic, religious, and linguistic. It does not, however, mention national minorities which was the term coined by Europeans.

Article 26 of the ICCPR, Article 2(2) of the ICESCR (International Covenant on Economic, Social and Cultural Rights), Article 2 of the ICERD, and Article 2 of the CRC prohibited member states from discriminating against minorities. The ICERD included the aim of preventing all kinds of discrimination against minorities. As a negative right, non-discrimination became ‘the *conditio sine qua non*’ for minority rights protection (Henrard, 2007, p.143). While the ICERD offers positive duties to the member states through ‘affirmative action’ which is not actually appropriate for national minorities, the task of the Committee on the Elimination of Racial Discrimination (CERD) will be completed once racial and ethnic equality is achieved (Shoraka, 2010, p.5).

In order to monitor the implementation of the ICCPR, the Human Rights Committee (HRC) was established in 1977 and is composed of 18 independent experts. In 1994, the Human Rights Committee announced ‘General Comment No. 23’ to provide further explanation of Article 27 of the ICCPR (Human Rights Committee, 1994). The States which are party to the Convention are required give regular reports to the Committee about the implementation of the Articles.

On 18 December 1992, the UN General Assembly made the ‘Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities’ by adopting Resolution 47/135 which essentially repeats Article 27 of the ICCPR. The important point in this document is that ‘national’ minority was also added to the list of minorities. This document is significant because it is the first international document on minorities even though it is not legally binding. However, not even this document included any definition for what constitutes a minority. Nevertheless, this document can be regarded as “a new international minimum standard” for minority rights (Thornberry, 1994, p.16). In order to monitor compliance with this document, the UN Working Group on Minorities was established in 1995. The Working Group aimed

to be a forum for dialogue between governments and minorities. In 2007, the Working Group on Minorities was replaced by the Forum on Minority Issues.

In the early years after its establishment, the Sub-Commission had worked diligently in order to create rules and protection mechanisms for minorities. After two decades, it prepared the ICCPR in 1966. Special Rapporteur Professor Francesco Capotorti was appointed in 1971 and in 1977 he presented “the results of his comprehensive theoretical and empirical studies on the present status of minority rights law” (Hilpold, 2007, p.185). Capotorti’s report on minorities evolved into the Declaration that was accepted in 1992 which created “a milestone in the codification process of universal minority rights” (Hilpold, 2007, p.186). Because it was based on Article 27 of the ICCPR, the Declaration was highly criticized for its similarity , however, it differed from Article 27 in the fact that the ICCPR granted negative rights (“persons belonging to minorities shall not be denied the right ...”), while the Declaration provided positive rights (“have the right”) (Hilpold, 2007, p.186).

In order to overcome the deficiencies of the 1992 Declaration, Asbjorn Eide was nominated by the Sub-Commission in 1989 and he prepared a report in 1993 “on the ways in which minorities and majorities can live together within a nation-state” (Hilpold, 2007, p.189). It was an innovative approach insofar as it did not depend solely on the protection and promotion of minority rights. Moreover, the Human Rights Committee made specific contributions through its standard-setting attempts for minority rights legislation. Even though the HRC is not a judicial organ of the UN, its application by individuals on the basis of the ICCPR resembles a judicial activity.

Through its semi-judicial activities in the following cases: *Sandra Lovelace v. Canada* (Communication No. 24/1977), *Kitok v. Sweden* (Communication No. 197/1985), the *Lubicon Lake Band* case (Communication No. 167/1984), the *Apirana Mahuika et al.* case (Communication No. 547/1993); the *Diergaardt et al.* case (Communication No. 760/1997), the *Apirana Mahuika et al. v. New Zealand* case (Communication No. 547/1993), *Ballantyne, Davidson and McIntyre v. Canada* (Communications Nos. 359/1989 and 385/1989), *Waldman v. Canada* (Communication No. 694/1996), and *Diergaardt et al. v. Namibia* (Communication No. 760/1997), the

Human Rights Committee engendered the development of new international standards for minority rights protection (Hilpold, 2007, pp.192-196). The *Ballantyne, Davidson and McIntyre v. Canada* case was the only decision where Article 27 of the ICCPR was directly addressed and it was concluded by the HRC in 1993 that “the English-speaking minority in Quebec could not be considered a minority ... [because] the Anglophone community was not a minority in Canada as a whole” (Wheatley, 2005, pp.17-18).

On 20 December 1993, the Office of the United Nations High Commissioner for Human Rights (OHCHR) was established to promote and protect the human rights that were guaranteed by the 1948 Universal Declaration of Human Rights. The OHCHR is headed by the High Commissioner for Human Rights who oversees the human rights activities within the UN system. Today, the High Commissioner is Prince Zeid bin Ra’ad – the first Muslim Arab person to hold this position. Importantly, the OHCHR encourages the establishment of National Human Rights Institutions (NHRIs) in given countries in order to protect and monitor “the effective implementation of international human rights standards at the national level” (OHCHR (b), 10.01.2015). Hence, the NHRIs are also effective in the protection of the rights of minorities, women, children, refugees, and disabled persons in the UN member states. Today, there are more than 100 NHRIs all around the world.

In 2001, the Sub-Commission made its decision on the Working Group’s request for the appointment of a Special Representative on minority issues, similar to the OSCE’s HCNM. With the Special Representative, the UN aimed to strengthen its conflict prevention capacity and create an effective minority rights regime. Notably, any duplication of the work done by the UN Special Representative for Minority Issues and the OSCE HCNM should be avoided (Letschert, 2002, p.336), and each has been charged with identifying an ‘early warning’ of any kind of crisis among minorities, but not with the protection and promotion of national minority rights.

The UN High Commissioner for Human Rights appointed an Independent Expert on Minority Issues (IEMI) in 2005 who was assigned with the promotion of awareness of the main problems faced by minorities. Furthermore, on 15 March 2006, the UN Human Rights Council was established as an intergovernmental body to replace

the UN Commission on Human Rights and to work closely with the OHCHR. As a more recent development, the new mechanism of the Universal Periodic Review (UPR) was set up “as a cooperative mechanism to review the practice of all states as regards their human rights obligations and commitments” in which the UN member states submit evidence of their human rights performance periodically (Boyle, 2009, p.5). In this way, the UN is able to review its member states’ human rights activities.

As a result, despite its failure, the League minority system that was established via various agreements and declarations went beyond the weak minority rights protection of the UN because the UN minority rights regime is mostly dependent on Article 27 of the ICCPR, along with various agreements and instruments. The only UN document which directly deals with minority rights is the 1992 ‘Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities’. While this declaration is a duplication of Article 27 of the ICCPR, it does not constitute an effective mechanism for the protection of minority rights since it is not binding.

2.7.3.2 Minority Rights in the Council of Europe (CoE)

The member states of the CoE signed the European Convention on Human Rights (ECHR) on 4 November 1950 which provides some rights to minorities. While only Article 14 deals precisely with the national minorities, several articles provide human rights to all persons who are part of the treaty, i.e. Articles 9 of the Additional Protocol (the right of freedom of religion), 10 (the right of freedom of expression), 11 (the right to association) and Article 2 (the right to education) (Schumann, 1994, p.90). These articles that provide basic human rights to all persons who are party to the ECHR can be regarded as being the collective rights of minorities.

Article 14 of the ECHR states that,

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 (Hellenic Resources Institute (a), 27.09.1995).

Even though the rights that the ECHR provided have not been enough to set an international standard for minority rights protection, its implementation mechanism, called the European Court of Human Rights (ECtHR), has played a key role.

The European Commission for Democracy through Law, which is better known as the Venice Commission since it meets in Venice, was established in 1990 with the aim of raising the members states' legal and institutional structures to meet European standards. In 1991, the Venice Commission was asked to prepare a Convention for the Protection of Minorities but it was not signed. The Venice Commission eventually adopted the 'Report on Non-citizens and Minority Rights' on 15-16 December 2006. This report was "a very comprehensive study of almost 50 pages and 144 paragraphs" (Aurescu, 2007, p.154).

The main documents produced by the CoE for the protection of minority rights are the 1992 European Charter for Regional or Minority Languages and the 1995 Framework Convention for the Protection of National Minorities. These two conventions have been adopted by the EU and constitute the European standards for the protection of minority rights. Moreover, in cooperation with the EU in the 1990s, the CoE also contributed to the protection of minority rights through the ADACS (Activities for the Consolidation and Development of Democratic Stability in Europe) Programme, the Confidence-building Measures (CBM) Programme, and the ECRI (European Commission against Racism and Intolerance) (Trifunovska, 2001, pp.153-157).

2.7.3.2.1 European Charter for Regional or Minority Languages (ECRML) - 1992

The ECRML was signed in 1992 by the member states of the CoE with the aim of protecting the historical regional or minority languages in Europe, "some of which are in danger of eventual extinction, [and] contribute[s] to the maintenance and development of Europe's cultural wealth and traditions" (Grin, 2003, p.59). Article 1 of

the ECRML defines the ‘regional or minority languages’ as those that are “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” (Council of Europe (a), 1992).

Both the Preamble and Article 1 of the 1992 European Charter for Regional or Minority Languages exclude the languages of ‘new minorities’, instead they were based on ‘the protection of the historical, regional or minority languages’ in Europe. The monitoring mechanism of the Charter is also weak as it only requires submitting three-yearly periodical reports on its implementation (Trifunovska, 2001, p.151).

2.7.3.2.2 Framework Convention for the Protection of National Minorities (FCNM) - 1995

The Framework Convention was signed in 1995 and has so far been ratified by 39 member states. The FCNM has been the ‘renaissance’ of the international efforts which had up until the mid-1990s tried to protect the rights of national minorities (Hofmann, 2005, p.1). Even though the FCNM is the only legally binding treaty for the protection of national minorities, it “does not create any rights for persons belonging to national minorities, but recognises a number of obligations incumbent on States parties” (Kymlicka, 2001b, p.58). The Ad Hoc Committee of Experts on Minorities (CAHMIN) prepared the draft of the treaty and the CoE signed the FCNM in order to protect national minorities and “create appropriate conditions enabling them to express, preserve and develop this identity” (Council of Europe (b), 1995). According to the treaty, this was not done to create division but to enrich each society.

The FCNM has had a negligible impact on the member states due to its inadequate monitoring mechanism which is composed of the reports and the non-binding recommendations of the Advisory Committee and the Committee of Ministers (Baillie, 2008, p.621; Philips, 2009, p.534). More specifically, in order to address minority problems, the Committee of Experts on Issues Relating to the Protection of National Minorities (DH-MIN) was established under the Steering Committee for

Human Rights (CDDH), and also the Specialist Group on Roma/Gypsies (MG-S-ROM).

This convention was the first multilateral and binding international document on the protection of minorities. However, as can be understood from its name, it is a framework agreement which can be adapted to each state's legal structure. Yet again, a definition of 'minority' was not entered into the convention. Hence, states parties were left to define it on their own. Moreover, although the Advisory Committee claimed that the FCNM only dealt with 'old minorities', it is also applicable to the 'new minorities' since Article 6(1) of the Convention states that "mutual respect and understanding and co-operation *among all persons* living on the territory" are promoted (italics mine; Hofmann, 2005, p.17). Interestingly, the FCNM addresses the right to be, or not to be, treated as a minority in Article 3(1) of the Convention as long as this choice does not result in the disadvantage of minorities. While Belgium, Greece, Iceland, and Luxembourg have signed the FCNM but have not yet ratified it, Turkey, France, and Monaco have neither signed nor ratified the treaty (Baillie, 2008; De Varennes, 2001).

2.7.3.3 Minority Rights in the Conference on Security and Co-operation in Europe (CSCE)/Organization for Security and Co-operation in Europe (OSCE)

On 1 January 1995, the Conference on Security and Co-operation in Europe (CSCE) was renamed the Organization for Security and Co-operation in Europe (OSCE) by the CSCE Heads of State and Government, in order to give it a new political impetus. Hence, this chapter will refer to it as the CSCE until 1995 and after that as the OSCE.

Until the 1990s, the CSCE had indirectly dealt with minority rights. Firstly, the Helsinki Final Act of 1975 mentioned minorities in terms of equality and non-discrimination. In Principle VII (the principle of respect for human rights and fundamental freedoms), it was stated that

[t]he participating States on whose territory national minorities exist will respect the right of persons belonging to such minorities to equality before the law, will afford them the full opportunity for the actual enjoyment of human

rights and fundamental freedoms and will, in this manner, protect their legitimate interests in this sphere (Hellenic Resources Institute (b), 26.09.1995).

By doing so, the CSCE introduced the idea of promoting positive rights to minorities through its positive formulation in Principle VII (Dalton, 1994, p.100). In fact, the principles of the CSCE/OSCE have always been political rather than legal so they have never been binding for the member states.

In the Concluding Document of the Madrid Meeting of 1983, it was stated that the rights of national minorities had to be respected. Then, in the Concluding Document of the Vienna Meeting of 1989, the CSCE promised to implement the previous decisions made about minorities within the state parties. Since the early 1990s, the CSCE/OSCE has deepened its interest in minority rights protection. Firstly, in the Copenhagen Document of 1990, it stated that being a minority is a personal choice and does not create any disadvantages within the population. Then, in November 1990, the CSCE had its second meeting which concluded by accepting the Charter of Paris for a New Europe. In this Charter, it is stated that minority rights should be regarded as a part of universal human rights and therefore respected. These opinions are repeated in the 1991 Geneva Report on National Minorities, and the 1991 Moscow, 1992 Helsinki, and 1994 Budapest Documents. Even though these OSCE declarations were not legally binding, they have become “statements of political commitments” and “it was assumed that a legally binding convention would soon follow” (Kymlicka, 2001c, p.370). On 20-21 March 1995, the Pact on Stability in Europe was adopted by the representatives of the 52 member states of the OSCE in Paris in order “to avoid the issues of borders and establish minority rights, with the respect of accession to the EU as an incentive” (Toggenburg, 2001, p.222).

There are three monitoring mechanisms of the OSCE: the Human Dimension Mechanism applied between 1989 and 1993, the Secretary General’s Annual Evaluation Reports, and the 1992 appointment of a High Commissioner on National Minorities. The HCNM was created as an early warning body and deals with “security-related issues including preventive diplomacy, confidence- and security-building measures,

democratization, election monitoring and human rights” (Shoraka, 2010, p.7). The OSCE emphasizes that the HCNM is a post *on* national minorities, not *for* national minorities. That is, “the post is to promote conflict regulation rather than to act as a voice for national minorities” (Johns, 2003, p.688).

The HCNM tries to prevent any conflict related to the national minorities. Max van der Stoep from the Netherlands was the first HCNM and was appointed for the period 1992-2001 in order to prevent any conflict and crisis at the earliest stage “in regard to tensions involving national minority issues which have not yet developed ... but ... have the potential to develop into a conflict within the CSCE area affecting peace, stability or relations between participating states...” (Dalton, 1994, p.104). He resolved many conflicts in Central and Eastern Europe and prevented them from turning into clashes.

However, if a member state of the OSCE declares that there are terrorist activities in its country, the HCNM cannot intervene in this territory during times of crisis. Moreover, the HCNM also cannot be involved in his/her own country in times of crisis. On the other hand, the member states of the OSCE, especially those from Western Europe, have perceived the activities of the HCNM as interfering in their ‘internal affairs’ which has caused some anxiety in relation to this position (Johns, 2012, p.248). The USA, France, and Greece objected to the HCNM’s involvement in their countries because they argued that there were no minorities in their countries. On the other hand, Britain, Turkey, and Spain enforced the HCNM not to function in the countries where terrorism existed. As a result, due to the fact that the member states of the OSCE have feared losing their sovereignty because of the intervention of the HCNM, the HCNM cannot effectively function.

While the HCNM has attempted to be ‘the eyes and ears’ of the international community, it overtakes some of the responsibilities of the UN (Dalton, 1994, p.105). Therefore, the HCNM has left the creation of a judicial standard for the minority rights regime to the UN, while the HCNM has assumed a role in the conflict and crisis-prevention activities both within and between the states that have minorities. This is

referred to as ‘quiet diplomacy’ which the OSCE shares with the EU in terms of minority rights (Johns, 2012).

In the Human Dimension Implementation Meetings which are held biannually, the early-warning and early-action activities of the HCNM are discussed (Letschert, 2002, p.335). The HCNM has also prepared some documents regarding minorities, these are the 1996 Hague Recommendations Regarding the Education Rights of National Minorities, the 1998 Oslo Recommendations Regarding the Linguistic Rights of National Minorities, the 1999 Lund Recommendations on the Effective Participation of National Minorities in Public Life, and the 2003 Minority-Language Related Broadcasting and Legislation.

Johns (2012, p.249) argues that the HCNM should inform both the member states and the minorities inside their territories because “he was the High Commissioner *on* National Minorities, not *for* National Minorities — an advocate for neither ‘side’, but an aide to both/all”. Perhaps, in this way, the HCNM might gain more respect from Europeans.

The second HCNM, Rolf Ekéus from Sweden, was appointed for the period from mid-2001 to mid-2007. He interpreted the so-called quiet diplomacy as being passive. The third HCNM, Knut Vollebaek from Norway, turned van der Stoel’s interpretation of quiet diplomacy into a greater willingness to intervene in conflicts. Astrid Thors is the current HCNM.

2.8 Minority Rights in the European Union

Traditionally, human rights have been divided into first- and second-generation rights; while the former include civil and political rights, the latter consist of economic, social and cultural rights provided by the ICCPR and ICESCR (Shoraka, 2010, p.91). Minority rights have not typically been regarded separately from, but as a part of, human rights provisions. While the EU and other international organizations have been trying to create a minority rights protection regime with general non-discrimination provisions, “the current standard of minority protection does not provide for a framework with enforceable individual or group rights that could lead to achieving

substantive equality for members of minority groups at EU level” (Shoraka, 2010, pp.91-92).

The theoretical framework of the European standard for minority rights protection was provided by Will Kymlicka (2001a, p.72) whose liberal theory defines national minorities as groups “that formed functioning societies, with their own institutions, culture, and language, concentrated in a particular territory, prior to being incorporated into a larger state” (quoted in Craig, 2010, p.309).

In terms of minorities, the meaning of the principle of non-discrimination is regarded differently, as forcing the states “to take special measures to afford minorities de facto and not only de jure equality” (Shoraka, 2010, p.32). Until the end of the Cold War, the European Union had mostly ignored the minority problem in Europe. This stems from the European countries’ general understanding after the end of the Second World War that, on the one hand, was based on their fear of separatist movements led by minorities, and that, on the other hand, was based on their prediction of the ipso facto solution for the minority problems in the era of European integration (Saraçlı, 2007, p.48). This realism led to the disregard of the protection of national minorities during the Cold War era. Nevertheless, after the dissolution of the Soviet Union, Yugoslavia, and Czechoslovakia, twenty-eight new states emerged with their new minorities. Therefore, “[e]stablishing minority rights – that is, the rights of minorities to receive equal treatment, to practise their culture, religion and language, and to participate fully in the political and economic life of the state – appears to be one of the more promising approaches to this problem” (Miall, 1994, p.2). In order to establish a minority rights regime in the European countries and to create a common minority rights policy, the United Nations, the Council of Europe, and the Organization for Security and Co-operation in Europe took the lead.¹

In December 1991, the Council of the EU prepared the general guidelines for the recognition of the newly emerged ex-communist states in which democracy, rule of law, respect for human rights, and the guarantee of the rights of ethnic and national minorities took precedence. Consequently, the Stability Pact was signed in Paris in 1995

¹ This paragraph was quoted from Akıncılar (2011, p.18).

in order to create “a new set of international commitments and a new framework” for Europe (Jackson-Preece, 1998, p.51). Because the signatory states were mostly members of the OSCE, the OSCE was tasked with monitoring the implementation of the Pact. The Pact was a political and non-binding document but it is important to note that the EU’s concern for minority protection became its first initiative under the CFSP (Common Foreign and Security Policy). In fact, Article 14 of the European Convention on Human Rights and Fundamental Freedoms (1948) and Article 27 of the International Covenant on Civil and Political Rights (1966), which is still problematic due to its limitations (see Thornberry, 1994 p.15), were the first measures on the protection of minority rights in which the term ‘minority’ was used.²

Beginning from its establishment and lasting until the end of the Cold War, the European Union had given secondary importance to minority rights issues. However, since the early 1990s, the Union has utterly relied on the mechanisms created by the CoE and the OSCE in order to deal with minority problems. First, the EU accepted the European Charter for Regional or Minority Languages (1992) as its legal basis for the protection of minority rights. Then, it adopted the CoE Framework Convention for the Protection of National Minorities (FCNM) (1995).³ These two agreements have, in fact, guaranteed the sovereignty of the European countries and promoted the solution of the minority problems inside its own country. As a result, while the EU expected the European countries to respond to the human and minority rights, it also demanded that the minorities have respect for the sovereignty of their countries (Saraçlı, 2007, p.53).

In addition to this, the Western countries made a distinction between ‘national/indigenous’ minorities and ‘new/immigrant’ minority groups (Smith, 2003, p.5). This distinction implies that the national minorities deserve the protection of their individual (or group) rights while the immigrant minority groups do not have any “valid claim to language rights and self-government powers necessary to maintain [themselves] as a distinct societal culture” (Smith, 2003, pp.5-6). Moreover, the Western states applied this double-standard in practice.

² This paragraph was quoted from Akıncılar (2011, p.18).

³ This paragraph until the end of this sentence was quoted from Akıncılar (2011, p.18).

Even though the main documents on minority rights were accepted in the early 1990s, there still was not an agreed upon definition of the term ‘minority’. Since the minority rights issue has not been a priority of the EU, it has not worked to overcome the minority problem throughout the Union by defining the term ‘minority’. Instead, the stability of the institutions providing democracy, the existence of a functioning market economy, and the rule of law have always taken precedence over the protection of minority rights, which can be seen in the Copenhagen criteria respectively.⁴

Member states of the EU express diversity in their minority rights regimes. For instance, federal states like Germany, Austria, and Belgium have liberal minority regimes, while some unitary states have autonomous regions. Besides this, bilingual Finland, trilingual Belgium, and Ireland (which has first and second official languages), England, Spain and Italy allow their minorities the right to use their native languages even though they have only one official language. Moreover, the exact number of minorities in the respective EU member states is not known because no population census is taken according to ethnic origin. On the other hand, it is important to distinguish between the ‘multination federations’, i.e. Belgium with the Flemish, Spain with the Catalans, Basques, and Galicians, and Switzerland with its French-speaking and Italian-speaking minorities, from the ‘uninational federal systems’ like Germany, for example (Kymlicka, 2001b, p.29). Among the Western democracies, France and Greece are the only countries which put restrictions on their minorities. While Germany does not recognize the Turkish minority as a national minority, Sweden and Denmark only provide cultural rights for their minorities, Austria has ‘limited protection to citizens’, Luxembourg declares that it has no minorities, and France, Greece, and the Netherlands have not signed the FCNM (Johns, 2003, p.693).

Whereas the Western countries of the EU have weak protection regimes for their minorities, the Eastern countries face harsh requirements in order to become new EU members. However, despite the problems of the Russian minorities in Latvia and Estonia and the Hungarian and Roma minorities in Slovakia, these ex-communist countries were eligible to become EU members in 2004. These examples also

⁴ This paragraph was quoted from Akıncılar (2011, p.19).

demonstrate the EU's double-standard in terms of the application of minority rights in the member and candidate countries and also among the different candidate countries. In this way, while most of the Western European countries do not feel pressure to establish a minority rights protection regime or to contribute to the formation of an international minority rights law separate from international human rights legislation, the Eastern European applicant countries are treated according to the size or 'importance' of their minority problems.

On the other hand, the EU member states have been facing many minority rights violations for years. First of all, the Roma population has suffered from political and economic discrimination as the only minority group in Europe which does not have a kin-state. Furthermore, there have been separatist movements in France, Spain, Ireland, and Britain, while ethnic tensions have flared up in Bulgaria, Romania, Slovenia, Czech Republic, Poland, Estonia, Latvia, and on the Slovakia/Hungary border (Johns, 2012, p.253). When the Yugoslav War had broken out, the EU could not act very decisively. Also, at the time of the Kosovo War in 1999, the conflict in Macedonia in 2001, and even the conflict between Russia and Georgia in 2008, the EU was unable to resolve the conflicts due to its lack of expertise and experience. In addition, the Muslims in France and the Turks in Germany have been considered the 'old migrants' and the 'new minorities' today which have not been generally acknowledged and respected by either the French and German governments or the public.

Even though the conflicts and problems have been resolved, problems still remain in Europe. The biggest problem of the EU is in Cyprus which became an EU member state without ending the conflict between the Turkish and Greek Cypriots. This was referred to by the Vice President (Europe) for the International Group, Alain Deletroz, as "the EU's greatest mistake in recent memory" (Johns, 2012, p.253). That is, this was a big mistake on the part of the EU because the inclusion of Cyprus communicates to other candidate and applicant countries that "minority protection is less important than other political or economic conditions" (Johns, 2012, p.254).

With the accession of the new democracies in Central and Eastern Europe in 2004, 2007, and 2013, the question of minority rights has maintained its importance in

the EU due to the continuing violations of minority rights; i.e. those of the Roma people in the Balkans and the Muslim minorities in Serbia; while Turkey, Macedonia, Montenegro and Serbia are currently candidate countries battling new minority problems.

This chapter has argued that the EU, in cooperation with “states, minority groups and practitioners”, has been using “a tactic known as *quiet diplomacy* (QD)” in the formation of its minority rights policy (Johns, 2012, p.242). Also, while keeping in mind the question of whether the EU is effective in its formation of a minority rights regime in Europe or not, the EU will be further examined in this chapter.

2.8.1 Is a Minority who has EU Citizenship still a Minority?: The Case of ‘New Minorities’

In Western Europe, the term ‘new minorities’ has started to be used for the groups who migrated from their kin-states and settled in other European states after the end of WWII. The term ‘new minorities’ includes, in its broad definition, immigrants, migrant workers, refugees, and stateless persons. In his theoretical framework, Kymlicka (2001b, pp.13-105; p.31) made a distinction between the national and new minorities and defined the latter as “groups formed by the decision of individuals and families to leave their original homeland and emigrate to another society” (quoted in Craig, 2010, p.310; see also Kymlicka, 1995). However, he also accepts that in time, these new minorities can become national minorities within their host states.

Wight (1978, p.25) argues that while there is a distinction between the ‘inner circle’ and ‘outer circle’ of citizenship rights in the EU, that is, that the inner circle consists of the citizens of each member state and the outer circle is made up of non-EU citizens (cited in Dell’olio, 2005, p.55), being an EU citizen does not usurp the minority origin of certain people and new minority groups now appear alongside the historic national minorities in the inner circle. Guglielmo and Waters (2005, p.763) argue that during the 1990s, the European policy towards the Roma people had evolved from the migrants’ to the minorities’ rights, just like the Russophones in Estonia and Latvia (Hughes, 2005).

Sasse and Thielemann (2005, p.665) also establish linkages between old minorities and new immigrants because they argue that “[n]ew immigrants often experience similar integration problems to those of old minorities”. Moreover, Sasse (2005, p.676) also adds that not only can migrants become minorities but old minorities can also become migrants, “for example in the context of labour mobility inside the EU or migration into EU Member States”.

On the other hand, Faßmann (1997, p.216) argues that there is a difference between migrants and minorities, that is, that “[m]igrants and the members of a new minority see a danger in being stigmatized as being ‘different’, whereas persons belonging to an (old) minority group see a danger in not being recognized as being ‘different’ from the majority” (cited in Toggenburg, 2005, p.719). Johns (2012, p.255) calls these new minorities the “intra-EU migrants” and argues that most of these new minorities have migrated from the CEECs to the core EU countries, especially Britain, France, Germany, and Ireland. Here, due to the fact that these new minorities usually already have their EU citizenship, they should be regarded as more than just immigrants. “This citizenship provides them (theoretically) with rights and privileges not accorded to third-party (*i.e.*, foreign) immigrants” (Johns, 2012, pp.255-256). Whereas the Turks in Germany can be given as an example of the most well-known ‘new minority’ in Europe even though the *Gastarbeiter* (guest worker) system has restricted “immigrants’ access to citizenship and political rights” (Sasse, 2005, p.679), the Poles in Ireland and the ‘Polish Plumber Problem’ in France are also infamous. In contrast to these new minorities who have EU citizenship, the other new minorities who do not have EU citizenship are subject to immigration and asylum laws. However, some scholars, like Cholewinski (2005, pp.699-700), argue that non-citizens should also enjoy minority rights under the logic of respecting their human rights.

Like the national minorities in Europe who have already experienced minority rights violations, these ‘new minorities’ have been also accused of, for example, causing a rise in unemployment in the EU. Despite the fact that the Western European countries have feared the ‘millions of people flooding’ into their countries, the EU has had to solve this minority question since it set the ‘respect for and protection of minorities’ as a

condition of membership by the CEECs (Johns, 2012, pp.257-258). On the other hand, whether the national and new minorities should be treated in the same way or not has sparked another problem for the EU which has to be resolved immediately because the EU has itself engendered the emergence of these new minorities through its principle of the free movement of goods and persons. “It is also the development of European Citizenship laws that help protect these groups and allow them to demand certain rights” which must not be discriminated against by the EU member states (Johns, 2012, p.259).

2.8.2 Is there a minority rights policy within the EU? Is the EU a visible or invisible player in minority rights protection?

In order to explain whether there is a minority rights regime in the EU or not and whether the EU is a visible or invisible player in the protection of minority rights, the EU treaties, the *acquis communautaire*, the institutions, and other projects and NGOs will be analyzed in detail in this chapter.

2.8.2.1 Minority Rights in the EU Treaties

In the Paris Treaty, signed on 18 April 1951, which established the ECSC (European Coal and Steel Community), there is no mention of fundamental rights, human rights, minority rights, non-discrimination, or nationality. The Rome Treaty, as the founding treaty of the EEC (European Economic Community) and EURATOM (European Atomic Energy Community), was signed on 25 March 1957 and is also called the Treaty Establishing the European Community (TEEC). At the time of signing, the EEC did not address human rights issues because of economic concerns. That is, the main aim of the TEEC was to establish the common market among the member states of the EEC which was based on the free movement of persons, services, and capital. The freedom of movement for workers (Article 48 TEEC), the freedom of establishment of nationals (Article 52 TEEC), the freedom to provide services within the EEC (Article 59 TEEC), and the recognition of the principle of equal pay for equal work (Article 119 TEEC) are examples of the fundamental economic freedoms which

can be also be regarded as fundamental human rights. Nevertheless, Article 7 of the TEEC says that

[w]ithin the scope of application of this Treaty, and without prejudice to any special provisions contained therein, *any discrimination on grounds of nationality* shall be prohibited. The Council may, on a proposal from the Commission and after consulting the Assembly [European Parliament], adopt, by a qualified majority, rules designed to prohibit such discrimination (italics mine; European Commission (a), 1957, p.5).

In the Merger/Brussels Treaty, signed on 8 April 1965, there is no provision for fundamental rights, human rights, minority rights, non-discrimination, or nationality.

On 17/28 February 1986, the Single European Act (SEA) was signed in order to achieve a single internal market for the member states based on the principle of the free movement of goods, services, persons, and capital. In the preamble of the treaty, the EU stated that it was

[aware] of the responsibility incumbent upon Europe to aim at speaking ever increasingly with one voice and to act with consistency and solidarity in order more effectively to protect its common interests and independence, in particular to display the principles of democracy and compliance with the law and with *human rights* to which they are attached, so that together they may make their own contribution to the preservation of international peace and security in accordance with the undertaking entered into by them within the framework of the United Nations Charter (italics mine; EUR-lex (a), 1987, p.2).

With the Treaty of Maastricht (Treaty on European Union/TEU), the EEC was replaced by the European Union on 7 February 1992. In the preamble of the treaty, the EU confirmed its “attachment to the principles of liberty, democracy and *respect for human rights and fundamental freedoms* and of the rule of law” (italics mine; EUR-lex (b), 1992, p.1). While the Maastricht Treaty strengthened the EU’s human rights and democracy policies, there was no attempt to establish a minority rights regime.

As the most important part the TEU, Article F(2) provided that

[t]he Union shall *respect fundamental rights*, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law (italics mine; EUR-lex (b), 1992, p.5).

Moreover, within Article J.1(2) on the provisions of the CFSP, TEU provided that the EU should “develop and consolidate democracy and the rule of law, and *respect for human rights and fundamental freedoms*” (italics mine; EUR-lex (b), 1992, p.58). However, Article L of the Final Provisions stated that the European Court of Justice (ECJ) did not have any jurisdiction over the Common Provisions of the TEU, including Articles F and J. Therefore, the Court did not have any power to decide on minority rights issues. This was the biggest deficiency of the EU up until the late 1990s.

On the other hand, the Maastricht Treaty renamed the TEEC as the TEC (Treaty Establishing the European Community) in 1992 in which the EU had paid attention only to the fundamental economic freedoms. With the Maastricht Treaty, Article 128 was inserted to the TEC. According to Article 128(1) of the TEC, “[t]he Community shall contribute to *the flowering of the cultures* of the Member States, while *respecting their national and regional diversity* and at the same time bringing the common cultural heritage to the fore” (italics mine; EUR-lex (b), 1992, p.24). It is important to note that in the wording of cultural diversity, the TEC referred to minorities.

The Maastricht Treaty also introduced a new ‘principle of subsidiarity’ with Article 3b of the TEC which shapes the limits of the Union’s competences. It says that

[i]n areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the

proposed action, be better achieved by the Community (EUR-lex (b), 1992, p.6).

This principle of subsidiarity is also applied to minority rights both in terms of the local or regional self-government of the minorities within the EU member states on the one hand, and in terms of the EU's leaving the responsibility for the implementation of the minority rights provisions to the member states on the other. While the minorities of the member states can benefit from the application of the principle of subsidiarity in terms of political participation where they are represented in local governance, they also encounter non-implementation of certain minority rights depending on the particular international and EU treaties because the EU behaves as though minority rights are not 'within its exclusive competence'.

The Treaty of Amsterdam amended the TEC and the TEU on 2 October 1997. One of the biggest developments brought about by the Amsterdam Treaty is Article 6(1) (ex-Article F of the TEU) of the TEU which stated that "[t]he Union is founded on the principles of liberty, democracy, *respect for human rights and fundamental freedoms*, and the rule of law, principles which are common to the Member States" (italics mine; European Parliament (a), 1997, p.8). Moreover, Article J.1(2) of the TEU became Article 11 of the TEU as amended by the Amsterdam Treaty.

While Article O of the TEU states that "[a]ny European State may apply to become a Member of the Union" (EUR-lex (b), 1992, p.63), this was amended in the Amsterdam Treaty by Article 49 of the TEU which says that "[a]ny European State which respects the principles set out in Article 6(1) may apply to become a member of the Union" (European Parliament (a), 1997, p.24). Furthermore, Article 6(2) (ex-Article F of the TEU) of the TEU became justiciable with Article 46 (ex-Article L of the TEU) of the amended TEU so the ECJ would in future have jurisdiction over minority rights issues. Also, Article 3b of the TEC was renamed as Article 5 of the TEC without any change in its wording.

The Treaty of Nice introduced the EU's Charter on Fundamental Rights in December 2000. However, the Charter had to wait for the Lisbon Treaty to be added to

the EU treaties. The Treaty of Nice was signed on 26 February 2001 and Article 181a(1) of the TEU provided that “Community policy in this area shall contribute to the general objective of developing and consolidating democracy and the rule of law, and to the objective of *respecting human rights and fundamental freedoms*” which uses the same wording as the earlier EU treaties (italics mine; European Central Bank, 2001, p.20).

In the Consolidated version of the TEC, amended by the Nice Treaty in 2002, Articles 7, 48, 52, 59 and 119 of the TEEC were amended and adopted as Articles 12, 39, 43, 49 and 141 of the TEC respectively. Moreover, the EU built upon its minority rights regime on the basis of the non-discrimination clause in Article 13 of the TEC, as amended by the Nice Treaty, which says that the Community should “combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation” (EUR-lex (c), 2002, p.43). This implies that the EU, as both an executive and legislative organ, should not only prevent discrimination but should also fight discrimination against minorities.

During the initial preparation of the Constitutional Treaty, minority rights provisions were overlooked. However, with the pressure of the HCNM, a minority clause was inserted to the treaty by a Hungarian initiative on 18 June 2004 which was then signed by the Heads of State or Government of the twenty-five European Union member states and the three candidate countries in Rome on 29 October 2004, but was never ratified because France and the Netherlands rejected the Constitution in a referendum (Drzewicki, 2008, p.138).

The Treaty of Lisbon was signed on 17 December 2007 as the latest amending treaty of the Union which amended both the TEC and the TEU. By the Treaty of Lisbon, the EC Treaty (TEC) was renamed the Treaty on the Functioning of the EU (TFEU) while the title of the Treaty on European Union (TEU) remained the same. In addition to these, the EU acquired a single legal personality under the Lisbon Treaty.

Article 1(a) of the Treaty of Lisbon (ex-Article 6(1) of the TEU) provided that

[t]he Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, *including the rights of persons belonging to minorities*. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail (italics mine; EUR-lex (d), 2007, p.11).

Besides, '*United in diversity*' has remained one of the EU's mottos "to express the sense of community of the people in the European Union and their allegiance to it" (italics mine; EUR-lex (d), 2007, p.267). It seems that 'diversity' means richness for European society.

Article 49 of the Treaty of Lisbon amended the statement "[a]ny European State which respects the principles set out in Article 6(1) may apply to become a member of the Union" to be "[a]ny European State which respects the values referred to in Article 1a and is committed to promoting them may apply to become a member of the Union" (EUR-lex (d), 2007, p.40). Thus the formulation in the Copenhagen criteria shifts from '*respect for and protection of minorities*' to the '*respect for human rights, including the rights of persons belonging to minorities*' in Article 1(a) of the Treaty of Lisbon which repeats the provisions of Article I-2 of the 2004 Constitutional Treaty. While some scholars, like Drzewicki (2008, p.142), argue that the EU's integration of minority rights protection into the broader human rights provisions has brought about a more advanced normative system (that is, an upgrade), this is problematic. However, downgrading in the wording for the minority rights protection can be understood easily.

Lastly, as the most recent EU treaties, the consolidated versions of the TEU and the TFEU were adopted in 2012. In the consolidated version of the TEU, Article 1(a) of the Lisbon Treaty became Article 2 of the TEU; Article 49 of the Treaty of Lisbon remains as Article 49 and it states that "[a]ny European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union" (Council of the EU, 2012, p.59). Moreover, with the consolidated version of the TFEU, ex-Articles 12 and 13 of the TEC became Articles 18 and 19 of the TFEU and they prohibit any discrimination on the basis of nationality and

recommend that member states “combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation” (Council of the EU, 2012, p.73). In addition to these, ex-Articles 39, 43, 49 and 141 of the TEC became Articles 45 (free movement of workers), 49 (right of establishment), 56 (free movement of services) and 157 (equal pay for male and female workers for equal work) of the TFEU. Furthermore, Article 5 of the TEC was renamed Article 5 of the TEU with only a minor change in wording on the principle of subsidiarity.

The Charter of Fundamental Rights of the European Union was proclaimed at the end of the Nice European Council on 7-8 December 2000. Even though the Charter did not include many provisions for minority rights, it did include the EU citizens’ fundamental rights and the EU’s responsibilities to its citizens. Therefore, the creation of a catalogue of rights that had been needed in the EU was finally achieved (Shuibhne, 2002, p.239) but it was not binding because the member states could not decide on the annexation of the Nice Treaty. However, when the Lisbon Treaty entered into force in December 2009, the Charter was added to it so that it became binding for all the member states and the EU institutions.

The Charter only mentions minorities in Article 21(1):

[a]ny discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, *membership of a national minority*, property, birth, disability, age or sexual orientation shall be prohibited;

Article 21(2);

[w]ithin the scope of application of the Treaties and without prejudice to any of their specific provisions, *any discrimination on grounds of nationality* shall be prohibited, and:

Article 22;

[t]he Union shall respect cultural, religious and linguistic diversity (*italics mine*; EUR-lex (e), 2012, p.400).

Article 51 of the Charter clarifies that the Charter does not intend to duplicate the competencies for human rights issues within the Union, instead it serves to assist the EU institutions and member states in acting within the parameters of the Charter. In order to prevent duplication, the Charter of Fundamental Rights does not apply to the member states' activities outside the field of EU law, including the case law of the ECtHR. Moreover, in order to prevent disagreement between the ECJ's and the ECtHR's interpretations of certain human rights, the EU's accession to the ECHR is found as the best solution in the Treaty of Lisbon.

Since the Charter of Fundamental Rights is now binding due to the Lisbon Treaty, Articles 2 and 49 of the TEU and Articles 21 and 22 of the Charter constitute the most recent legal framework for minority rights within the EU. Up until now, the EU has relied on Article 27 of the ICCPR in terms of minority rights protection because all EU members are also members of the UN. It has also relied on Article 14 of the ECHR, because all EU members are also members of the CoE, and predominantly on the FCNM and ECRML despite the fact that not all the EU members have signed or ratified these two conventions. In addition to using Article 2 of the TEU and Articles 21 and 22 of the Charter of Fundamental Rights as the main minority rights provisions, the EU's *acquis communautaire*, accession treaties, institutions, and other non-binding instruments are also relevant and will now be analyzed.

2.8.2.2 Minority Rights in Acquis Communautaire

The EU's *acquis communautaire* refers to the EU's total body of legislation composed of everything from the treaties to directives, resolutions, declarations, court decisions and international agreements. Thus, the EU's *acquis* constitutes the body of EU law which exceeds 170.000 pages. To simplify the adoption of these more than 170.000 pages, the *acquis* was divided into chapters for the candidate countries.

Whereas the protection of human rights has been a part of EU law and the *acquis*, "minority rights are not part of the EU's *acquis*, as there is no legal basis in the treaties and no discernible EU minority policy, except in the context of enlargement"

(Shoraka, 2010, pp.2-3). Instead, minority rights are still regarded as a sub-category of human rights in the EU and this has been met with criticism.

In the fifth wave of enlargement, the EU's *acquis* had 31 chapters but for Turkey and Croatia the number of chapters for accession negotiations has been determined as being thirty-five, by the publication of the Negotiating Framework for the two countries on 29 June 2005. Here, the EU's aim in creating new chapters was "splitting some of the old ones and merging some others" due to the experiences of the fifth enlargement (IKV, 18.11.2014). Moreover, at the start of the accession negotiations with Montenegro, Chapter 23 on 'Judiciary and Fundamental Rights' and Chapter 24 on 'Justice, Freedom and Security' were declared as the most important chapters to be considered during the whole negotiation process.

As aforementioned, minority rights law is not a part of the *acquis per se*. However, 'the respect for and protection of minorities' principle can be found in Chapters 23 and 24 which are also applicable to minorities as they provide general human rights provisions. In the 'Fundamental Rights' section of Chapter 23, the EU infers the protection of minorities when it indicates that "Member States must ensure respect for fundamental rights and EU citizens' rights, as guaranteed by the *acquis* and by the Fundamental Rights Charter" (European Commission (b), 27.06.2013). In this way, during the screening process of Chapter 23, especially for Croatia, the candidate's position in the 'respect for and protection of minorities' is investigated.

'Judiciary and Fundamental Rights' became, for the first time, an independent chapter for the Croatian and Turkish accessions. This stems mainly from the Commission which sees minority protection as a part of the *acquis communautaire* (Toggenburg, 2008, p.7). Furthermore, the screening reports of this chapter were made available for the first time to the public. Since minority rights cannot gain further ground within the confines of the thirty-five chapters of the *acquis communautaire*, the term '*acquis politique*' has begun to be used to refer to minority rights protection during the accession negotiations.

2.8.2.3 *Minority Rights in the Accession Treaties*

In the Treaty of Accession concerning Denmark, Ireland, and the United Kingdom made on 27 March 1972, there was no mention of minorities, human rights, fundamental rights, non-discrimination or nationality. Before the Treaty of Accession with Greece was signed on 19 November 1979, the Commission Opinion on 23 May 1979 indicated that “the principles of pluralist democracy and *respect for human rights* form part of the common heritage of the peoples of the States brought together in the European Communities and are therefore essential elements of membership of the said Communities” (italics mine; EUR-lex (f), 1979, p.3). Hence, the EU, for the first time, attributed importance to the ‘respect for human rights’ during its enlargement process with Greece. Then, in the Treaty of Accession concerning Spain and Portugal, which was signed on 15 November 1985, the same principle was repeated by the Commission.

Moreover, in the Treaty of Accession concerning Austria, Finland and Sweden, signed on 29 August 1994, the Commission changed its wording to refer to the “principles of liberty, democracy and *respect for human rights and fundamental freedoms* and of the rule of law” (italics mine; EUR-lex (g), 1994, p.3). Even though the EU had already set the Copenhagen criteria in 1993 as a precondition for membership, these criteria were not applied in this enlargement wave. However, the Copenhagen criteria were demonstrated in the Treaty of Accession concerning the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia, and Slovakia which was signed on 23 September 2003. In this treaty, the Commission required the applicant states to guarantee “democracy, the rule of law, human rights and the *respect for and protection of minorities*” which are constitutional principles of the TEU (Article 49) and part of the Charter for Fundamental Rights (italics mine; EUR-lex (h), 2003, p.3). Furthermore, the Commission repeated its opinion with the same wording in the Treaty of Accession concerning the Republic of Bulgaria and Romania signed on 21 June 2005.

As the most recent member state of the EU, Croatia’s Accession Treaty was signed on 24 April 2012. In this treaty, the Commission repeated its opinion, based on Article 49 of the TEU, on minority rights protection for its new member state using the

same wording mentioned above. In Annex VII, the commitments of the Republic of Croatia were stated, one of which was “[t]o continue to strengthen *the protection of minorities*, including through effective implementation of the Constitutional Act on the Rights of National Minorities (CARNM)” (italics mine; EUR-lex (i), 2012, p.88).

2.8.2.4 The Emergence of Conditionality for Candidates

Before the early 1990s, three enlargement waves occurred in which minority rights protection was not set as a political condition. Nevertheless, after the dissolution of the Soviet Union, new nation-states emerged in Central and Eastern Europe and each had minority problems. The EU thought that the minority problems in the CEECs would lead to instability inside the countries, which would mean instability in the EU because these countries were a part of the next enlargement wave. Hence, in June 1993, the criteria for EU membership were determined at the Copenhagen European Council and these became known as the ‘Copenhagen Criteria’. This stated that all candidate countries were eligible to become member states of the EU if they satisfied these specific conditions:

- political criteria: stability of institutions guaranteeing democracy, the rule of law, human rights and *respect for and protection of minorities* (italics mine);
- economic criteria: a functioning market economy and the capacity to cope with competition and market forces;
- administrative and institutional capacity to effectively implement the *acquis* and ability to take on the obligations of membership (European Commission (c), 07.09.2012).

In addition, “[t]he Union’s capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration” (European Commission (c), 07.09.2012). Since then, the applicant countries, including Turkey, have tried to fulfill these political, economic and legal conditions and to initiate democratization attempts in order to become full members of the EU.

Even though the EU has set the protection of minorities as a criterion for accession, there is still no mechanism to monitor the member states after accession in terms of their minority rights protection. Also, “[f]rom an international law perspective, there is no duty of reciprocity and therefore no legal obligation that the Union (and its MS) has to fulfil all the accession criteria itself” (Toggenburg, 2008, p.24). Therefore, if the Union and its member states are not willingly protecting their minorities, the credibility of the accession conditionality sharply decreases among the candidate and applicant countries. Hence, the EU should establish a legal mechanism for the protection of its minorities, who are mainly Belarusian, Russian and Ukrainian minorities in Estonia and Latvia, Turkish minorities in Bulgaria and Greece, fourteen different types of minorities in Croatia, Armenian and Maronite people in Cyprus, and other minorities found in Romania, Hungary, Slovakia, Slovenia, Czech Republic, and Poland. Only, Luxembourg, Malta and France declared that they do not have any minority groups present in their territories.

As a consequence, because the EU institutions do not have any jurisdiction over the protection of minorities stemming from the EU treaties, they have not prepared any binding normative regulations. Instead, this has been left to the Council of Europe. The EU has also demonstrated its inability to resolve certain minority problems, such as those witnessed in South Tyrol, Northern Ireland, and the Basque region as it has simply condemned the terrorist attacks while encouraging equality among its citizens.

2.8.2.5 The ‘Human Rights Clause’ as the ‘Essential Element’ of the Agreements with Third Countries

The Lomé Agreements with the African, Caribbean and Pacific (ACP) countries started in the 1970s with Lomé I in 1976, Lomé II in 1981, and Lomé III in 1985 – none of which included any clause for the protection of human rights. However, with the dissolution of the Soviet Union, this attitude changed and Lomé IV in 1989 included a general human rights clause in Article 5 of the treaty. While Article 5(1) of Lomé IV states that “[i]n this context development policy and cooperation are closely linked with the respect for and enjoyment of fundamental human rights”, Article 5(2) states that

ACP-EEC cooperation shall help abolish the obstacles preventing individuals and peoples from actually enjoying to the full their economic, social and cultural rights and this must be achieved through the development which is essential to their dignity, their well-being and their self-fulfilment (Fourth ACP-EEC Convention, 1990, p.12).

However, it did not include a suspension clause in case of violation of the treaty. That is to say that there was a loose control mechanism for human rights violations in the Lomé IV agreement. Therefore, the EU decided to emphasize the importance of the respect for human rights in its relations with non-member third countries.

In May 1995, the Council approved a model clause for the EU's bilateral trade and cooperation agreements with third countries. This model included a 'human rights clause' based on the general democratic and human rights principles of the EU, mainly based on the Universal Declaration of Human Rights of 1948, the 1975 Helsinki Final Act and the 1990 Paris Charter for a New Europe which together would constitute the 'essential element' of these kinds of agreements. "The Community thus makes it possible to suspend all or part of the implementation of an agreement in the event of human rights violations" (Consilium (b), 2000, p.32). In this way, the EU has been trying to promote the principles of human rights in countries which do not have any membership prospective but have economic and financial relations with, and mainly a dependence on, the Union.

In keeping with this, in November 1995, the Lomé IV Agreement was amended and Article 5(1) now states that

[r]espect for human rights, democratic principles and the rule of law, which underpins relations between the ACP States and the Community and all provisions of the Convention, and governs the domestic and international policies of the Contracting Parties, shall constitute *an essential element* of this Convention (italics mine; ACP Group, 1995, p.23).

Furthermore, Article 366a(2) was added as a suspension clause which says that

[i]f one Party considers that another Party has failed to fulfil an obligation in respect of one of the essential elements referred to in Article 5, it shall invite the Party concerned, unless there is special urgency, to hold consultations with a view to assessing the situation in detail and, if necessary, remedying it (ACP Group, 1995, p.204).

Moreover, in April 2003, the Lomé Conventions were replaced by the Cotonou Agreement which reflects the aforementioned changes. “Issues of the rule of law, democracy and governance are now accepted as inseparable from economic development and trade” (Shoraka, 2010, p.23). Whereas Article 9 of the Cotonou Agreement indicated that the human rights and democratic principles are an ‘essential element’ of the agreement, Article 96 outlined the procedure in case of violation of these principles. First of all, consultations are made between the contracting state and the EU. If the consultations cannot achieve a resolution, the EU may take ‘suitable measures’ which can be the suspension of the agreement with that state, but this is considered to be the most extreme measure (Shoraka, 2010, p.23). Similar ‘essential element’ clauses were also added to the association agreements with the CEECs, the European Neighbourhood Policy (ENP) Action Plan with Ukraine, and the Stabilization and Association Agreements (SAA) with the Western Balkans – the last also made reference to national minorities. Recently, the EU also signed an Interim Agreement on Trade and Trade-Related Matters with the Republic of Montenegro on 15 October 2007 which also includes a human rights clause.

The ‘Europe Agreements’ were signed bilaterally with the CEE countries from 1991 onwards which superseded the previous trade and cooperation agreements that stemmed from the EU’s PHARE aid program in 1989 which aimed to support the economic transition of the ex-communist states (Grabbe, 2006, pp.7-9). Afterwards, the EU added a suspension clause to all Europe Agreements concluded after May 1992 “that linked trade and cooperation agreements to five conditions: rule of law, human rights, a multi-party system, free and fair elections, and a market economy” (Grabbe, 2006, p.9). If the state parties could not maintain these conditions, the EU had the right to suspend the Europe Agreements, but as of yet this has not occurred.

2.8.2.6 Minority Rights in the EU Institutions: The European Commission, the Council, the European Council, the European Parliament, and the ECJ

The EU deals with human rights issues through different actors; the Council, Commission, the EP, and the ECJ, and through different instruments; guidelines for thematic issues like the death penalty, torture etc., declarations and démarches on individual human rights cases, dialogues or consultations with third countries, Common Positions, and several instruments to finance civil society projects, i.e. European Instrument for Democracy and Human Rights (EIDHR) (Shoraka, 2010, p.65).

On 5 April 1977, the European Parliament, the Council, and the Commission published a ‘Joint Declaration’ in which they “stress[ed] the prime importance they attach to the *protection of fundamental rights*, as derived in particular from the constitutions of the Member States and the European Convention for the Protection of Human Rights and Fundamental Freedoms” (italics mine; EUR-lex (j), 1977). The tripartite Council-Commission-EP Declaration of 1977 on Human Rights required the candidate countries to be parties to the ECHR and to accept the right of individual application to the ECtHR.

In the Copenhagen European Council, on 7-8 April 1978, the Heads of State and of Government declared that the “*respect for and maintenance of representative democracy and human rights* in each Member State are *essential elements* of membership of the European Communities” (italics mine; Copenhagen European Council, 1978, p.100).

On 12 April 1989, the ‘Declaration of Fundamental Rights and Freedoms’ was accepted by the EEC whose Article 3/2 says that “[a]ny discrimination on grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, association with *a national minority*, property, birth or other status shall be prohibited” (italics mine; European Parliament (b), 1989, p.53). Article 3/3 emphasizes on that “[a]ny discrimination between European citizens on the grounds of nationality shall be prohibited” (European Parliament (b), 1989, p.53). This means that for the first

time in the EEC/EU's history, non-discrimination against national minorities was banned in a separate official (but non-binding) document.

2.8.2.6.1 The European Commission

As defined in Article 17 of the TEU, the European Commission functions as the EU's executive organ in addition to its civil service function and its legislative proposals. The Commission is also regarded as the guardian of the EU treaties. The Commission has Directorates-General in order to deal with the different kinds of issues it addresses. While the Directorate-General on external relations deals with human rights issues in third countries, the Directorate-General on justice, freedom and security deals with internal human rights issues.

While the Commission prepares reports on minorities, it also cooperates with NGOs on projects. Firstly, the Commission declared a report on minority languages in 1984. Then in 1990, it prepared a report on the circumstances of linguistic minorities in the EU's (then) latest members: Greece, Spain, and Portugal.

The EU announced the 'Declaration on Human Rights' in Brussels on 21 July 1986 at the end of a meeting of the Foreign Ministers. This declaration reaffirmed that "respect for human rights is one of the cornerstones of European Cooperation" (European Commission (d), 1986, p.1). Furthermore, the EU also advised its member states that they should demonstrate their respect for human rights by ratifying the UN instruments whose competence did not mean as an internal interference.

The Open Method of Coordination (OMC) as a governance mechanism plays an important role in spreading the EU's main goals among its member states where the Union does not have any legislative authority. The OMC helps the member states to create their own policies based on the EU's goals through establishing guidelines. Then, the state's performance is evaluated through the EU's monitoring system which is mainly based on the national reports. Since the OMC and its monitoring system are not legally binding, the implementation of the OMC is difficult in the area of minority rights protection. However, the OMC refers to the minorities in its policies on employment, social rights and migration (Toggenburg, 2008, p.17). In the employment

policy, the OMC deals with ‘national and migrant minorities’, as the old and new minorities respectively, within the European Employment Strategy (EES), the Social Inclusion Process, and ‘the High Level Advisory Group of Experts on the Social Integration of Ethnic Minorities and Their Full Access to the Labour Market’ which was established according to the 2005 Framework Strategy for ‘Non-discrimination and Equal Opportunities for All’ (Toggenburg, 2008, pp.17-20). The instruments and mechanisms of the Commission show that minority rights protection has been directed by means of governance rather than government (Toggenburg, 2008, p.20).

The European Commission prepared the PHARE and TACIS Democracy Program (PTDP) in 1992 in order to promote democratization and human rights and to protect the minorities in the candidate countries. The PTDP has funded projects that aim to improve the situation of the Roma people and other minorities in Central and Eastern European candidate countries. The annual budget for the implementation of this program was 10 million euro (European Commission (e), 18.11.2014). The Commission also initiated the MEDA (MEsures D’Accompagnement/French for accompanying measures) program for Turkey.

Since the early 1990s, the Commission’s interest in minorities has increased. When the Copenhagen criteria were set for EU membership in 1993, respect for and protection of minorities had begun to be dealt with based on political criteria. From then on, this was held as a condition before full membership could be attained. Thus, the Commission started to prepare Annual Progress Reports for each candidate country in which the ‘respect for and protection of minorities’ has been one of the main issues to be investigated.

In 1996, the Commission declared that the EU adopted the Vienna Declaration which had been adopted by the UN World Conference in Vienna on 25 June 1993. Article 19 of the first part of the declaration states that “*the persons belonging to minorities* have the right to enjoy their own culture, to profess and practise their own religion and to use their own language in private and in public, freely and without interference or any form of discrimination” (italics mine; OHCHR (c), 1993, p.5). In particular, the part referring to “[p]ersons belonging to national or ethnic, religious and

linguistic minorities” in the Vienna Declaration’s Articles 26, 27 and 28 pertains to the promotion and protection of minority rights.

In 1995 and 1996, the EU spent almost 8 million ECU (European Currency Unit) to finance 170 projects for the protection of minority languages in both member and candidate countries (Kurubaş, 2006, p.144). The EU also created the LINGUA (Promotion of language-learning in Europe, a language training program aimed at young people and emphasizing economic and business life) and MEDIA (a fund for supporting the audio-visual industry in EU states) programmes. The MEDIA programme was initiated in 2007 by the European Commission’s Directorate-General for Education and Culture and the Education, Audiovisual & Culture Executive Agency “with a budget of €755 million to support projects and activities designed to support the development and distribution of thousands of films, as well as training activities, festivals, and promotion projects throughout the continent...” (European Commission (f), 15.01.2015). LINGUA is a program that was formed for the promotion of foreign language-learning as a part of the SOCRATES programme in 1995. LINGUA is interested in preserving the cultural and linguistic diversity within the Union by promoting the learning of all the official languages of the Union in addition to Irish, Luxembourgish, and the Icelandic and Norwegian languages from outside of the EU (LINGUA, 19.11.2014). Here, it is important to note that the LINGUA programme is especially focused on the lesser-used and lesser-learned languages.

On 15 July 1997, the Commission published ‘Agenda 2000: For a stronger and wider Europe’ which was based on the 1995 FCNM and Recommendation 1201 (1993) of the CoE. According to Agenda 2000, candidate countries should allow minorities to be represented in the Parliament and also in local administrations, be educated in their mother language during primary and secondary school, broadcast in their own language, and be tried in their own language (European Commission (x), 1997).

The EU inserted in Agenda 2000 that both the applicant countries before accession and the existing member states should solve their ‘minority problems’ in order to preserve the democratic stability of the Union. In order to solve the problems of the minorities, the EU offers political and cultural rights to them. More importantly, the

Commission presented its report on ‘Countering Racism, Xenophobia and Anti-Semitism in the Candidate Countries’ to the Cologne European Council on 3-4 June 1999 based on the values of the Treaty of Amsterdam. The European Commission prepared this report in order to investigate the candidate countries’ positions on minority rights protection and found out that “[t]he candidate countries have adopted government plans or programmes to protect and promote minorities and tackle racism, but need to make further efforts by implementing the adopted policies, and monitoring their enforcement at regional and local levels” (Europa, 19.11.2014).

2.8.2.6.2 The Council of the European Union

With the signing of the Treaty of Rome, the Council of the EU was established in 1957 as the EU’s main decision-making and also law-making institution. It is composed of the ministers of the member states. In 1987, the Council established the Human Rights Working Group (COHOM) within its Political Committee. COHOM prepares reports on the human rights violations of the member states and presents guidelines for the reactions to these violations to the Political Committee. In 2003, the authority of the Human Rights Working Group was extended to what was then the first pillar with which it could deal with the human rights violations in the EU’s external relations. Relatedly, in May 2008, the Council published the first handbook called ‘Mainstreaming Human Rights and Gender into European Security and Defence Policy (ESDP)’ which demonstrates the expansion of the Working Group’s mandate (Shoraka, 2010, p.31).

Moreover, there is also another instrument of the Council for the protection of minority rights which is the Council’s unilateral decisions for the formation of the ‘Accession Partnerships’ with applicant countries. It is based on Council Regulation (EC) No 622/98 of 16 March (Toggenburg, 2008, p.6). In contrast to the Europe Agreements, these Accession Partnerships refer to the fulfillment of the Copenhagen criteria; the non-binding minority protection principle has also been employed as a pre-accession strategy in the EU’s enlargement-conditionality context. Article 4 of the partnership-regulation states that if the applicant country does not fulfill the Copenhagen criteria, the Council may take necessary measures, which may result in the

suspension of the partnership. Nevertheless, the sanctions of the Accession Partnerships, in terms of minority rights protection, became weak. This has changed with the Council's Stabilisation and Association Process (SAP) established for the Western Balkan countries. According to the Council's 'Conclusions on the Application of Conditionality', the applicant country may take financial assistance only if it offers the 'respect for human and minority rights' in exchange and on the condition that "negotiations for contractual relations are only possible where the country at hand shows 'a credible commitment' to 'generally recognized standards of human and minority rights'" (Toggenburg, 2008, p.7). These human and minority rights were explained in detail in this report and in the event that these rights were not respected, the Council could rescind its financial assistance. Thus, it can be said that minority rights were the 'essential element' of the SAP. After the Western Balkan countries fulfilled these criteria, the Stabilisation and Association Agreements (SAA) were signed in which minority rights protection was not mentioned as being the 'essential element' of the treaties. Hence, the Council could not suspend the treaties when the Western Balkan countries violated the minority rights.

The Council adopted, on 29 June 2000, the Anti-Discrimination Directive based on Article 13 of the TEC (now Article 19 of the TFEU), "implementing the principle of equal treatment between persons irrespective of racial or ethnic origin" (Shoraka, 2010, p.31). The scope of this Council Race Directive (2000/43/EC) was very wide because its equal treatment applied to 'all persons' (Toggenburg, 2001, p.232). On 11 October 1999, the EU announced its first 'Annual Report on Human Rights' which was prepared by the Council to underscore the member states' roles in preventing the exclusion of minorities from social and economic life (Consilium (a), 1999). Since then, 'human rights within the EU', 'EU instruments and initiatives in relations with third countries', 'activities funded under the European Initiative for Democracy and Human Rights', 'EU actions in the UN, CoE, OSCE', and the 'situation of human rights in the world' have been analyzed annually by the Annual Reports on Human Rights.

In the 1999 Annual Report, the Council mentioned the two joint programs for minorities, 'Minorities in Central European Countries' of 1998 and 'Minorities in

Europe' of 1999, which were prepared by the EU and the CoE. It concluded that these joint programs were important in the establishment of cooperation mechanisms for minority rights issues. In the 2000 Annual Report, the EU found there was an "insufficient observance of the rights of persons belonging to minorities" in Turkey (Consilium (b), 2000, p.98), and the 2001 Annual Report pointed to the CoE's European Conference against Racism in which the protection of minorities was regarded in terms of the racism framework (Consilium (c), 2001).

The Council did not prepare reports on human rights in 2002 and 2004. Whereas in its 2003 Annual Report, the EU based its principle of the 'respect for human rights of all persons including those belonging to minorities' on the International Bill of Rights (Consilium (d), 2003), in 2005 it paid attention to the EUMC's (The European Union's Monitoring Centre on Racism and Xenophobia) reports on racism and xenophobia in its member states (Consilium (e), 2005).

In the 2006 Annual Report, the adoption of the national initiatives by the member states were "Torture (DK), International Covenants (SE), Minorities and Administration of Justice (AT)" (Council & Commission (a), 2006, p.62). According to the 2007 Annual Report, the EU stated that with the establishment of the High Level Advisory Group of Experts, the social integration of ethnic minorities and their participation in the labor market had been further developed. This Advisory Group had its origins in the UN Independent Expert appointed by the UN Commission on Human Rights and the CoE European Commission against Racism and Intolerance (Council & Commission (b), 2007).

Moreover, in the 2008 Annual Report, it was stated that the 'Forum for Minority Issues', which was formed by the Human Rights Council in 2007 in order to cooperate to the UN Working Group on Minorities under the former UN Sub-Commission for Human Rights, had been highly supported by the EU (Council & Commission (c), 2008). While in 2009, the EU reiterated that the protection of minorities was one of the values on which the EU was based and, as such, it was something that the EU should promote in its external relations (External Action (a), 2010), the 2010 Annual Report mentioned the General Affairs Council's reports on the

‘increasing acts of extreme violence against persons belonging to religious minorities’ (External Action (a), 2010).

In the 2011 Annual Report, the EU was mainly interested in the protection of LGBTI (Lesbian, Gay, Bisexual, Trans-gender, Inter-sex) persons, as ‘sexual minorities’. This group requires protection from discrimination and violence by strengthening civil society through the European Instrument for Democracy and Human Rights (EIDHR) (External Action (b), 2011). Likewise, in the 2012 Annual Report on Human Rights and Democracy, the EU maintained its intent to address the protection of LGBTI rights (External Action (c), 2012).

Moreover, in the ‘EU Strategic Framework and Action Plan on Human Rights and Democracy’ prepared by the Council of the EU in June 2012, it was stated that the EU would continue to promote

freedom of expression, opinion, assembly and association, both on-line and offline; ... freedom of religion or belief and to fight discrimination in all its forms through combating discrimination on grounds of race, ethnicity, age, gender or sexual orientation and advocating for the rights of children, persons belonging to minorities, indigenous peoples, refugees, migrants and persons with disabilities (Consilium (f), 2012, p.2).

As the most detailed expression of the EU’s will for promoting its values, this Strategic Framework and Action Plan is significant. Here, the EU emphasized that democracy cannot be established without promoting and protecting these rights.

Lastly, in the 2013 Annual Report, the EU again mentioned the EIDHR’s activities to support civil society and defend human and minority rights (Consilium (g), 2014).

2.8.2.6.3 The European Council

The European Council was informally established in 1961 with the first summit of the member states, and with the Treaty of Lisbon it became an official institution of the EU as a political organ having no legislative function. The European

Council is composed of all the Heads of State or of Government of the member states, plus the President of the Commission. Because the European Council does not have any legislative power, its activities on human and minority rights are limited to the preparation of guidelines and priorities for the Union. With this aim, the European Council declared in 1978 that “*respect for and maintenance of representative democracy and human rights in each Member State are essential elements of membership of the European Communities*” (European Parliament (c), 2012, p.13). The European Council also argued that without the respect for human rights and fundamental freedoms, peace and security cannot be established either regionally or internationally. Since the respect for human rights also includes minority rights, it can be said that the European Council had established the political principles of the membership criteria long before the Copenhagen criteria were set.

The European Council adopted the ‘Declaration on Human Rights’ at the end of the Luxembourg Summit (28-29 June 1991) to guide the future work of the Community and its member states. Through this Declaration, the European Council “calls on all States to become a party to the international instruments in force”, which are mainly the Universal Declaration of Human Rights, ICCPR, and ICESCR (European Council, 1991). It maintained that in order to establish an effective democracy, the member states should protect their minorities and promote their cultural, political, social and economic rights, that is to say mainly human rights, without consideration of whether they belong to minorities or not.

2.8.2.6.4 The European Parliament (EP)

The European Parliament is the EU’s only organ which is composed of representatives of member states who have been directly elected by EU citizens since 1979. Therefore, it listens to the the voice of the EU’s citizens and defends their interests. With the Lisbon Treaty, its legislative and budgetary powers increased along with its advisory and supervisory role. “Furthermore, the EP is answerable to petitions and complaints from any citizens of the EU, which are either dealt with by the Ombudsman or the relevant Member of the EP” (Shoraka, 2010, p.14). The right to petition is very important for minorities in order to articulate their demands within the

Union, but these petitions should rely “on a matter which comes within the Community’s fields of activity and which affects him, her or it directly” (Article 227 of the TFEU, ex-Article 194 of the TEC).

On 29 December 1975, Leo Tindemans presented his report to the Community in which he juxtaposed measures for bringing the institutions of the Community closer to its citizens. One of these measures was the protection of fundamental rights which were based on various non-binding political documents, such as “the Declaration on European Identity (Copenhagen European Summit, 14-15 December 1973), in which the principles of democracy, the rule of law, social justice and respect for human rights were considered a cornerstone of European international identity” (European Parliament (c), 2012, p.12).

Before the Treaty of Amsterdam, the EP only had a non-binding effect on the member states via its declarations, resolutions, and advisory opinions. The main institution of the EP for the protection of human and minority rights is the Sub-Committee on Human Rights under the Foreign Affairs Committee. The Sub-Committee cooperates with the UN Special Rapporteurs, the CoE, human rights defenders, and NGOs. “Another important element of the EP’s activities consists of passing resolutions on particular human rights violations in specific countries” (Shoraka, 2010, p.15).

According to Toggenburg (2008, p.3), in the first years of the EEC, its interest on minority issues stemmed from the EP’s ‘value-oriented’ role and not just from external pressures. Because the EP dealt with the minority rights as cultural issues during that period, the EP’s resolutions were prepared by the Committee of Culture. However, at the time of the first and second legislative periods, the Committee of Legal Affairs tried to develop a Charter of Minority Rights in the former, and a Charter of Group Rights in the latter. Ultimately, neither of the charters were voted upon. Moreover, in the first legislative period (1979-1984), the EP issued two resolutions, the ‘Resolution on a Community Charter of regional languages and cultures and on a charter of rights of ethnic minorities’ on 16 October 1981 and the ‘Resolution on measures in favour of minority languages and cultures’ on 11 February 1983, prepared

by the rapporteur Arfé, under the EP's Committee on Culture. In addition to the Arfé 1 and Arfé 2 Resolutions, the Parliament released a 'Resolution on the multilingualism of the European Community' on 14 October 1982.

Meanwhile, the Parliament created the Budget Line B3-1006 for the promotion and protection of the lesser-used regional or minority languages in 1982, which was replaced by the Budget Line B2-1000 in 1999 (FUEN Recommendations, 2011). While the Budget Line B3-1006 was begun with 100.000 ECU in funding in 1983, it increased to 4 million ECU in 1995-1996 and in 1999 the Commission provided 2.250.000 ECU (Toggenburg, 2001, p.214). However, since 2000, regional and minority languages have not been funded directly due to the lack of a legal basis.

In the second legislative period (1984-1989), another rapporteur named Kuijpers prepared the 'Resolution on the languages and cultures of regional and ethnic minorities' on 30 October 1987, again under the EP's Committee on Culture. This resolution provided more measures for the education and usage of the regional and minority languages and for the strengthening of cultural infrastructure of these minorities than the previous Arfé Resolutions had done.

In February 1984, the European Parliament adopted a draft treaty in order to establish the European Union, in which its rapporteur, Altiero Spinelli, declared that

[t]he Union shall protect the dignity of the individual and grant every person coming within its jurisdiction the fundamental rights and freedoms derived in particular from the common principles of the Constitutions of the Member States and from the European Convention for the Protection of Human Rights and Fundamental freedoms (European Parliament (c), 2012, p.17).

However, this draft treaty was only accepted by the EP so it failed in the end. Ultimately, the Parliament adopted its Fundamental Rights and Freedoms Report in 1989 in light of Spinelli's values.

In the EP's third legislative period (1989-1994), the rapporteur Killilea presented the 'Resolution on linguistic minorities in the European Community' on 9

February 1994 under the Committee on Culture. It has been argued that this resolution was influenced by Article 128 of the Treaty of Maastricht which emphasized the cultural dimension of the EU. As a result, the Parliament claimed that “the minority languages and cultures are also an ‘integral part of the Union’s culture and European heritage’ and that therefore the Community should provide the minorities ‘legal protection and appropriate financial resources’” (Toggenburg, 2008, p.4). Moreover, in this legislative period the Parliament published various resolutions regarding minority rights; such as Reding’s ‘Resolution on the situation of languages of the Community and the Catalan language’ (11 December 1990), and the ‘Resolution on the right to use one’s own language’ (25 July 1994) (Europa Diversa, 04.12.2014).

In the fourth legislative period (1994-1999), the Parliament released the ‘Resolution on the use of the official languages in the institutions of the European Union’ on 20 January 1995 (Europa Diversa, 04.12.2014). In the fifth legislative period (1999-2004), the Parliament presented the ‘Resolution on Regional and Lesser-Used European Languages’ on 13 December 2001 (Europa Diversa, 04.12.2014). Then, the Ebner Resolution was elaborated on in 2003 by the Committee on Culture. The ‘Resolution with recommendations to the Commission on European regional and lesser-used languages — the languages of minorities in the EU — in the context of enlargement and cultural diversity’ recommended “the establishment of a European Agency for linguistic diversity and language learning and of a multiannual programme for linguistic diversity including regional and minority languages” which have never been realized (Toggenburg, 2008, p.8). It is also important to note that this resolution offered amendments to the EU treaties in order to create a more minority-minded EU law.

The EP also dealt with the promotion and protection of minority rights through its Decision No 1934/2000/EC, the opinion of the Committee of the Regions of 13 June 2001 on the promotion and protection of regional and minority languages, (EUR-lex (k), 19.11.2014), the Morgan motion for a resolution (13 December 2001) on minority languages (European Parliament (d), 04.05.2004), the resolution on the role of regional and local authorities in European integration (2002/2141(INI)) (14 January 2003;

European Parliament (e), 07.05.2004) and having regard to the Rules 53 and 163 of its Rules of Procedure (European Parliament (e), 07.05.2004) and in Articles 149, 150, 151 and 308 of the EC Treaty.

In the sixth legislative period (2004-2009), the EP's Committee on Civil Liberties, Justice and Home Affairs (LIBE Committee) dealt with minority issues. The rapporteur Moraes presented the 'Resolution on the protection of minorities and anti-discrimination policies in an enlarged Europe' in 2005. Since the mandate of the LIBE Committee is broader than that of the Committee on Culture, this resolution has been the most far-reaching. The Moraes Resolution drew attention to the urgency of setting a standard minority policy for the EU which should also define the term 'minority'. Then, in 2006, the LIBE Committee elaborated on the Zdanoka Resolution, called the 'Resolution on non-discrimination and equal opportunities for all - a framework strategy'. This resolution repeated the previous resolution's main points and claimed that the EU should overturn its differentiated policy on the application of the Copenhagen criteria on candidate and member states (Toggenburg, 2008).

The Parliament created the European Initiative for Democracy and Human Rights (EIDHR) in 1994 as "a series of budget headings specifically dealing with the promotion of human rights" and the rights of persons belonging to minorities (Consilium (c), 2001, p.51). Its name was changed to the European Instrument for Democracy and Human Rights in 2007. During 2007, various projects under the EIDHR were contracted in order to promote and protect the rights of persons belonging to minorities; i.e. in Bangladesh, Bosnia and Herzegovina, Burundi, FYROM (Former Yugoslav Republic of Macedonia), Georgia, Nigeria, Pakistan, Rwanda, Russia, and Serbia (Shoraka, 2010, p.24).

2.8.2.6.5 The ECJ - ECtHR Judgments on Minorities

Since its establishment, the ECJ's primary function was the protection of the EEC/EU's interest in its economic relations, while the ECtHR was established in order to promote and protect human rights in Europe. The ECJ made it clear with the case of *Wachauf* that the court favored "market rights over human rights" (Shoraka, 2010,

p.53). Moreover, the ECJ did not have any jurisdiction over minority issues until the Amsterdam Treaty entered into force in 1999. Also, because the ECJ has the authority of judging only the EU's member states, Turkey's minority rights violations do not fall under the jurisdiction of the ECJ. Therefore, the decisions of the EU's ECJ and of the CoE's ECtHR will be considered together in this section.

In the 1960s, the ECJ started to decrease its protection of economic rights and started to refer to human rights provisions in its decisions. The *Internationale Handelsgesellschaft v. Einfuhr-und Vorratstelle für Getreide und Futtermittel* case was one of the first human rights cases to be dealt with by the Court in 1970 (Shoraka, 2010, p.52). Moreover, the *Rutili* case (1975) was the first case in which the ECJ referred to the ECHR regarding the provisions on the right to free movement. From then on, the ECJ has regarded the international treaties as the guidelines for its decisions.

On the other hand, the ECJ insisted that it would not have any jurisdiction outside the mandate of EU law. Thus, since minority rights issues did not enter into the ECJ's jurisdiction until the Amsterdam Treaty, the Court could not take decisions on the promotion and protection of minority rights. From the early 1960s, the ECJ referred mainly to the ECHR for its decisions regarding human and minority rights but these were not binding until the Treaty of Lisbon when the EU officially initiated to join the ECHR.

It should be mentioned here that although all member states signed and ratified the ECHR and the ECJ generally relied on the principles of the ECHR in its decisions, the EU felt the need to adopt another human rights instrument, that is the Charter of Fundamental Rights which was prepared in the Nice Treaty and added officially to the Treaty of Lisbon. Moreover, it decided to accede to the ECHR as its forty-eighth High Contracting Party again in the Lisbon Treaty. In Protocol 14 of the ECHR (1 June 2010), the CoE decided that the EU 'may accede to the Convention' (Article 17). With the accession of the EU to the ECHR, not only its member states but also the Union itself would be subject to the monitoring of the ECtHR. However, the process of the EU's joining of the ECHR as a non-state entity has been very complex so on 5 April

2013 the EU and the CoE finalized a draft agreement to which the ECJ will provide an opinion and the twenty-eight member states of the EU should approve it.

2.8.2.6.5.1 The European Court of Justice (ECJ)

The European Court of Justice (ECJ) is the highest judicial organ of the EU which has a mandate concerning issues of EU law. In order to support the ECJ, the Court of First Instance (CFI) was established in 1989 which was renamed the General Court by the Treaty of Lisbon. The Judicial Panels which were attached to the CFI were also renamed as the Specialized Court. The EU institutions, member states and also the individuals can apply to the ECJ regarding issues on EU law. The applications of individuals are mostly treated by the CFI/General Court.

The ECJ had shaped the EU's human rights policy in the early 1960s through its decisions which formed ECJ case law, even though the EU did not establish (at that time) a human rights policy for the Union with a legal basis. Thus, “[i]t was the ECJ's jurisprudence that made it possible for human rights to enter into the legal framework of the EU, with consecutive treaties concluded by the Member States” (Shoraka, 2010, p.16).

At the time of the establishment of the EEC, the Community was only interested in the functioning of the Common Market so the ECJ regarded the human rights issues in terms of the four economic freedoms; free movement of goods, persons, services and capital. Since the EC law was found lacking in the promotion of human and minority rights, the Commission requested the EU's accession to the ECHR firstly in 1979 with the Memorandum called ‘Accession of the Communities to the ECHR’, and then in 1990 it repeated this request. Eventually, the Lisbon Treaty negotiations started and now the EU is about to join the ECHR.

Until the Treaty of Maastricht, the ECJ made reference to the ECHR in its decisions as an ‘interpretative source of inspiration’ (Shoraka, 2010, p.19). However, while the ex-Article F(2) of the TEU states in the treaty that “the Union shall respect fundamental rights, as guaranteed by the ECHR...”, the reference to the ECHR was put into a treaty article which could be used only in reference to the ‘general principles of

Community law' which is the first pillar (EUR-lex (b), 1992). On the other hand, it is stated in the ex-Article L of the Final Provisions that the articles of the Common Provisions, including the ex-Article F, were excluded from the jurisdiction of the ECJ. In this way, while in the Maastricht Treaty the reference to the ECHR was made and the respect for national identities was emphasized in terms of the minority rights protection within the ex-Article F, the ECJ's jurisdiction over these areas was prevented. Even though the ECJ had gained jurisdiction over minority issues when the Amsterdam Treaty entered into force, the number of the cases regarding minority rights is very limited.

Thus, some decisions made by the ECJ on human rights issues will be examined in the following section in chronological order; these are also applicable to minorities, and they make reference to the ECHR:

In the *Prais* case (1976), the applicant demanded the suspension of a decision of the Council by referring to Article 9 of the ECHR (freedom of religion). The Court did not decide on the suspension of the decision but requested the Council amend its decision in light of the respect for the applicant's religion (Shoraka, 2010, p.54).

In the *Oyowe and Traore* case (1989), "the ECJ ruled in favour of human rights and required the Commission to change its employment practice in relation to journalists from ACP countries, in such a way as to respect their freedom of expression protected under Article 10 ECHR" (Shoraka, 2010, p.54).

In the *Schmidberger v. Austria* case (2003), "the ECJ ruled again in favour of fundamental human rights protection, rather than in favour of the Community interest of free movement of goods" (Shoraka, 2010, p.55). In this case, Schmidberger, as an international transport company, applied to the Court because an environmental demonstration led to the closure of a motorway for almost 30 hours which, it argued, had caused it to incur financial losses and also resulted in a violation of the freedom of movement of goods. However, the ECJ decided that the freedoms of expression and assembly (Articles 10 and 11 of the ECHR) outweighed the freedom of movement of goods in this case.

Likewise, in the *Omega Spielhallen* case (2004), the ECJ preferred the protection of human dignity (Article 2 of the ECHR) over the freedom to provide services. “Inspired by the Schmidberger case, the ECJ acknowledged that fundamental rights are able to restrict the EU’s economic freedoms as long as they are recognized as general principles of EC law, and did not find a breach of the proportionality principle” (Shoraka, 2010, p.55).

Moreover, in the cases of *Kadi and Yussuf* (2005), the ECJ had authority on the jurisdiction of all EU measures “even if such measures give effect to UN Security Council resolutions dealing with the international terrorism sanctions regime” (Shoraka, 2010, p.55).

These abovementioned decisions of the ECJ can be regarded as evidence that the Court has been giving primary importance to human rights in its case law since the Nice Treaty with which a Charter of Fundamental Rights was also prepared.

If an EU action challenges the EU legal order but guarantees the rights of the ECHR, the ECtHR cannot intervene. In the absence of such a guarantee, problems occur. “The requirement of regular dialogue between the ECJ and ECtHR according to Declaration No.2 might entail the ECJ having to consult the ECtHR every time the violation of an ECHR right is essential for an ECJ decision” (Shoraka, 2010, p.62). However, between these two courts there should not be a hierarchical order. “It has to be remembered though that the ECtHR can only establish violations of the ECHR and cannot rule on the general validity or interpretation of the laws of the Contracting Parties” (Shoraka, 2010, p.62). That is, the ECJ remains as the only court to judge on EU law, whereas the ECtHR can only decide on the cases of violation of the ECHR. These problems can be avoided with the accession of the EU to the ECHR in the near future.

Since 1970, the Court of Justice (and the Court of First Instance since 1990) of the EC/EU has been preparing annual reports reviewing the cases heard by the Court of Justice over the previous year. As the area of interest of this thesis is limited to the minority rights in cases of Turkey and Greece, the Court’s decisions on the minority

rights violations on Greece can be investigated because the ECJ is only authorized for the member states and Turkey is not a member of the EU. Moreover, due to the fact that the ‘Common Provisions’, including minority rights, of the TEU were not under the jurisdiction of the ECJ until the Treaty of Amsterdam, there are not many cases related to minority rights. After the Lisbon Treaty, with the disappearance of the pillar structure of the EU, the jurisdiction of the ECJ has extended to the area of freedom, security and justice, excluding only the CFSP.

In the ECJ’s Annual Report 1991, published in 1993, the Advocate General Mischo mentioned the successor states of the USSR. According to him, the EU had to set a framework on foreign, security, human rights and *minority rights* policy, under the leadership of the CSCE/OSCE, for these states as a condition for the finalization of economic agreements (italics mine; Court of Justice (a), 1993, pp.81-83).

Moreover, reflecting on the revolt of the Czechs and Slovaks, President Vaclav Havel described what kind of country they should have established. He recommended that the newly-established country should have been a federative state where democracy, rule of law, human rights and civil liberties were granted to both the nations as well as all the *minorities* (italics mine; Court of Justice (a), 1993, pp.65-68).

In the ECJ’s Annual Report 1998, published in 1999, the case of *Bickel and Franz* (1998) can be given as an example of a Court decision on linguistic rights of minorities based on ex-Article 6 of the TEU (non-discrimination). In this case, the German-speaking community of the Province of Bolzano was granted linguistic rights under Italian law. In terms of the Italian law, the German language is viewed as equal to the Italian language. The question in this case was “whether it was compatible with Community law to refuse to allow those rules to be applied in favour of German-speaking Community nationals travelling and staying in Bolzano” (Court of Justice (b), 1999, p.27). The Court answered that ex-Article 6 of the TEU prevented such a refusal in terms of nationality because of the Community’s insistence on the right to freedom of movement.

In the ECJ's Annual Report 2012, released in 2013, the Court's decision on the case of *BA v. Commission* (2012) on the grounds of minority rights deserves attention. In this case, the applicant was a Romanian citizen but his/her first language was Hungarian and this person was required to take a written test in Romanian in order to get a job. The applicant brought this case to the Civil Service Tribunal, which is attached to the ECJ, due to his/her disadvantageous position in comparison to the Romanian applicants whose mother tongue was Romanian. Nevertheless, the Tribunal decided that "any such disadvantage would not constitute a breach of the principle of equality" because Romania had only selected Romanian as its official language and did not recognize minority languages in its territory (Court of Justice (c), 2013, p.208). This latest decision pointed to the ECJ's still underdeveloped understanding of the minority rights throughout the Union.

These examples show that the ECJ has not made many judgments on the violations of minority rights within the EU since 1999 at the time that the Amsterdam Treaty entered into force. Therefore, the ECJ cannot provide much assistance to the EU in creating a body of standard minority rights legislation and it also cannot serve Greece, and Turkey due to its non-membership, to improve its minority rights protection policies and laws so the decisions of the ECtHR are needed henceforth.

2.8.2.6.5.2 The European Court of Human Rights (ECtHR) of the Council of Europe

Since the ECJ has remained unable to give decisions on the promotion and protection of minority rights since the early 1960s, the ECtHR has been filling the gap because all the EU member states are also state parties to the ECHR. This section will investigate various court decisions according to country in order to show the historical evolution of the Court's decisions on the violations of minority rights and evaluate whether the ECtHR can establish a standard minority rights regime through its decisions or not.

First of all, at the time of the LoN, the Permanent Court of International Justice (PCIJ) decided in the case of *Upper Silesia Minority Schools, Germany v. Poland*

(1928) that whether a person belongs to a minority or not was a “question of fact not of will” (ICJ(a), 1928, p.34). Moreover, in the case of *Minority Schools in Albania* in 1935, the PCIJ stated that “there would be no true equality between a majority and a minority if the latter were deprived of its own institutions, and were consequently compelled to renounce that which constitutes the very essence of its being as a minority” (ECtHR (a), 2010, p.43). These two decisions of the PCIJ set a good example for the ECtHR in terms of the promotion and protection of minority rights in Europe.

As one of the centers of interest of this thesis, the ECtHR cases on the minority rights violations in Turkey are the following:

In the cases of *Fener Rum Erkek Lisesi Vakfi v. Turkey* (1997) and *Yedikule Surp Pirgiç Ermeni Hastanesi Vakfi v. Turkey* (1999), both applicants were foundations under Turkish law that had been established at the time of the Ottoman Empire. When the Treasury deleted their names from the land registry because the titles of properties included the names of religious minorities, the two minority foundations had lost their immovable properties. The Court decided that there had been a violation of Article 1 of Protocol No. 1 (protection of property) and Turkey was sentenced to pay 910.000 euro for the two foundations’ expenses (Council of Europe (c), 2007).

In the case of *Apostolidi and Others v. Turkey* (1999), the five applicants were Greek nationals and cousins whose aunt was a member of the Rum minority of İstanbul. When she died in 1984, the applicants as her heirs wanted access to her immovable properties in Beyoğlu and Şişli. The Turkish Court decided that Greek nationals could not register properties in Turkey by inheritance because Turkish nationals could not acquire property in Greece by inheritance. The ECtHR decided that there had been a violation of Article 1 of Protocol No. 1 (protection of property) to the Convention (ECtHR (b), 07.12.2014).

In the case of *Nacaryan and Deryan v. Turkey* (2002), the applicants were Greek nationals who were the heirs to an estate which included immovable property in Turkey. After the Turkish Court rejected their status as heirs, they could not register this immovable property for themselves. The ECtHR decided that there had been a violation

of Article 1 of Protocol No. 1 (protection of property) to the Convention and sentenced Turkey to pay 250.000 euro for the damages (ECtHR (c), 07.12.2014).

In the case of *Bozcaada Kimisis Teodoku Rum Ortodoks Kilisesi Vakfı v. Turkey* (2003), the land registry divided the Church's land into a number of plots and did not inform the Church that it needed to apply for the registration. Because the applicant did not apply for the registration of its property in time, it lost its property to the Treasury. The Court decided that there had been a violation of Article 1 of Protocol No.1 (protection of property) and fined Turkey 105.000 euro for the damages (ECtHR (d), 07.12.2014).

In the *Yorgiyadis v. Turkey* case (2004), the applicant was Efrosini Yorgiyadis, who was born in İstanbul in 1964, and was adopted by Semiramis Gradlekova in 1982, who died one month after the adoption. The applicant, as the only legal heir to her property, wanted to register her property. However, upon the request of the Treasury, the Şişli First Instance Court in Civil Matters decided that the adoption contract which was signed before a notary public in Bakırköy was null and void and the property had to be transferred to the State Treasury. The ECtHR decided that there was a violation on Article 6(1) of the ECHR (right to a fair trial) and required Turkey to pay 7.500 euro in respect of non-pecuniary damage and 2.500 euro in respect of costs and expenses (ECtHR (e), 2004).

In the case of *Ecumenical Patriarchate (Fener Rum Patrikliği) v. Turkey* (2005), the Court decided that there had been a violation of Article 1 of Protocol No. 1 (protection of property) (ECtHR (f), 2010). Here, the Patriarchate demanded to register its immovable property officially and applied to the Court because the immovable property of non-Muslim minorities in Turkey is protected by agreements under international law. The Court judged that Turkey “must have the disputed property re-listed in the applicant's name in the land register” and must pay 26.000 euro for the applicant's expenses (ECtHR (f), 2010).

In *The Eğitim ve Bilim Emekçileri Sendikası v. Turkey* judgment (2005), the Court found that Turkey violated Article 11 (freedom of assembly and association) of

the ECHR. In this case, a trade union of education sector employees was shut down because, it was argued, the trade union's statutes were in favor of teaching mother tongues other than Turkish. The Court stated that "the principle defended by the trade union, whereby the individuals making up Turkish society could be taught in their native languages other than Turkish, was not contrary to fundamental democratic principles" (ECtHR (g), 2013, p.96).

In the *Şükran Aydın and Others v. Turkey* judgment (2006), the Court dealt with the linguistic rights of the Kurdish minorities. The applicants were prosecuted for having spoken Kurdish during the municipal election campaigns which was forbidden by the Turkish authorities as "the use of any language other than Turkish during election campaigns" was prohibited (ECtHR (h), 2014, p.123). The Court, for the first time, decided that there was a violation of Article 10 (freedom of expression) in terms of "the prohibition on using a language other than the official language in public life" (ECtHR (h), 2014, p.123). "It considered that the right to impart one's political views and ideas and the right of others to receive them would be meaningless if the possibility to use the language which could properly convey these views and ideas was diminished due to the threat of criminal sanctions" (ECtHR (h), 2014, p.123). Moreover, the Court sentenced Turkey to pay 16.500 euro to the applicants.

In the case of *Dink v. Turkey* (2007), Hrant Dink was an Armenian journalist who had been convicted of insulting 'Turkish identity' based on Article 301 of the Turkish Criminal Law. He was assassinated by a hyper-nationalist criminal organization (which also included a policeman) on 19 January 2007. The Court decided that there was a violation of Article 2 (right to life) and found Turkey guilty because the country did not prevent the murder of the journalist and did not carry out an effective investigation afterwards.

In the case of *Hasan and Eylem Zengin v. Turkey* (2007), the ECtHR found a violation of Article 2 of Protocol No. 1 (right to education) and directed Turkey to change the content of its religious culture and ethics classes, which remain compulsory in primary and secondary schools, and are "based on a Sunni interpretation of Islam

clashing with religious convictions of parents of Alevi faith” (ECtHR (i), 2011, p.18). This judgment is still waiting to be implemented in Turkey.

In the *Fokas v. Turkey* case (2009), Polikseni Foka was a Greek national who was adopted by Apostolos Pistikas and his wife Elisavet Pistika who were members of the Rum minority with Turkish citizenship. The adoption took place through the decisions made by the Turkish and Greek courts. After her parents died (father in 1981 and mother in 1987), Polikseni Pistika (Foka) stood as the only heir to their properties consisting of three buildings in İstanbul, income from rent and valuable deeds. With the İstanbul Third Civil Court decisions, these immovable and movable properties were transferred to Polikseni Pistika (Foka). However, after four years, she entered the psychiatric department of the Balıklı Rum Hospital because she was not capable of taking care of her personal affairs. On 31 July 1996, the Turkish authorities argued that the abovementioned inheritance had to be annulled because according to the ‘Legislative Decree no. 1062 and Decisions no. 6/3706 of 25 September 1964 and no. 6/3801 of 2 November 1964’, “a natural person holding Greek nationality has no right to inherit in Turkey and, also, because the Greek Government applied similar provisions to persons of Turkish origin living in Greece” (ECtHR (j), 2009). Thus, on 27 November 1997, the İstanbul Seventh Civil Court decided to annul the inheritance so that all the immovable and movable properties of Polikseni Pistika (Foka) were transferred to the Treasury. After she died in April 2000, the heirs of Polikseni Pistika (Foka) applied to the Beyoğlu Magistrates’ Court for the inheritance of these properties but were rejected due to the same reason. Afterwards, they applied to the ECtHR and the Court found that there had been a violation of Article 1 of Protocol No. 1 (protection of property) to the Convention.

On the other hand, the ECtHR decisions on the violations of minority rights in Greece can be summarized by the following cases:

In the *Ahmet Sadık v. Greece* case (1996), the applicant was Dr. Sadık Ahmet who was one of the leading members of the Muslim Turkish minority of Western Thrace as a doctor, publisher of the weekly newspaper *Güven* (Trust) and a member of the Greek Parliament since the general election of 8 April 1990. He died in 1995 in a

car accident near Gümülcine/Komotini at 46 years old. Before the November 1989 general elections, Dr. Sadık Ahmet published several communiqués in the newspaper *Güven*, one of which was addressed ‘To the Turco-Muslim Electorate of the Department of Rodopi’. In this communiqué, he explained that Molla İsmail and İbrahim Şerif would stand in the election as members of the independent *Güven* list as a response to the Muslim Turkish electorate’s demands. He stated that “the only thing the members of the Turco-Muslim community of Western Thrace want is to live in dignity in the country where they were born and have grown up” (ECtHR (k), 1996). Due to this article, Dr. Sadık Ahmet stood trial and was found guilty by the Rodopi Criminal Court and the Patras Court of Appeal. In another communiqué, he wrote that the Muslim Turkish minority of Western Thrace had been facing pressure, discrimination, and injustice since birth. That is, the Muslim Turkish minority could marry and establish a family but could not buy or build a house, could become a repairer but could not open own workshop, could take a name by birth in Turkish but being called as ‘Taki, Maki, Saki ...’, could use the tractor in the fields but could not get a driver’s license for it, and could save money but could not leave the country for a trip due to the possibility of losing their citizenship (ECtHR (k), 1996). Hence, he implored the Muslim Turkish electorate to vote for the independent list of *Güven* in order to show their objections to this injustice and discrimination. Nevertheless, Dr. Sadık Ahmet was accused of violating Articles 162 and 192 of the Greek Criminal Code and sentenced to eighteen months’ imprisonment.

In another case of *Ahmet Sadık v. Greece* (1997), Dr. Sadık Ahmet was sentenced to a two and a half year suspended prison sentence and a fine on 24 June 1988 by the Thessaloniki Criminal Court because he was accused of travelling Western Thrace and inviting the Muslim Turkish minority to sign a petition in objection to the violations of the Greek government on the Muslim Turkish minority of Western Thrace. The ECtHR decided that the applicant did not exhaust his domestic remedies before applying the Court so it rejected his application (ECtHR (l), 1997).

In the *Serif v. Greece* case (1999), İbrahim Şerif was the applicant who was a theologian in Gümülcine/Komotini. After the Mufti⁵ of Rodopi died in 1985, the Greek government appointed an ad hoc mufti but “the two independent Muslim Members of Parliament for Xanthi and Rodopi requested the State to organise elections for the post of Mufti of Rodopi, as the law then in force provided” (ECtHR (m), 1999). Since they did not get any response, they organized an election at the mosques on 28 December 1990 at the end of which İbrahim Şerif was elected as the Mufti of Rodopi. Then, there were two muftis, one was elected by the Muslim Turkish minority and one was appointed by the Greek government. Hence, İbrahim Şerif applied to the ECtHR to end this redundancy. The Court decided that there was a violation of Article 9 (freedom of thought, conscience and religion) so ordered the Greek Republic to pay 2.700.000 drachmas.

In the case of *Ouranio Toxo and Others v. Greece* (2005), the issue was again a minority association. This time, a Macedonian minority association in Greece opened an office in the town of Florina with its name on the signboard both in Greek and in the Macedonian language. Police removed the signboard immediately and local demonstrations were arranged in that town. After the association put up the second signboard with the same names, people gathered in front of the office and caused considerable damages. During the violence against the office of that minority association, the police did not intervene. The Court decided that Greece violated Article 11 (freedom of assembly and association) of the ECHR and emphasized that the state authorities were responsible “to defend and promote the values inherent in a democratic system, such as pluralism, tolerance and social cohesion” (ECtHR (n), 2006, p.84).

In the cases of *Bekir-Ousta and Others v. Greece* (2005), *Emin and Others v. Greece* (2005) and *Tourkiki Enosis Xanthis and Others v. Greece* (2005), minority foundations established by the Muslim Turkish minority in Western Thrace were dissolved by the Greek government due to their ‘Turkish’ identity. The applicants in the three cases requested the registration of their associations. The ECtHR held that there had been a violation of Article 11 (freedom of assembly and association) of the

⁵ A mufti is an Islamic scholar who is an interpreter or expounder of Islamic law (Mufti, 27.01.2015).

Convention and ordered Greece to guarantee the right of the Muslim Turkish Minority of Western Thrace to freedom of association and also to ratify the FCNM for further development in its minority rights regime (ECtHR (o), 2012).

There are also some examples of the ECtHR judgments on the minority rights violations elsewhere in Europe:

In the case of *Gorzelik and Others v. Poland* (1998), a group of Silesian minorities in Poland applied to the ECtHR because the Polish authorities rejected the registration of their association under the name of ‘Union of People of Silesian Nationality’ since Poland did not recognize the Silesians as a national minority (ECtHR (p), 2003). The Grand Chamber stated that the Polish refusal of the registration of this association did not violate Article 11 of the ECHR (freedom of assembly and association) because “[t]he authorities did not prevent them from forming an association to express and promote distinctive features of a minority but from creating a legal entity which, ..., would inevitably become entitled to a special status under the 1993 Elections Act” (ECtHR (q), 2005, p.75).

While in the case of *Vatan v. Russia* (1999) the Court did not decide on the violation of Article 11 (freedom of assembly and association) of the ECHR, in the case of *Presidential Party of Mordovia v. Russia* (2001), it found a violation “on the ground that the refusal to renew registration of the applicant association as a political party had not been ‘prescribed by law’” (ECtHR (q), 2005, p.75).

In the case of *D.H. and Others v. the Czech Republic* (2000), the Court decided that the country violated Article 14 (prohibition of discrimination) of the ECHR due to its discriminatory practice of sending Roma children to special schools where developmentally delayed children were educated. The Court also stated that the Roma people needed special protection in terms of education (ECtHR (r), 2008).

In the case of *Grosaru v. Romania* (2001), the applicant was an Italian minority who stood in the 2000 general elections in Romania as a candidate. Even though he won more votes than the other candidate, he could not get a seat because he belonged to a

national minority group. The Court decided that there had been a violation of Article 3 of Protocol No. 1 (right to free elections) (ECtHR (s), 2008).

In the case of *Folgerø and Others v. Norway* (2002), the Court decided that the country violated Article 2 of Protocol No. 1 (right to education) of the ECHR when the children in primary and secondary schools were refused full exemption from the lessons on Christianity, religion and philosophy (ECtHR (t), 2009).

In the case of *Barankevich v. Russia* (2003), the applicant was a priest in a minority church and asked the Town Council to hold a service in a public area for one week in September 2002. After the Town Council refused it, he applied to the Town Court which also decided that a minority church could not worship in public; instead it should hold religious services in its church. The Court then decided that there had been a violation of Article 11 (freedom of assembly and association) and the country had to pay 6.000 euro for the expenses of the applicant (ECtHR (u), 07.12.2014).

In the case of *Salah Sheekh v. the Netherlands* (2004), the applicant had fled from Somalia where he faced ‘torture or inhuman or degrading treatment’ as a minority. He went to the Netherlands but the country rejected his asylum application because he failed to show that he faced violence in Mogadishu and decided to deport him. The applicant then brought this issue to the court because he argued that his deportation meant facing persecution in his country. Thus, the ECtHR decided that there was a violation of Article 3 (prohibition of torture) of the ECHR because he was personally at risk, lacking any minority protection (ECtHR (r), 2008).

In its *Ponomaryovi v. Bulgaria* judgment (2005), the ECtHR decided that the state had to stop taking school fees from certain categories of aliens in its maintenance of secondary schools. The Court judged that there had been a violation of Article 14 (prohibition of discrimination) and sentenced Bulgaria to pay 6.000 euro in damages (ECtHR (v), 20.11.2014).

In the ECtHR’s Annual Report 2005, released in 2006, the President of the Court stated that the protection of human rights in Europe had been the main task of the Court and he maintained that

since human rights come as a package, we have in essence the task of giving a tangible content to such elementary notions as the principles of democracy, the rule of law and *minority rights* through decisions we give on a daily basis which define the content of human rights in a modern, democratic society (italics mine; ECtHR (n), 2006, p.20).

In the case of *Yordanova and Others v. Bulgaria* (2006), the applicants were Roma people whose land was taken by the municipality. The Court objected to the violation of the right to accommodate and demanded further special protection for the Roma and travelers. The ECtHR held that there had been a violation of Article 8 (right to respect for private and family life) of the ECHR and sentenced Bulgaria with 4.000 euro in damages (ECtHR (w), 21.11.2014).

In the case of *Tănase v. Moldova* (2008), the applicant was a politician in Moldova and a Romanian minority. The applicant demanded, as a minority, ‘the right to stand as a candidate in free elections and to take a seat in Parliament if elected’. The Court judged that the states must not prevent the minorities from standing as candidates and also to vote in the election of the members of parliament. Thus, the ECtHR decided that there had been a violation of Article 3 of Protocol No.1 (right to free elections) and Moldova was forced to pay 8.881,83 euro in damages (ECtHR (x), 20.11.2014).

In the ECtHR’s Annual Report 2009, published in 2010, the President of the Court stated that “women, children, the elderly, the disabled, detained persons, all vulnerable people, and minorities, ... too must have the benefit, on the same basis as everyone else, of the freedoms guaranteed” (ECtHR (y), 2010). Here, minorities were regarded as one of the vulnerable groups in society.

In the ECtHR’s Annual Report 2012, released in 2013, the President of the Court declared that in times of economic crisis, the states undermined human rights, minority rights, rule of law and justice issues and tried to find quick solutions due to scarcity of funding. He claimed that in these times democratic societies were tested so it had to be remembered that ‘human rights are not a luxury’ (ECtHR (g), 2013, p.31).

As a result, when we compare the ECtHR's decisions on violations of minority rights in Turkey and Greece, the number of the cases is higher in Turkey than in Greece. More specifically, when we compare the ECtHR's judgments, Turkish violations are concentrated mainly on Article 1 of Protocol No. 1 (protection of property – 6 out of 11 cases), and also based on Article 6(1) (right to a fair trial – 1 case), Article 11 (freedom of assembly and association – 1 case), Article 10 (freedom of expression – 1 case), Article 2 (right to life – 1 case) and Article 2 of the Protocol No. 1 (right to education – 1 case). On the other hand, the decisions of the ECtHR on the Greek violations of minority rights are mainly based on Article 11 (freedom of assembly and association – 2 out of 5 cases), and Article 9 (freedom of thought, conscience and religion – 1 case). In sum, when these Court decisions are considered, it can be argued that the main minority problem in Turkey in terms of its Rum minority pertains to the property rights of both the individuals and minority foundations, while in Greece the Muslim Turkish minority encounters problems related to minority foundations and the muftis. In order to prove whether this statement is true or not, minority rights in Turkey and Greece will be investigated in greater detail in Chapters 3 and 4 of this thesis.

Furthermore, if we look at the minority rights violations in Europe, the Court's decisions were based mainly on Article 11 (freedom of assembly and association – 3 out of 11 cases), Article 3 of Protocol No. 1 (right to free elections – 3 out of 11 cases), Article 14 (prohibition of discrimination – 2 out of 11 cases), Article 2 of the Protocol No. 1 (right to education – 1 case), and Article 8 (right to respect for private and family life – 1 case).

2.8.2.7 Non-binding Instruments for Minority Rights Protection within Europe

Since the binding Court decisions, EU treaties, resolutions or non-binding declarations of the EU institutions on the protection and promotion of minority rights have done relatively little to create a standard European minority rights policy or to establish an international minority rights regime from above, the non-binding EU instruments and NGOs for the improvement of minority rights in Europe should be considered insofar as they represent 'bottom-up' initiatives.

2.8.2.7.1 The Non-binding Instruments of the EU

The European Monitoring Centre on Racism and Xenophobia (EUMC)

In the Florence European Council in 1996, the establishment of the EUMC was decided and has now been replaced by the Fundamental Rights Agency (FRA). The task of the EUMC was to publish reports on the violation and discrimination against people living in the member states or under the member states' laws which carry racist and xenophobic implications. However, because the EUMC only provided data on the activities relating to violations and discrimination and could not open investigations, there was no mechanism for the member states to pay attention to these reports.

The EU Fundamental Rights Agency (FRA)

The FRA replaced the EUMC in March 2007 as the EU's human rights agency. It also replaced the 'monitoring tasks of the network of independent fundamental rights experts' and at the same time became one of the National Human Rights Institutions (NHRIs) of the EU (Shoraka, 2010, p.63; see also De Schutter, 2009). Like the former EUMC, even though the mandate of the FRA is much broader than of the EUMC, this instrument is weak because the reports of the FRA are not binding for the member states. However, the FRA is important because it coordinates the consultations between the EU and the CoE and "tries to develop an active monitoring function for EU member states (and accession states), all of which are also members of the CoE and subject to its monitoring mechanisms" (Boyle, 2009, p.7). The objective of the FRA is determined in Article 2 of the Council Regulation which founded the FRA in 2007 in order

to provide the relevant institutions, bodies, offices and agencies of the Community and its Member States when implementing Community law with assistance and expertise relating to fundamental rights in order to support them when they take measures or formulate courses of action within their respective spheres of competence to fully respect fundamental rights (EUR-lex (l), 2007).

The EU Network of Independent Experts on Fundamental Rights

This network was charged by the Commission in the period between 2002 and 2006 with the task of publishing annual reports on human rights issues based on the Charter of Fundamental Rights.

The European Neighbourhood Policy (ENP)

The ENP was developed in 2004 on the basis of the Treaty of Nice “with the desire for a zone of peaceful countries on its borders, and the objective of avoiding the emergence of new dividing lines between the enlarged EU and its neighbours by promoting” human rights and fundamental freedoms (Shoraka, 2010, p.43). In 2008, there were twelve ENP action plans for Armenia, Azerbaijan, Georgia, Egypt, Israel, Jordan, Lebanon, Moldova, Morocco, Palestine, Tunisia, and Ukraine which provided financial and technical support through the EU’s European Neighbourhood and Partnership Instrument (ENPI) (Shoraka, 2010, p.44).

The High Representative’s Personal Representative for Human Rights

This post was created under the Treaty of Nice in order to promote human rights in the EU’s foreign policy. The first Personal Representative was appointed on 17 January 2005 with the task of “the implementation of human rights guidelines, EU policy in the international institutions like the UN, the CoE and the OSCE, the human rights dialogues, mainstreaming, relations with the EP, visibility of EU human rights policy and outreach activities” (Shoraka, 2010, p.44).

In addition, the EU tries to address human rights issues through the instruments of its CFSP, such as Common Strategies, Common Positions (for Africa in May 1998), Joint Actions, démarches (of the ‘troika’ - the Commission President, the President of the European Council and the High Representative on CFSP), declarations (of the Presidency) and political dialogue. “Troika consultations take mainly place with ‘important’ countries such as the US, Canada, Japan, New Zealand and candidate countries” (Shoraka, 2010, p.35).

The European Network for Information, Documentation and Research (MERCATOR)

The European Parliament decided to establish MERCATOR in its Kuijpers Resolution on 30 October 1987. It has three organs for research and education; Mercator-Education, Mercator-Media and Mercator-Legislation. The main aim of it has been to establish a network of information and documentation for the regional and minority languages and cultures in the EU member states. “Through this widespread network, which now also includes expertise from the newest member states, it has become possible for different language communities to exchange experiences and cooperate on a European level” (Mercator, 11.06.2013).

Euromosaic

As a result of the study done by the Institut de Sociolingüística Catalana (Barcelona), Centre de Recherche sur le plurilinguisme (Brussels) and Research Centre Wales (Bangor), a report called ‘Euromosaic: The production and reproduction of the minority language groups in the European Union’ was published in 1996 by the Commission on the protection of regional and minority languages. “The study is based upon a theoretical perspective which considered the various social and institutional aspects whereby a language group produces and reproduces itself” (Euromosaic, 11.06.2013). Euromosaic argues that the diversity of the EU implies a diversity of languages and cultures. In addition to this report, Euromosaic also published more than fifty reports on the protection of regional and minority languages.

European Bureau for Lesser-Used Languages (EBLUL)

EBLUL was established in 1982 as an NGO dealing with the promotion of linguistic diversity in Europe. EBLUL, based on a network of Member State Committees (MSCs), has been trying to link linguistic communities, composed of almost 46 million speakers of lesser-used European, regional, and minority languages, within close relations to the Commission, Parliament, CoE, ECOSOC, UN, UNESCO, and the OSCE. Moreover, EBLUL aims to strengthen European citizenship “by bringing speakers of lesser-used languages from all over Europe together, enabling

them to learn from each other, to appreciate each other and to seek co-operation in a wide range of domains where they have similar interests and aims” (EBLUL, 15.07.2014).

EUROLANG News Agency and European Language Equality Network (ELEN)

EUROLANG News Agency was established in 2000 by the EBLUL as an independent internet portal which aims to share the news about the regional or minority languages with the EBLUL’s linguistic communities. EUROLANG also serves as the Secretariat for the European Parliament’s Intergroup for Traditional Minorities, National Communities and Languages. ELEN replaced EBLUL in July 2011 and has been working to represent forty-two language communities within the EU (Council of Europe (d), 20.11.2014).

2.8.2.7.2 Other NGOs and IGOs working for the Improvement of Minority Rights

Federal Union of European Nationalities (FUEN)

FUEN was established in Paris in 1949 at the same time as the CoE as the independent ‘European umbrella organization’ of almost ninety minority organizations in Europe. FUEN also works with the EU, UN, OSCE, and the CoE together. It holds a consultative status in the UN and a participatory status in the CoE. “FUEN sees itself as the advocate and civil society representative of the European minorities” (FUEN, 07.06.2013).

Every year, FUEN organizes the largest meeting of the national minorities in Europe. It also organizes a football tournament for minorities, called EUROPEADA. It also works with the European Commission for the regional and minority languages, and established a network for it, called ‘RML2future’.

In 2006, the Charter for the autochthonous/national minorities in Europe was adopted by the FUEN. It is the key document of the FUEN with its thirteen fundamental

rights. Through its activities, FUEN tries to protect and promote “the identity, language, culture, rights and own character of the European minorities” (FUEN, 07.06.2013).

Recently, the FUEN’s venture, a citizens’ initiative called ‘Minority SafePack – one million signatures for diversity in Europe’, was proposed to the European Commission on 15 June 2013. The Commission refused the initiative on 13 September 2013 because “it falls outside the framework of the Commission’s powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties” (European Commission (y), 2013, p.2).

European Center of Minority Issues (ECMI)

The ECMI was founded in 1996 by the Danish, German and Schleswig-Holstein governments as an independent organization which aims to help create an international standard for the protection of minorities in Europe, and also to provide an advisory service on minority-majority relations in each European country. The Center also arranges its activities around five interest areas; justice and governance, politics and civil society, culture and diversity, and citizenship and ethics.

The ECMI is governed by an Executive Board which is composed of nine members from Denmark, Germany, the OSCE, the CoE, and the EU, and it is supported by an Advisory Council composed of experts in the field of minority issues (ECMI, 13.06.2013). Besides this, while the Center’s budget has been provided by its founding governments, it also effectively creates project-based funding in order to independently financially support its activities.

Minority Rights Group International (MRG)

The MRG was established in 1975 as an NGO in London to carry out worldwide interviews on non-dominant ethnic, religious, and linguistic minorities and also indigenous people, to prepare reports about them, to defend minorities’ rights in the UN, the EU and at the government level and to train people about prejudice and racism. MRG has a consultative status in the ECOSOC and observer status in the African Commission for Human and Peoples’ Rights (MRG, 11.06.2013).

Foundation for Endangered Languages (FEL)

The FEL mainly aims to raise awareness of endangered languages and to support the use of these endangered languages all around the world. The FEL arranges annual conferences through which it supports the protection and promotion of endangered languages (FEL, 13.06.2013).

EURAC Research – Institute for Minority Rights

EURAC was established in 1992 in Italy as a research and education center concentrating on language and law, ethnic minorities, and regional autonomies. Now, EURAC is composed of eleven institutes with more than 200 experts (EURAC (a), 15.11.2014). One of its institutes, the Institute for Minority Rights, has been undertaking research as well as providing education on the protection of minorities and the management of cultural diversity. The institute has three main research clusters which are ‘minorities, indigenous peoples and territorial governance’, ‘national minorities, migration and cultural diversity’, and ‘European institutions and minority protection’ (EURAC (a), 04.06.2015). In 2004, EURAC produced a document under the name of ‘the Bolzano/Bozen Declaration on the Protection of Minorities in the Enlarged European Union’ which “highlights what is politically and legally possible within existing policy and demonstrates how the protection of minorities can be strengthened in a consistent manner”, and was adopted at the end of the conference on ‘Minority Protection and the EU: The Way Forward’ (EURAC (b), 2004).

The European Roma Rights Center (ERRC)

The ERRC was established in 1996 as an international public interest legal organization that is an advocacy group which aims to combat human rights abuses and racist attacks on the Roma people. The ERRC has consultative status in the CoE and in the ECOSOC. Since its establishment, the ERRC has provided the Roma people with equal access to ‘justice, education, housing, health care and public services’. Besides this, the ERRC is governed “by a multinational Board of Directors consisting of Romani and non-Romani lawyers, human rights activists and businesspeople” (ERRC, 14.11.2014).

CIEMEN (International Escarré Centre for Ethnic Minorities and Nations)

The CIEMEN was established in 1975 as a cultural, not-for-profit, NGO which aims at combating the racism, xenophobia, and nationalism that are used against ethnic and national minorities in Europe and beyond. It also aims to eliminate intolerance of ethnic and national minorities. Instead, the CIEMEN wants to teach people the rights of all ethnic and national minorities. CIEMEN's threefold approach for the solution of the minority rights problems consists of 'knowledge, acknowledgement, and solidarity' (CIEMEN, 22.06.2013). The Board of CIEMEN carries out the Center's activities.

2.9 Conclusion

The concept of Europeanization is a combination of international relations, political science, political economy, and comparative politics which emerged in the early 1990s as the best theory to explain the European Union's relations with its member and candidate countries. Due to its mechanisms, Europeanization is best explained by new institutionalism which is divided into rational, sociological and historical institutionalism. Leaving historical institutionalism aside, the Europeanization of member and candidate states relies either on rational or sociological institutionalism, separately or simultaneously. While the rational choice institutionalism offers an 'external incentives model' which is based on cost-benefit calculations between the veto players and formal supporting institutions, sociological institutionalism provides 'social-learning and lesson-drawing models' relying on norm entrepreneurs, a political culture, and other informal institutions. Under the guise of these two models, it can be said that the Europeanization of minority rights in Turkey starts with the rational institutionalist external incentives model due to the conditionality tool and continues with the sociological institutionalist socialization model in terms of the socialization of the reforms. By contrast, the Europeanization of minority rights in Greece starts with the social-learning and lesson-drawing models and continues with the rational institutionalist cost-benefit calculations. Hence, following this chapter, the two cases of Turkey and Greece will be examined in terms of their Europeanization approaches.

In this way, the Turkish case seems to be a top-down Europeanization process because it is a candidate country and is dependent on the conditionality of the EU. In fact, this is beyond the purview of the thesis whether the candidate countries can create a bottom-up Europeanization effect that affects the EU and its member states. However, Turkey does not demonstrate any bottom-up cases in terms of the Europeanization of minority rights for its official non-Muslim, or unofficial non-Turkish and non-Sunni, minorities. On the other hand, the Europeanization of minority rights in Greece is limited to the initiatives of the two Prime Ministers (Mitsotakis and Simitis) in order to develop the rights of the Muslim Turkish minorities in Western Thrace. Besides the limited scope of these initiatives, there is no top-down or bottom-up Europeanization process in Greece so it has remained inert for years. It seems that this inertia will not be changed easily in the near future because the EU does not have a common minority rights policy or separate legislation for minority rights or a functioning monitoring mechanism for its member states in this regard.

In general, the minorities question was born by the time of the nation-states' emergence in the nineteenth century. For the first time in the Vienna Congress of 1815, Polish people were given a right to national representation and to establish national institutions different from the nation-state they lived in. On the other hand, the term 'minority' was first used in 1914 at the time that Great Britain sent a memorandum to Greece for the protection of Muslim minorities in its territory. Moreover, the protection of minority rights in Europe began at the end of WWI in 1919 by the signing of 'minority agreements' between the home and host countries under the authority of the League of Nations which was abolished just before the start of WWII. In this way, minority rights have tried to find a place within international law by adding new terms, such as 'ethnic, religious, linguistic' and 'national' minorities.

Today in Europe, the four international organizations that take the lead in terms of the protection and promotion of minority rights are the UN, the CoE, the OSCE and the EU. In order to investigate whether the EU has a common minority rights policy for both its member and candidate countries, relevant EU laws will be considered in detail in this chapter. Because the EU's minority rights protection regime is mainly based on

the international agreements of the abovementioned three organizations and on their monitoring mechanisms, the attempts to codify minority rights by the UN, the CoE and the OSCE will be analyzed. This is set out in Table 1 shown below. In addition to these, the EU's legislation, instruments and mechanisms, and the names of the NGOs and IGOs which try to protect and promote minority rights in Europe are included in the table.

Table 1

The Summary of the Legislation and Monitoring Mechanisms for the Protection and Promotion of Minority Rights in Europe

| | The UN | The CoE | The OSCE | The EU | NGOs & IGOs |
|--------------------|---|--|--|--|--|
| Legislation | <p>-1945 The UN Charter (Articles 1,13,62,76)</p> <p>-1948 Universal Declaration of Human Rights (Articles 2,26,27)</p> <p>-1948 Convention on the Prevention and Punishment of the Crime of Genocide</p> <p>-1960 ICERD (Article 2)</p> <p>-1960 UNESCO Convention against Discrimination</p> <p>-1966 ICCPR (Article 27)</p> <p>-1966 ICESCR (Article 2(2))</p> <p>-1989 CRC (Article 2)</p> <p>-1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities</p> <p>-1993 Vienna Declaration</p> | <p>-1948 ECHR (Articles 14,9,10,11 and Article 2 of the Additional Protocol)</p> <p>-1961 European Social Charter</p> <p>-1992 ECRML</p> <p>-1995 FCNM</p> <p>-1997 European Convention on Nationality</p> | <p>-1975 Helsinki Final Act (Principle VII)</p> <p>-1983 Concluding Document of the Madrid Meeting</p> <p>-1989 Concluding Document of the Vienna Meeting</p> <p>-1990 Copenhagen Document</p> <p>-1990 Charter of Paris for a New Europe</p> <p>-1991 Geneva Report on National Minorities</p> <p>-1991 Moscow Document</p> <p>-1992 Helsinki Document</p> <p>-1994 Budapest Document</p> <p>-1995 The Pact on Stability in Europe</p> <p>-1996 Hague Recommendations</p> <p>-1998 Oslo Recommendations</p> <p>-1999 Lund Recommendations</p> <p>-2003 Minority-Language Related Broadcasting and Legislation</p> | <p>-2012 Consolidated versions of TEU and TFEU</p> <p>-Article 2 TEU (ex-Article 1(a)) Article 49 TEU Article 18,19,45,49,56,157 TFEU (ex-Articles 12,13,39,43,49,141 TEC)</p> <p>-2007 Charter of Fundamental Rights (Articles 21(1), 21(2), 22)</p> <p>-1973 Declaration on European Identity -1977 Joint Declaration of EP, Council and Commission -1981/1983 Arfe Resolutions -1982 Resolution on Multilingualism -1986 Declaration on Human Rights -1987 Kuijpers Resolution -1989 Declaration of Fundamental Rights and Freedoms -1990 Reding Resolution -1994 Killilea Resolution -1995 Resolution on the use of official languages -1997 Agenda 2000: For a Stronger and Wider Europe -2000 Anti-Discrimination Directive -2001 Resolution on Regional and Lesser-used European languages -2003 Ebner Resolution -2005 Moraes Resolution -2005 Framework Strategy for Non-Discrimination and Equal Opportunities for All -2006 Zdanoka Resolution -2012 EU Strategic Framework and Action Plan on Human Rights and Democracy</p> | <p>-FUEN</p> <p>-ECMI</p> <p>-MRG</p> <p>-FEL</p> <p>-EURAC-Research</p> <p>-ERRC</p> <p>-CIEMEN</p> |

| | | | | | |
|------------------------------|--|--|--|---|--|
| Monitoring Mechanisms | <ul style="list-style-type: none"> -1947-2006 UN Sub-Commission on Prevention of Discrimination and Protection of Minorities -1977 Human Rights Committee -1995-2007 UN Working Group on Minorities -1993 The Office of the UN High Commissioner for Human Rights (OHCHR) -NHRIs -2001 Special Representative for Minority Issues -2005 IEMI -2006 UN Human Rights Council -UPR | <ul style="list-style-type: none"> -ECtHR -European Commission for Democracy through Law (Venice Commission) -Advisory Committee -Committee of Ministers -Committee of Experts on Issues Relating to the Protection of National Minorities (DH-MIN) | <ul style="list-style-type: none"> -1989-1993 Human Dimension Mechanism -Secretary General's Annual Evaluation Reports -1992 HCNM | <ul style="list-style-type: none"> -ECJ -General Court & Specialized Court -LIBE Committee -1982-1999 Budget Line B3-1006 -1999-2000 Budget line B2-1000 -Directorate General on Justice, Freedom and Security -OMC -High Level Group of Experts -PTDP -1998 Annual Progress Reports -LINGUA&MEDIA -COHOM -Accession Partnership -SAP -1999 Council's Annual Reports on Human Rights -1994 EIDHR -Sub-Committee on Human Rights -Lome/Cotonou/Europe Agreements -EUMC -FRA -EU Network of Independent Experts on Fundamental Rights -END -The High Representative's Personal Representative for Human Rights -MERCATOR -EUROMOSAIC -EBLUL -EUROLANG/ELEN | |
|------------------------------|--|--|--|---|--|

It can be understood from the abovementioned Table 1 that the EU does not have a definite minority rights protection regime. That is, the EU has placed minority rights provisions under human rights law and deals with the minority rights only in terms of 'equality' and 'non-discrimination'. Also, the codification attempts of the UN, the CoE, and the OSCE do not help to constitute an international minority rights regime. For example, even though the FCNM is the only legally binding treaty for the protection of national minorities, it does not create any rights for the minorities but just provides a number of obligations for the states parties.

Despite all of these deficiencies, the EU has made the 'respect for and protection of minorities' as one of the political criteria of the Copenhagen criteria setting the conditions for EU membership. However, with the Lisbon Treaty (ex-Article 1(a) of the TEU) the Union has changed the wording to the 'respect for human rights, including the rights of persons belonging to minorities'. Some scholars see this as an 'upgrading' attempt because they argue that there is an international human rights law and when minority rights are included in human rights law, both the legislation and monitoring mechanisms for minority rights protection will be upgraded. However, some others, this researcher included, interpret this attempt as 'downgrading' because this means that the EU is not willing to create a separate international minority rights law and leaves the responsibility for the implementation of the minority rights, mainly 'equality' and 'non-discrimination', to its member states under the principle of subsidiarity.

On the other hand, the EU's double standard on the implementation of its minority rights policy, both among the candidate states and also between candidate and member states, has faced criticism for several years because this stems from the fact that the Union does not set any legislative standard for minority rights protection. This thesis demonstrates that Turkey and Greece have been subjected to the EU's double standard in terms of their minority rights protection. While the former has been unable to attain membership since 1959 (the date of the first Turkish application for associate membership), and the problems of minorities have been one of the number one issues

affecting its EU membership, the latter, as an EU member since 1981 faces few, if any, requirements in order to improve the rights of its minorities.

Therefore, since the EU is not clear in terms of its minority rights policy, it has lost its credibility which has resulted in both the member and candidate countries neglecting to adopt or implement the rules stemming from the obligations of EU law. As a result, it can be argued that the present international minority rights regime is still weak because minorities in European countries still suffer from discrimination and injustice. In order to overcome this, the EU should abandon its ‘no-indifference-but-no-preparedness-to-take-steps’ position (Hilpold, 2007), should create a separate chapter for minority rights in the *acquis*, and should take the lead to create a separate international minority rights law.

Toggenburg (2008, pp.27-29) prepared a to-do-list for the member states, Council, Commission, and the FRA. According to him, member states should first of all regard the ‘respect for and protection of minorities’ as a common value, then ratify the FCNM, recognize cultural, linguistic and ethnic diversity in Europe both internationally (between the MSs) and also intra-nationally (within the single MSs), eliminate the implementation problems of the EU instruments, like the Racial Equality Directive, guarantee that minority rights protection is emphasized in the reporting activities within the OMC, and highly support the FRA. Moreover, the Council should make efficient use of the EU’s legal resources on the minority rights protection and “establish a permanent Council structure dealing with human and minority rights within the Union” (COHOM), while the Commission should deal with the EP’s proposals on minority protection (see Moraes resolution, Para. 49), and create a special fund for ‘the promotion of minority languages’ and ‘the social inclusion of minorities such as the Roma’. Finally, the FRA should “underline that it is not only responsible for fighting racism, xenophobia, related intolerance or the integration of migrants but also for fighting any form of discrimination against persons belonging to minorities”, and suggest ways for the integration of immigrants to the societies under its task of diversity management (Toggenburg, 2008, p.29).

To sum up, Will Kymlicka (1995, p.46), as a liberal-communitarian, tried to combine “ideas of liberal democratic principles as a basis for a cohesive societal structure (*unity*) with recognition of communitarian rights for cultural minorities (*diversity*) within the multinational states (*unity in diversity*)” (cited in Kaya (a), 2013, p.53). The EU seems to possess a Kymlickan view in its ‘United in diversity’ motto. Thus, keeping in mind that the minorities did not emerge by will but by fact, the European countries should regard them as part of the richness of their societies. Therefore, in order to protect this richness, the EU should establish a legal standard – the adoption and implementation of which should be made obligatory for both the member and candidate countries. Furthermore, an effective monitoring mechanism should be formed by the EU in order to investigate the implementation of these rules in the member and candidate countries and enforce political and economic sanctions in times of non-compliance.

3. EUROPEANIZATION OF MINORITY RIGHTS IN TURKEY

3.1 Introduction

The terms '*Ekalliyet/Ekseriyet*' were first added to the Turkish language in the *Tanzimat* Period. Then, in the 1930s they were changed to '*Azlık/Çokluk*', and finally in the 1950s they became '*Azınlık/Çoğunluk*'. All the three types of words can be translated into English as representing the 'Minority/Majority' which was shaped according to religious differences. That is to say that Turkey has only considered non-Muslims to be religious minorities since the late Ottoman period.

In this chapter, the rights of the non-Muslim minorities during the Turkish Republic, especially the Orthodox Rum community, will be analyzed. In order to understand the traditional treatment of the minorities, minority rights in Islam and in Turkey under the Ottomans will be elaborated upon. The other unofficial, non-Muslim, and Muslim (non-Turkish or non-Sunni) minorities will not be dealt with in this chapter because the focus of this thesis is the minority rights of the Orthodox Rum minorities in Turkey in contrast to the minority rights of the Muslim Turkish minorities in Greece.

In order to do so, after analyzing minority rights in Islam and in the late Ottoman period, the Lausanne Treaty (which officially recognized the three non-Muslim minorities), and violations of minority rights in the history of the Turkish Republic will be investigated. Then, the evolution of the minority rights regime in Turkey will be analyzed from the perspective of the European Commission's Annual Progress Reports. After presenting the nine interviewees' responses on minority rights protection in Turkey, the Europeanization process of minority rights in Turkey will be examined. In the end, this chapter will argue that due to the conditionality tool of the EU, Turkey has been Europeanized in terms of its minority rights protection but that it has major implementation problems which prevent the country's membership in the EU.

3.2 Minority Rights in the Ottoman Empire

Minorities in the Ottoman Empire can be more easily examined upon understanding the attitude of Islam toward minorities. Therefore, first of all, the treatment of minorities in Islam will be analyzed.

3.2.1 Minorities in Islam

After the Prophet Mohammed emigrated from Mecca to Medina in 622, Muslims met the Jewish community and so began the relationship between Muslims and non-Muslims. In fact, Islam only considered non-Muslims who have a prophet and a holy book as minorities (Kaya (b), 2005, p.14). According to the Islamic Law (the Shari'a), after the non-Muslim minorities made an agreement with the Islamic country in which they lived, they were granted '*zimmi*' citizen status with which they gained several political and social rights (Güler, 2009, p.17). These non-Muslim minorities could not be the head of the state or the commander of the army; could not marry Muslim women; could not settle in holy places like Mecca or Medina; could not have taller houses than the Muslims'; could not own a horse and carry weapons; could not ring a bell and worship loudly; could not drink wine in public places; could not wear a cross and raise pigs; could not have funerals; could not have hair-cuts similar to the Muslims' ones; could not eat and drink in front of Muslims during Ramadan; could not have good seats in the assembly; could not talk to each other as a group and loudly; could not greet a Muslim before the Muslim person greeted him/her; and they had to wear different colored clothes with symbols from the Muslims; had to get special permission from the government for the construction and repairing of a church; and lastly, if a Muslim person killed a non-Muslim person, the former would not get the death penalty (Kaya (b), 2005, pp.15-16). These bans on non-Muslims were not implemented during the Fatimi Caliphate period (Kaya (b), 2005, p.17).

Beginning in the times of the Prophet Mohammed, non-Muslim minorities had to pay the 'Jizya Tax (*cizye*)' in return for the protection of their lives, wealth and religion by the Islamic country. With this tax, they could also apply to practice their private law. Women, children, the elderly, disabled, blind, mad, paralyzed and helpless

persons, religious men and draft-exempts were excluded from this tax. If the Islamic country could not protect its non-Muslim minorities, it had to quit collecting the Jizya Tax. In the Ottoman Empire, non-Muslims who lived in the boats, castles, islands and borders were exempt from this tax. Over time, this Jizya Tax evolved into a tax taken from the non-Muslims in return for compulsory military service, which was approved in the Reform Edict (1856). There was another tax called '*haraç*' which was taken from the landed non-Muslims. This tax was also levied during the times of the Prophet Mohammed. However, non-Muslim minorities were not targeted exclusively by this tax because landed Muslims also owed a tax called '*öşür*'.

While during the periods of the 'Abbasid Caliphate' (750-1258) and the 'Seljuk Empire' (1038-1157) the abovementioned restrictions on non-Muslims were strictly implemented, the 'Anatolian Seljuk State' (1077-1307) did not enforce these bans. Non-Muslims could build new churches, did not have to wear different colored clothes, could ring a bell, could become statesmen and also commanders of the army like '*Emir Komnenos, Tabip (Doctor) Hasnon and Tabip (Doctor) Vasil*' (Kaya (b), 2005, p.25). The emperors of the Anatolian Seljuk State also married non-Muslim women.

During the period of 'Anatolian Beyliks', *Karamanoğulları* and *Ramazanoğulları* included the Armenian population, while *Osmanoğulları*, *Germiyanoğulları* and *Candaroğulları* contained a high number of the Rum population. At that time, Muslims had good relations with the non-Muslim people. For instance, when Osman *Bey*, the founder of the Ottoman Empire, went to mountain pasture in summer, he trusted his non-Muslim neighbors with his belongings and when returned he brought them presents like oil, cheese and carpets (Kaya (b), 2005, p.26).

3.2.2 Minorities in the Ottoman Empire (1453-1922)

Ottoman multiculturalism, usually coupled with the term 'tolerance', was shaped through the formation of the '*millet* system' after the capture of İstanbul in 1453 by the Sultan Mehmet the Conqueror (Kaya (a), 2013, p.10). The word '*millet*' comes from the Arabic word '*millah*' which means nation. However, the *millet* system was not

established for the different nations, instead, it was established for the religious minorities whose religions were different from Islam. This means that the *millet* system included the religious minorities but not the national minorities within the Ottoman Empire. With the *Tanzimat* reforms during the nineteenth century, religious law was replaced by statute law and the ethnic and linguistic features of the minorities started to be recognized (Akgönül, 2007, pp.38-39).

The Ottoman Empire granted *millet* status to three communities at first; Orthodox Rum *millet* (1453), Gregorian Armenian *millet*, and Jewish *millet*. However, in 1830, Catholic *millet* and in 1850 Protestant *millet* were also recognized by the Empire (Bozkurt, 1996, p.29). According to the *millet* system, every *millet* had its organizations on law, finance, and education (Güler, 2009, p.19). Even though the *millets* were not considered minorities and the *millet* system was not created as a minority protection system or as a federation of ethnic communities, it was a ‘tolerant’ system for non-Muslims in the Ottoman Empire in which different ethnic groups formed the same *millet* because they shared the same religion. Until the eighteenth century, the *millet* system of the Ottoman Empire worked well for the several ethnic and religious populations. However, starting in the closing years of the Empire, Western states had tried to interfere in the Empire through the ‘*millet*’ that they had established based on their mutual kinship. Because the *millet* system was established on the basis of religious differences, Serbians and Bulgarians also belonged to the Rum Patriarchate due to their Orthodoxy. In addition, Catholic Armenians and Gregorian Armenians belonged to different millets because of their different religions.

Within the Ottoman *millet* system, the ‘*Millet-i Rum*’ (Rum minority) was the most privileged and largest minority group. Since the times of Mehmet the Conqueror, the Rum people came first and then the Jews came second in the protocol. According to Akgönül (2007, p.41), there were four types of Rum people in the nineteenth-century Ottoman Empire; nationalist Rum people, Rum aristocrats who were close to the Ottoman authority and the environment of the Patriarchate, Rum villagers and Karamanlides, and the Turkish-speaking Orthodox Rum people living in the Karaman region.

There was a ‘Patriarchate Court’ authorized to oversee marriage, divorce, dowry, alimony, inheritance and legacy issues. It had also authority to judge criminals and then to penalize them with exile or an oar penalty (Kaya (b), 2005, p.32). Sultan Mehmet the Conqueror gave a firman to the Patriarch exempting all the Orthodox religious men from several taxes, stating that churches would not be turned into mosques, that no one had the right to disturb Orthodox people, and that they could easily marry, divorce, or practice their burial rites according to their religious ceremonies, that Easter would be celebrated freely, and that the doors of the Fener (a district in İstanbul where the Rum population was traditionally high) district would be open for three Easter nights and bishops and metropolitans⁶ would also have some judicial privileges (Kaya (b), 2005, pp.34-35).

From the Mehmet the Conqueror period up until 1638, the relations between the Ottoman Empire and the Rum *millet* were good. According to Murat Bardakçı (Haber Türk, 23.12.2009), the first execution of a Patriarch took place in 1638 at the time of the Murad IV period. The Patriarch Kiril was hanged because of religious reasons, that is to say as a result of sectarian conflict, rather than due to political reasons. Then, in 1657, Patriarch Parthenius III was condemned to death by hanging due to the claim that he had betrayed the Empire. When the Governor of Wallachia (a place now in Romania), Konstantin, rebelled, Patriarch Parthenius III’s supporting letters came to light which led to his execution. After almost two centuries had passed since the last hanging, Patriarch Gregorios V was also hanged during the Mahmut II period in 1821 due to his support for Greek secession. In the Ottoman Empire times, it was strictly forbidden for the Patriarchs to engage with politics. Thus, he was hanged on the middle door of the Patriarchate building. This door has not been opened since then and is known as the ‘Hatred Door’. This execution was followed by the hangings of Metropolitans Kayseri, Edremit, and Tarabya due to their support of Greek secession.

Panoyati Nikusius *Efendi* was appointed to the Translator Office of the Sublime Porte in 1657 and in 1699 Alexander Mavrokordato *Efendi* was appointed to the Karlowitz Agreement, and also the governors of Wallachia and Moldavia were

⁶ A metropolitan is a senior bishop “who is in charge of a large ecclesiastical jurisdiction” (Bishop[Eastern Orthodox Church], 10.04.2015).

selected from the Rum *millet* from the early eighteenth century up until the Greek secession in 1821. The first governor of Moldavia was Nikola Mavrokordato, while the last governor of Wallachia was Alexander İpsilanti who supported the Greek secession. After that, it was decided that these governors would not be selected from among the Rum people (Kaya (b), 2005, p.39).

During Ottoman times, due to the bans on statesmanship and military, the Rum people turned themselves to trade and became very successful at commerce. Even the Ottoman Empire systematically sent a group of Rum people to exile where trade was low and expected them to revive trade there (Kaya (b), 2005, p.42). They also protected and observed ports, fished, and repaired ships.

The *millet* system in the Ottoman Empire was actually a loose system. The Empire did not control the sermons of the priests, and also did not control the minority schools and their books. During the Ottoman times, both the Fener Rum School and the Halki Theological School were the most important minority schools of the Rum *millet*. Greek nationalism was also learned and taught there successfully. Throughout Anatolia, Yozgat came to be an important city for the Rum *millet*. Interestingly, a French archaeologist named Georges Perrot discovered in 1861 that the Rum people had a hospital in Yozgat where a young doctor who had graduated from the Athens Medical Faculty worked. Thereafter, the Rum people in Anatolia revived their Greekness, started to write Turkish with Greek letters and over time they learned the Greek language and Greek culture through the newly opened minority schools throughout Anatolia (Kaya (b), 2005, p.46).

The minority question was born in the Ottoman Empire at the time of the establishment of nation-states in the Balkans. With the losses in the seventeenth century, the term '*ekalliyet*' was created as a substitute for the term 'minority' after the Western countries called the non-Muslim communities in the Empire minorities (Akgönül, 2011, p.121).

After the French Revolution (1789), Western countries tried to use non-Muslims in the Ottoman Empire for their own interests. For example, Catholics were

protected by France, Italy and Austria, Protestants by England, Germany and the USA, and Orthodox people by Russia. On the one hand, they shared the *millets* and tried to establish a kinship among them. On the other hand, they exerted pressure on the Empire for the improvement of the *millets*' protection, rights and living standards. Bowing to this western pressure, the Ottoman Empire declared the '*Tanzimat* Firman' in 1839 and, continuing it in terms of its liberal understanding, the '*Islahat* Firman' (Reform Edict) in 1856 in order to protect the religious minorities while also regarding the Muslim and non-Muslim citizens of the Ottoman Empire as equals. The *Tanzimat* Firman was the first reaction of the Ottoman Empire to the 1789 French Revolution's philosophies. At the time of the reading of the *Tanzimat* Firman, in addition to the Sultan and all of the palace officials, scholars, civilian and military officials, foreign ambassadors, sheikhs, preachers and *imams*, the Patriarchs of Rum, Catholic Armenian, and Gregorian Armenian people and the Jewish Chief Rabbi also participated in the ceremony (Kaya (b), 2005, p.66).

In the early nineteenth century, the Ottoman Empire was divided into two social classes; the *ruling millet* and the *convicted millet*. While the Turkish people formed the *ruling millet*, non-Muslims belonged to the *convicted millet* in which the Rum people became *primus inter pares*. Even though an equal citizenship within the Ottoman Empire has been attempted with the *Tanzimat* Period, starting in 1839, this '*ruling millet*' ideology was not totally abandoned and it has remained up until today in Turkey. However, the *millet* system was terminated legally by the declaration of the *Tanzimat* Firman (Okutan, 2009, p.31).

Sultan Mahmut II, whose thinking led to the preparation of the *Tanzimat* Firman, once said that "I notice my Muslim citizens in mosque, Christian ones in church, Jewish ones in synagogue. There is no difference between them. My love and justice for all of them is strong and all of them are my children." (translation mine; Kaya (b), 2005, p.70). Even though this principle of equality was initiated in the *Tanzimat* Period, it has not been developed or implemented effectively and cannot be observed today in Turkey.

The 1839, the *Tanzimat* Firman included three main subjects which are the equality of the non-Muslim citizens to the Muslim ones under the law, the organization of the tax taken from the non-Muslims, and the organization of military service. According to the Firman, non-Muslims in the Ottoman Empire established their religious places, hospitals, alms houses, schools and education in their mother tongues outside of the Empire's control. Many years before the Ottoman Empire opened its medical schools in 1827, the Rum people had one in Kasımpaşa and the Armenian people has one in Kuruçeşme (both are districts of İstanbul). Also, in a village called Zincidere in Kayseri, the Rum people opened a high school with fifty five students in 1878 (MEB, 28.12.2012). During the *Tanzimat* Period, a university was opened in 1846 in İstanbul which was opened to all Ottoman youth regardless of their religion or language (Kaya (b), 2005, p.74). However, the education of non-Muslims in the Ottoman Empire started to be controlled in 1869 through a regulation. Moreover, in 1908 the Empire tried to oversee the programs of the minority schools and the selection of their teachers; it tried to enforce Turkish language education but the religious leaders of the non-Muslim communities strictly opposed these demands (Kaya (b), 2005, p.75).

At the same time, Muslims in the Ottoman Empire protested the privileges given to the non-Muslims. They thought that these non-Muslims led to the deterioration of the Empire as they gained new rights and equality. With the *Tanzimat* Firman, the Empire demanded one assembly in each province be established that should include four Muslims, one '*kadi*' (religious judge), one commander, metropolitans if it was possible and two notables (Kaya (b), 2005, p.80). For the first time, non-Muslims took part in local administration in the Ottoman Empire and Muslims resisted this development. Lastly, with the *Tanzimat* Firman, mixed courts were established in which non-Muslims were also tried and accepted as witnesses.

The Reform Edict was announced in 1856 because the Western countries did not find the *Tanzimat* Firman sufficient and demanded more fundamental reforms. Seven days after the announcement, the Western countries tried to add this Reform Edict to the Paris Agreement. First of all, the Sublime Porte (*Bab-ı Ali* – the central government of the Ottoman Empire in İstanbul) declared the abolition of the Jizya Tax

to meet the demands of the French, and it also declared that the non-Muslims would be allowed to participate in the military and in statesmanship.

The Reform Edict further allowed the non-Muslims to repair all their places of worship, schools, hospitals and cemeteries, but for their construction they had to get the approval of the Porte. Before the *Tanzimat* Period, some non-Muslims changed their faith due to fear of execution. Hence, there were lots of Crypto-Catholics (hidden Catholics) throughout the Empire. The Reform Edict allowed these people to return to their original religion. From then on, no one felt compelled to change his/her faith.

Since the Reform Edict, the number of non-Muslims in the government, and bureaucrats, statesmen, judges and municipal police forces increased. There was a particular increase in the participation of non-Muslim parliamentarians in the first assembly of the Empire that was opened in 1876. With this Edict, non-Muslims gained the freedom to practice their culture, the right to open schools and to enter the Turkish schools. In addition to the Rum and Armenian schools, Jews also started to open schools after this decision.

Until the *Tanzimat* Firman, the Chief Religious Official in the Ottoman Empire (Sheikh-ul Islam/*Şeyhülislam*) had traditionally prayed after each firman was announced. However, after both the *Tanzimat* and *Islahat* Firmans (due to their content in terms of the non-Muslims), a prayer ceremony did not take place (Kaya (b), 2005, p.100).

During this period, the dissatisfaction among the Muslim citizens increased and then bloody conflicts took place between Muslims and non-Muslims in several places. In 1856, one non-Muslim citizen who worked in the English Embassy, and his family, were killed by a group of Muslims due to the claim that he had insulted the religious judge (*kadi*) (Kaya (b), 2005, p.101). Again in 1856, the French Consulate and the English Deputy Consulate were killed when they tried to break up a fight among Muslims and non-Muslims (Kaya (b), 2005, p.102). Also in 1860, the houses and offices of non-Muslims were demolished in Aleppo and Damascus (Kaya (b), 2005, p.103).

In addition to the Ottoman statesmen and Muslim citizens, some non-Muslims also opposed the Reform Edict, especially the Orthodox Rum people who declared that they preferred the Muslim superiority over the equality to Armenians and Jews (Bozkurt, 1996; Kaya (b), 2005; Güler, 2009). In order to convince them to change their minds, a Commission which was called the National Council and consisted of all the Orthodox religious leaders, bishops and ten clerics, was established.

Between 1862 and 1865, constitutions (*nizamname*) for every *millet* were prepared which included rules both for the internal relations of each community and for the relations between the community and the Ottoman rulers (Bozkurt, 1996, p.170). The abovementioned Council prepared the Rum Constitution called the ‘Rum Patriarchate Law’ in 1862 with the aim of decreasing the power of the religious men and giving the power to the members of the community to govern their own ‘*millet*’ (Okutan, 2009, p.41).

In contrast to the abovementioned developments in the area of minority rights protection in the Ottoman Empire through the *Tanzimat* and *Islahat* Firmans, England and France delivered a memorandum to the Sublime Porte on 5 October 1859 criticizing the non-implementation of the clauses of the Reform Edict (Kaya (b), 2005, p.108).

However, the Ottoman Constitution of 1876 (*Kanun-i Esasi*), which was prepared with the involvement of Rum and Armenian representatives, was the turning point to confirm the legal status of the non-Muslims in the Ottoman Empire. While Article 8 stated that everyone regardless of any difference of religion and sect was ‘Ottoman’, several rights were also given to the Ottoman citizens; i.e. personal freedom (Article 9-10), freedom of press (Article 12), freedom of establishment of every kind (commercial, industrial, agricultural) of association (Article 13), and freedom of education (Article 22) (Güler, 2009, p.27). On the other hand, while Article 11 indicated that the official religion of the Ottoman Empire was Islam, it also gave the freedom of worship to all of the religions that the Ottoman Empire recognized (Güler, 2009, p.27).

In the first elections in 1877, according to the Ottoman Constitution, forty-six non-Muslims were elected out of 115 total Members of Parliament (MPs) (Güler, 2009,

p.28). The non-Muslims that were elected from İstanbul to the first Parliament were Hüdaverdiyan Ohannes *Efendi*, Vasilaki *Bey*, Sebuh *Efendi*, Acıman *Efendi* and Nikolaki Solidi *Efendi* (Kaya (b), 2005, p.128). On the first day of the second term of the first Parliament, the oldest Member of the Parliament, sixty-six year-old Gümüşgerdan Mihaliki *Bey* from Edirne headed the Parliament. Hüdaverdiyan Ohannes *Efendi* from İstanbul was elected as the second vice chairman (Kaya (b), 2005, p.129). In the Parliament, Ottomanism was the main thinking and the parliamentarians usually avoided discussing ethnic issues. The first Parliament was abolished at the time of the Ottoman-Russian War in 1877. The second Parliament was opened in 1908 and closed in 1912. And the third Parliament was opened in 1914 which was abolished in 1918 at the end of WWI.

In the 1908 elections, twenty-three Rum people, twelve Armenians, five Jews and five Slavic people were elected. Vitali Faraci *Efendi*, Bedros Hallacyan *Efendi*, Zöhrab *Efendi*, Konstantini *Efendi* and Kozmidi *Efendi* were elected from İstanbul. In the 1912 elections, out of 284 parliamentarians, fifteen of them were Rum people, thirteen of them were Armenians, four of them were Jews and nine of them were Slavic people. Orfanidis *Efendi*, Faraci *Efendi*, Artas *Efendi*, Hallaçyan *Efendi* and Zöhrab *Efendi* were elected from İstanbul. In the 1914 elections, thirteen Rum people, fourteen Armenians and four Jews took part out of a total of 259 parliamentarians. There were no Slavic people at that time due to the secession in the Balkans. Orfanidis *Efendi*, Karas *Efendi*, Hallaçyan *Efendi*, Viktor *Bey*, Haralambidi *Efendi* and Zöhrab *Efendi* were the MPs from İstanbul. On the other hand, in the first parliament of Turkey which was opened on 23 April 1920, there were no MPs from the non-Muslim minorities. This continued until 1935 when the RPP (Republican People's Party – *Cumhuriyet Halk Partisi/CHP*) declared that the non-Muslim minorities could be nominees (Okutan, 2009, pp.148-149).

In the Ottoman Empire, the last three population censuses were made in 1881/82-1893, 1906/7 and 1914 (Güler, 2009, p.73). In the 1881/82-1893 population census, there were 1.325.735 Rum people out of the total population of 12.064.186 (10.99%). In the 1906/7 census, 1.794.850 Rum people were counted out of total

15.099.738 citizens (11.95%). Lastly, in the 1914 population census, 1.553.619 Rum people were counted out of total 16.064.061 people (9.67%). The data shows that the Rum people were the biggest community within the Empire but that their number had started to decrease in the last years of the Empire (Güler, 2009, pp.77-79).

The Rum community within the Ottoman Empire had its own newspapers in Greek. In 1832, the official newspaper of the Ottoman Empire '*Takvim-i Vekayi*' was translated into Greek but the Rum people declared that they preferred it in Turkish with Greek letters. However, the first newspaper of the Rum community, '*Amalthia*', was published for the first time in 1838 in İzmir and continued publication until 1922. Then, '*Neologos*' was published in 1863 and '*Eklisiastiki Alitheia*' was published between 1881 and 1922 in İstanbul. While the former promoted Hellenism, the latter became the voice of the Patriarchate (Güler, 2009, p.135).

Starting in the early sixteenth century and lasting until the independence of Greece (which was recognized by the Ottoman Empire with the Edirne Agreement in 1829), the Rum people had been working as 'dragomen', that is to say translators, within the Sublime Porte in İstanbul because they knew many foreign languages. However, after the Greek secession, they were replaced by Armenians due to the fact that they had lost their reliability. Starting with the *Tanzimat* Firman, non-Muslims were accepted into the navy first, and then to the army. However, they protested this change because their commercial relations would be cut during their military service. Then, the Jizya Tax was repealed in return for military service which was approved by the Reform Edict in 1856. While the Sublime Porte decided to abolish this tax and to impose compulsory military service on non-Muslims, this decision could not be immediately implemented. Then, in 1861 the Porte accepted the '*Bedel-i Askeri*' (Military Price) system in order to make the non-Muslims exempt from military service (Güler, 2009, p.69). Moreover, with the amendments made to the Constitution in 1909, the *Bedel-i Askeri* was cancelled and it was decided that the non-Muslims had to serve in the military. After a while, in 1909 the '*Bedel-i Nakdi*' (Monetary Price) system was adopted for the non-Muslims. Different from the previous implementations, while they

had to pay fifty Ottoman gold, they also had to go to the closest infantry regiment for the three-months tutelage (Güler, 2009, p.70).

During WWI, non-Muslim men were distanced from the borders but were forced into compulsory military service and formed special troops called 'Labor Battalions'. This practice continued during the Turkish War of Independence. Despite the objections of the three non-Muslim religious leaders, military service is still compulsory for non-Muslims (Akgönül, 2007, pp.42-43).

However, during the Turkish War of Independence, the Committee of Union and Progress (CUP) declared that it cancelled these privileges of the non-Muslims. The CUP aimed at 'increasing the Turk, perpetuating the Turk, multiplying the Turk' (Okutan, 2009, p.53). In the Erzurum Congress on 23 July-7 August 1919, it was decided that no new privileges would be given to the non-Muslims but that they continued to have the rights guaranteed under Ottoman Law. In addition, it was declared that each intervention to disjoin the Turkish country and the demands coming from the minorities would face national resistance in Anatolia. Because the Erzurum Congress dealt mainly with the eastern part of Anatolia, these abovementioned decisions mainly impacted Armenian minorities and their activities. Article 3 states that "[n]o privileges which could impair our political sovereignty or our social equilibrium shall be granted to the Christian elements" (Erzurum Congress, 26.06.2014).

In the Sivas Congress on 4-11 September 1919, the decisions of the Erzurum Congress were amended in accordance with which minority issue was raised in the agenda. In one decision, it was stated that "in cases of every kind of invasion and intervention and especially movements to establish Greekness and Armenianness, the principle of a total defence and resistance is accepted" (translation mine; ATAM, 10.12.2014). The decisions of the Sivas Congress were more nationalistic than the Erzurum Congress because delegates from throughout Turkey participated in the former. Moreover, in the Amasya Congress on 20-22 October 1919, it was decided that "the non-Muslim communities should not be given concessions which can break the political authority and the social balance of the Turkish territories" (translation mine; ATAM, 10.12.2014).

On the other hand, the last Ottoman Parliament convened in January 1920 in which only one Jewish MP took part. There were no MPs from other non-Muslim minority groups. This last Ottoman Parliament unanimously accepted the *Misak-ı Milli* (National Pact/Oath) on 28 January 1920 which was the political manifesto of the Turkish War of Independence and composed of six articles. In its fifth Article, it stated that “[t]he rights of minorities will be issued on condition that the rights of the Moslem minorities in neighboring countries are protected” (Misak-ı Milli, 06.11.2014). Here, the emergence of the principle of ‘reciprocity’ in the Kemalist thinking can be easily observed.

After the occupation of İstanbul, Atatürk dispatched a telegram on 22 March 1920 to foreign countries in which he protested this occupation and wanted to draw their attention away from the Armenian Genocide in Anatolia. One day later, he banned newspapers in the Armenian and Greek languages.

Atatürk spoke to the newspaper ‘*Le Journal*’ on 25 December 1922 and said that the Patriarchate as ‘the center of perfidy’ had to be sent abroad. He stated that Turkey did not have to provide shelter to the Patriarchate because the real center of perfidy was Greece (Güler, 2009, pp.202-203). Nevertheless, the Patriarchate remained in İstanbul providing that it dealt only with religious affairs and not political issues.

When Greece invaded İzmir in 1919, the Patriarchate helped the Greek troops (Okutan, 2009, p.56). Thus, the Turkish government regarded the Rum community as ‘traitors’ or as an ‘inside enemy’ which resulted in hyper-nationalist attacks on the minorities during the period of the Turkish Republic.

3.3 Minority Rights Evolution in Turkey

In the first part of this chapter, the question ‘who are the minorities in Turkey?’ was answered. Then, the Rum minorities, which belong to the only official minority group, the non-Muslim minorities, were dealt with by providing details about Turkey’s anti-minority activities; i.e. in the form of physical attacks or through restrictions by law.

Based on a report of the Minority Rights Group International on Turkey (Bir Eşitlik Arayışı: Türkiye’de Azınlıklar, 2007, pp.13-16), Turkey’s minorities can be divided into three groups, unofficially.

1) Non-Turkish minorities: Kurds, Circassians, Roma, and Arabs.

Kurds are the largest unofficial ethnic and linguistic minority group of Turkey with their population being estimated at between 10-15 million. They mainly live in the Eastern and Southeastern parts of Turkey. They speak the Kurdish language which has several dialects; like Kırmançî, Zaza etc. Most of the Kurdish people are Sunni but there are also a number of Alevi Kurds.

Circassians are estimated to number approximately three million by the Federation of the Circassian Associations and live in fifteen cities of the Northwestern, Middle and Southern parts of Turkey.

Roma people are estimated to number almost two million; they speak Turkish, are mostly Muslim and live all around Turkey (Bir Eşitlik Arayışı: Türkiye’de Azınlıklar, 2007, p.14).

On the other hand, there are almost one million Arabs living in the Southern part of Turkey, most of which are Muslims. There are also Christian Arabs living in Hatay.

In addition to these, there are also around two million Syrian refugees arriving first in Hatay and then spreading all around Turkey. Because most of them were given Turkish citizenship in order to allow them to vote in the 2014 local elections, they can be regarded as the newest minority group of Turkey.

Lastly, there are also a number of Lazis, Bulgarians, Bosniaks, Pomaks and Albanians living in Turkey.

2) Non-Sunni minorities: Alevis-Bektashis.

Alevis comprise the largest unofficial religious minority group in Turkey. Their number was claimed by the Alevi-Bektashi Federation to be almost 25 million. They speak Azerbaijani Turkish, Arabic, Turkish, and Kurdish and live all around Turkey.

3) Non-Muslim minorities: Rums, Armenians, Jews, Assyrians (Syriacs).

Assyrians are Orthodox Christians and are estimated to number almost 15.000 people who speak Syriac and mainly live in İstanbul and the Southeastern part of Turkey. Assyrians have four Metropolitans in Turabdin, Mardin, Adıyaman, and İstanbul (Bir Eşitlik Arayışı: Türkiye’de Azınlıklar, 2007, p.14). Their Patriarchate is in Damascus but the Patriarchate of the Catholic Assyrians is in Lebanon and its Vice Patriarch is in İstanbul (Bir Eşitlik Arayışı: Türkiye’de Azınlıklar, 2007, p.14).

With the Lausanne Peace Treaty, as will be detailed below, Rums, Armenians, and Jews gained official minority status. Thus, they comprise the official religious minorities of Turkey.

Armenians are estimated to number approximately 60.000 people who are divided into Catholic and Gregorian Armenians; most of them live in İstanbul. They speak Armenian and have private schools for the Armenian children to attend. The Archbishop of the Catholic Armenians is in İstanbul but their spiritual leader is the Pope of the Roman Catholic Church (Bir Eşitlik Arayışı: Türkiye’de Azınlıklar, 2007, p.14). On the other hand, Gregorian Armenians have their own Patriarchate in İstanbul. Also, there are many churches for the Armenian minority in İstanbul.

There are almost 23.000 Jews in Turkey, most of whom live in İstanbul (Bir Eşitlik Arayışı: Türkiye’de Azınlıklar, 2007, p.14). They speak Hebrew and have their own private schools for Jewish children. They have nineteen synagogues in İstanbul.

Last but not least, and constituting the focus of this thesis, the Rum people are estimated to number almost 2.000-3.000 people living mostly in İstanbul, but also in Bozcaada/Tenedos, Gökçeada/İmros and Antakya. They speak the Greek language,

except for the Antiochian Rum people who speak Arabic, and they have their own private schools for the education of Rum children. The Orthodox Rum Patriarchate is in Fener/İstanbul while the Antiochian Rum Orthodox Patriarchate is in Antakya. Moreover, the Rum minority has many churches in İstanbul.

3.3.1 Lausanne Peace Conference and Minorities in Turkey

Starting in the nineteenth century, the bilateral agreements that included principles pertaining to minorities began to be replaced by the multilateral agreements which made the minority question a matter of international law (Akgönül, 2011, p.123). Hence, the League of Nations was established at the end of WWI. Nevertheless, the League failed to create an international minority rights regime (as mentioned in Chapter 2), instead, it was a system imposed only on the Central Powers who lost the war. The Lausanne Treaty became the last link of the chain in a series of treaties on minorities (Akgönül, 2011, p.123).

The rise of nationalism in the Balkan Peninsula led to the Balkan Wars between 1912 and 1914 and then led to the First World War between 1914 and 1918. These warring countries tried to establish their own nation-states, and in order to purify their existing states, countries like Turkey, Greece, and Bulgaria wanted to rid themselves of their minorities and/or those who did not have minority status but were of another nationality. Okutan (2009, p.59) argues that the first forced emigration took place in 1914 when the Ottoman Empire sent the Rum people of the Aegean region to Greece without any conflict, damage, or death. Then, in 1919 after the end of WWI, Greece and Bulgaria signed the Treaty of Neuilly, which decided on a 'Voluntary' Population Exchange between the two countries (Pentzopoulos, 2002). Within a short period of time, approximately 30.000 Greeks left Bulgaria while about 53.000 Bulgarians left Western Thrace. Following this exchange, the Turkish War of Independence started in 1919 and continued up until 1923. At the end of the war between Turkey and Greece, the Treaty of Lausanne was signed in July 1923 in which both the independence of the Turkish Republic and the three non-Muslim communities as 'minorities' were officially recognized. During the negotiations of Lausanne Conference, an important issue was decided by Turkey and Greece concerning the

Turkish residents in Greece and the Rum residents in Turkey; this resulted in the Compulsory Population Exchange.⁷

The negotiations for the Treaty of Lausanne were divided into two periods; the first period was between 21 November 1922 and 4 February 1923 and the second period lasted between 23 April 1923 and 24 July 1923 (Güler, 2009, p.196).

Three commissions were established during the Lausanne Peace Conference. The first one, Lord Curzon's Commission (Britain), dealt with country-based and military issues; the second one, Garrani's Commission (Italy), dealt with the status of foreigners and minorities in Turkey; and the third one, Barrere's Commission (France), dealt with financial issues. While the minority issues had to be discussed within the Commission of Minorities and Foreigners, Lord Curzon's Commission on Terrain and Military Service took the lead in the debate on minority issues (Okutan, 2009, p.68).

The Turkish delegation was composed of the Prime Minister İsmet İnönü, the Minister of Health Dr. Rıza Nur and the Minister of Finance Hasan Saka. The Turkish government made a decision before the delegation left Turkey for the Lausanne negotiations in which Articles 8 and 9 out of the fourteen articles were related to the non-Muslim minorities. While Article 8 stated that the capitulations were unacceptable, Article 9 indicated that the non-Muslim minorities (*Ekalliyet*) had to be exchanged (Güler, 2009, pp.196-197). The main problem between the European delegates of the Sub-Commission on Minorities and the Turkish delegation was that the former tried to put the term 'minorities' into the agreement, which would include all of the non-Muslim, non-Turkish and non-Sunni minorities, making reference to the National Pact (*Misak-ı Milli*), where the term used was just 'minority', whereas the latter insisted on the term 'non-Muslim minorities' or even 'Christian minorities' that was also used by Lord Curzon in the Lausanne Treaty. In the end, the Turkish delegation convinced its European counterparts and the rights were given to the non-Muslim minorities in Turkey and reciprocally to the Muslim minorities in Greece.

⁷ This paragraph was quoted from Akıncılar (2011, p.19).

The aim of the Turkish delegation during the Lausanne Treaty negotiations, headed by İsmet İnönü, had been to abolish the Ottoman *millet* system, due to its failure, and to establish a homogenous nation-state without ethnic, religious, or linguistic differences. The Turkish delegation strongly objected to giving minority status to Muslim groups. However, the delegation reluctantly accepted three non-Muslim groups as ‘minorities’ and in the third part of the Treaty under the subject of ‘Protection of Minorities’ between Articles 37 and 45, the rights of minorities have been determined. Even though the Treaty did not define the minority groups in Turkey, they have been de facto regarded as the Orthodox Rum people, Gregorian Armenians, and Jews (Akgönül, 2011, p.129).

Article 38 of the Lausanne Treaty has a non-discrimination clause and gives the non-Muslim minorities the right to freedom of religion and the right to freedom of movement and migration (Lausanne Peace Treaty, 11.12.2014).

Article 39 is concerned with equality before the law; granting social, civil, and political rights that are equal to the Muslims’ rights; ensuring that religious difference are not an obstacle to either public or private life; and allowing linguistic rights, including the use of a mother tongue in trade, religion, media, broadcasting, open meetings, and in the courts ‘even though the official language of the Republic is Turkish’.

Article 40 of the Lausanne Treaty gives the non-Muslim minorities the right to establish, manage and monitor charities, religious and social institutions, every kind of school and similar educational institutions.

In Article 41, it is stated that the minority educational institutions would receive funding from the government budget, municipal budget, and other official budgets. On the other hand, Article 42 gives the non-Muslim minorities the right to resolve their problems in terms of family law according to their traditions as arranged by the Special Commissions. In case of a disagreement, a chief-referee would be appointed by the Turkish government and the League Council to solve the problem.

According to Article 43, non-Muslims will not be forced to act against their religious conscience. This is the only article for the non-Muslim minorities that has been literally implemented since the Lausanne Agreement.

In Article 44, the Turkish government accepted the guarantee of the LoN for the provisions set for the non-Muslim minorities in the Lausanne Treaty.

Lastly, Article 45 states that the rights that have been given to the non-Muslims (here we will only consider the Orthodox Rum people) in Turkey will be also given by the Greek government to the Muslim minority in its territory. In this way, the principle of 'reciprocity' between Turkey and Greece found a place in an international agreement in 1923.

The Articles between 37 and 45 of the Lausanne Treaty have been applied only to the three non-Muslim minorities in Turkey; the Rum, Armenian, and Jewish minorities. Since the treaty mentions only the 'non-Muslim' people and does not refer to the three minorities by name, these rights should also be applied to all the non-Muslim communities; i.e. the Assyrians. This is the first violation of the Lausanne Treaty. While the Lausanne Treaty gives positive rights to the two minorities in Turkey and Greece reciprocally, the implementation of these rights has become negative (Akgönül, 2007, p.60).

In the newly established Turkish Republic, it was decided that the Patriarch of the Orthodox Rum minority would cease its political leadership of the community and retain only a religious function. That is, that from then on, the Patriarch was only the religious leader of the Orthodox Rum community even though this change was not outlined in the Lausanne Treaty. Akgönül (2011, p.130) argues that the Orthodox Rum minority of İstanbul was excluded from the Compulsory Population Exchange because there was a need for a Rum community in İstanbul in order to be dealt with by the Patriarch in terms of religious affairs.

Despite these localization attempts of the Patriarchate, the Orthodox Rum minority has demanded 'Ecumenical' status so the Patriarchate has started a de facto internationalization process and became a global church in the twentieth century. Its

importance and prestige has been inversely proportionate to the size of the Rum minority in Turkey (Akgönül, 2011, p.132). The Patriarchate has been named as the ‘Constantinopolis Ecumenical Patriarchate’ throughout the world.

The Patriarchate also has a strategic importance. During and after WWII, it was observed that the Moscow Patriarchate was used by the Russians as one of the most important foreign policy tools of the Soviet Union. Hence, the USA had tried to balance the Moscow Patriarchate with the Fener Rum Patriarchate of Turkey (Akgönül, 2011, p.132). After Turkey gained membership to NATO, a religious Greek-American man, Athenagoras, was appointed as the Patriarch. In this way, the internationalization of the Fener Rum Patriarchate was initiated and it assumed spiritual leadership of the Greeks, not only the Rum people. Therefore, the Fener Rum Patriarchate has had mandate problems with the Greek Free Church of Greece because the former had been the religious leader of the Rum people in Turkey and Greeks of the Dodecanese islands, Crete, Rhodes, Cos, and some monasteries and metropolitans in Thessaloniki, the USA, Europe and the far east, which includes 250 million believers (Patrikhane, 20.06.2013). In fact, Greece is more interested in the maintenance of the Fener Rum Patriarchate than in the preservation of the Rum minority in İstanbul (Akgönül, 2007, p.49).

After the dissolution of the Soviet Union in 1991, newly emerged nation-states started to search for an alternative to the Moscow Patriarchate so they turned to the Fener Rum Patriarchate. In this way, the Fener Rum Patriarchate has also become the religious leader of the non-Greek Orthodox people throughout the world, i.e. the Antiochian Orthodox people. Akgönül (2011, p.134) argues that the reason that the Arabic-speaking Orthodox people of Antakya are registered as the Rum minority stems from the fact that the Turkish government has not left the *millet* system thinking behind.

On 30 January 1923, the Agreement on Compulsory Population Exchange was signed by İnönü, Venizelos, and Lord Curzon. The main aim of this exchange was the homogenization of the Turkish and Greek nation-states (Özkırımlı and Sofos, 2008, p.153; Clark, 2008, p.15). Whereas İnönü demanded a pure Sunni-Muslim-Turkish country, Venizelos wanted an Orthodox-Christian-Hellenic Republic.

In the Agreement, the Orthodox Rum minority of İstanbul and the Muslim Turkish minority of Western Thrace were excluded from the Population Exchange because they were regarded as *'etabli'* (French word for 'resident') in the two countries as people who had settled in İstanbul and Western Thrace before 30 October 1918 and the Armistice of Mudros. As the Rum minorities of Bozcaada/Tenedos and Gökçeada/İmvros were not identified as being *'etabli'*, they were also exempt from the exchange. While the Karamanlides, a Turkish-speaking Orthodox community, were added to the Population Exchange, the Arab-speaking Orthodox community of Antakya was not added because Antakya was at that time outside the borders of the Turkish Republic. With the Population Exchange, almost 355.000 Muslim Turks left Greece, with the exception of the Turks living in Western Thrace, while around 1.200.000 Orthodox Rum people left Turkey, with the exception of the Rums in İstanbul, Bozcaada/Tenedos, and Gökçeada/İmvros (Hirschon, 2004, pp.14-15).

This Population Exchange created a lot of difficulties for both the Turkish and Greek migrants. For example, they had to reluctantly leave their belongings, jobs, friends, and homes where they and their ancestors had lived for centuries. More importantly, the migrants could not easily adapt to their new lives because Turkish people did not accept the newcomers as being real Turks and the Greek public saw the newcomers as being Turkified Greeks (Karakasidou, 1997, pp.146-152). Moreover, the Orthodox Rum minority of İstanbul considered themselves to be different from the Greeks of Greece. "This is not to say that Rums would accept that they are less than Greek, but probably most would argue that they are not the same as all Greeks, and that there is a certain distinction about being from Istanbul" (Örs, 2006, p.85).⁸

After the Population Exchange, a settlement problem occurred in both Turkey and Greece. For instance, while "tobacco producers from both countries were resettled in regions where tobacco production was virtually impossible, ... wheat producing peasants were forced to settle in regions with olive groves" (Aktar, 2004, p.88). These environmental limitations made the refugees' lives more difficult.⁹ In order to solve this problem, Turkey and Greece formed a Joint Commission and signed the Athens

⁸ This paragraph was quoted from Akıncılar (2011, p.19) and Akıncılar (2010, MA Thesis, p.24).

⁹ This paragraph was quoted from Akıncılar (2010, MA Thesis, p.24).

Agreement in 1923 and the Ankara Agreement in 1930, in which “Turkey and Greece officially recognized the existing territorial boundaries and accepted naval parity in the eastern Mediterranean” (Gallant, 2001, p.153). These agreements aimed at securing the rights and properties of Muslim Turks in Western Thrace.¹⁰

A number of the Rum minorities of İstanbul who were forced to leave the city with the Population Exchange returned to İstanbul, along with their Greek citizenship, during the 1930s after the signature of the Turkish-Greek Settlement Agreement in 1930. Akgönül (2007, p.52) claims that these people had prevented the extinction of the Rum minority of İstanbul before the 1964 mass deportations.

3.3.2 Minorities in the Turkish Constitutions

There have been three Constitutions in Turkey dating from 1924, 1961, and 1982, of which only the 1982 Constitution is currently in effect. Whereas there is nothing mentioned about minority rights in these constitutions, there are also some restrictive or even discriminating provisions which make the non-Muslim, non-Turkish, and non-Sunni people inferior to the Sunni-Muslim-Turkish population in Turkey.

In the 1924 Constitution, while Article 2 says that “[t]he religion of the Turkish State is Islam; the official language is Turkish ...”, Article 88 states that “[t]he name Turk, as a political term, shall be understood to include all citizens of the Turkish Republic, without distinction of, or reference to, race or religion” (Earle, 1925, p.89, 98). According to Article 12 of the 1961 Constitution, which was prepared just after the 1960 coup d’état, “[a]ll individuals are equal before the law irrespective of language, race, sex, political opinion, philosophical views, or religion or religious sect” (1961 Constitution, 14.01.2015). Article 54 provides that “[e]very individual who is bound to the Turkish State by ties of citizenship is a Turk” (1961 Constitution, 14.01.2015). According to Article 58, “[e]very Turk is entitled to enter public service. In hiring personnel no discrimination shall be made other than job qualification” (1961 Constitution, 14.01.2015). It can be understood that the ‘equality’ and ‘non-discrimination’ principles also appeared in the 1961 Turkish Constitution even though

¹⁰ This paragraph was quoted from Akıncılar (2011, p.19).

the implementation of these principles was weak. Nevertheless, a number of scholars argue that this constitution is the most advanced constitution of Turkey today.

Article 3 of the 1982 Constitution provides that “[t]he Turkish state, with its territory and nation, is an indivisible entity. Its language is Turkish” (1982 Constitution, 14.01.2015). However, according to Article 10, “[a]ll individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations” (1982 Constitution, 14.01.2015). In contrast, Article 14 states that

[n]one of the rights and freedoms embodied in the Constitution shall be exercised with the aim of violating the indivisible integrity of the State with its territory and nation, of endangering the existence of the Turkish State and Republic, of destroying fundamental rights and freedoms, of placing the government of the State under the control of an individual or a group of people, or establishing the hegemony of one social class over others, or creating discrimination on the basis of language, race, religion or sect, or of establishing by any other means a system of government based on these concepts and ideas (1982 Constitution, 14.01.2015).

While Article 26 states that “[n]o language prohibited by law shall be used in the expression and dissemination of thought”, Article 28 says that “[t]he press is free, and shall not be censored. ... Publication shall not be made in any language prohibited by law”, and Article 42 provides that

[n]o language other than Turkish shall be taught as a mother tongue to Turkish citizens at any institutions of training or education. Foreign languages to be taught in institutions of training and education and the rules to be followed by schools conducting training and education in a foreign language shall be determined by law. The provisions of international treaties are reserved (1982 Constitution, 14.01.2015).

Lastly, Article 66 of the 1982 Constitution states that “[e]veryone bound to the Turkish state through the bond of citizenship is a Turk” (1982 Constitution, 14.01.2015).

In addition to the abovementioned restrictive and discriminatory articles of the 1982 Constitution, there are also some discriminatory laws which have been applied to the minorities for several years. The Turkish Penal Code was adopted on 1 March 1926 in which its Article 159 says that

[t]hose who publicly insult or ridicule the moral personality of Turkishness, the Republic, the Parliament, the Government, State Ministers, the military or security forces of the state, or the Judiciary will be punished with a penalty of no less than one year and no more than six years of maximum security imprisonment ... (Turkey, Legislation, Excerpts from Relevant Laws and Decrees, 14.01.2015).

This law was integrated into Article 301 of the Turkish Penal Code which states that “[a] person who publicly denigrates Turkishness, the Republic or the Grand National Assembly of Turkey, shall be punishable by imprisonment of between six months and three years” (Article 301, 14.01.2015). This Article directly violates the freedom of expression principle of the ECHR. In 2008, the wording was changed to “denigration of the Turkish nation, the state of the Republic of Turkey, the Turkish Parliament (TBMM), the government of the Republic of Turkey and the legal institutions of the state”. Even though the EU applies pressures on Turkey to abolish this article, there has not been any development in this regard.

Article 81 of the Law No. 2820 on Political Parties, adopted on 26 April 1982 on ‘preventing the creation of minorities’ states that the political parties

- a) Cannot put forward that minorities exist in the Turkish Republic based on national, religious, confessional, racial, or language differences...
- b) Cannot by means of protecting, developing, or disseminating language or cultures other than the Turkish language and culture through creating minorities in the Republic of Turkey have the goal of destroying national unity or be engaged in activities to this end;

c) Cannot use a language other than Turkish in writing and printing party statute[s] or program[s], at congresses, at meetings in open air or indoor gatherings; at meetings, and in propaganda, cannot use or distribute placards, pictures, phonograph records, voice and visual tapes, brochures and statements written in a language other than Turkish; cannot remain indifferent to these actions and acts committed by others; however, it is possible to translate party statutes and programs into foreign languages other than those forbidden by law (Turkey, Legislation, Excerpts from Relevant Laws and Decrees, 14.01.2015).

The last part of this Article has been recently changed so that Kurdish politicians could use the Kurdish language in their manifestos for the 2014 local elections.

Moreover, Article 4(t) of the Law Concerning the Founding and Broadcasts of Television and Radio (No. 3984), adopted on 13 April 1994, states that “[r]adio and television broadcasts will be made in Turkish; however, for the purpose of teaching or of imparting news those foreign languages that have made a contribution to the development of universal cultural and scientific works can be used” (Turkey, Legislation, Excerpts from Relevant Laws and Decrees, 14.01.2015).

While the Law on Foreign Language Education and Teaching (No. 2923) states in Article 2(a) that “[t]he mother tongue of Turkish citizens cannot be taught in any language other than Turkish...”, and the Decision No. 92/2788 of 1992 of the Council of Ministers states that “... in official and private courses education and teaching are to be made in the following languages: English, French, German as well as Russian, Italian, Spanish, Arabic, Japanese, and Chinese” (Turkey, Legislation, Excerpts from Relevant Laws and Decrees, 14.01.2015), Article 4 of the Fundamental Act on National Education (1739/1973) provides that “educational institutions are open to all, with no distinction as to language, race, gender and religion” (Trifunovska, 2001, p.585).

The Law Concerning Fundamental Provisions on Elections and Voter Registries (No. 298) of 26 April 1961 in Article 58 forbids the use of “any other language or script than Turkish in propaganda disseminated in radio or television as

well as in other election propaganda”; this has been recently repealed (Turkey, Legislation, Excerpts from Relevant Laws and Decrees, 14.01.2015).

The Provincial Administration Law No. 5442, adopted on 10 June 1949 and amended in 1959, provides in Article 2/d/2 that “[v]illage names that are not Turkish and give rise to confusion are to be changed in the shortest possible time by the Interior Ministry after receiving the opinion of the Provincial Permanent Committee” (Turkey, Legislation, Excerpts from Relevant Laws and Decrees, 14.01.2015). This was also changed in response to EU pressure and the villages have started to reassume their former, non-Turkish, names.

Lastly, the Act on Associations (2908/1983) prohibits in Articles 5 and 76

the formation of associations claiming that there are minorities based on differences of race, religion, sect, culture and language within the country of the Turkish Republic, or creating minorities by protecting, advancing or spreading languages and cultures other than Turkish language and culture (Trifunovska, 2001, p.584).

As a result, all of these Constitutions and laws show that Turkey was established with, and since then has maintained, the restrictive and discriminating provisions regarding its non-Muslim, non-Turkish, and non-Sunni minorities. Indeed, the country has only favored the Sunni-Muslim-Turkish population since its establishment. Although this attitude is beginning to change as a result of the pressure from the EU and on the basis of the fact that the Turkish government is preparing to adopt a new constitution (which is also being contributed to by the representatives of the non-Muslim minorities), there have been some hyper-nationalist anti-minority events that have occurred in Turkish history. These events will now be considered.

3.3.3 Hyper-Nationalist Anti-Minority Occurrences

When creating a nation-state in Turkey, only three non-Muslim communities, the Orthodox Rum, Gregorian Armenian, and Jewish people, were accepted as minorities because they were regarded as groups which could not be assimilated. Thus,

Turkey attempted to eradicate its non-Muslim minorities in the process of homogenizing the Turkish population (Akgönül, 2011, p.128).

Starting with the establishment of Turkey up until the mid-1970s, the rise of nationalism throughout Turkey resulted in times to the creation of hyper-nationalist attempts that were made against the non-Muslim minorities. Among these were the ‘Citizen, Speak Turkish!’ Campaign, the Wealth Tax, the 6-7 September Pogrom, 1964 Mass Deportations and the 1974 Turkish Intervention in Cyprus which will be analyzed below.

3.3.3.1 ‘Citizen, Speak Turkish!’ Campaign

In 1928, the ‘Citizen, Speak Turkish!’ Campaign was announced by the Republican People’s Party (RPP). This campaign was accepted in the National Assembly in order to assimilate non-Muslims who did not speak Turkish to each other. In reality, some Jews did not know any Turkish. Thus, this campaign was used by hyper-nationalist residents and anti-semitic publications to target the Jews living in Western Thrace. This pressure, along with the government’s support, reached its peak in 1934 and the Thracian Jewry was forced to leave either the country altogether or leave Thrace and resettle in İstanbul. Similarly, the Armenian minority that were left over after the 1915 Armenian forced migration and had survived in the interior and eastern parts of Anatolia, were forced to leave their homes and to resettle in İstanbul between 1929 and 1934. At the end of the 1930s, the Kemalist elite’s goal had been achieved by gathering almost all of the Jews, Armenians, and Rum people in İstanbul. From there, they attempted to force them to leave the country, that is, to deport them from İstanbul using the state deterrence policies even though this would have appeared to be a voluntary migration.¹¹ According to Akgönül (2011, p.120), the ‘Citizen, Speak Turkish!’ Campaign was not an assimilationist campaign, instead, through this campaign the Turkish government tried to make the minorities ‘invisible’.

In 1930, Turkey and Greece were brought closer because Turkey wanted to move away from the Soviet Union’s ambitions while Greece was afraid of aggression

¹¹ This paragraph was quoted from Akıncılar (2011, p.23).

from Bulgaria and Italy. In the end, the two countries signed a friendship agreement which directly related to the lives of the Rum people in Turkey (Akgönül, 2007, p.86). At the time that Venizelos visited Turkey over 17-31 October 1930, three agreements were signed between Turkey and Greece; the 'Agreement of Friendship, Neutrality, Reconciliation and Arbitration'; the 'Agreement of Residence, Trade and Navigation'; and the 'Protocol of Restriction on Naval Forces' (Akgönül, 2007, pp.86-87).

Whereas the first agreement brought about a solution to the conflict over the properties of the *établis*, the second agreement gave the Greek citizens who emigrated from Turkey during the Population Exchange and lost their Turkish citizenships the right to return to İstanbul and live and work there. In this way, some families which had been separated during the Population Exchange could come together again (Akgönül, 2007, p.87). In fact, this right was given to both the migrants of Turkey and of Greece. However, while the Rum people of İstanbul returned to İstanbul, the Turkish migrants did not return to Greece (Akgönül, 2007, p.87).

3.3.3.2 The Recruitment of the Non-Muslim Minorities and the Wealth Tax

In November 1939, a presidential decree on recruiting non-Muslims, which was also implemented during the first years of the Republic, was reentered into force. According to this decree, non-Muslim minorities would not receive a military education and would not wear uniforms like the Muslim Turks. They also got the right to pay for reducing the military service from eighteen to six months (Akgönül, 2007, pp.99-100). Starting in 1941, non-Muslims who were between 20-40 years old were taken into military service (some of them for the second or third times) and joined a special troop established only for the non-Muslim minorities. This was called the '*Yirmi Kur'a İhtiyatlar*' (The Twenty Classes) which implies that the immobilized minority men were re-enlisted for public works by drawing twenty lots (Okutan, 2009, p.136). They were gathered under the 'Labor Battalions' (*Amele Taburları*) in which no Turks took part. In general, they went to Konya and were not allowed to carry guns but they were tasked with mostly road or railway construction (Akgönül, 2007, p.99). At that time, non-Muslim minorities regarded it as a punishment.

The non-Muslim minorities doing their ‘military service’ were not organized by the Ministry of Defence but by the Ministry of Public Works. Consequently, Ali Fuat Cebesoy and Şeref Zorlu were responsible for them. Ultimately, on 27 July 1942, due to their objections, the non-Muslim soldiers were discharged. The Turkish governments’ greatest fear had been the potential betrayal by the non-Muslim minorities during the war. Before WWII, the Republican People’s Party had prepared a report which analyzed in detail ‘the danger that the non-Turks posed’ (Akgönül, 2007, p.103). This report stated that there were around 100.000 Rum people who mostly lived in İstanbul and that the only way to prevent their betrayal was to clear İstanbul of the Rum people by the 500th anniversary of the Conquest of İstanbul (Akgönül, 2007, p.104).

Moreover, on 20 November 1940, Kazım Karabekir from the RPP said that Turks should dominate non-Muslim minorities in İstanbul. “While these people who suck the Turkish blood are living in perfect buildings, Turks are living in cisterns full of waste with their five or six children” (translation mine; Akgönül, 2007, p.108). The two examples show the RPP’s attitude towards the non-Muslims during the period of one-party rule between 1923 and 1950 which paved the way for the adoption of the Wealth Tax.

In 1941, the Turkish mass media initiated a discussion about the non-Muslim minorities who had become wealthier during WWII and questioned whether they should have been paying a tax. The then Minister of Finance, Fuat Ağralı, also mentioned this tax but they faced the problem of how to determine the criteria of prosperity (Akgönül, 2007, p.118). At that time, Turkey’s population was categorized according to ethnicity and religion. That is to say that the Muslim Turks were given the ‘M’ category, while the non-Muslim minorities got the ‘G’ (*gayrimüslim* – non-Muslim) and the people who lived in Turkey without Turkish citizenship got the ‘E’ category (*ecnebi* – foreigner) (Akgönül, 2007, p.120). In fact, the Wealth Tax mostly impoverished the ‘E’ category of people who were in fact Greek citizens that had migrated from İstanbul during the Population Exchange in 1923 and had returned to İstanbul in 1930 after the Settlement Agreement was signed.

Since the early 1910s, the Turkish ruling elites were aware that the majority of the bourgeoisie was made up of the non-Muslim minorities. This incensed them and so they tried to create a 'national bourgeoisie' in order to 'Turkify' the economy. The first visible attempt to remove minorities from economic life was the implementation of the 'Wealth Tax' in 1942 which was accepted by the National Assembly along with its claim to balance and redistribute the properties of minorities. The actual aim behind the scenes was to impoverish the non-Muslim minorities and eliminate them from creating competition in the national economy. Instead, the RPP government hoped to replace them with a new wealthy Turkish Muslim bourgeoisie.¹²

The law on the Wealth Tax was announced on 11 November 1942. According to its text, taxpayers had fifteen days to pay this tax and the amount of the tax was calculated based on the judgment of the commission members. Vehbi Koç could decrease the tax from 750.000 Turkish Liras to 600.000 after he objected. However, Nikos Apostolidis and Simos Bafeiadis mentioned that they could not decrease their tax. The Orthodox Patriarchate at first did not object but after the churches and foundations were taxed, a committee was established under the leadership of Khalkedon (Kadıköy) Metropolitan which met with the Prime Minister Saraçoğlu but not achieve any positive results (Akgönül, 2007, p.135).

If the non-Muslim minorities could not pay the entirety or any part of the tax, they were sent to labor camps in Aşkale (Erzurum) or Sivrihisar (see Akar, 2009). Faik Ökte calculates that 2.057 persons were sent to these camps, eighty-eight of them from İzmir, 100 of them from Bursa, and the rest of them came from İstanbul (Akgönül, 2007, p.136). On the other hand, 1.869 persons were brought together in Sirkeci, 640 of which paid their taxes there and returned to their homes but 1.229 of them were sent to Anatolia (Akgönül, 2007, p.136, 138). This was used by the mass media and the government as a good example for the non-Muslim minorities who hesitated to pay, or did not pay, the Wealth Tax.

When a New York Times reporter, Cyrus L. Sulnerger, wrote about the Wealth Tax implemented in Turkey during 9-13 September 1943, the Turkish government

¹² This paragraph was quoted from Akıncılar (2011, p.23).

started to feel scandalized by the West (Akgönül, 2007, p.139). For the first time, detailed news about the Wealth Tax appeared in the Allied Powers' press, so this led to the cessation of the tax enforcement (Aktar, 2000, p.151). At the beginning of December 1943, all the minorities who were in the camps due to the Wealth Tax were released. Eventually, the tax was officially repealed in March 1944.

Although the RPP government promised to give back the taxes paid by the non-Muslims, it never happened. Therefore, Turkish minority citizens lost their faith in the state and a number of them emigrated from Turkey, which was presented to the international actors as a voluntary migration.¹³

With the Wealth Tax, the Turkish government aimed at achieving two things; decreasing the speculative price of some products and decreasing the quantity of money in circulation (Akgönül, 2007, p.141). However, neither of these aims could be accomplished. Instead, the price of the products increased and the quantity of money in circulation also increased. During the Wealth Tax period, 98 percent of the properties of the non-Muslim minorities passed into either the Turks' or the government's hands (Akgönül, 2007, p.142, 145). Following the Wealth Tax, the Law on National Protection (1940, abolished in 1960), the Tax on Agricultural Products (1943, abolished in 1946) and the Act for Making Landless Farmers Land-owners (1945, abolished in 1973) extended the gap between the rulers and the non-Muslim minorities. Therefore, non-Muslim minorities objected to the RPP because they suffered from its authoritarian policies and chose to support the Democratic Party (DP–*Demokrat Parti/DP*) between 1950 and 1960 (similarly, today's non-Muslim minority primarily supports the JDP [Justice and Development Party–*Adalet ve Kalkınma Partisi/AKP*] government).

While there were 80.000 Greek-speaking minorities in the 1935 census, their numbers dropped to 70.000 in the (21 October) 1945 census. On the other hand, 76.000 people stated that they were Orthodox. The difference in the numbers resulted from the fact that in this census, respondents were asked to name their second language for the first time. Thus, lots of minorities (around 62.000) stated that their first language was Turkish and that their second language was Greek (Akgönül, 2007, p.153). In addition,

¹³ This paragraph was quoted from Akıncılar (2011, p.23).

almost 89.000 minorities stated that their mother tongue was Greek. In total, it can be estimated that there were around 150.000 Rum minorities in Turkey in 1945.

According to Okutan (2009, p.270), the Turkification process began in the late Ottoman period and ended with the Wealth Tax. Afterwards, the purification process replaced the Turkification process in the Turkish Republic.

3.3.3.3 6-7 September 1955 Pogrom

The Democrat Party was established in 1946 as the opposition party which introduced the multiparty system to Turkey. In fact, Turkey followed the international trends in this regard, that is, that until the end of the Second World War one-party governments were common among the European countries, but after the Second World War, a democratization wave spread beginning with the Yalta Conference. Because the DP used a pro-minority speech in order to obtain votes, which was a big deal as it exceeded the RPP's votes, almost all non-Muslim minorities gave their votes to the DP and it came to power in 1950. It is very ironic that minorities expected positive improvements on minority rights protection from the DP even though they were fully aware that these were the same people who had approved the Wealth Tax in the National Assembly as part of the RPP several years before. Hence, the Rum people in Turkey depended on Ankara's reactions against Greece and Cyprus during the 1950s and 1960s.¹⁴

After the DP won the election in 1950, the minorities expected the government to increase its minority rights' protection, but the party maintained the tendency to discriminate against non-Muslims. Because the DP aimed at creating a conservative-religious-traditional society, it offered to respect fathers' authority in family, love younger people, obey the societal rules, be patient, be aware of the illicit and the permissible, keep away from alcohol, gambling, dissipated and deluxe life, hide women's sexuality and obey the rules on dress (Demirel, 2005, pp.522-523). In this way, the DP tried to make the members of society similar to each other, so that society

¹⁴ This paragraph was quoted from Akıncılar (2011, p.23).

gradually became intolerant to internal differences.¹⁵ The first Menderes government was established on 2 June 1950 and its first order of business was to change the call for prayer from Turkish to Arabic. In this way, non-Muslim minorities heard the Arabic language for the first time after twenty years and felt like they were in a Muslim country (Akgönül, 2007, p.166).

Turkey and Greece became close to each other at the time since both of the countries planned to send soldiers to Korea during the war. In reality, their main aim was to become members of NATO. The Turkish-Greek Culture Agreement was signed on 20 April 1951 and the 'Turkish-Greek Friendship Association' was formed on 5 May 1952. Nevertheless, on the first day of his being Archbishop, Makarios announced that he would work hard in order to annex Cyprus to the Greek motherland. Meanwhile, EOKA (Cypriots' National Strife Organization) was secretly established in Athens by Makarios and Grivas on 7 March 1953 and started to its armed struggle on 1 April 1955 against Britain. Following this, Ankara acquired an interest in the Cyprus issue (Akgönül, 2007, pp.176-177).

The newspaper '*Hürriyet*' began to initiate a campaign citing the Cyprus issue as a national problem. Then, the Cyprus Turkish Culture Organization was established in Ankara in 1948, the Cyprus Club was reestablished in Ankara in 1952, and lastly, the Cyprus is Turkish Association was established in İstanbul in 1954 (Akgönül, 2007, p.178). Akgönül (2007, p.179) argued that the chief of the Cyprus is Turkish Association was invited by Prime Minister Menderes to the opening of the Court of Justice in Sultanahmet just one day before the 6-7 September 1955 pogrom. This shows that this pogrom was planned by the government and that it used the hyper-nationalist Turkish youth to attack the Rum people. There were also some official youth demonstrations that took place on 14 December 1949 by the Turkish Youth Organization in İstanbul, on 16 January 1950 by the University Youth in İstanbul and on 20 January 1950 in İzmir, and on 24 February 1951 by the Turkey National Student Federation in Ankara (Akgönül, 2007, p.179).

¹⁵ This paragraph until the end of this sentence was quoted from Akıncılar (2011, pp.23-24).

Turkey revealed its interest in the Cyprus issue to the international community. Hence, the English Prime Minister Eden invited the Turkish government to a meeting about the future of Cyprus on 27-31 June 1955 (Akgönül, 2007, p.179). The Turkish government mainly argued that the Turkish Cypriots would be mistreated by the Greeks if Cyprus was annexed to Greece, just like the Turks who were living in Western Thrace. On the other hand, the Patriarchate was expected by the Turkish government to play a mediating role between the Rum people even though it was regarded as the religious leader of the Rum population and not expected to deal with political issues (Akgönül, 2007, pp.182-183). However, the Patriarchate, the Halki and also the minority foundations were blamed by the Turkish government and the media for supporting Greek Cypriots in their aim to annex it to Greece. Besides this, the Rum media was also blamed for not supporting the Turkish Cypriots (Akgönül, 2007, p.187).

During August 1955, the Turkish media published reports that the Greek Cypriots planned mass killings of the Turkish Cypriots which further escalated the divide in public opinion in Turkey (Akgönül, 2007, p.188). At that time, Rum politicians, i.e. Aleksandros Hacosulos as the MP of İstanbul and Dr. Fedon Skuros as the member of the City Council in August 1955, tried to moderate this campaign because they predicted that it would lead to harm (Akgönül, 2007, p.187, 190).

Finally, on 6 September 1955, the newspaper called the 'İstanbul Express' published false reports that the house in which Atatürk was born in Thessaloniki had been bombed. Then, the newspaper made the second edition of the paper on the same day and delivered it to the public on the streets. Thus, around 18:00, hyper-nationalist Turkish youths had started to gather around Taksim Square. Thousands of people who came to Taksim to attack non-Muslim minorities had brought almost the same number of sticks (Akgönül, 2007, p.201). In the end, these people attacked the shops, houses, and even the bodies of the non-Muslim minorities, especially the Rum people, and also foreigners just because they were not Sunni, Muslim, and Turkish.

The people involved in the 6-7 September 1955 Pogrom can be categorized as the following; the aggrieved (Rum people that were attacked), the spectators (mostly

Turks), the responsible (the DP government above all), and the people who protected the aggrieved (either Turks or Rum people) (Akgönül, 2007, p.198).

According to a Greek newspaper called 'I Kathimerini' (10.09.1955), 4.340 shops, 2.000 houses, 110 restaurants, 83 churches, 27 pharmacies, 21 factories, 12 hotels, 11 doctors' offices, 5 buildings of associations, 3 printing houses of newspapers, 2 cemeteries, 26 schools and 5 sporting clubs were damaged (cited in Akgönül, 2007, pp.206-207). According to the Greek Information Service (1969), the total damage was around 165 million liras (cited in Akgönül, 2007, p.207).

Just after the pogrom, the Turkish government announced that the aggrieved persons' damages would be covered. In order to do that, the 'Assistance Committee to the Aggrieved' was formed which initiated a contribution campaign (Akgönül, 2007, p.207). According to *Türkiye İş Bankası* archive, 187 Muslim persons also received assistance to cover their damages. Some corporate entities also got assistance; the Bakırköy Culture Organization, Galata Charitable Women's Organization, Heybeliada Culture Organization, (Fukaraperver) Women Association, and the newspaper 'Hronos' (Akgönül, 2007, pp.208-209). The aggrieved persons lived in the 120 different districts of İstanbul, and the most significant damage was caused in İstiklal (550 persons), Galata (227 persons), Kurtuluş (99 persons), Taksim (88 persons), Pangaltı (48 persons) and Şişli (43 persons) (Akgönül, 2007, pp.208-209). Yedikule, Kumkapı, Edirnekapı, Samatya, Eminönü, and Aksaray were also among the most significantly damaged districts of İstanbul where 23% of the aggrieved persons lived (Akgönül, 2007, pp.208-209). 13% of the aggrieved persons were living on the two shores of the Bosphorus; Arnavutköy, Ortaköy, Üsküdar, Beşiktaş, Çengelköy, and Yeniköy. Kadıköy, Fatih, and Büyükkada were also among the most significantly damaged districts. During the pogrom, two people died; one was the priest of the Balıklı Monastery, and the other was the Pamfilta Metropolitan (Akgönül, 2007, p.209).

During the DP rule (1950-1960), only three Rum persons became Members of Parliament (MP); Ahileas Moshos (1950-1954 İstanbul MP), Hristaki İoannidis (1957-1960 İstanbul MP) and Aleksandros Hacopulos (1954-57, 1957-60 İstanbul MP) (Akgönül, 2007, p.212). Aleksandros Hacopulos made a speech to the assembly on 12

September 1955 about the pogrom. He said that “in Turkish history, no single event like this has ever been experienced. Turks had never fired into the houses of innocent people who belong to different religions” (translation mine; Akgönül, 2007, p.215).

The Western Thracian Turks in Greece began to fear retaliation. Hence, they wrote an article called ‘Opprobrium’ in the newspaper ‘Thrace’ on 12 September 1955. It says “there was no reason to feel embarrassed up until now. However, the events in İstanbul and İzmir made us feel ashamed. Now, we are ashamed of the Greek people and also, we feel jealous of their kindness. Dear Rum people who are Turkish citizens; please accept the Turks’, who are Greek citizens, true sympathies” (translation mine; Akgönül, 2007, p.214).

The printing house of the Rum newspaper ‘Apoyevmatini’ in İstanbul was damaged in the pogrom. Fifteen days later, the newspaper recommenced publication. It said that “Turkish governors condemned immediately the events. Beyond this they promised these events would not be repeated again; they announced that the damages would urgently be compensated” (translation mine; Akgönül, 2007, p.219).

In reality, the 6-7 September pogrom could not only be linked to the Cyprus issue because the aggressors attacked not only Rum citizens but also Jews, Armenians, and some foreigners. The DP government planned this event in order to encourage the further deportation of minorities but they could not predict its eventual size. Once again, non-Muslim minority citizens of Turkey lost their trust to the state and many of them decided to emigrate; especially from big cities, İstanbul and İzmir. After the 27 May 1960 coup d’état, minorities learned from the Yassıada court that the Menderes government had been responsible for the events of 6-7 September.¹⁶

In 1957 and 1958 the Turkish government had rehearsed the 1964 mass deportations. The Rum people that had settled in İstanbul after the 1930 agreement were accused one by one of different activities and were then deported. These people were mostly journalists; like Theodore Markouizos, Stefanos Papadopoulos, Giorgios Patriarchias (August 1957), Konstantinos Kombodekras (February 1958), and

¹⁶ This paragraph was quoted from Akıncılar (2011, pp.23-24).

businessmen like the Tsitouris brothers. The photographer of the Patriarchate, Dimitri Kaloumenos, who took pictures of the 6-7 September Pogrom, was also deported in January 1958. In addition, in 1958 the İstanbul Greek Union (*Elliniki Enosis Konstantiupoliton*) was closed due to its activities against Turkey's interests (Akgönül, 2007, p.229). The Greek Prime Minister, Karamanlis, visited Turkey on 7 May 1959. At this point, relations between Turkey and Greece were friendly and continued in this way for a short while, until 1963.

The 6-7 September 1955 Pogrom was one of the precautions that had been taken by civilian associations together with the state in order to complete the Young Turks' ethnic and demographic homogenization of Asia Minor project (Güven, 2005, p.138). On the other hand, this pogrom showed that because the DP tried to create a uniform society, nationalists used religion as the distinctive factor. Thus, they did not tolerate the religious minority groups and so hatred and violence in public became more visible and gradually enlarged, which was then transformed into a street fight between opponent groups until 1960.¹⁷

3.3.3.4 1964 Mass Deportations

The Prime Ministers of Turkey and Greece tasked Zeki Kuneralp and Dimitri Bitsios with talking about the problems of the minorities. They analyzed the dichotomous problems of the minorities between May and August 1959 and prepared the Dichotomous Report on 4 August 1959 and presented it to their individual governments. In the Turkish report, the Rum minorities were divided into two groups; Turkish citizens and Greek citizens, even though they were both merged into one community through marriages and economic relations. Among the problems of the Rum minorities considered in this report, were the importation of Greek newspapers, books and journals, giving work permits to the Greek teachers that were appointed to the Rum minority schools, sixty-four court cases whose decisions were taken by the mixed courts but were not implemented by the Turkish government, and the compensation of the commodities and commercial debt to the Rum people of the Dodecanese islands (Akgönül, 2007, p.236).

¹⁷ This paragraph was quoted from Akıncılar (2011, p.24).

In this Dichotomous Report, it can be readily observed that the two sides of the Aegean saw the minority problems as being to the 'advantage' and 'disadvantage' of Turkey and Greece. The first part of the report was about the Western Thracian Turks while the second part was about the Rum people in Turkey. The mass media in Turkey and Greece had played an important part in violating the relations between the two countries, especially in terms of their minorities. The newly established government of Turkey after the 1960 coup d'état tried to be more democratic, more respectful to human rights, and less authoritarian. Thus, a Senate was established to which the Rum Kaloudis Laskaridis, the Armenian Hermine Agavni Kalustyan, and the Jewish Erol Dilek were appointed by President Cemal Gürsel on 25 December 1960 (Akgönül, 2007, p.247).

According to the 1960 population census, the size of the Rum population had appeared to increase since the previous census was taken. However, 81.849 persons said that their second language was Greek while 65.539 persons said that their mother language was Greek (Akgönül, 2007, p.249). This shows that the Rum people in Turkey, especially after the 6-7 September pogrom, avoided articulating their mother language. Besides this, the literacy rate among Muslims was 39%, whereas 69% of Rum people, 49% of Armenians, and 93% of Jews were considered literate (Akgönül, 2007, p.251). This shows that the Rum community was both the largest in number and the second most well-educated minority group in Turkey.

When the hyper-nationalist Greek Cypriots (mainly EOKA) started to attack the Turkish Cypriots in 1963 and Makarios tried to change the constitution in order to eliminate the Turks from government, Ankara decided to punish the Rum people of İstanbul. In December 1963, a clash occurred on the island which is known as the 'Bloody Noel'. As a response to it, İsmet İnönü wanted to intervene on the island but US President Johnson sent a letter on 5 June 1964 to İnönü in which he warned the latter not to use the imported American military equipment in case of an intervention. Moreover, if he decided to intervene, he would not have NATO support.

After the Johnson letter, İnönü could not intervene on the island so he used the approximately 11.000 Rum people of Greek citizenship as his trump card. He planned

to threaten these people with deportation, then to wait for them to put pressure on the Greek government and hoped that the latter's pressure on Makarios would end the aggression towards Turkish Cypriots (Akgönül, 2007, pp.256-257). In fact, this plan was unsuccessful.

On 16 March 1964, Turkey unilaterally dissolved the Agreement of Residence, Trade and Navigation, that had been signed by Turkey and Greece in the 1930s. Article 2 of the agreement gave the right to deport the other country's citizens when there were ethical or security reasons. Article 3 gave the right to ownership, sales, and inheritance of property to the other country's citizens and residents. Even though Article 4 granted the right to free trade, the second paragraph of this Article stated that some professions could only be held by the country's own citizens (Akgönül, 2007, p.88). Lastly, Article 36 stated that the two parties to the agreement of the agreement can annul the agreement after giving six months' notice (Akgönül, 2007, p.88).

In 1964, Turkey chose to annul the convention. Then, the government forced the Rum minorities who did not have Turkish identity cards to leave the country as soon as possible. The Rum people who were deported from Turkey were allowed to take only one suitcase, weighing 20 kilos, and 20 dollars. Within a short period of time, thousands of Rum minority members immigrated to Greece. Once again, the number of Rum minorities decreased in İstanbul and the government came close to achieving its ongoing goal.¹⁸

The Rum people who would be deported were taken from their homes and jobs by the police to the 'Table of Rum' and were expected to sign a document in which they accepted that they broke the laws, were a member of the '*Elliniki Enosis*', sent money to Greek terrorists in Cyprus and left Turkey voluntarily (Akgönül, 2007, p.267). These people were kept there until they signed this document.

In April 1964, the İnönü government unilaterally cancelled the 1955 Agreement on the Removal of Passports and Visas. Hyper-nationalist Turks also started to psychologically attack the Rum people. They put banners, on which "Virus inside us

¹⁸ This paragraph was quoted from Akıncılar (2011, p.24).

is the Rum people. Do not shop with Rum people” was written, in front of the shops belonging to the Rum people (translation mine; Akgönül, 2007, p.269). Moreover, with the creation of a secret government decree in December 1964, the bank accounts of the Rum people were frozen. These receivables were collected under a fund belonging to the Central Bank and remain there to this day (Akgönül, 2007, p.272).

There were some interesting news reports in the newspapers of the day; “A Rum woman, called Andreas Zorlu married a Turkish man, converted religion and became Muslim (translation mine; Hürriyet, 30.07.1964)”, “A man, who was a fan of Galatasaray, was circumcised and took the name ‘Metin’ (translation mine; Tercüman, 23.08.1964)”, “A Rum woman, Marika Karacapoulos, converted her religion and took the name ‘Mine’ and said that she did not approve of the Rum people’s activities (translation mine; Akşam, 23.05.1964)”, “A Rum soldier under the 52nd Training Center chose to convert his religion and to become Muslim (translation mine; Cumhuriyet, 13.05.1964)” (quoted in Akgönül, 2007, p.274).

On the Greek side, the mass media initiated an anti-Turkish campaign, cemeteries and mosques were bombed, Turkish teachers’ appointments became complicated and the elections for the Turkish foundations’ leading committees were made difficult by the Royal Decree (no. 649) passed on 7 October 1964 (Akgönül, 2007, p.280).

In October 1964, it was decided that some Rum people were exempt from deportation; i.e. those over age 65, spouses or relatives of dependent persons, those under the age of 18, those who were married to Turks or foreigners, consular officers, students, teachers and sick and disabled persons who were unable to travel (Akgönül, 2007, pp.281-282).

In 1964, Gökçeada/İmvros was primarily composed of a Rum population, while Bozcaada/Tenedos consisted of both Turkish and Rum populations in equal numbers. Because the Ankara government feared that these islands would demand a referendum for their annexation to Greece, using Cyprus as an example, the Turkish government decided to settle around six thousand Turks to these islands.

According to the 1965 population census, after the 1964 mass deportations, in addition to 11.000 Rum people of Greek citizenship, 30.000 Rum people also left the country (Akgönül, 2007, p.284). This stems from the fact that after the 1964 mass deportations, Turkey's Rum people convinced themselves that they did not have a future in Turkey as a community. These numbers were estimated by the 'Minority Table', which was formed under the National Security Organization and reported on the Ministry of Internal Affairs (Akgönül, 2007, p.290).

The 1965 population census was the last census that asked about religion, mother languages, and second languages. Thus, we do not have these details for the years since then. In one way, Turkey has tried to shape its culture according to one language and one religion. On the other hand, the details of the answers to these three questions according to cities were not announced because the Turkish government stated that it had tried to prevent further deepening of ethnic divisions along these lines (Akgönül, 2007, p.290).

In the history of the Turkish Republic, only the first seven population censuses (1927, 1935, 1945, 1950, 1955, 1960, 1965) asked about the religion, mother tongue and second language of the population. Therefore, since 1965 the exact number of the minorities present in Turkey cannot be known.

On 20 January 1968, Turkey became the second country that recognized the military regime in Greece. Then, the Mixed Commission met both in Ankara (21 October-9 November 1968) and in Athens (10-20 December 1968) and prepared the 'Turkish-Greek Culture Agreement' regarding the two minorities' educational and cultural lives (Akgönül, 2007, p.302).

3.3.3.5 1974 Turkish Intervention in Cyprus

In contrast to the 1955 and 1964 crises, the mass media did not play a role in this crisis because they did not regard the small Rum minority in Turkey as a threat, and also because the crisis occurred so suddenly that the media did not have time to prepare a campaign.

The ongoing conflict between Turkish and Greek Cypriots reached its peak in 1974. Therefore, Brigadier Ioannidis sent Greek army officers to the island in order to provide stability, despite the reluctance of the Greek Cypriot President Makarios. Makarios wanted Brigadier Ioannidis to remove the Greek army officers from Cyprus and “protested that the junta was trying to destroy the state of Cyprus, [but] Brigadier Ioannidis’ mindless response was to launch a coup against the president, who was forced to flee the island” (Clogg, 1992, p.168). In response to the Greek coup, Turkey intervened in Cyprus on 20 July 1974 for three days and the two countries came to the brink of war. However, this catastrophic event caused the end of the seven-year-long military dictatorship as well as the Kingdom of Greece. On 24 July 1974, the day after the end of Turkish intervention, the military government was abolished in Greece. Then, Turkey intervened on the island on 14 August for the second time and seized 40 percent of it.¹⁹

Europe had a favorable reception to the first military operation in July because it thought that Cyprus and Makarios were saved (Günver, 1989, p.14). However, European countries protested against the second operation in August. On 19 September 1974, the Greek Cypriot government brought Turkey before the ECtHR, claiming that the Turkish government had violated the articles of the ECHR. Western European countries supported the Greek Cypriots and did not recognize the Turkish Federated State of Cyprus that was established on 13 February 1975. The EEC made a decision on Cyprus on 21 October 1977 in which the Council of Ministers asked both sides to solve their problems and to establish a peaceful atmosphere within nine months (Günver, 1989, p.57). Turkey regarded this decision as a victory because the EEC accepted that both sides (and not just Turkey alone) had violated human rights.²⁰

3.3.3.6 Violations on Minority Rights after 1980

After the 1974 intervention, the Rum people had to get permission from the government in order to sell their properties. Following the 1935 Law on Foundations, all of the Rum minority foundations had to provide the title deeds to their properties. At

¹⁹ This paragraph was quoted from Akıncılar (2010, MA Thesis, p.69).

²⁰ This paragraph was quoted from Akıncılar (2010, MA Thesis, p.88).

the same time, the Directorate-General of Foundations demanded from the Rum foundations their acts of foundation which do not exist because these foundations were established during Ottoman times by a sultan's edict. The Rum community could also not establish new foundations because Article 101 of the Turkish Civil Code stated that "a foundation cannot be formed in order to support the members of a determined race or community" (Akgönül, 2007, p.319).

In this way, the Directorate-General of Foundations regarded the 1936 declarations as the declaration of property. Thus, because the minority foundations had only one list of properties and did not have the registration for 'the obtainment of properties in the future', the Directorate-General of Foundations declared that it would seize the properties which were taken either by purchase, donation, lottery or testament after 1936 (Akgönül, 2007, p.319). This expropriation continued up until the early 2000s, at the time that the Third Harmonization Package was accepted. This was the last part of the Turkification of the economy. Forty-six years after a fire that had damaged the Patriarchate's building, the Patriarchate finally received permission for restoration in 1987 (Akgönül, 2007, p.322).

During the re-acceptance of Greece into NATO, the Western countries wanted Turkey to overturn the confiscation of the Rum people's properties since 1964. The Prime Minister of the military junta in Turkey was Bülent Ulusu who accepted this demand in order to receive Western support. He prepared a secret circular letter numbered 20116/57778, on 3 November 1981, which was revealed to the Turkish public several years later when the lawyer Murat Cano discovered it (Akgönül, 2007, pp.323-324).

The requirement of a visa for the Greek citizens travelling to Turkey was cancelled in 1984 because Turgut Özal, the then Prime Minister, thought that before the free movement of goods, the free movement of persons should be arranged (Akgönül, 2007, p.325). Nonetheless, Greece continued its visa policy toward the Turks. Despite these abovementioned developments, the Rum people of Turkey, who were exiled from Turkey did not wish to return. However, ironically, the Western Thracian Turks were keen to benefit from Turkey's new visa policy. They started to visit Turkey again, but

then faced another problem; the Greek government had implemented Article 19 of the Greek Citizenship Law and thus deprived the Turks that left Greece to visit Turkey of their Greek citizenship. The Newspaper '*Anatoli*', published in Greece by the deported Rum people of Turkey, wrote that it was not the visa policy but Turkey's undemocratic and un-free government that was the reason for people choosing to not return to or visit Turkey (Akgönül, 2007, p.329).

The abolition of the visa implementation by Turkey led to an increase in tourism to Gökçeada/İmros. Since the mid-1980s, every year on 15 August, the 'Fair of Virgin Mary' attracted a crowd. In April 1991, a bus in Sultanahmet that was full of 120 Greek tourists was bombed by a person who was mentally unwell. The bus exploded and thirty-six people died. Greece protested this tragedy and cancelled the friendly competition between the football teams of Athens' and İstanbul's institutions of court (Akgönül, 2007, p.330).

On the other hand, the Patriarchate was reborn in the 1990s. The internationalization and legitimization attempts of Athenogoras and Dimitrios, the former Patriarchs, continued and increased when Bartholomeos came into his Patriarch position in 1991. In 1986, the Özal (Motherland Party/MP–*Anavatan Partisi/ANAP*) and Papandreou (Pan-Hellenic Socialist Movement–*Panhellinion Sosialistiku Kinema/PASOK*) met in Davos in which Özal proposed a 'Friendship, Cooperation and Good Neighbourliness Agreement'. However, Papandreou rejected this proposal and the first meeting of the two Prime Ministers of the two sides of the Aegean was a failure.

Moreover, an oil exploration issue caused a crisis in the Aegean Sea. In early March 1987, the Greek government decided to purchase the North Aegean Petroleum Company (NAPC). This nationalization attempt was regarded by Turkey as representing an intention to send a survey ship into Turkish territorial waters. Therefore, Turkey sent a survey ship for seismological work. As a response, the Papandreou government threatened Turkey with armed intervention. The Turkish Chief of General Staff replied that Turkey would also use military force if Greece prevented the work of the survey

ship. Once again, the two neighboring countries were on the brink of war. The crisis was solved by a US initiative.²¹

Then, the second Özal-Papandreou meeting in Davos on 30-31 January 1988 created an ‘external Turks’ issue. This was the first formal meeting after ten years. On 29 January 1988, one day before the meeting the Western Thracian Turks arranged a large demonstration. After Özal returned to İstanbul from Davos, the governmental decree of 12592 entered into force on 3 February 1988. This decree abolished the 1964 decree and aimed to give the properties of the Rum people back. In this way, heirs of the Rum people could assert their right to retake their ancestors’ confiscated properties. These inheritors did not want to go to Turkey while the suit was pending because they could not leave their jobs and lives in Greece. Thus, Turkish real estate agents dealt with these suits in the name of the inheritors and charged a high commission on each sale. According to the Turkish Consulate in Athens, around 2.500 rightful owners could sell their properties.

Since there has been no quota for minority students in the university entrance exam and the education in minority schools has not been satisfactory, Rum youths have been going to Greece for university. This has caused a decrease in the Rum population. Furthermore, in case of the Rum women who married Turkish men, their children are recorded as Muslim. Hence, the Rum population has continued to decrease.

In addition to these problems, Turkey and Greece came to the brink of war in early 1996 because of the İmia/Kardak crisis, which was the most serious conflict between the two countries since the Cyprus event. When the Turkish ship Figen Akat stranded on the islet İmia (in Greek)/Kardak (in Turkish) on 26 December 1995, “the captain of the ship refused help from the Greek authorities, arguing that the islet was in fact Turkish” (Ker-Lindsay, 2007, p.29). In response, the Greek government declared that the islet belonged to Greece and that the country was responsible for saving the ship. Subsequently, the Turkish Foreign Ministry stated in a memorandum to the Greek Ambassador that the islet was under the authority of Turkey. “Wary of the implications of the message, the Greek Defence Ministry decided to increase naval patrols around

²¹ This paragraph was quoted from Akıncılar (2010, MA Thesis, p.113).

the islet” (Ker-Lindsay, 2007, p.29). At that time, the conflict seemed to have ended. However, the issue was re-awakened on 20 January 1996 when an unauthorized Greek journalist raised a Greek flag on the islet. A Turkish journalist responded by taking down the Greek flag and replacing it with a Turkish flag. “In the days that followed several groups of Greek and Turkish journalists landed on the islet to plant their respective national flags” (Ker-Lindsay, 2007, p.29).²²

Because these events were broadcast live on television, the Turkish and Greek governments as well as their societies reacted. The Turkish Prime Minister Tansu Çiller and the Greek Prime Minister Kostas Simitis sent their respective navies to the islet. In the end, the conflict between the two countries was resolved with UN and NATO involvement on 1 February. Once again, a conflict between Turkey and Greece required the assistance of international institutions in order to be resolved. However, even today the maps of both Turkey and Greece claim the İmia/Kardak islet for their own respective territories. Consequently, the islet has remained a ‘grey zone’. At the end of the İmia/Kardak crisis, Prime Minister Simitis removed the Chief of General Staff from his office because of miscommunication that had occurred between the military and civilian leaders (Hickok, 1998, p.133). The İmia/Kardak crisis “paved the way for the 1997 Madrid Declaration where the two states committed themselves not to use violence and undertake unilateral actions” (Rumelili, 2004, p.4). However, today, daily dogfights over the Aegean Sea continue because of unresolved legal issues regarding the demilitarization of the Aegean islands and the continental shelf, territorial waters, and the FIR (Flight Information Region) issues.²³

The relations between Turkey and the EU started to improve along with the improvement in the relations between Turkey and Greece in the middle of 1999. On 17 August 1999, a destructive earthquake occurred in İstanbul and Kocaeli at three o’clock in the morning. Thousands of houses collapsed and people were buried under the ruins. Turkish units could not manage the situation on their own. The first international aid came from Greece with twenty-five emergency rescue teams and abundant equipment to save the Turkish earthquake victims. “While official assistance continued to flow across

²² This paragraph was quoted from Akıncılar (2010, MA Thesis, pp.113-114).

²³ This paragraph was quoted from Akıncılar (2010, MA Thesis, p.114).

the Aegean, the Greek public also started to get to work raising money and collecting food, medicines, and other desperately needed items to help the victims of the quake” (Ker-Lindsay, 2007, p.58). Turkey welcomed both governmental and societal assistance and responded in kind when an earthquake occurred in Athens one month later, on 7 September 1999. Although “the scale of the earthquake in Greece was far smaller than the one in Turkey and eventually resulted in around 140 deaths, as opposed to [the tens of thousands] in Turkey, the offer of support was received with gratitude in Greece” (Ker-Lindsay, 2007, p.69). Thus, natural disasters led to the restoration of good relations between Turkey and Greece both on the level of government and society, which was the only positive outcome of the earthquakes. In fact, the stable friendship between the Ministers of Foreign Affairs of the two countries, İsmail Cem and Georgios Papandreou, also brought about closer relations. İsmail Cem became the Minister of Foreign Affairs of the Ecevit government formed in January 1999. Georgios Papandreou was appointed Minister of Foreign Affairs of the Simitis government in February 1999. Because they were close friends since they entered office, Cem and Papandreou prevented the escalation of the Öcalan crisis by the two governments in February 1999, at the time that the leader of the terrorist organization, PKK (*Partiya Karkeren Kurdistan*), Abdullah Öcalan, was arrested in the Greek Embassy in Kenya. Furthermore, during the earthquakes in August and September, Turkey and Greece became helping hands to each other on the initiative of their Ministers of Foreign Affairs.²⁴

As a result, the ‘earthquake diplomacy’ of the two countries led to the improvement of the Turkish-Greek relations - called ‘rapprochement’- from mid-1999 onwards. The rapprochement also affected Turkey-EU relations in a positive way.²⁵ Therefore, in the Helsinki European Council, Greece did not veto the Turkish application and Turkey gained candidate status in December 1999. Nevertheless, since Turkey gained candidate status, the hyper-nationalist attacks on non-Muslim minorities continued. Before examining these attacks, the attacks on the non-Sunni minorities, Alevis, in Turkey should be mentioned. On 2 July 1993, several Alevi writers and

²⁴ This paragraph was quoted from Akıncılar (2010, MA Thesis, p.119).

²⁵ This sentence was quoted from Akıncılar (2010, MA Thesis, p.120).

thinkers were invited to Sivas in order to participate in the Alevi Pir Sultan Abdal festival but radical Sunni Muslims surrounded the Madımak Hotel where the Alevi participants were staying and started a large fire; ultimately, thirty-seven Alevi died from either burns or smoke inhalation. On 5 February 2006, a Catholic Priest of Italian origin, named Andrea Santoro, was shot in the Trabzon Santa Maria Church. A sixteen-year-old high school student was detained as his murderer. Perhaps not coincidentally, this murder took place at the same time as the crisis over the Prophet Mohammed cartoons in Denmark (Akgönül, 2011, p.137). Furthermore, on 1 July 2006 the Catholic Priest of French origin, named Pierre Brunissen, was injured in Samsun with a knife by a schizophrenic person. Also, the Priest of Sent Antuan church in Bayraklı/İzmir, Adriano Francini, was injured with a knife on 17 December 2007.

Moreover, Article 301 of the Turkish Penal Code which forbids denigrating/insulting Turkey and Turkishness was abused by Turkish governors which provoked some hyper-nationalists to murder an Armenian journalist named Hrant Dink in January 2007.²⁶ “In an article published in early 2004, Dink had called for Armenians to ‘renounce the hatred towards the Turks that poisons their blood’” (Kaya (a), 2013, p.91), and he had been sentenced to six months’ imprisonment for ‘insulting Turkish national identity’.

The Malatya branch of the ‘Zirve Publishing House’ which had been publishing Protestant religious publications and whose center had been in İstanbul was attacked on 18 April 2007. In this attack, German citizen Tilman Geske and Turkish citizen Necati Aydın died and Uğur Yüksel died in hospital. The police took five people into custody – not for murder, but for proselytizing (Akgönül, 2011, p.137).

On 3 November 2008, the then PM Tayyip Erdoğan visited Hakkari, where mostly Kurds were living, and made a speech with the slogan ‘one nation, one flag, one country, one state’ targeted towards the supporters of the DTP (Democratic Society Party – *Demokratik Toplum Partisi*) (Sendika, 2008). He stated that “[t]hose who are against these have no place to live in Turkey. They can go anywhere they want” which resembles the racist discourse of ‘love it or leave it’ used by the hyper-nationalist MHP

²⁶ This sentence was quoted from Akıncılar (2011, p.26).

(*Milliyetçi Hareket Partisi*-Nationalist Movement Party) supporters (translated by Kaya (a), 2013, p.99).

On 10 November 2008, in the memorial ceremony for Atatürk in Brussels, the Minister of Defence, Vecdi Gönül, stated that Turkey could not have been a nation-state if the Rum people and Armenians were still in the country (NTV, 2008). He said that “[t]he most important step during the establishment of the nation was the exchange of populations. Just imagine, would it have been possible for us to become a nation-state, if the Greeks had continued to live in Aegean region and the Armenians in many parts of Anatolia?” (translated by Kaya (a), 2013, p.98).

Moreover, on 3 June 2010, a Catholic Chaplain who worked in İskenderun was killed with a knife in his house. His driver was taken into custody as the main suspect (Akgönül, 2011, p.138). In 2013, the İskenderun Second Serious Crimes Court sentenced him to fifteen years in prison, “considering that the killing was not the result of a politically motivated or an organized criminal attack” (European Commission-Progress Report, 2013, p.61). Lastly, the Latin Catholic Church in Adana was attacked in April 2011 in which case two suspects were sentenced to prison terms in December 2013.

In August 2013, when an Armenian family tried to register their child in an Armenian kindergarten, the ‘kin code’ scandal broke out. This is believed to have been applied to the non-Muslim minorities since the establishment of Turkey. According to the kin-coding principle, the Rum minorities are given the number 1, Armenians the number 2, and the Jews are given the number 3. Although the Turkish authorities declared that they cancelled this policy, it seems that this type of thinking has remained.

Recently, in December 2014, the Church of the International Union of Kadıköy was burned but the responsible persons have not yet been caught.

3.4 Main Problems of the Rum minority in Turkey

Education

On 3 March 1924, the Turkish government accepted the Law on Unification of Education (*Tevhid-i Tedrisat Kanunu*) which united all of the educational institutions under the Ministry of National Education. Just after this law was passed, a circular was prepared in which the minority schools faced some restrictions; they could not base their education on religion, could not promote religious propaganda, could not have religious symbols and signs in their school buildings, crosses had to be removed and the pictures of the saints and martyrs had to be removed from the school textbooks (Okutan, 2009, p.167). Moreover, on 26 September 1925, the circular of 3965 indicated that any statement against the Turks, Turkish Republic, and Turkish history in the school textbooks were prohibited, while another circular passed in 1926 stated that the teachers of the courses of Turkish, Turkish History, and Turkish Geography in minority schools would be elected by the Ministry of National Education (Okutan, 2009, pp.167-168). The biggest intervention of the Ministry of National Education into the curriculum of the minority schools was to make Turkish language lessons compulsory (Okutan, 2009, p.168). On the other hand, the Ministry declared in 1927 that the mother tongue of the teachers who worked in minority schools had to be Turkish so these teachers had to pass a Turkish exam and those who failed were fired. In 1929, one Rum minority school was closed due to a teacher who entered the classroom wearing a religious cloth (Okutan, 2009, p.168). Moreover, in November 1937, the Ministry of National Education decided that every minority school had to appoint a Muslim Turkish deputy headmaster which is a policy that is still implemented today (Okutan, 2009, p.170).

According to the Decree of 246/7, published in 1963, and Article 24/2 of the Private Teaching Establishment Law of 625, a Turkish deputy headmaster, having Turkish nationality and being of Turkish ancestry, had to be appointed in the private schools that were opened by foreigners. These articles were also applied to the minority schools. In this way, the position of deputy headmaster was reserved for ethnic Turks. These deputy headmasters were given broad authority, i.e. having the final say in every activity, causing the minority schools to be stifled in their work. While this law was

changed on 14 February 2007 with the Law of 5580 requiring the deputy headmasters to be ‘Turkish citizens’ but it has not been fully implemented.

Since 1964, the employment of Rum teachers in minority schools has become more difficult because they need to pass the Turkish proficiency exam as a precondition. Moreover, minority schools are inspected frequently. The minority schools and the other buildings of the Rum minority can not be repaired and extended. All of these restrictions came from the Law of 222 which was accepted in 1961 and since then, minority schools have been regarded as private schools not community schools. The Governmental Decree of 410/6 which was accepted in March 1964 banned the entry of Orthodox religious men into the minority schools. The Decree of 3885, accepted in September 1964, banned Orthodox prayers in textbooks and in classrooms. This ban contravened Article 40 of the Treaty of Lausanne (Akgönül, 2007, pp.297-298).

According to the data of Ministry of Foreign Affairs, in 1997 there were fifteen primary schools, four secondary schools, six high schools and one trade school of the Rum community (Akgönül, 2007, p.366).

Halki Theological School

This school has trained 930 theologians and religious men, among whom there have been 343 bishops and twelve patriarchs, over a period of 127 years. Today, there is a theological school in Boston but it cannot meet the Patriarchate’s demands (Akgönül, 2007, p.368). Because the Turkish government allowed foreign students to register in the Halki School, only thirty-eight of these have been Turkish Rum people. The rest were mostly Greek citizens and other foreigners.

Moreover, in 1971, the government decided to close all of the private universities. Hence, Halki Theological School, which was directly dependent on the Patriarchate and was the only school that trained Orthodox Rum religious men, was also closed. Akgönül (2007, p.299) argues that with this decision, the government did not take direct aim at either the Rum community or the Patriarchate, instead the Patriarchate preferred the closure over having to depend on the Turkish Ministry of Education.

However, at the time that the Turkish government gave permission for the opening of private universities, the same permission was not extended to Halki. Since then, this has been one of the biggest problems between the Rum community and the Turkish authorities.

The supporters of Fethullah Gülen mostly supported the re-opening of the Halki School in order to allow them to open their own Islamist theological schools but the Kemalists in Turkey have resisted this. On 30 October 1998, the Turkish government unilaterally dissolved the secular board of directors of the foundation on which the Halki theological school depended. Both the Greek government and the Patriarchate protested against this (Akgönül, 2007, p.370).

Minority Press

In İstanbul between 1923 and 1941, there were a total of twenty-eight Rum publications including both newspapers and journals. Twenty-four of these were daily publications. The most important ones were “Aniksartitos, Apostolos Andreas (1951-1964), Asipis, Avyi, Apoyevmatini, Dimokratia, Dimokratis, Efimeris (1943-?), Eleftheri Foni (1952-1965), Emvros (1952-1965), Espirini, Estia, Hronos (1947-?), İmeris Yana, Katimerini, Keravnos (1947-1951), Kiryakitiki Proia (1947-1960), Metaritmisis, Metapolitefsis, Okopanos (comic paper), Otipor, Patris, Politia, Politerisis, Proodos, Poini, Ta Nea (1953-?), Ta Hronika, Ta Neotora, To Vima (1946-1952) and To Fos (journal)”, and the religious journals “Hristiyaniki Estia and Orthodoxy” (Akgönül, 2007, pp.380-381). Today, only “Apoyevmatini” (founded by Konstantinos Vasiliadis) and “İho” (Andrea Rombopulos) continue to be published for the Rum minority.

On the other hand, “Hronika” was a Rum newspaper which was owned by Stamat Hacıopoulos and had been published in İstanbul. In its February 1929 publications, there were a series of articles published which mentioned the Greek success in the Turkish-Greek War of 1919-1922. After these articles were investigated, it was decided that the newspaper had insulted Turkishness and so the newspaper was

shut down (Okutan, 2009, p.243). During the Hronika case, the editor of the newspaper, Madam Eleni, was arrested but after a while it was decided that she was not guilty.

In Athens, the exiled Rum people have been publishing their newspapers and journals as well. These are: “O Politis (Konstantinopolitan), Anatoli (*Doğu* – Grigorios Keşişoğlu), Konstantinoupolis and Eptalofos (*Yeditepe* – Mihalis Vasiliadis)” (Akgönül, 2007, pp.383-385). These publications have had a stricter language than those of İstanbul.

Rum people of Gökçeada/İmvros and Bozcaada/Tenedos

According to the Lausanne Treaty, these people were exempt from the Population Exchange. They have been mostly grape growers and different from the İstanbul Rums. After the 1964 mass deportations, the Ankara government closed the minority school in Gökçeada/İmvros, constructed a half-open prison and put gendarmerie barracks there. Hence, the Rum population preferred to migrate. According to Helsinki Watch, while the total Rum population in the islands in the 1920s was almost 15.000, in the 1970s it had dropped to around 4.000, and in the 1990s it numbered around 300 persons (Akgönül, 2007, p.387). However, every year on 15 August, thousands of Rum and Greek people meet in Gökçeada/İmvros for the ‘Panaya festival’ (Fair of Virgin Mary).

The Orthodox Rum Patriarchate in İstanbul

Since the early 1990s, inter-religious dialogue has become popular and has been one of the priorities of the Patriarch Bartholomeos I’s²⁷ (in addition to environmental issues). For the first time in 1992 in Halki, a conference was held on environmental issues which the Duke of Edinburgh Prince Philip also attended (Akgönül, 2011, p.82). Moreover, in 1994 in Swissotel/İstanbul, a conference known as ‘Peace and Tolerance’ was organized by the Patriarchate and the Appeal of Conscience whose head office is in New York (Akgönül, 2011, p.82). This conference attracted a lot of attention of the minority press even though the meetings were close to the media.

²⁷ Its actual pronunciation is Vartholomeos I, but this is the common usage in Turkish so it was also used with ‘B’ in this thesis.

Normally, at the end of these conferences a declaration was prepared and given the name of the city where this conference had taken place. However, at the end of this conference, the ‘Bosphorus Declaration’ was announced instead of the ‘İstanbul Declaration’. In addition, Bartholomeos was named as the ‘Ecumenical Patriarch’ in the English version of the document, whereas as the ‘Fener Rum Patriarch’ was given in the Turkish version of the document. Moreover, the Director of Religious Affairs Mehmet Nuri Yılmaz signed the declaration but because he did not know English he had incidentally recognized the ‘Ecumenical’ character of the Patriarch as the representative of the Turkish government. These two matters were greatly disturbing to the Turkish government.

In the following year, in 1995, a symposium called ‘Revelation and Environment’ was organized on a Greek island ‘Patmos’ (Batnaz in Turkish) as a continuance of the first conference held in Halki in 1992. It also attracted a high level of international participation.

On 20-28 September 1997, the ‘Symposium of Religion, Science and Environment’ was organized in the Black Sea region on a ship called ‘Eleftherios Venizelos’ which had a lot of repercussions in the Turkish media. Turkish nationalists reacted sharply when the ship started to travel to all the cities of the former ‘Kingdom of Pontus’. The symposium was supported by the President of the European Commission Jacques Santer and by the US Vice President Al Gore, and was financially supported by the World Bank, the UN Environmental Program and the Greek Commercial Bank which gave one and a half million dollars in total (Akgönül, 2011, p.89).

Since his election as the Patriarch, Bartholomeos I has tried to improve relations with other non-Muslim minorities. Thus, since 1991, at every religious feast for each of the minorities, the leaders of the Orthodox people, Armenians, and Jews have come together in the celebrations.

Meanwhile, the relations between Fettullah Gülen (the leader of the Gülen community) and the Patriarch Bartholomeos I have been very interesting. Their

relationship started in 1997 at the time that both of them were in the USA. It is argued that with US support and the positive relations with the leader of the Rum Orthodox community, Gülen has two main aims. On the one hand, while he supports the re-opening of the Halki, he aims at establishing a legal structure in order to open religious schools for the Gülen community. On the other hand, he wants to open a school in Greece, probably in Thessaloniki, and wants Bartholomeos' help in order to negotiate between the Gülen and Greek authorities (Akgönül, 2011, p.97).

Problems of Minority Foundations

During the Ottoman Empire period, both Muslim and non-Muslim people established foundations which could be, on the one hand, family foundations, and on the other hand, “places of worship, schools, madrasas, soup kitchens, dervish lodges, libraries, poor shelters, guest houses, bridges, hospitals, foundations and cemeteries built by charitable persons” (İstanbul Ermeni Vakıfları, 22.12.2014). Whereas Muslim foundations were established with the *vakfiye*, the founding deed of the foundation, non-Muslim foundations lacked this document but their legal status was approved by the Sultan's edicts. “The edicts which give legal status to non-Muslim foundations and constitute the beginning of their legal regulation regarding foundations set out in detail ‘the places where churches, monasteries, schools and hospitals will be built and their equipment, length, width and height’” (İstanbul Ermeni Vakıfları, 22.12.2014). “The edicts also set forth the activities that will be carried out in the church: the singing of hymns, the reading of the Bible, the holding of a scepter, the swinging of incense etc.” (İstanbul Ermeni Vakıfları, 22.12.2014). Different from the Muslim foundations, “the person dedicating the property is unknown and the [non-Muslim] foundations are anonymous institutions with properties dedicated to a specific aim” (İstanbul Ermeni Vakıfları, 22.12.2014).

The lack of *vakfiyes* resulted in the non-Muslim foundations not registering their properties. In order to solve this problem, in 1913 Decree Law on Legal Personalities Use of Immovable Property was passed. Even though this law was prepared in the Second Constitutional Era, political turmoil prevented it from entering into force. With the 1913 Decree Law, the non-Muslim foundations were allowed to

register their properties under their own names in the title deeds if they belonged to Ottoman citizens. More importantly, the foundations would have only six months in order to register their properties, otherwise, the ownership of these properties by the foundations would not be guaranteed. Because six months was not enough time for non-Muslim foundations to prepare “the documentation of the immovable assets they possessed”, the government extended the deadline “twice, and each time for six months with the decrees of 24 September 1913 and 10 March 1914” (İstanbul Ermeni Vakıfları, 22.12.2014). Even though the foundations had one and a half years to prepare the documentation, it was still difficult for them to register their properties.

Thus, after the establishment of the Turkish Republic, the Law on Foundations (No.2762) was adopted as late as 1935 in the National Assembly but it could not solve this registration problem. Article 1-A of the Law demands a property declaration called the ‘1936 Declaration’ from each of the non-Muslim foundations that possessed property which “paved the way for the state confiscation of their immovable assets through an openly unlawful and discriminatory series of higher court decisions” (İstanbul Ermeni Vakıfları, 22.12.2014). “As a result, many foundations were not able to stop the confiscation of *hayrats* [charitable properties such as schools, churches, cemeteries] in their possession, if they were not included in the 1936 Declaration, or if their location was not specified” (İstanbul Ermeni Vakıfları, 22.12.2014). Thus, the August 2011 Decree Law on the return of *hayrats* excluded these immovable properties.

Due to this Law on Foundations, non-Muslim foundations could not register their own properties so they applied to the courts. In order to decrease the high number of the cases, the Court of Appeals decided on 2 December 1942 (No. 3/25) that “the administrative title deed registration of such immovable assets in the foundation’s name required the permission/approval of the registration’s possessor and that otherwise it would be necessary to appeal to the courts” (İstanbul Ermeni Vakıfları, 22.12.2014). Giritlioğlu (2001, p.30) jokes that this decision “made it compulsory for Christian saints that died almost 2000 years ago to rise from their graves and say ‘I approve the registration of this immovable asset in the foundation’s name’” in order to register the

immovable assets that had been actively using them for centuries (quoted in İstanbul Ermeni Vakıfları, 22.12.2014).

This situation became stricter in 1974, when the Turkish Court of Cassation decided to equate Turkey's minority foundations to the ordinary foreign foundations. Thus, the minorities could not own anything, and over time, all of the properties of the minority foundations were expropriated by the Turkish state. Recently, in February 2008 and in August 2011, the Turkish government amended the Law on Foundations reciprocally. That is to say that if the Greek government's implementation for the Turkish minority foundations is reciprocated, the Turkish government will allow the Rum foundations to own their properties and will also modify the status of the Patriarch. In spite of the fact that the 'reciprocity' condition has created discontent, the EU effect on Turkey in the area of minority rights protection can be said to be noticeable.²⁸ Today in Turkey, there are three types of foundations: I) foundations on which minority institutions depend (like Balıklı Hospital); II) foundations that deal with only one church; and III) foundations on which one minority school depends (Akgönül, 2007, pp.371-372).

Metin Gürdere, the then Minister of State responsible for foundations (1997-1999), said that he treated the Rum minorities in Turkey just like the Turkish minorities in Greece were treated (Akgönül, 2007, p.372). In this way, lots of minority school buildings were taken by the government by reason of the fact that they had not registered these buildings in 1936. Rum people took these issues to court and the lawyers Elpida Frangopoulou and Murat Cano dealt with the thousands of the court cases in this area (Akgönül, 2007, p.372).

With the Taxation Law of 4369 that entered into force in January 1999, minority schools that were dependent on foundations started to be regarded as economical entities and were expected to pay corporate taxes. Until that time, foundations were exempt from taxes so schools that were dependent on foundations were also tax exempt (Akgönül, 2007, p.373).

²⁸ This paragraph until the end of this sentence was quoted from Akıncılar (2011, pp.24-25).

The Law of 4771/4 entered into force in August 2002 under the Third Harmonization Package, due to opposition to it being a separate law, and gave the right to the minority foundations to own properties with the permission of the Council of Ministers (Akgönül, 2007, p.374). However, after this law entered into force, a regulation on owning properties and having power of disposal was declared which continued to impose restrictions on the minority foundations (Akgönül, 2007, p.375).

The Law of 4778 entered into force on 2 January 2003, and Article 3 states that the minority foundations' right to accumulate property through purchase, heritage, donation, and other means needs the permission of the Directorate-General for Foundations (Akgönül, 2007, p.375).

Since 2004, “none of the applications for approval of non-Muslim foundations has been approved, and only 18.66 percent of the applications for the acquisition of intangible properties belonging to the existing foundations have been approved” (Kaya (a), 2013, pp.88-89). Hence, many foundations have brought this issue to the ECtHR and, as this was seen in Chapter 2, it has become one of the biggest problems faced by the Rum minority in Turkey, although it may be the most easily resolved problem as a result of the previous court decisions made in favor of the Rum minority.

3.4.1 Restrictions on Fundamental Rights by Law

Restrictions had begun during the Second Constitutional Era of the Ottoman Empire. With the 1908 Law on Associations, the establishment of the political associations and unions carried a national epithet was prohibited and then the minority associations and clubs started to be closed down (Okutan, 2009, p.46).

The newly established Turkish Republic made three reforms on judicial, economical and linguistic integrity which badly affected minorities. Before the acceptance of the Swiss Civil Law in 1926, the three non-Muslim minorities were forced to relinquish some of their special rights, especially in terms of family law which stemmed from Article 42 of the Lausanne Treaty. After the abandonment, for example, the government would no longer recognize religious marriages. In fact, this abandonment on behalf of the whole minority community was not legally legitimate

because these rights were guaranteed by an international (Lausanne) agreement (Akgönül, 2007, pp.73-74).

Firstly, the Jewish community declared in May 1925 that they abandoned these rights and decided to make distinctions between religious and secular issues (Akgönül, 2007, pp.71-72). However, the Armenians and Rum people objected to this abandonment. In order to convince them, the government chose the members of the Minority Commissions by itself. The Armenians were more easily convinced than the Rum people because the Patriarchate did not want the Rum community to become secularized which would mean a decrease in the Patriarchate's power. Since the Commission continued to resist, the government decided to form a sub-committee. Three members of this sub-committee, who were against the abandonment, were arrested on the day that the sub-committee was due to make its decision as a recommendation. Finally, on 27 November 1925, the Rum people abandoned their Article 42 rights with the 55 votes in favor out of 75 members (Akgönül, 2007, pp.72-73).

Even though this development ended the *millet* system technically, it could not finish the *millet* categorization conceptually (Akgönül, 2007, p.73). On 23 May 1928, the Law on Turkish Citizenship was passed. Article 1 of this law stated that “children born from a Turkish father or mother, either in Turkey or in a foreign country, are considered as Turkish citizens” (Soyarık-Şentürk, 2005, p.128). While Hamdullah Suphi stated that “they can be citizens but not “Turkish”” (translation mine; Akgönül, 2011, p.11), Atatürk argued that the first condition of Turkishness is speaking the Turkish language (Türk Yahudileri ve Soykırım Yılları, 13.12.2014).

On 14 June 1934, the Law on Residence was accepted. According to the first two articles, this law was based on a commitment to Turkish culture. Consequently, the people whose mother tongue was not Turkish were not considered to be dedicated to Turkish culture. Thus, in Article 2, it was decided that these people had to be settled in ‘Region No. 2’. Articles 11 and 13 stated that the people whose mother tongue was not Turkish would not be resettled to a region as a group; instead they would be interspersed throughout the different cities, towns, and villages (Okutan, 2009, p.252).

Three days after the Law on Residence entered into force on 21 June 1934, the Thracian Events took place in which Jewish people were forced to leave Thrace. As a result, almost 3000 Jews left their homes and shops in Thrace and migrated to İstanbul (Okutan, 2009, p.259).

While the homogenization policies of the Turkish Republic continued with the nationalist Turkish History Thesis (*Türk Tarih Tezi*) of 1932 and the Sun Language Theory (*Güneş Dil Teorisi*) of 1936, the RPP declared that Rum, Armenian, and Jewish ‘citizens’ were allowed to work in community centers in 1937 (Okutan, 2009, p.118).

3.4.2 Restrictions on Economic Rights by Law

In terms of the economic application of the Turkification policy, the government tried to Turkify some sectors in which minorities had traditionally been successful, like trade, and others in which foreign companies held the monopoly, like transportation. In 1928, there were nine Turkish insurance companies whereas there were also forty-four foreign insurance companies which mostly employed minorities. This situation was the same in banking, telecommunication, and transportation companies (Akgönül, 2007, p.76). In 1937, some sectors, like the rail, mining, and investment, were also placed under the government’s control.

The Turkish government had three aims with regard to the minorities: preventing minorities from working in companies, banishing them from levels of government, and keeping them away from trade (Akgönül, 2007, p.77). This shows that the government’s Turkification policy was applied to the non-Muslim employees but not to the non-Muslim employers. In this way, foreign companies were forced to employ Turkish staff. In 1926, the Statistical Commission of Turkish Ministry of Commerce sent questionnaires to companies asking them about their employees’ religious beliefs (Akgönül, 2007, p.78).

Moreover, in April 1926 a law was made to force employees of foreign companies to speak Turkish. Zafer Toprak claimed that a similar law was passed by the Ottoman Empire during WWI (Akgönül, 2007, p.78). In addition, a Law of Lawyers was made in 1924 which repealed the authorization of most of the non-Muslim lawyers

and prevented them from practicing law. Alexandris estimates that two-thirds of the Rum lawyers were fired by the courts (cited in Akgönül, 2007, pp.78-79).

In the first years of the Republic, in March 1926, the Law of Civil Servants (*Memurin Kanunu*) was passed in order to set conditions on being a public servant. Article 4(a) of the law (TBMM Tutanakları, Memûrîn Kanunu. Besmî Ceride ile neşir ve ilâm: 31/III/1926 – Sayı: 336) stated that in order to be a public servant, one must be ‘Turkish’ (quoted in Türk Yahudileri ve Soykırım Yılları, 13.12.2014). Here, the law did not mention being a ‘Turkish citizen’, instead it emphasized being ethnically ‘Turkish’ which de facto excluded non-Muslim minorities. Furthermore, the conditions for being Turkish were not also mentioned in detail. Hence, this law was very open to abuse by the Turkish government and non-Muslim minorities who were working as public servants before the law began to be dismissed from work and afterwards non-Muslim minorities ceased to be employed in the public sector since years. This law was in force until 1965 when a new law replaced it. Article 48 of the new law stated that in order to be a public servant, one must be a ‘Turkish citizen’ (Akgönül, 2007, p.80).

The Turkification of the economy continued in June 1932 when some occupations were forbidden to foreigners by the passing of a law called ‘Law Regarding Trades and Services Reserved to the Turkish Citizens in Turkey’ (11.06.1932, No. 2007) (Alp, 2004, p.33). According to the law, for example, foreigners may not work as “itinerant salesmen, musicians, photographers, barbers, typesetters, middlemen, clothing and shoe manufacturers, stock brokers, sellers of State monopoly products, interpreters and tourist guides, transport workers, or construction, iron and wood workers” (Turkey: Business Law Handbook, 2013, p.58). “Foreigners are also prohibited from working at water, lighting and heating installations, either temporarily or permanently, and at loading and unloading sites” (Turkey: Business Law Handbook, 2013, p.58). “They may not work as drivers, day laborers, watchmen, janitors, waiters, or household help or as singers or entertainers in bars, nor as veterinarians or pharmacists” (Turkey: Business Law Handbook, 2013, pp.58-59). With Article 8, foreigners’ opening a shop outside the city and district centers was prohibited. In addition, Article 2 stated that only with the

special permission of the Council of Ministers could foreigners work as air engineers, pilots, or plumbers for the municipalities (Alp, 2004, p.34).

With Law No. 4817 being passed in February 2003, the abovementioned law No. 2700 was abolished. However, there some laws still prohibit foreigners from taking up various professions; such as the Coast Navigation Law No. 815 which states that foreigners are prohibited from the exportation of fish, oysters, mussels, sponges, pearls, coral, mother-of-pearl, sand and pebbles; the removal of the naval vessels which have suffered from an accident on the seas; being divers, searchers, maritime pilots, maritime grocers, turners, yeomen, crewmen, manual workers, wharf porters, or maritime tradesmen. With the Law on Civil Aviation No.2920, foreigners cannot transport merchandise and passengers by air within Turkey's territories; the Mine Law No. 3213 prohibits the right to mine, the Press Law No.5680 prohibits foreigners from managing periodicals; the Law of Trade Union No. 2821 bans establishing a union; the Law of Travel Agencies No. 1618 prohibits foreigners from managing travel agencies; the Law of Customs No. 4458 bans customs brokerage; the Cooperative Law No. 1163 made it forbidden to be a board member of a cooperative; the Law on Art of Medicine No. 1219 prohibits them from being doctors, nurses, dentists, midwives and male nurses. Moreover, foreigners cannot work as pharmacists according to the Law Regarding Pharmacists and Pharmacies No. 6197, as opticians according to the Law of Opticians No. 3958, as veterinarians according to the Law of Union on Veterinary Surgeons No. 6343, as responsible managers in private hospitals according to the Law of Private Hospitals No. 2219, as judges and prosecutors according to the Law of Judges and Prosecutors No. 2802, as lawyers according to the Law of Lawyers No. 1136, as public notaries according to the Law of Notaryship No. 1512, and as security for private or government entities according to the Law Regarding the Protection of Some Government Entities No. 2495 (Yabancılarla Satış ve Men Edilen Meslekler, 13.12.2014).

These abovementioned occupations were banned for foreigners by law but these bans were also applied to the non-Muslim minorities up until 2003 when the Law No. 2007 was abolished. However, there are still some limitations in practice and non-

Muslim minorities usually work in private sector jobs. According to Vehbi Koç, this nationalization of the Turkish economy can be summarized as the rivalry between so-called ethnically Turkish Ankara and multi-ethnic İstanbul (cited in Akgönül, 2007, pp.82-83).

In terms of the Turkification of capital, the monopoly on the stock market was taken by the Turks from the Rum and Jewish capital holders. According to Article 6(1) of the Law on Stock and Foreign Exchanges, passed on 16 May 1929, a person who wants to open a market agency must be Turkish not simply Turkish citizen (Akgönül, 2007, p.83). According to Article 8(1) of the same law, the same rule is applied to the employees of market agencies.

Moreover, Turkish media were using broadcasting campaigns, called ‘Citizen, use Turkish products’ and later, ‘Citizen, use domestic products’, which encouraged the use of Turkish products. Since most of the Rum tradesmen were the representatives of European brands, these abovementioned campaigns decreased their sales (Akgönül, 2007, p.83). All of these attempts for the Turkification of the economy led to the migration of thousands of Rum people from İstanbul to Greece, mainly Athens.

3.5 Mechanisms of Minority Rights Protection in Turkey

In the Helsinki European Council of December 1999, Greece did not veto the Turkish application and Turkey gained candidate status. Then, in order to meet the Copenhagen criteria and to acquire membership as soon as possible, Turkey speeded up its reform process. Especially, several amendments were made regarding human rights and minority rights protection. In a short period of time (2002-2004), nine Reform Packages, a New Civil Code and a New Turkish Penal Code were accepted. While Articles 26 and 28 of the Turkish Constitution concerning the ban on speaking, training, and broadcasting in languages other than Turkish were abolished in 2001, the right to possess properties of foundations and the right to establish religious places were granted to the non-Muslim minorities in 2002 and 2003. In addition to these, some major international agreements on human and minority rights protection were signed and ratified by the government. That is, in 2002 the UN International Convention on the

Elimination of All Forms of Racial Discrimination (1966) and in the following year, the UN International Covenant on Civil and Political Rights with the reservation on Article 27 were ratified.

Nonetheless, Turkey has been criticized by the EU through the Commission's Regular Progress Reports prepared since 1998 because the country has failed to ratify the 1992 CoE European Charter for Regional or Minority Languages, the 1995 CoE Framework Convention for the Protection of National Minorities, and the 1997 European Convention on Nationality. Moreover, Turkey should abolish its polemical Article 301 of the Turkish Penal Code which forbids insulting Turkey and Turkishness. Enforcement of this article was abused by Turkish governors which provoked some hyper-nationalists to murder Armenian journalist Hrant Dink in January 2007. Although the Turkish government amended the article in April 2008, it has not done enough according to European standards. Furthermore, one significant improvement deserves to be mentioned. Before 2004, when international conventions contradicted the domestic law, domestic law used to take precedence. However, in 2004 the government decided that international convention should take precedence over the domestic law when they clash.²⁹

Whenever a societal crisis occurs or a conflict occurs with a country with which the minorities have kinship (Greece, Armenia, and Israel) or during times of international crisis, tension happens against minorities in Turkey due to the ongoing excluding and cleaning policies of the Turkish governments (Akgönül, 2011, p.141). During times of tension, the Turkish government applies a policy of suppression on its minorities.

Neither the Alevis, as the largest religious minority (around 25 million) in Turkey, nor the Kurds as the largest ethnic minority (around 15 million) in Turkey want to have minority status because they think that minority status in Turkey leads to second-class citizenship (Akgönül, 2011, p.140). However, the right to education in their mother language and democratic autonomy that some Kurds have demanded are considered minority rights according to the Council of Europe's standards. Since 2007,

²⁹ This paragraph was quoted from Akıncılar (2011, pp.25-26).

after the Kurdish initiative was began by the Turkish government, the Alevi initiative also started to be talked about in order to recognize Alevism publicly. The main demand of the Alevi population has been the recognition of the '*Cemevi*' as the Alevi's place of worship.

In 2003, one of the directors of the Pir Sultan Abdal Culture Association, Hasan Zengin, filed an action and wanted his child, Eylem Zengin, to be exempted from compulsory religious instruction. However, on 5 August 2003, the Council of State declined this demand. Then, he brought this case to the ECtHR in 2004. The Court of Strasbourg declared in its unanimous decision in 2007 that "there had been a violation of Article 2 of Protocol No. 1 (right to education) of the European Convention on Human Rights" (ECtHR (z), 18.12.2014). Furthermore, "it considered that the above violation originated in a problem with the implementation of the religious instruction syllabus in Turkey and the absence of appropriate methods to ensure respect for parents' convictions" (ECtHR (z), 18.12.2014). The court also added that the decision of the Supreme Council for Education in July 1990 which made the Christian and Jewish minority children exempt from religious lessons was not enough to protect the freedom of faith and created conflict for those children who were given religious instruction both by the school and their parents. The Court concluded that the religious lessons had to include all the different forms of religious instruction, and then they could be made compulsory for all children. The Council of State implemented this decision of the ECtHR in March 2008 and recognized the parents' claim to make their children exempt from religious lessons.

Starting in the twentieth century, non-Muslim minorities have become the centre of attention for the liberal Turks. Now there can be debates on minorities in which the minorities can participate in order to represent their minority communities, can publish books, and they can also open exhibitions. Even though this liberalization coincides with global trends, in Turkey there was a different reason for it. Now, the intellectual environment in İstanbul faces a new 'other'; the Kurds and Islamists. Hence, the former started to miss the 'old others', that is the non-Muslim minorities, and thought that with them İstanbul was more cosmopolitan, more urbane, and a more

livable city (Akgönül, 2011, pp.147-148). Consequently, firstly nostalgic, then scientific publications started to be published (Akgönül, 2011, p.149).

For the first time in the Rum minority's history, an international conference, called 'Meeting in İstanbul: Past and Present', was organized on 30 June–2 July 2006 by a Rum minority, Laki Vingas, in which the Rum people of İstanbul from all around the world came together and discussed the problems of the Rum minority who had stayed in Turkey. "Apart from the fact that such conferences could be organized in contemporary Turkey without encountering any major public intervention, the ... conference was even hosted by the AKP-affiliated İstanbul Metropolitan Municipality" (Kaya (a), 2013, pp.61-62).

In 2004, the Minorities Commission which was secretly established in 1962 was banned and replaced by the Civil Committee on Minorities. The word 'civil' was added to the name of the Committee because it does not include any military personnel (Kaya (a), 2013, p.59)

The JDP elite introduced the Party's so-called 'Conservative Democracy' ideology through a written text in 2004 prepared by Yalçın Akdoğan, the then PM Tayyip Erdoğan's political advisor (Kaya (a), 2013, p.84). Interestingly, the document (AKP, 2004, p.77) was in favor of minority rights and underlined that "democracy's success can be assessed not by majority rule, but according to whether minorities are self-determining or not" (cited in Kaya (a), 2013, p.84). Obviously, the Party did not cite the non-Turkish (Kurds, Circassians, Arabs) or non-Sunni (Alevi, Bektashis, Bahais) minorities, instead, it only mentioned the non-Muslim (Rum, Armenian, and Jewish) minorities. According to Kaya,

[w]ith the initial reform packages put into force between 2002 and 2004; they reinforced individual rights, liberties and human rights versus the authoritarian and unitary state by relaxing the law on the freedom of association and demonstration, abolishing the death penalty and all means and practices of torture by the security forces, revising the Penal Code, abolishing the term of 'forbidden language' from the Press law, permitting limited broadcasts in

Kurdish on private radio and TV channels, introducing limited broadcasts in Arabic, Circassian and various dialects of Kurdish such as Kurmanji and Zaza on the national radio and TV channels, and by allowing the ethnic languages and dialects to be taught in private courses (Kaya (a), 2013, pp.86-87)

With the EU Reform packages, the ban on establishing associations for the preservation and diffusion of languages and cultures other than Turkish and traditional minorities was abolished; the use of the ‘forbidden language’ was re-legalized in the law of associations; the restrictions on learning and publishing in languages and dialects other than Turkish were abandoned; the right to acquire intangible property of the foundations belonging to the non-Muslim minorities was restored by a change in the law on foundations and was initially subjected to the decisions of the cabinet and later to the General Secretariat of Foundation (*Vakıflar Genel Mudurluğu*), and the limitation on names other than Turkish was abolished by a change in the law on population (Kaya (a), 2013, pp.87-88; see also Oran, 2004).

Moreover, on 13 May 2010, a Governmental Decree No. 2010/13 on the ‘Solutions for the Problems of the Non-Muslim Citizens’ was issued. This decree aimed at the standardization of the institutions’ implementations of the rights of the non-Muslim minorities and to solve the problems stemming from these implementations.

In June 2010, the then Chief Negotiator Egemen Bağış declared that from then on the term ‘*farklı inanç grupları* (different belief groups)’ would be used instead of the term ‘*gayrimüslim* (non-Muslim)’ minorities in the EU General Secretariat’s official correspondence. This was decided on the basis of a letter from the Vice Patriarch of the Ancient Syriac Orthodox Church, Yusuf Çetin, in which he stated that ‘Muslim’ in Aramaic, the north-west Semitic language, means ‘believer’ so ‘non-Muslim’ implies ‘non-believers’ (Gayrimüslim Açılımı, Hürriyet, 27.06.2010).

3.6 The Impact of the EU, UN, CoE and the OSCE on the Development of Minority Rights in Turkey

Since the EU mainly relies on the protection mechanisms of the UN, CoE, and the OSCE in terms of minority rights, there is also pressure from these international organizations placed on the candidate and member states of the EU. Thus, the international conventions of these organizations and their courts, the ECJ and ECtHR, together force the countries to develop the legal conditions of minorities. In this section, Turkey's relations with the major international agreements made by the UN, the CoE, and the OSCE which established the standard international minority rights protection policy will be investigated. Following this, the EU's impact on Turkey will be provided in detail through an analysis of the Annual Progress Reports.

1) 1945 The UN Charter: At the end of WWII, the United Nations was established with this charter to which Turkey was a party along with forty-nine other states. Article 1(3) of the charter mentioned the aim of the UN whose purpose is "promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion" (UN (a), 1945). Hence, through its primary judicial branch, the International Court of Justice (ICJ), the UN has been trying to put pressure on Turkey to improve its human and minority rights.

2) 1948 The UN Universal Declaration of Human Rights: Although this declaration is not binding for the member states, it constitutes a de facto pressure on them because it forms the basis of all the human rights agreements. Therefore, Turkey should obey the articles of this declaration.

3) 1960 The UNESCO Convention against Discrimination in Education: This convention aimed at equality in access to education for all persons. Turkey has not signed this treaty yet but the signature and the ratification of this treaty may lead to improvements to the educational rights of its minorities.

4) 1965 International Convention on the Elimination of All Forms of Racial Discrimination: Turkey signed this convention in 1972 and ratified it in 2002. Turkey has violated this convention because its minorities have been facing "distinction,

exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin” (UN (d), 1965).

5) 1966 International Covenant on Civil and Political Rights (ICCPR): Turkey signed this convention in 2000 with a reservation on Article 27 on the rights of minorities and ratified it in 2003. Thus, because Turkey has put a reservation on Article 27, the cultural, religious and linguistic rights of the minorities in Turkey cannot be protected through this agreement.

6) 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief: This declaration is one of the most important international documents which has tried to prevent intolerance toward religious rights. However, because it is a declaration, it is not binding for Turkey.

7) 1989 Convention on the Rights of the Child: Turkey signed this convention in 1990 and ratified it in 1995. According to this convention, Turkey should provide equal rights to the children of minorities “to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language” (OHCHR (d), 1989).

8) 18 December 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities: Even though the nine articles of this declaration have been very important for the establishment of a minimum standard for minority rights, this is not binding for Turkey.

On the other hand, the CoE Conventions are more effective for the EU and its member states in order to create a common minority rights policy. These conventions are the 1948 ECHR, 1961 European Social Charter, 1992 ECRML, 1995 FCNM, and the 1997 European Convention on Nationality.

1) 1950 European Convention on Human Rights and Additional Protocols: Even though the ECHR does not directly mention minority rights, most of its articles have been applied to minorities. Turkey ratified the ECHR and the Additional Protocol No. 1 in 1954 and ratified the Additional Protocols No. 6, 13 and 14 in 2004. Turkey

also signed the Additional Protocol No. 16 in 2013 but the CoE still wants Turkey to sign and ratify Additional Protocols No. 4, 7 and 12. Moreover, Turkey accepted the right to apply individually to the ECtHR in 1987 and the compulsory jurisdiction of the court in 1990. Thus, there have been many cases in the ECtHR regarding Turkey's human and minority rights violations.

2) 1961 European Social Charter: Even though this charter does not directly deal with minorities but deals with socio-economic rights, the 1996 revised European Social Charter added a non-discrimination clause for minorities. Turkey signed it in 1961 and approved in 1989. Also, the country ratified the Revised European Social Charter in 2004.

3) 1992 European Charter for Regional or Minority Languages (ECRML): This charter is very important because it directly aims at the protection of regional or minority languages. Turkey has not yet signed or ratified this treaty.

4) 1995 Framework Convention for the Protection of Minorities (FCNM): Despite the fact that the EU has insisted that Turkey sign and ratify this convention in every Progress Report, Turkey has not yet signed the convention.

5) 1997 European Convention on Nationality of the Council of Europe: This convention has established the international legal norms on nationality. Turkey has not signed or ratified this convention.

Even though they are not legally binding, the CSCE/OSCE's documents on human and minority rights are the 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE which aimed at the protection of, and respect for, minorities, the 1990 Charter of Paris for a New Europe, the 1991 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, and the 1991 Report of the CSCE Meeting of Experts on National Minorities in Geneva in which it was stated that a minority consciousness is needed in order to define a community or an individual as a minority. Also, the HCNM of the OSCE has been trying to avoid conflict from minorities since its establishment in 1992. Although at first

Turkey did not allow the HCNM to deal with the minorities in the country, with the pressure of the Annual Progress Reports Turkey has started to allow it only recently.

Lastly, as the subject of this thesis, the EU directly deals with minority rights through Article 2 of the TEU and expects its member and candidate states to respect human rights, including the rights of persons belonging to minorities. The Union also refers to the abovementioned international organizations as the existing protection mechanisms for minorities. Hereinafter, the EU's impact on Turkey through the Annual Progress Reports will be analyzed.

The EU's Impact on Turkey in terms of Minority Rights: An Analysis of the Annual Progress Reports: What are the Problems? Improvements?

Starting with the signature of the Ankara Agreement in 1963 and continuing until the 1990s, the Association Council had initially worked towards Turkish inclusion in the Customs Union and then promoted European Union membership. While the relations with the EEC were frozen for three years because of the 1980 coup, Prime Minister Özal applied for full membership in the EEC on the grounds of Article 237 of the EEC Treaty on 14 April 1987 after the establishment of the civilian government. However, the Commission was not willing to give a positive answer. In the end, “the EEC Commission politely rejected Turkey’s application in December 1989 and based its decision on the ‘substantial economic and developmental gap between the Community and Turkey’” (Grigoriadis, 2003, p.2). That is to say, that according to the Commission’s report, Turkey’s weak economy could not compete with other members of the Community and moreover, the country did not yet fully respect human rights. However, in order to lessen Turkey’s discontent with the rejection, “the European Commission initiated a renewed effort to accomplish a customs union between Turkey and the European Economic Community, ... and release the funds provided for in the Fourth Financial Protocol” (Grigoriadis, 2003, p.4). However, these initiatives were vetoed by Greece.

Relations between Turkey and the EU started to improve in the early 1990s. On 7 June 1990, the Commission adopted the Matutes Package, which included

“completion of the customs union, the resumption and intensification of financial cooperation, the promotion of industrial and technological cooperation and the strengthening of political and cultural ties” (European Commission-Progress Report, 1998, p.5); however, it was rejected by the Council.

At the EU Lisbon Summit of June 1992, “the EU leaders agreed that the Turkish role in the present European political situation is of the greatest importance, and negotiations on achieving Turkey-EU customs union were resumed in November 1992” (Grigoriadis, 2003, p.2). As a result, the Turkey-EU Customs Union was established with a decision of the Association Council on 1 January 1996. Since then, Turkey has concentrated on full membership.

In June 1993, the ‘Copenhagen Criteria’ were announced which are composed of economic, political, and legal conditions that the applicant countries must meet in order to acquire EU membership. In terms of the economic conditions, applicant countries should have a functioning market economy that is able to cope with the economies of the other member states. In terms of political conditions, they should have achieved democracy with full respect to the rule of law, human rights, and minority rights. In addition, the applicant country has to align its law and administrative bodies with EU law: the *acquis communautaire*. Since then, Turkey has tried to fulfill these political and economic conditions and to initiate democratization attempts in order to become a full member of the EU.³⁰

On 15 July 1997, the Commission published Agenda 2000 which accepts that there have been political, economic, and legal developments in Turkey but also argues that “the rights of the individual ... falls well short of standards in the EU” (European Commission (x), 1997, p.56). One year later, at the EU Cardiff Summit of 1998, the European Council asked the European Commission to prepare Progress Reports for Turkey. Therefore, since 1998, the European Commission has annually prepared Regular Progress Reports for Turkey in order to evaluate the developments in the country.

³⁰ This page until the end of this paragraph was quoted from Akıncılar (2010, MA Thesis, pp.115-117).

After Turkey was announced as a candidate country in the Helsinki European Council of 1999, the Copenhagen criteria have been also applied to the country as the conditionality for its accession. Under the political conditionality, the EU also demanded that Turkey address its minority rights. In order to evaluate the developments in Turkey in terms of its respect for, and protection of, minorities, the Commission has annually analyzed these in its Progress Reports. Although the European Union does not have a common minority rights policy, it still stipulated that the minority rights conditionality is a requirement for Turkish accession. Thus, Turkey, as a candidate country, has been improving its minority rights protection by adopting several constitutional packages or signing international agreements despite the continuing lack of implementation.

3.6.1 What does *Ex Ante* Minority Rights Conditionality Mean?

According to Fierro (2003), “[c]onditionality, by its very nature, involves a relationship between two (or more) unequal partners, the *actor* and the *recipient*: the first elaborates particular conditions whilst the second is charged with meeting them” (Zalewski, 2004, p.3). Relying on Fierro’s classification (2003), Zalewski (2004) mentions two types of conditionality. The first one is the positive or *ex ante* conditionality which implies that “certain conditions or criteria, usually found in documents which bear the hallmark of soft law, are meant to be fulfilled before an agreement is concluded” (Zalewski, 2004, p.3). The *ex ante* conditionality is the political side of the EU’s conditionality for the candidate states whose final aim is to be fully integrated into the Union. Thus, the Copenhagen criteria for accession to the EU can be used as a good example of this type of conditionality.

On the other hand, the second type of conditionality is the negative or *ex post* conditionality which “refers to a situation where conditions appear once the parties have concluded a treaty, agreement or any other contractual relationship” (Zalewski, 2004, p.3). The *ex post* conditionality is the legal side of the EU’s conditionality which can be exemplified by the ‘human rights clause’ that the EU has inserted into most of the trade and cooperation agreements that it has signed with third countries.

When we compare and contrast the two types of conditionality, it can be argued that the *ex ante* conditionality relies on the ‘carrot’ while the *ex post* conditionality’s instrument is the ‘stick’. That is to say, in terms of positive conditionality when the candidate country fulfills the expected conditions, the EU rewards it with “assistance and institutional ties” (Schimmelfennig, Engert and Knobel, 2003, p.496). However, “the international organization withholds the reward if the target government fails to comply with its conditions, but does not intervene either coercively or supportively” (Schimmelfennig, Engert and Knobel, 2003, p.497). In addition, it should be kept in mind that the *ex ante* conditionality is a two-way relationship. While it puts “pressure on the recipient state to meet certain criteria, it also creates pressure on the actor/donor state to become an ‘anchor’ for reform, and to maintain its commitment to grant clear incentives and to distribute benefits (or sanctions) on a proportional and impartial basis” (Zalewski, 2004, pp.4-5). On the contrary, in terms of negative conditionality when the candidate country fails to meet the expected conditions, the EU punishes it with the suspension of agreements, aid, etc.

On the basis of this classification, the EU *ex ante* minority rights conditionality on Turkish accession will be applied in this chapter. Since the European Union is willing to offer rewards to Turkey once the minority rights clause is fulfilled by the country and also willing to withhold these rewards if it fails, it is sensible to apply this type of conditionality in the Turkish case. Thus, the *ex ante* minority rights conditionality will be examined hereinafter through the prism of the Regular Progress Reports published annually between 1998 and 2014.

3.6.2 An Analysis of the Regular Progress Reports

In its 1998 Regular Progress Report, the European Commission demanded that Turkey recognize the Kurds, who are mainly living in the Southeast of Turkey, as the fourth official minority group after the three minorities (Rums, Armenians, and Jews) that it officially recognized in the Lausanne Treaty in 1923. Furthermore, it criticized the Turkish government’s behavior towards the people evacuated from the villages of the Southeast of Turkey. On the other hand, it claimed that “[i]n Turkey there is a de jure and de facto difference in the treatment accorded to minorities officially recognised

under the Lausanne Treaty” (European Commission (g), 1998, p.20). In the end, the Commission argued that “Turkey will have to find a political and non-military solution to the problem of the south-east” and should sign the Council of Europe Framework Convention for the Protection of National Minorities (European Commission (g), 1998, p.20).

The relations between Turkey and the EU started to improve with the improvement in the relations between Turkey and Greece in mid-1999 as a result of the ‘earthquake diplomacy’ and the firm friendship between the Ministers of Foreign Affairs of the two countries, İsmail Cem and Georgios Papandreou. As a result, the ‘earthquake diplomacy’ of the two countries led to the improvement of Turkish-Greek relations – called ‘rapprochement’ - from mid-1999 on. The rapprochement also affected Turkey-EU relations in a positive way. This became apparent first in the 1999 Progress Report of the Commission and then, at the Helsinki European Council at the end of the same year.³¹

The European Commission’s 1999 Regular Progress Report mainly focused (again) on the Kurds in the ‘minority rights and protection of minorities’ section. The Commission first mentioned its disappointment that the arrest of Öcalan had not helped to bring terrorism under control. It further complained about the Turkish government’s treatment of the Kurds. Nevertheless, the Commission did not touch upon the issues concerning the three official minorities of Turkey. The EU immediately reacted when Öcalan was sentenced to death on 29 June after a trial before the Ankara State Security Court from 31 May on. In its declaration of 29 June 1999, the EU Presidency expressed “the hope that Turkey will follow what has invariably been the practice for the last fifteen years and not carry out the death sentence passed on Ocalan” (European Commission (h), 1999, p.6). Due to this pressure, the death sentence of Öcalan was appealed, which was welcomed by the EU. Consequently, the Commission stated that despite some improvements, there were still some shortcomings in Turkey in terms of human and minority rights and torture.³²

³¹ This paragraph was quoted from Akıncılar (2010, MA Thesis, p.120).

³² This paragraph was quoted from Akıncılar (2010, MA Thesis, p.120).

The Helsinki Summit of 10 December 1999 constituted a turning point in Turkey-EU relations with the acceptance of Turkey as a candidate state of the European Union. The Helsinki European Council, however, also emphasized that Turkey could only become a full member of the EU after the fulfillment of the Copenhagen criteria. Importantly, for the first time in history of the triangular relationship between Turkey, Greece, and the EU, Greece did not use its veto power against Turkey at the Helsinki Summit. Thus, Turkey went one step further in its difficult process of integrating into the EU. From then on, “instead of threatening Turkey to veto its EU membership aspirations, the new Greek strategy emphasizes the point that Greece would actively support Turkey’s EU membership prospects should the latter show more accommodating and cooperative stances over the bilateral disputes” (Oğuzlu, 2003, pp.47-48). At the same time, after Greece stopped vetoing the Turkish candidacy, it allowed other EU members “who had previously hidden behind Greece’s veto, to acknowledge their own reservations openly about Turkey’s candidacy, thus casting less of the blame on Greece for Turkey’s problems with the EU” (Larrabee, 2001, p.236).³³

In its 2000 Regular Progress Report, the Commission welcomed “a few signs of increased tolerance towards certain non-Muslim religious communities, notably the Greek Orthodox, Armenian, Catholic and Syrian Orthodox Churches, as well as the Jewish Community” (European Commission (i), 2000, p.17). This stemmed from the government’s decision which removed the need for state permission for the restoration of the religious communities’ buildings of worship and of charitable institutions. On the other hand, two important international agreements in the area of human rights were signed by the Turkish government in August 2000: the International Covenant on Civil and Political Rights with a reservation to Article 27, and the International Covenant on Economic, Social and Cultural Rights. Even though these two important covenants were signed and the work of the Supreme Board of Coordination for Human Rights was ratified by the government, the Commission stated that Turkey still failed to meet the political Copenhagen criteria. That is, the Commission claimed that the closure of the Orthodox Seminary of Halki should have been re-examined by the Turkish government.

³³ This paragraph was quoted from Akıncılar (2010, MA Thesis, pp.120-121).

Lastly, it demanded that Turkey sign the Framework Convention for the Protection of National Minorities and grant the Kurds the right to broadcast in their mother tongue.

In order to start accession negotiations with Turkey, the EU still insisted on the country's fulfillment of the political criteria decided upon at the Copenhagen Summit. Therefore, the European Council adopted an Accession Partnership Document (APD) on 8 March 2001 which stated Turkey's short- and long-term objectives. "Its purpose was to set out in a single framework priority areas for further work, the financial means available to help Turkey implement these priorities and the conditions applying to that assistance" (European Commission (j), 2001, p.8). If the country fulfilled the objectives, negotiation talks would start. As a response, Turkey adopted its National Program for the Adoption of the *Acquis* (NPAA) on 19 March 2001 in which future activities of the country were juxtaposed with the EU's demands. The NPAA was prepared by the European Union General Secretariat (EUGS), an institution established by the Turkish government just after the Helsinki Summit in order to direct relations between the EU and Turkey with the collaboration of the Foreign Ministry. Turkey's main aim, as stated in the NPAA, was the harmonization of its domestic laws with the EU's *acquis communautaire*. Although it was made clear at the EU Helsinki Summit that "Turkey's accession negotiations could begin only when Turkey fulfilled the political aspects of the Copenhagen criteria, Turkey began its major political reforms only towards the end of 2001" (Müftüler-Baç, 2005, p.21). This delay was due to the financial crisis, the clash between then Prime Minister Ecevit and then President Ahmet Necdet Sezer, and the disagreement among the coalition parties (the PDL, MP, and NAP) concerning the political reforms. Therefore, they were delayed until the end of 2001.³⁴

On 3 October 2001, a Constitutional Reform Package was adopted which made important changes to the 1982 Constitution. "Because the 1982 Constitution was prepared under the influence of the military rulers, its various articles reflected the authoritarian attitude of the National Security Council regime" (Yazıcı, 2004, p.93). The 1995, 1999, 2001 and later 2004 reforms were meant to change this. "Especially the

³⁴ This paragraph was quoted from Akıncılar (2010, MA Thesis, pp.121-122).

reforms of 2001 significantly reinforced constitutional safeguards of fundamental rights and liberties” (Yazıcı, 2004, p.94).³⁵

In spite of these amendments, the NPAA did not meet the expectations of the EU as laid down in the APD. In the 2001 Progress Report, the Commission stated that despite the constitutional changes, a number of fundamental issues remained problematic. That is to say, Turkey still had to abolish the death penalty, and give the right to broadcast and educate in languages other than Turkish, especially in Kurdish. In addition, the Commission noted that Turkey had still not signed the Framework Convention for the Protection of Minority Rights. On the other hand, the Commission approved of Turkey’s increasing tolerance of non-Muslim religious communities. For example, “[i]n December, President Sezer issued a message to Turkey’s minority religious groups on the occasion of Christmas and Hanukah” (European Commission (j), 2001, p.27). According to the Commission, even though the official permission for the restoration of the churches and other belongings of the minority foundations was not needed anymore, “Christian churches continue to face difficulties, in particular with respect to ownership of property” (European Commission (j), 2001, p.27). Moreover, Turkey was criticized due to the lack of development in the Halki issue. Besides the main focus on the Kurds under the minority rights section, the Commission also briefly mentioned the need for the protection of the Roma and other gypsy interests.

In August 2002, the Third Constitutional Package was adopted through which Turkey abolished the death penalty, revised its anti-terror law which decreased the maximum closure time of radio and TV channels due to propaganda against the Turkish state from fifteen to seven days, and allowed broadcasting in languages other than Turkish.

In the 2002 Progress Report, the Commission welcomed the Turkish Parliament’s ratification of the 1969 UN Convention on the Elimination of All Forms of Racial Discrimination with the reservation to Article 22, and the European Agreement Relating to Persons Participating in Proceedings of the European Court of Human Rights. However, it insisted that Turkey had not still signed the Framework Convention

³⁵ This paragraph was quoted from Akıncılar (2010, MA Thesis, p.122).

for the Protection of Minority Rights. It further argued that the non-Muslim communities suffered from the lack of legal personality and property rights although the Law on Foundations was amended in the Third Constitutional Package. The Commission also criticized the ban on clerical training for non-Muslim minorities. Moreover, its correction of the definition of the Roma community in Turkish dictionaries was welcomed by the Commission but it stated that “[n]o further legislative steps have been undertaken, and the Settlement Law of 1934 is still applicable to nomadic gypsies, implying that they are still among the categories of people who are not accepted in Turkey as immigrants” (European Commission (k), 2002, p.42). In addition, the Commission welcomed the opening of the dialogue between Turkey and the OSCE HCNM. However, it still insisted on fixing the problems and focusing on the developments relating to the Kurds living in the Southeast under the ‘minority rights and the protection of minorities’ section.

At the same time, the Commission stated that it “denoted the need for further improvements to strengthen democracy and the protection of human rights in law and in practice” (European Commission (k), 2002, p.47). As a result, “in December 2002, in its Copenhagen Summit, the European Council decided to review Turkey’s candidacy two years’ hence while ten of the candidate countries concluded their accession negotiations in 2002” (Müftüler-Baç, 2005, p.20).³⁶

In order to meet the EU’s expectations, the Turkish government made important changes in its Constitution in a short period of time. In May 2003, Turkey adopted the Sixth Constitutional Package in which Protocol No. 6 of the ECHR was ratified, all death sentences were converted to life imprisonment, and Article 8 of the Anti-Terror Law banning the ‘propaganda against the indivisible unity of the state’, was repealed. The approval of the Seventh Harmonization Package on 30 July 2003 made further changes to the Turkish Penal Code for the improvement of freedom of expression and freedom of the press.

In its 2003 Regular Progress Report, the European Commission welcomed the constitutional changes in Turkey with the approval of the Reform Package. Turkey was

³⁶ This paragraph was quoted from Akıncılar (2010, MA Thesis, p.123).

also praised by the Commission due to the ratification of two important international conventions on human rights in June 2003; the UN International Covenant on Civil and Political Rights and the UN International Covenant on Economic, Social and Cultural Rights with reservations. Since Turkey had been criticized because it had not signed these agreements after the first Regular Progress Report requested it, this was a welcome development. On the other hand, the Commission claimed that Turkey had to sign the Optional Protocol to the UN International Covenant on Civil and Political Rights, the Council of Europe Framework Convention for the Protection of National Minorities, the Revised European Social Charter, and the Statute of the International Criminal Court as well (European Commission (I), 2003, pp.23-24).

Furthermore, the Commission criticized the necessity of the non-Muslim foundations' registration of their properties, the ban on the clerical training for non-Muslim communities, and the deadlock in the closure of the Halki Seminary. It claimed that "[m]inorities have been subject to certain discriminatory practices by the authorities", arguing that "[t]here have been complaints that state-issued school history books are responsible for inducing feelings of hostility towards minority groups" (European Commission (I), 2003, p.39). Nevertheless, in order to change this attitude, the Ministry of Education started to encourage schools to organize conferences, competitions, etc. Besides, the Commission touched upon the difficulties that the children whose parents belonged to different religious minorities faced. That is, "[c]hildren can only attend such schools if their father is registered as belonging to that religious minority" (European Commission (I), 2003, p.39).

On the other hand, the Commission welcomed the amendment on the Law on Public Works which replaced "the word 'mosque' with the phrase 'places of worship', meaning that churches and synagogues will now be covered" (European Commission-Progress Report, 2003, p.35). The Commission also welcomed the granting of permission to the OSCE HCNM to visit Turkey in January 2003 "with the aim of starting a dialogue on the situation of national minorities" (European Commission (I), 2003, p.38). The rest of the report dealt with issues relating to the Kurds of the Southeast, again under the 'minority rights and the protection of minorities' section.

On 7 May 2004, the Eighth Constitutional Package and on 24 June 2004, the Ninth Constitutional Package were adopted which made a number of important changes in the area of human rights. “These include: eradicating all remaining death penalty provisions; strengthening gender equality; broadening freedom of the press; aligning the judiciary with European standards; and establishing the supremacy of international agreements in the area of fundamental freedoms over internal legislation” (European Commission (m), 2004, p.29).

The 2004 Regular Progress Report welcomed the abolition of the death penalty. Then, the Commission welcomed the amendment in the Turkish Constitution in which the ban on using, teaching, and broadcasting in languages other than Turkish was lifted. Thereafter, the Kurdish language started to be taught in the Southeast and radio and TV broadcasts were made in Arabic, Kurdish, Circassian, and Bosnian. In general, the Commission was pleased by the increasing tolerance of the Kurdish language and culture.

Since the previous Progress Report, Turkey had signed Protocol No. 13 to the ECHR in January 2004, abolished the death penalty in all circumstances, signed the First and Second Optional Protocols to the International Covenant on Civil and Political Rights in February and April 2004, and ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict in October 2003 (European Commission (m), 2004, pp.29-30). The Turkish acceptance of these significant international human rights instruments was welcomed by the Commission. On the other hand, although the Turkish government made significant improvements in the area of freedom of religion, such as the establishment of a dialogue with the authorities of the major non-Muslim communities in early 2004, when it came to the adoption of a Regulation on the Methods and Principles of the Boards of Non-Muslim Religious Foundations in June 2004 to solve the problems in the elections of the committees of the foundations, etc., the Commission argued that these non-Muslim religious communities “lack legal personality, face restricted property rights and interference in the management of their foundations, and are not allowed to train clergy” (European Commission (m), 2004, p.43). The Commission further criticized the

slow and troublesome authorization process of either the opening or the restoration of places of worship and the ongoing closure of the Orthodox Halki Seminary that took place in 1971.

It is important to note here that in this Progress Report, the Commission has changed its discourse in terms of the minority rights in Turkey. While it mainly mentioned the problems of the Kurds living in the Southeast under its sections on the ‘minority rights and the protection of minorities’ in each of the Regular Progress Reports since 1998, the Commission has since removed this section and added a part called ‘the situation in the East and Southeast’ to either criticize or welcome the news relating to the Kurds instead.

After the Commission made an overall assessment of developments made by Turkey since 1998, it stated in the 2004 Regular Progress Report that Turkey has fulfilled the political criteria and it recommended that the accession negotiations begin. Thus, it was decided at the Summit of the EU Heads of State or Government in December 2004 that the negotiations for Turkey’s accession to the EU could start in October 2005.

In the 2004 Progress Report, the Commission added a section on the ‘minority rights, cultural rights, and the protection of minorities’ to the text. This discourse differed from the previous Regular Progress Reports that had been issued since 1998 which had used the phrase ‘minority rights and the protection of minorities’. It appears that the Commission analyzed the developments for the non-Muslim minorities at first, then it touched upon the issues of the Kurds under the sections of ‘cultural rights’ and ‘the situation in the East and Southeast’. In my opinion, this can be understood as an improvement in the EU’s understanding of minorities in Turkey.

In the 2005 Regular Progress Report, Turkey was praised for its ratification of the European Agreement relating to Persons Participating in Proceedings of the ECtHR in October 2004, its signing of the Protocol No. 13 (in October 2005) and 14 (in October 2004) to the ECHR, signing of the Revised 1996 European Social Charter in October 2004, and of the Optional Protocol to the UN Convention against Torture

(OPCAT) in September 2005 (European Commission (n), 2005, pp.18-19). The Commission in fact welcomed “the important legislative reforms but criticized that the implementation of these reforms remained uneven” (European Commission (n), 2005, p.41).

The Commission further criticized Turkey’s prevention of the functioning of the committees established for the management of its minority rights. It stated that “[s]ince the publication of a report on minority rights in Turkey in October 2004, the Human Rights Advisory Board under the Office of the Prime Minister – a body composed of NGOs, experts and representatives from ministries – has not been operating” (European Commission (n), 2005, p.21). After the Board criticized the Turkish government’s policy on minorities in its report, an investigation was opened against its members. On the other hand, the Commission claimed that there had been no major improvement in the area of freedom of religion. It argued that “[i]n practice non-Muslim religious communities continue to encounter significant problems: they lack legal personality, face restricted property rights and interference in the management of their foundations, and are not allowed to train clergy” (European Commission (n), 2005, p.29), which is the same statement that the Commission had used in its previous Progress Reports. On the other hand, the Commission welcomed the OSCE HCNM’s visit to Turkey in February 2005 as a promising development for the national minorities. Besides this, the Commission for the first time dealt with the problems regarding the property rights of the Rum minority of Gökçeada/İmros.

Whereas the Commission welcomed the entry into force of the new Law on Associations in November 2004 which aimed at diminishing state interference in the associations, it complained about the lack of practical implementation of these new laws. Moreover, the Commission was critical of the fact that the religious foundations continued to be under the auspices of the Directorate-General for Foundations which had the authority to “dissolve the foundations, seize their properties, dismiss their trustees without a judicial decision and intervene in the management of their assets and accountancy” (European Commission (n), 2005, p.30).

The European Commission criticized Turkey in its 2006 Regular Progress Report because of the six-month prison sentence for Hrant Dink, who was punished on the basis of Article 301 of the Turkish Penal Code which banned insults against Turkishness. Furthermore, the Commission argued that there had been made no major progress in the freedom of association. While it welcomed a visit from a committee that was composed of the Ministries of Interior, Education, Foreign Affairs, and the EUGS to the leaders of the non-Muslim communities to hear their problems and to try to create solutions for them, the Commission maintained its criticism of the closure of the Halki Seminary, the continued problems faced by the non-Muslim communities with regard to their property rights, the functioning of the minority schools (which had been managed by a dual presidency), and the restrictions on the training of their clergy (European Commission (o), 2006, p.16). It also argued that there had been no progress made in the establishment of a open dialogue between the Turkish government and the OSCE HCNM. For the Commission, “[t]he deepening of such a dialogue [in the areas of minority education, minority languages, the participation of minorities in public life and broadcasting in minority languages] between Turkey and the HCNM is necessary” (European Commission (o), 2006, p.20). Therefore, the Commission argued that “Turkey’s further alignment with international standards and best practice in EU Member States [would need to be facilitated] to ensure cultural diversity and to promote respect for and protection of minorities” (European Commission (o), 2006, p.20).

The 2006 Progress Report also included the Commission’s complaint regarding the discriminatory language used in school curricula and textbooks. Despite the recommendations that had been made by the European Commission against Racism and Intolerance (ECRI) in 2005, the Commission argued that further efforts were needed in this regard. The Commission also highlighted the problems of the Rum minorities living in Gökçeada (İmros) and Bozcaada (Tenedos) in terms of their property rights.

The 2006 Progress Report also refers to education and broadcasting in the Kurdish language under the section of ‘cultural rights’, and expressed an interest in all other issues regarding the Kurds under the section of ‘the situation in the East and Southeast’. In the end, the Commission added, for the first time, a Roma section to the

Progress Report to address the problems of the Roma population living in Turkey. The Commission concluded its report with a minority rights, cultural rights, and the protection of minorities section by arguing that “[o]verall, Turkey made little progress on ensuring cultural diversity and promoting respect for and protection of minorities in accordance with international standards” (European Commission (o), 2006, p.23).

In its 2007 Regular Progress Report, the Commission emphasized the continued enforcement of Article 301 of the Turkish Criminal Code which had been abused by Turkish officials and used to provoke some hyper-nationalists to assassinate the Armenian journalist Hrant Dink in January 2007. Thus, the Commission argued that “Article 301 needs to be brought in line with the relevant EU standards” (European Commission (p), 2007, p.15). Furthermore, the Commission also condemned the murder of three Protestants in Malatya in April 2007. After these murders of non-Muslim persons, the Commission argued that the public’s intolerance of the non-Muslim communities had increased.

On the other hand, the Commission recognized the progress that had been made in the freedom of religion. That is, it found the continuation of dialogue between the high officials and the non-Muslim communities to be admirable. The first visit was made in 2006 and the second one happened in June 2007 in order to exchange opinions regarding the rights and problems of the minorities. Moreover, the OSCE HCNM visited Turkey for the third time in December 2006 following its previous visits in 2003 and 2005. The Commission argued that a good relationship could not be established with the OSCE HCNM so it claimed that “[t]here is a need to start a dialogue between Turkey and the HCNM on issues such as the participation of minorities in public life and broadcasting in minority languages” (European Commission (p), 2007, p.21).

Just as in the previous three Progress Reports, starting with the 2004 Progress Report, the Commission covered the problems in education and broadcasting in the Kurdish language under the section on ‘cultural rights’, and the rest of the issues concerning the Kurds were placed under the section on ‘the situation in the East and Southeast’. The cultural rights section also addressed the Roma population of Turkey which, as argued by the Commission, “continue[d] to experience discriminatory

treatment in access to adequate housing, education, social protection, health and employment” (European Commission (p), 2007, p.23).

Besides this, the Commission maintained its criticism of the closure of the Halki Seminary, the restricted property rights of the non-Muslim communities, and the restricted educational rights of the minorities. Overall, the Commission concluded that “Turkey has made no progress on ensuring cultural diversity and promoting respect for and protection of minorities in accordance with European standards” (European Commission (p), 2007, p.22).

The 2008 Regular Progress Report stated that Turkey had to make further improvements in order to become a full member of the EU. First of all, the right to freedom of expression had to be extended, as was also mentioned in the previous 2007 Progress Report. Consequently, in April 2008, Article 301 of the Turkish Criminal Code was amended which “changed the wording of the article, lowered the upper limit of the penalty and abolished the higher penalty for insults in a foreign country” (European Commission (q), 2008, p.15). According to the Commission, the revision of Article 301 was insufficient and did not prevent the misuse of the article.

On the other hand, the Commission recognized the improvements in the freedom of association that stemmed from the adoption of the amendments to the Law on Foundations in February 2008. These amendments also led to the improvement in the property rights issues experienced by the non-Muslim minorities. However, the Commission continued to argue that the non-Muslim communities lacked a legal personality, and were prevented from training their clergy and receiving higher religious education in Turkey. The Commission also pointed out the duration of the closure of the Greek Orthodox Halki Seminary, the problems faced by non-Muslim minorities in terms of the management of the minority schools, the discriminatory language in textbooks, and the property problems of the Rum communities living in Gökçeada (İmvros) and Bozcaada (Tenedos).

In the end, just as in the previous two Progress Reports, the section on minority rights, cultural rights, and the protection of minorities of the 2008 Progress Report

concludes with the Commission's judgment that "Turkey has made no progress on ensuring cultural diversity and promoting respect for and protection of minorities in accordance with European standards" (European Commission (q), 2008, p.25).

In its 2009 Regular Progress Report, the European Commission approved of the increasing number of associations and of their members. In the section on freedom of association, the Commission concluded that "the legal framework on associations is broadly in line with European standards [but] considerable progress needs to be made as regards its implementation, as associations still face disproportionate scrutiny of their activities, which in some cases has led to judicial proceedings" (European Commission (r), 2009, p.20). The Commission further welcomed the third visit of the high officials to the non-Muslim religious communities in spring 2009 and the representatives of these communities' visit to Prime Minister Erdoğan in summer 2009. On the other hand, the Commission repeated its complains regarding the non-Muslim communities' lack of legal personality, restrictions on the training of their clergy, and the closure of the Halki Seminary "although its re-opening was widely debated over the reporting period", the Rum minorities' problems with education and property rights in Gökçeada (İmros) and Bozcaada (Tenedos), the ban on the Patriarch's use of the title 'Ecumenical', and the non-Muslim communities' ID cards' inclusion of their religions (European Commission (r), 2009, p.21).

In general, the Commission welcomed the start of a debate regarding the minority-related issues among NGOs and academics (European Commission (r), 2009, p.27). Nevertheless, it insisted that Turkey had to sign the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. Within this legal framework, the Commission argued that full respect for and protection of minority rights in Turkey could be achieved in line with the EU standards.

As in the previous Progress Reports that had been made since 2004, the Commission touched upon the issues relating to the education in, and broadcasting of, the Kurdish language under the section on cultural rights and also included the rest of the issues regarding the Kurds under the section on the situation in the East and

Southeast. The 2009 Progress Report also contained a section on the Roma population in which it was argued by the Commission that no progress had been made in their discriminatory treatment.

In its 2010 Regular Progress Report, the European Commission welcomed the wide range of open and free debates on the minority rights in the media and in the public sphere. It also welcomed the increasing frequency of the meetings that occurred between high officials and the representatives of the non-Muslim communities. The Commission also stated its respect for the first celebration, in over ninety years, of the Rum Orthodox minority in the Sümela monastery, Trabzon, in August 2010, and the first religious ceremony since 1915 to take place in the Armenian church of Akdamar Island, Van, in September 2010. Moreover, the Commission welcomed the grant of Turkish citizenship to fourteen members of the Rum Orthodox clergy (European Commission (s), 2010, p.22).

However, the Commission stated that the lack of legal personality of the non-Muslim communities, restrictions on the training of their clergy, the ban on higher religious education for non-Muslim minorities, the closure of the Halki Seminary, the ban on the Patriarch's use of the title 'Ecumenical', and restrictions on the minority properties remained problematic issues in the minority rights issues of Turkey. The Commission further pointed out the widespread hate speech spread by the media. To solve this problem, it supported the Council of Europe which "recommended Turkey to encourage the media to develop a code of ethics on respect for religious minorities and to prosecute incitement to hatred passed on by the media" (European Commission (s), 2010, p.20).

In this Progress Report, the Commission changed the name of the section from 'human rights and the protection of minorities' to the 'respect for and protection of minorities, cultural rights'. Although the wording has changed, the context has remained same as the previous reports. That is, while the Commission has mentioned the problems of non-Muslim minorities in the first part of the section, in the part on cultural rights it has focused on the education and broadcasting in the Kurdish language

and the rest of the issues regarding the Kurds have been dealt with under the section on the situation in the East and the Southeast.

While then PM Erdoğan issued a circular in order to address the problems of the non-Muslim minorities in May 2010, its implementation remained pending. As a result, the Commission concluded the minority rights section of the report by recommending that “Turkey needs to make further efforts to enhance tolerance or promote inclusiveness vis-à-vis minorities” (European Commission (s), 2010, p.32). In order to achieve this, it has indicated the urgency of signing the CoE Framework Convention for the Protection of National Minorities, on which the EU’s understanding of minority rights has been based for decades.

In its 2011 Progress Report, the European Commission welcomed the Turkish Parliament’s ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse and of the Optional Protocol to the UN Convention against Torture (OPCAT). On the other hand, the Commission noted that the ratification of three additional Protocols (4,7,12) to the European Convention on Human Rights (ECHR) is still needed. While the debate on sensitive issues, such as “the Kurdish issue, minority rights, the Armenian issue and the role of the military” (European Commission (t), 2011, p.20), carried out in the media and by the public was positively assessed, the violations of, and restrictions on, freedom of expression and freedom of the media resulting in the imprisonment of journalists raised criticism. Concerning the hate speech, the Council of Europe recommended Turkish government “adopt a code of ethics for religious minorities” (European Commission (t), 2011, p.26), but new legislation regarding hate crime has not yet been prepared.

Moreover, the Commission welcomed the ongoing respect for freedom of worship in the country. That included the positive evaluations of the Patriarch Bartholomeos’ second celebration of the Divine Liturgy of the Dormition of Theotokos in August at the Sümela monastery in Trabzon, the second religious service at the Armenian Holy Cross Church on Akdamar Island in Van Lake, the opening up of a Protestant Church in June in Van, and various high-ranking officials’ visits to the religious leaders of the non-Muslim communities. In addition, in honor of the 2009

Alevi opening, “[t]he Ministry of National Education has prepared new religious education textbooks containing information on the Alevi faith, too” (European Commission (t), 2011, p.29).

The February 2008 Law on Foundations was amended by new legislation in August 2011. Hence, “[t]he current legal framework broadly provides for the return of properties entered in the 1936 declarations of the non-Muslim community foundations widening, thus, the scope of the 2008 Law” (European Commission (t), 2011, p.29). In total, 181 properties were registered in the name of non-Muslim community foundations between February 2008 and the reporting period. In addition, the Commission positively evaluated the transfer of the deeds of the Büyükada orphanage to the Orthodox Patriarchate and of the properties on Bozcaada/Tenedos to the Bishop of Gökçeada/İmvros and Bozcaada/Tenedos.

In contrast to these developments, non-Muslim communities continued to lack legal personality. Thus, the Commission demanded the Turkish government adopt and implement the 2010 Council of Europe Venice Commission recommendations. Moreover, non-Muslim communities continued to lack the right to train their clergy. The Halki Greek Orthodox Seminary remains closed, and the reopening of a school in Gökçeada/İmvros for the Rum minorities has not been decided upon yet. “The Armenian Patriarchate’s proposal to open a university department for the Armenian language and clergy has been pending for four years now” (European Commission (t), 2011, p.29). The Commission also criticized the fact that “Alevi and non-Muslim religious communities have to pay electricity and water bills [for their places of worship], whereas the State budget covers such expenses for mosques” (European Commission (t), 2011, p.30).

To sum up, the Report welcomed the continuing dialogue with the Alevi and the non-Muslim religious communities while it also mentioned the limited progress that had been made on freedom of thought, conscience, and religion. It criticized Turkey’s reservations on the UN International Covenant on Civil and Political Rights and on the UN Covenant on Economic, Social and Cultural Rights, and reiterated that Turkey has not signed the Council of Europe Framework Convention for the Protection of National

Minorities. Overall, it referred to the “need for comprehensive revision of the existing legislation, the introduction of comprehensive legislation to combat discrimination and to establish protection mechanisms or specific bodies to combat racism, xenophobia, anti-Semitism and intolerance” (European Commission (t), 2011, p.38).

In its 2012 Progress Report, the European Commission celebrated Turkey’s ratification of the Council of Europe’s Convention on Preventing and Combating Violence against Women and Domestic Violence on 14 March 2012. On the other hand, it criticized Turkey for not ratifying the three additional Protocols (4, 7 and 12) to the ECHR, and for having not yet signed the Framework Convention for the Protection of National Minorities or the Charter for Regional and National Languages.

The EU lauded the Turkish authorities’ respect of the freedom of worship. This included the fact that the “Ecumenical Patriarch Bartholomew celebrated in August, for the third time after almost nine decades, the Divine Liturgy of the Dormition of Theotokos at the Sumela Monastery in the Black Sea province of Trabzon” (European Commission (u), 2012, p.24). Moreover, “the third religious service since 1915 was held at the Armenian Holy Cross Church on the Akhdamar island in lake Van” in September (European Commission (u), 2012, p.24). Most importantly, the Turkish authorities declared that the Orthodox Patriarch of the Rum community is free to use the title ‘Ecumenical’, but because there was not an official decision made on the matter, the Patriarchate continues to use the title ‘Fener Rum Patriarchate’.

The Commission criticized Turkey for not implementing the 2010 Council of Europe Venice Commission recommendations, and as a consequence, non-Muslim communities in Turkey still faced “problems due to their lack of legal personality, with adverse effects on property rights, access to justice, the ability to obtain work, residence permits for foreign clergy and fundraising” (European Commission (u), 2012, p.24). It also reported that Turkey should implement Council of Europe Resolution 1625 (2008) on Gökçeada/İmvros and Bozcaada/Tenedos.

Furthermore, the reopening of the Halki Greek Orthodox Seminary, restrictions on the training of the clergy of the Greek Orthodox, Armenian, and Syrian Orthodox

communities, and founding of an undergraduate program for studies on the Armenian language remained pending issues. The Commission heavily criticized the DG for Foundations who declared in November that the Hagia Sophia Museum in İznik is a mosque.

While the EU welcomed the Ministry of National Education's preparation of new religious education textbooks containing information on the Alevi faith, it also criticized Turkey for not officially recognizing *Cem* houses and for not allowing Alevis to establish new *Cem* houses.

Non-Muslim minorities also reported some hate crimes which show that intolerance of minorities persisted in the Turkish population. Also, "[a]nti-Semitism and hate speech in the media, including in TV series and films, has not been punished" (European Commission (u), 2012, p.25).

In summary, the Commission reported that dialogue with the non-Muslim minorities continued but they were still subject to threats from extremists. In order to prevent this, "[a] legal framework in line with the ECHR has yet to be established to ensure that all non-Muslim religious communities and the Alevi community can function without undue constraints" (European Commission (u), 2012, p.26). "Turkey needs to ensure full respect for the property rights of all non-Muslim religious communities and others" (European Commission (u), 2012, p.31).

Concerning property rights, there were significant developments made to the advantage of non-Muslim minorities. Up to 27 August 2012, which was the deadline for applications, 108 community foundations applied for the return of 1.568 properties. "By 18 September 2012, the Foundations Council approved the return of 58 properties, the payment of compensation for eight (8) properties, decided that 53 applications were not eligible and continues the processing of the remaining 1,449 applications" (European Commission (u), 2012, p.30).

The Commission praised the Turkish government which had invited representatives of the three non-Muslim minority communities to the Parliament to get their views on the new Constitution.

However, Turkey was still criticized due to the lack of protection mechanisms or specific bodies to combat racism, xenophobia, anti-Semitism, intolerance, hate crime and hate speech, including by the media. Overall, “Turkey’s approach to minorities remained restrictive. Full respect for and protection of language, culture and fundamental rights in accordance with European standards have yet to be achieved. A comprehensive approach and further efforts are needed to enhance tolerance, security and promote inclusiveness vis-à-vis minorities” (European Commission (u), 2012, p.32).

In the 2013 Progress Report, the Commission mentioned the human rights violations that took place during the Gezi Park demonstrations which had started on 28 May 2013 in İstanbul, and spread to other cities, in protest of the government’s attempt to construct a shopping mall on a park in Taksim. Even though the demonstrations were mainly peaceful, the police used excessive force against the demonstrators. Hence, the demonstrations turned into protests against the authoritarian discourse of the JDP government which “has tended to rely exclusively on its parliamentary majority to pass laws and decisions, including on socially sensitive issues, without sufficient consultation and dialogue with stakeholders” (European Commission (v), 2013, p.2). As a result, between June and September 2013, “[s]ix people died, including one policeman, thousands were injured, some of them severely, over 3500 were taken into police custody, of whom over 112 remained in detention on judge’s decision, including members of NGOs participating in the Taksim Solidarity Platform (a grouping of associations active on the Gezi Park issue)” (European Commission (v), 2013, p.5).

Moreover, on 30 September 2013 the government declared a democratization package in which the government allowed “the conduct of political activity in languages and dialects other than Turkish, education in languages and dialects other than Turkish in private schools, the removal of criminal sanctions for the use of the letters Q, X and W used in Kurdish and the change of names of villages back to the versions which preceded the 1980 military coup” (European Commission (v), 2013, p.6). On the other hand, the formation of an institute on Roma language and culture was permitted, the property of Mor Gabriel Monastery was given back to its foundation on 7 October 2013,

and the school oath which emphasized ‘Turkishness’ was abolished on 8 October 2013. Within this school oath, “‘I am Turkish, I am Honest, I am Diligent’ (*Türküm, Doğruyum, Çalışkanım*), are considered to be the main pillars of the Sunni-Muslim-Turkish ‘holy trinity’” (Kaya (a), 2013, p.179), so this oath is no longer spoken.

After the adoption of the Third Judicial Reform Package in July 2012, the Fourth Judicial Reform Package was adopted in April 2013 which was unable to prevent several problems, such as governmental pressure on the media which resulted in the firing of famous journalists and bans on websites like YouTube and Twitter. It has been stated that in September 2013 “more than 32 000 sites were not accessible in Turkey” (European Commission (v), 2013, p.52). The freedom of the media, freedom of expression, and freedom of access to information became heavily restricted after the Gezi Park protests. Furthermore, because then PM Erdoğan saw social media ‘as a threat to society’, a number of citizens were put under custody due to their Twitter messages concerning the Gezi Park protests.

In terms of the freedom of thought, conscience, and religion, dialogue between the authorities and non-Muslim minorities intensified which resulted in more inclusive religious education textbooks in schools. Even though the Turkish authorities declared that all the Turkish citizens are equal before the law without any distinction between majority-minority, the Commission argued that this approach did not prevent Turkey from granting special rights to its minorities, “in line with European standards, on the basis of ethnic origin, religion or language, so that they can preserve their identity” (European Commission (v), 2013, p.14).

While Turkey was praised for signing the Optional Protocol to the Convention on the Rights of the Child which gives authorization to the UN Committee on the Rights of the Child, the Commission stated that Turkey had still failed to sign the three additional Protocols to the ECHR (4,7,12).

As a newly established human rights institution, the Turkish National Human Rights Institution (NHRI) elected its President and became operational in January 2013. The NHRI’s biggest task for 2013 was to deal with a number of applications regarding

human rights violations in the Gezi Park protests. The protestors, who faced excessive use of force by the police through tear gas grenades and pepper sprays and real guns, applied to the ECtHR which decided in the case of *Yaşa and Others v. Turkey* that “the safeguards surrounding the proper use of tear-gas grenades needed to be strengthened in order to minimise the risk of death and injury resulting from their use” (European Commission (v), 2013, p.50). Although the Ministry of Interior prepared a circular for the directions on the use of tear gas and pepper spray in June 2013, and another one in July, the directions were not implemented by the police forces and deaths from tear-gas grenades continued.

Moreover, the Commission stated that accession negotiations with Turkey would revive with the opening of Chapters 23 (Judiciary and Fundamental Rights) and 24 (Justice, Freedom and Security) as soon as possible.

In February 2013, then President Abdullah Gül declared that “the state should stand at an equal distance from members of all beliefs and those who do not hold a belief” (European Commission (v), 2013, p.54). Thus, new textbooks were written for the religious culture and ethics courses which included information about the Alevi faith even though *Cem* houses had yet to be recognized as their official places of worship. Only tenth grade history textbooks were amended to remove discriminatory rhetoric against Assyrians. Also, non-Muslims were exempted from these classes because they would answer some questions differently from the questions on Islam in the secondary school and university entrance exams.

Article 301 of the Turkish Criminal Code, which had led to the murder of Hrant Dink, had still not been abolished. Moreover, non-Muslim communities still lacked legal personality which adversely affected their “property rights, access to justice, fundraising and the ability of foreign clergy to obtain residence and work permits” (European Commission (v), 2013, pp.54-55).

While the Halki Seminary remained closed, the Armenian Patriarchate’s proposal to create an Armenian language department remained pending. As a new

development, the Assyrian Orthodox community started to provide informal training outside of school.

The Commission criticized the Turkish government for not preparing specific legislation on anti-discrimination and against hate crimes which meant that several churches of the Rum Orthodox, Armenian, and Protestant communities were attacked while the assassination of a priest in İzmit was prevented by the police (European Commission (v), 2013, p.56).

On the other hand, the Commission praised the Turkish government for implementing the 2011 legislation revising the 2008 Law on Foundations. On the basis of this legislation, 116 minority community foundations applied for the return of a total of 1560 properties. “By August 2013, the Foundations Council had approved the return of 253 properties and the payment of compensation for 18 properties, and decided that 878 applications were not eligible” (European Commission (v), 2013, pp.59-60). Whereas the Rum Orphanage in Büyükada had regained its foundation status in 2012, the Mor Gabriel Syriac Orthodox monastery regained its lands in October 2013 and the Latin Catholic Church in Mersin reclaimed the title deeds to its two properties.

The Minister for National Education approved the re-opening of a Rum minority school in Gökçeada/İmvrös island in March which was opened in September 2013 but lacks students.

In December 2012, six people displayed anti-Armenian banners at a demonstration in İstanbul which resulted in the fine of a 3.000TL monetary penalty per person. Since February 2013, *Agos*, the Armenian-Turkish newspaper, has been available at the Turkish Airlines stands at airports.

While Assyrians received permission from the court to open their own schools and to construct a new church, their request to open a kindergarten was rejected because the authorities argued that only Rum, Armenian, and Jewish people have this right. Nevertheless, “an administrative court in Ankara ruled that there was no legal reason to prevent Syriacs from opening their own school on the basis of the Treaty of Lausanne” (European Commission (v), 2013, p.61).

In addition, use of the Kurdish language became increasingly widespread. That is, Mardin Artuklu, Dicle and Bingöl Universities continued to deliver post-graduate education in Zaza and Kurmanji Kurdish; “[t]he teaching of elective courses in Kurdish language in public schools continued (subject to a minimum of ten students per class) and 25 000 students have enrolled”; the Director of Religious Affairs prayed both in Kurdish and Turkish in a ceremony in April 2013 and allowed Kurdish prayers in mosques; the Department of Religious Affairs was preparing a translation of the Quran in Kurdish; and “the Anatolia news agency started broadcasting in Kurdish in September 2013” (European Commission (v), 2013, p.63).

Even though Turkey froze its relations with the EU during the second half of 2012, through the adoption of democratization and judicial reform packages it started to recommence relations. Overall, more efforts are needed in order to protect minorities and minority rights in Turkey.

Lastly, in the 2014 Progress Report, the latest developments in Turkey can be assessed. On 16 December 2013, the EU-Turkey Readmission Agreement was signed which at the same time initiated the Visa Liberalization Dialogue. However, Chapters 23 and 24 are still waiting to be opened. In March 2014, an Action Plan on Prevention of Violations of the ECHR was adopted in order to align Turkey’s legal framework with the ECtHR’s case law. In September 2014, the Ministry of EU Affairs prepared an ‘EU Strategy’ which is based on ‘political reforms’, ‘socio-economic transformation in the accession process’, and a ‘communication strategy’ (European Commission (w), 2014, p.3). The EU welcomed both the bilateral talks of Turkey and Greece regarding the continental shelf issues and the negotiations of the leaders of both communities in Cyprus.

In December 2013, anti-corruption investigations were launched against the politicians themselves, their families, relatives and friends; including then PM Erdoğan.

The National Human Rights Institution (NHRI) was tasked with being the national preventive mechanism (NPM) under the Optional Protocol to the UN Convention on Prevention of Torture. The Commission recommends that a new body

has to be established under the NHRI/NPM in order to “promote equality and combat racism, xenophobia, anti-Semitism and intolerance” (European Commission (w), 2014, p.15).

While a government official declared that the Hagia Sophia Museum in İstanbul should be converted into a mosque in November 2013, the government continued to implement the revised 2008 Law on Foundations relatively effectively. In total, “116 minority community foundations applied for the restitution of a total of 1560 properties” (European Commission (w), 2014, pp.59-60). Whereas the Foundations Council decided that 1092 applications were ineligible, it approved “the return of 318 properties and the payment of compensation for 21 properties” by April 2014 (European Commission (w), 2014, pp.59-60).

In November 2013, Turkey signed Additional Protocol 16 to the ECHR. In addition to it, with the adoption of democratization and judicial reform packages the number of court cases brought to the ECtHR against Turkey began to decrease. Whereas 5.919 applications had been submitted between September 2012 and September 2013, 1.950 applications were made between September 2013 and September 2014 (European Commission (w), 2014, p.48). Most of the new applications pertained to the right to a fair trial and the protection of property rights. “As of September 2014, 10.280 applications regarding Turkey were pending at the ECtHR, down from 13.900 applications in September 2013” (European Commission (w), 2014, p.48). The Turkish government increased its attention to the ECtHR decisions so it created a database of the Turkish translations of the ECtHR judgments. An Action Plan for the Prevention of Violations of the ECHR was adopted in March 2014 which is estimated to affect minority rights protection in Turkey in particular.

The Commission criticized the Turkish government regarding the two circulars it sent out on the use of tear gas and pepper spray which were issued by the Ministry of Interior in June and July 2013 but had still not been implemented. Moreover, the EU also criticized Turkey for its ineffective investigations into the excessive use of force during the Gezi Park protests. Out of 329 investigations in total, most of them were still

pending and the police officers that were accused of causing the deaths were still on active duty (European Commission (w), 2014, p.50).

On the other hand, while the Turkish government denied that there were any journalists in prison, the OSCE argued that twenty-two journalists were in prison in June 2014 as a result of their articles or speeches made against the government (European Commission (w), 2014, p.51).

While the website bans continued, the implementation of the ECtHR judgments on the abolition or amendment of Article 301 remained pending. Meanwhile, the TRT TV channel violated the principle of objective broadcasting before the March 2014 local elections by favoring the JDP party, and the Soma mine disaster in May 2014 led to public objections to the ruling JDP government. Furthermore, the police had used excessive force against the workers who demonstrated against the Soma disaster.

The EU continued to criticize Turkey on the basis that the non-Muslim communities do not have legal personality, that the Rum Orthodox Patriarchate has not been officially granted the use of the 'Ecumenical' title, the Halki Seminary remains closed, *Cem* houses are still not officially recognized as places of worship, and the proposal for a university department to study the Armenian language and Armenian clergy remain pending. At the time of the naming of the third bridge over the Bosphorus in İstanbul, the name 'Sultan Selim I' caused discontent among Alevis because the former was regarded as responsible for killing thousands of Alevis. In December 2013, attacks on Alevis' houses continued.

In March 2014, the Minority Representative on the Foundations Council in the Directorate-General for Foundations, Laki Vingas (a Rum minority), resigned because the minority foundations still lack an election regulation. Answering the call of the Deputy Prime Minister, Bülent Arınç, Mr. Vingas initially withdrew his resignation but he quit his post in December 2014. At the end of December 2014, Armenian Toros Alcan was elected as the second Representative of the Minority Foundations and succeeded Laki Vingas. The Minority Representative is one of the fifteen members of the Directorate-General for Foundations which represents 166 minority foundations

consisting of 77 Rum, 53 Armenian, 19 Jewish, 10 Assyrian, three Chaldean, two Bulgarian, one Maronite and one Georgian foundations.

Even though the Assyrian Catholic community applied to the ECtHR for the return of the Patriarchate's land in Mardin, because Catholic churches do not have any minority foundation status according to the Lausanne Treaty, the lands of the Catholic churches were expropriated by the state.

As a major development, in March 2014 the Turkish Criminal Code was amended in terms of increasing the penalty for 'hatred and discrimination' based on "language, race, nationality, colour, gender, disability, political view, philosophical belief, religion or sect" while excluding "ethnic origin, sexual orientation or gender identity" (European Commission (w), 2014, p.60).

For the fiftieth anniversary of the 1964 Mass Deportations of thousands of Rum people from Turkey, an exhibition called '20 Dollars, 20 Kilos' opened in March 2014. In December 2013, "Bosphorus University awarded the title of Doctor Honoris Causa to Ecumenical Patriarch Bartholomew, whose 'Ecumenical' title was publicly used for the first time by a Turkish university" (European Commission (w), 2014, p.61). Moreover, the Hrant Dink Foundation organized a conference on Muslim Armenians in Turkey at Bosphorus University in November 2013 while in April 2014 then PM Erdoğan for the first time declared a message of condolence for the Armenians killed or deported in 1915.

Despite these developments, a Rum Orthodox Church and the priest's home in İstanbul were attacked and an effective investigation was not carried out, just like the previous attacks on churches.

The number of minority students in the minority schools was decreasing because they preferred to attend non-minority schools; the children of foreigners have the option to attend minority schools as guest students at the end of which they cannot get graduation certificates.

In terms of Roma rights, the Research Institute of Roma Language and Culture was established at the University of Thrace in Edirne in March 2014 (European Commission (w), 2014, p.61). The Ministry of Interior also issued a circular for the registration of Roma people as citizens.

In the March 2014 local elections, the use of Kurdish in election campaigns was not prevented which shows the normalization of the Kurdish language within the country. Before the start of the education term in September 2014, the Ministry of National Education “has appointed 17 teachers of Kurdish language as permanent staff” (European Commission (w), 2014, p.62). Moreover, the Turkish Language Institution continued to work on the preparation of a Kurdish-Turkish and Turkish-Kurdish dictionary.

In November 2013, the name of a sub-province in Siirt was changed from ‘Aydinlar’ to ‘Tillo’ which was the name of the sub-province before the 1980 military coup. This became possible after the September 2013 democratization package and was applied to other localities.

In terms of the EU-Turkey relations, within the period of accession negotiations since October 2005 up until now, fourteen chapters (science and research; enterprise and industry; statistics; financial control; trans-European networks; consumer and health protection; intellectual property law; company law; information society and media; free movement of capital; taxation; environment; food safety, veterinary and phytosanitary policy; and regional policy and coordination of structural instruments) have been opened, the latest of which (Chapter 22) was opened in November 2013 and only one chapter (science and research) was provisionally closed (European Commission (w), 2014, p.4). Furthermore, eight chapters have still been prevented from opening because of the Cyprus issue since December 2006.

Overall, while Turkey has been praised by the EU for its alignment with several chapters of the *acquis*, the Commission argues that more attention should be paid to the implementation of the adopted legislation and that some minority rights

should also be strengthened; i.e. the freedom of thought, conscience, and religion, educational rights, and property rights, etc.

3.7 Evaluation of Interviews with nine Rum Minority Persons of İstanbul

Nine interviews were carried out with the Rum minorities of İstanbul between November 2013 and October 2014 in order to learn directly about their main problems with living as a minority in Turkey. Since it is argued in this thesis that Turkey has made more improvements in terms of minority rights protection -due to the EU conditionality - than Greece, interviews were done only with the Rum minority in Turkey - and with the Muslim Turkish minority in Greece - in an attempt to understand the developments, and also the deficiencies, of the minority rights policy of Turkey since its candidacy to the EU.

By means of introducing the nine interviewees, Interviewee 1 is a 85-year-old woman who is a housewife (graduated from finishing school as a tailor), Interviewee 2 is a 52-year-old woman who is an academic (Prof.), Interviewee 3 is a 31-year-old woman who works as a sales manager (graduated from university), Interviewees 4 and 5 are a married couple, the former of which is the husband and a 37-year-old engineer (graduated from university) and the latter is the wife and a 36-year-old housewife (graduated from high school), Interviewee 6 is a 30-year-old woman who is a publisher (graduated from university), Interviewee 7 is a 66-year-old man who works as a teacher in a minority school (graduated from university), Interviewee 8 is a 63-year-old woman who is an academic (Prof.), and Interviewee 9 is a 53-year-old man (graduated from university) who is one of the founders of Rumvader (The Union of the Rum Foundations – *Rum Vakıfları Derneği*) and also the first Minority Representative of the 166 minority foundations between 2008 and 2014. He quit his job in December 2014 because he argues that if other representatives can be also successful, this means that this system will continue.

Citizenship

All of the nine interviewees were born in İstanbul, have Turkish citizenship and do not have Greek citizenship. Except for Interviewees 3 and 4&5, they have not

considered getting Greek citizenship because they argue that there is no need for Greek citizenship due to the easy travel to, and accommodation in, Greece. Interviewee 3 once thought about Greek citizenship because she was accepted by a Greek university but decided not to go there. On the other hand, Interviewees 4&5 once considered getting Greek citizenship for the benefits associated with EU citizenship but dropped the matter due to the current Greek crisis. Interviewee 6 lived for six months in Greece in order to get a residence permit in order not to pay the departure fee so she says that she does not need Greek citizenship.

Usage of Greek and Turkish Languages as their First and Second Languages

While Interviewees 1, 6, 7 and 9 speak both Turkish and Greek throughout the day, Interviewee 2 uses Turkish more than Greek, Interviewee 3 uses Turkish during the day but uses Greek while talking to her family, Interviewee 4 uses Turkish more than Greek at work, Interviewee 5 uses Greek more than Turkish during the day, and Interviewee 8 says that her Turkish is better than her Greek, that is, she says that her first language is Turkish and her second language is Greek.

The Frequency of Going to Church

Whereas Interviewee 1 goes to church once a week on Sundays, Interviewees 2, 3, 4&5 and 6 (even though she is an atheist) attend church occasionally, i.e. ‘from feast to feast’, to attend weddings or funerals; Interviewee 7 goes more than once a week he is a reader there; Interviewee 8 goes to church only at Easter; and Interviewee 9 often goes to church because he is also the chief of the Foundation of the Yeniköy Panayia Rum Orthodox Church and School.

Any Marginalization or Discrimination that they Face

Interviewee 1 says that in Bakırköy she did not face any discrimination but on the buses people said ‘Citizen, Speak Turkish!’ to her many years ago. But her father was forced to serve in the military three times, his store in Yedikule was attacked in the 6-7 September Pogrom, then her family moved to Greece. Lately, a thief entered to her

house who cut her passport and her diploma from finishing school into pieces. After that, undercover police officers came to her house but she did not consider it a hate crime.

Interviewee 2 has not felt marginalized within society.

Interviewee 3 claims that she was discriminated against regarding the Greek language one or two times on buses but that she has not felt excluded from society due to being a Rum minority.

Interviewees 4&5 argue that until the 1990s they could not speak in Greek and could not wear a cross outside their homes and could not listen to the radio in Greek loudly at home but they have not been marginalized intensively.

Interviewee 6 states that when she speaks in Greek publicly, people do not understand and think that she is a foreigner. The worst thing is to be perceived as a foreigner. The security officers at the entrance of her university called her as ‘Ayşe, Meryem’. She says that she is marginalized much more due to her womanhood or her political vision than she is because she belongs to a non-Muslim minority community.

Interviewee 7 lived through the ‘Citizen, Speak Turkish!’ times so he could not speak in Greek outside his home then. He served in the military in 1974. When the commander said that there was a war in Cyprus and that they might also go there to fight, one of his friends asked whether Interviewee 7 would also go or not. The answer of the commander is interesting. He said that everyone is equal under this uniform, but Interviewee 7 was sent to Ağrı, on the eastern border of Turkey, to keep him away from Cyprus. He thinks that until 1974 the Rum people were marginalized by society.

Interviewee 8 says that İstanbul is a cosmopolitan city today so no one cares whether she speaks in Greek or German. When a Greek academic comes to Turkey, she says that they can speak Greek loudly from which no one becomes nervous. Because she graduated from an English High School, she was not in the Rum community so she has not felt discriminated against. However, she states that in the 1980s her family

could not sell their properties. She says that the community leaders had always feared objecting to these implementations or applying to the ECtHR.

They cannot do... as a Minority Citizen

Interviewee 1 argues that she could do whatever she wants.

Interviewee 2 thinks that she cannot become an MP in Turkey. She is the head of the department but she questions whether becoming a dean or rector is possible or not. It depends on the view of the university, she says.

Interviewee 3 thinks that she cannot work in the public service as a minority.

Interviewees 4&5 argue that minorities have not been employed by the leading private companies or in the public service for years. They think that they cannot be employed as pilots, public employees, or even dustmen.

According to Interviewee 6, non-Muslim minorities cannot be employed as police, firemen, career soldiers, or public officers (especially in ministries) even though there are lots of Greek pilots in Turkish Airlines.

Interviewee 7 claims that even though they are also Turkish citizens, they cannot be employed as public officers. He can think of only one man who was bus driver when he was a child and one man who retired from the electricity board as unique examples of Rum minorities working in public office.

Interviewee 8 thinks that there is nothing that she cannot do in Turkey.

Any Prejudice against the Non-Muslim Minorities in Turkey

Interviewee 1 says that she reads Apoyevmatini and İho everyday and thinks that there is less prejudice against minorities in Turkey nowadays than 10 years ago.

Interviewee 2 thinks that there is prejudice against minorities because they do not know them. With the EU, the prejudice has decreased. But among the three non-Muslim minorities, there is a lot of prejudice against Armenians.

According to Interviewee 3, there is less prejudice against minorities than 10 years ago and among the three non-Muslim minorities more prejudice has been directed against Armenians.

Interviewee 4 completed his military service in Turkey but he argued that the people could not understand why he came to military service during eight months.

Interviewees 4&5 think that there is less prejudice against minorities in Turkey in comparison to 10 years ago. Interviewee 4 thinks that the biggest prejudice is held against the Rum minority while Interviewee 5 thinks that the Armenians also face prejudice. They both think that the Jews do not feel prejudice.

Interviewee 6 says that there is ignorance against minorities in Turkey today, not only toward non-Muslim minorities but also to Kurds, Alevis or LGBTIs. She argues that Hrant Dink was assassinated not just because he was an Armenian but a socialist Armenian. Moreover, she thinks that Armenians experience more prejudice.

According to Interviewee 7, the prejudice against non-Muslim minorities has decreased since 2000 and there is less prejudice now than 10 years ago. He claims that there is more prejudice to Armenians now (before it was directed to the Rum people).

Interviewee 8 thinks that there is a little prejudice against minorities in Turkey due to the anti-minority discourse of the ruling elite. This prejudice is less than it was 10 years ago.

Interviewee 9 thinks that nowadays the least prejudice is directed towards the Rum community but he does not have an explanation for it.

Any Prejudice within the Rum Minority against the Muslim Turks or other Non-Muslim Minorities

Interviewee 1 has Armenian friends and does not have any prejudice against other minorities.

Interviewee 2 says that the Rum minority in İstanbul mistreats the Antiochian Rum people who are Orthodox but ethnically Arab. She concludes that it seems that one minority can exclude another minority.

Interviewee 5 says that she does not want her son to do military service while he cannot be even a dustman in this country. Furthermore, she claims that she would prefer that her son does not marry a Muslim Turk but because the population of the Rum minority is decreasing there is nothing to do so she should accept it. Interviewee 4 says that if the girl is Muslim 'from feast to feast' like his family he will accept this marriage but with a religious Muslim Turk it will be difficult.

On the other hand, Interviewees 4&5 have a lot of Armenian friends and Turkish friends with whom they have grown up on the island.

Interviewee 6 has close friends from the Armenian and Jewish communities. She argues that the 'other' in the Rum community is the Antiochian Orthodox Rum people who face educational problems when they migrate to İstanbul and study at Rum minority schools. She calls this problem the equivalent to the Rum minority's Kurdish question. However, she says that there is a need for these Antiochian Rum people in İstanbul to assume the middle-low class occupations; i.e. watchmen of churches, cemeteries, schools.

Interviewee 7 says that his children did not marry Muslim Turks and that such a marriage would not be his first choice. He chooses to have Rum people as friends.

Interviewee 8 believes that a Turco-Rum marriage should be made in a neutral country (different from Turkey and Greece). Moreover, she thinks that the Jewish minority is the least marginalized minority group in Turkey because they preferred to be integrated into the society.

Interviewee 9 says that there is prejudice against the first generation of the Antiochian Rum community but that the second generation has changed this prejudice because they are well-educated in contrast to the first generation which was of peasant

origin. He says that the Rum community has made an investment in the Antiochian Rum community and should not lose it.

Living in Greece

Interviewee 1 has not thought about living in Greece because her husband died in Greece in 1981 so she does not even want to go there. Moreover, Interviewee 2 has not thought about living permanently in Greece but she travels there for summer vacation because Turkey is more expensive. However, she says that she can live in New York or Canada. Interviewee 3 goes to Greece once a year but she does not consider living there. Likewise, Interviewees 4&5 go to Greece five to six times a year but they do not think about living there. Interviewee 6 also goes to Greece two to three times a year. She says that she can live in Greece, Barcelona, or New York. After his military service, Interviewee 7 went to Greece to find a job but could not find one and so he did not settle there. He goes to Greece once a year. Until ten years ago, Interviewee 8 had only been to Greece twice, but since then she frequently goes to Greece because she has one aunt who lives there. Thus, she is thinking about living there.

Homeland

All of the interviewees accept Turkey as their homeland. Only since Interviewee 8 began to more frequently travel to Greece and has begun to establish family links with Greece was she led to question whether Greece may be her homeland.

Do they feel Turkish or Greek?

Whereas Interviewees 1, 2 and 3 feel that they are more Turkish than Greek, Interviewees 4&5 identify themselves as Rum of İstanbul. Interviewee 6 considers herself to be 'Rum' according to her definition of a Rum minority. On the other hand, Interviewee 7 defines himself and his community as the Turkish citizen-Rum minority of İstanbul. Lastly, Interviewee 9 states that he starts to his struggle as a minority by accepting his Turkish citizenship. He says that first of all he is a Turkish citizen, then, he has a Rum identity. That is, his struggle comes from his accepting being first-a-citizen-then-a-minority.

What Type of Minority do they belong to?

While Interviewees 1 and 8 think that they belong to a religious minority, because the latter argues that religion is the glue that binds the Rum minority, Interviewees 2, 3, 4&5, 6 and 7 think that they belong to an ethno-religious minority.

Do they feel like a Second-Class Citizen?

Interviewee 1 is happy to live in Turkey and says that she has not felt like a minority so does not feel like a second-class citizen.

Interviewee 2 states that although her living standard is good, she is not happy to live in Turkey under the JDP's rule. She thinks that she is not different from Muslim Turks who are against the JDP's authoritarian ruling. Also, she has not felt like a second-class citizen because in the end she does not feel like a minority.

Since Interviewee 3 has not felt like a minority and she is happy to live in Turkey, she has not felt like a second-class citizen.

Interviewees 4&5 are happy to live in Turkey because they argue that they do not have any problems. However, Interviewee 4 feels himself to be a 1.5-class citizen, but not a second-class citizen; while Interviewee 5 feels herself to be a second-class citizen. However, Interviewee 4 argues that a non-Muslim minority is equal to a non-conservative Muslim Turk today in Turkey in terms of their ability to gain employment in a conservative company.

Interviewee 6 has felt like a second-class citizen not just because of her Rum identity but also because she is a woman and a socialist. However, she is happy to live in Turkey as a bilingual and bicultural person.

Interviewee 7 is happy to live in Turkey because he lives within the Rum community so he does not face many problems. He has felt like a second-class citizen although the definition of citizen cannot be agreed on in the new Constitution.

Interviewee 8 has not felt like a second-class citizen but she is wary of her future. She states that if she had money to buy a house, she would not consider buying a house in Turkey because she doubts whether she would be able to sell it in case of emergency.

Interviewee 9 did his military service as a ‘problematic soldier’ due to his non-Muslimness. In this way he has felt like a second-class citizen in the past and he says that he will not forgive this treatment.

Improvements in Minority Rights in Turkey since 1999

Interviewee 1 states that title deeds started to be given back, the Orphanage was given back, and the Sümela Monastery was opened.

According to Interviewee 2, it is important to give the buildings of the Rum community back. She has a project to open an international university in Taksim which is supported by Bülent Arınç. She thinks that this will lead to the return of the Rum academic diaspora to Turkey. She continued to say that this university will not only serve the Rum students, and will be open to everyone, but there will be a separate quota for Rum students. Moreover, she meant that the opening of the Halki Seminary is important in terms of historical heritage and not just for the religious education of men.

Interviewees 4&5 know that churches and minority schools can be repaired due to the developments stemming from the EU.

Interviewee 6 is aware that the EU initiated reform packages which have led to the return or restoration of the buildings but she thinks that the issue is not just the buildings but the question of democracy for everyone. She finds these developments fake.

Interviewee 7 claims that their relations with the JDP government are good and that with the government’s support, their problems have been solved. With regard to educational problems, the Ministry of National Education is helpful and in other problems the EU section of the İstanbul Governorship tries to help.

Interviewee 8 says that there was a Rum MP before but the JDP government also offered some of our friends the ability to become MPs.

Interviewee 9 thinks that the relations between the religious minorities and the government have been improving but that this is not enough. He states that it is important that if the minority community's schools, hospitals and foundations are economically free and are governed transparently, the community is satisfied with its fundamental services and the whole community feels safe and peaceful. The minority foundations provide scholarships to 120 minority students. Hospitals and churches are restored by the courtesy of these foundations.

According to Interviewee 9, the government has given the minority properties back but benefitting from these buildings will take at least five years because either these buildings have people squatting in them or the state has expropriated them. He argues that this is a process and that the Rum minority should address it. Furthermore, Interviewee 9 organized the first conference in 2006 for the meeting of the Rum minorities of İstanbul from eleven countries. 92 panels were held over three days. In his opening speech, a Western Thracian Turk who was the ex-mayor of Avcılar crashed the conference and broke in with a flag and claimed responsibility for cutting the electricity and water of the Patriarchate in the line of his duty on purpose. Interviewee 9 says that he knew at that time that this conference would be the turning point to change the destiny of the Rum community. On the other hand, he helped the Rum people living in Athens to establish the Universal Federation of Rum People of İstanbul.

According to Interviewee 9, the main goal of the Rum community is to be integrated into society and to maintain its presence in İstanbul. He says that the Rum community has begun to enjoy the developments that have emanated out of the EU. He conducts the 'Minority Citizen-Equal Citizen' project which is an EU project that makes the Rum community feel equal to the Muslim Turkish majority. According to him, the Rum community has opened itself up, has expressed itself, has established dialogue with the society and also within the non-Muslim communities, and has gained self-confidence. The relations between Turkey and the EU have stopped but he thinks

that the government will turn towards the EU again because the political and legal values of the EU are better than those of Turkey.

The Biggest Problem of the Rum Minority in Turkey Today

According to Interviewee 1, the biggest problem of the Rum minority is the opening of the Halki Seminary. She complains about the empty churches to which minority youth has not paid any attention. She states that they share the same church with the Catholic people where the prayers are made in Turkish (because Latin Catholics do not go there) and in Arabic for the Assyrians.

Interviewee 2 says that she graduated from a French school so she did not experience the problems of the minority schools. But, the biggest problem of the Rum minority is the loss of population, she says. Moreover, the restoration of the taken buildings is a major problem because it is too expensive and getting permission from the Monuments Council is too difficult.

Interviewee 3 thinks that the biggest problem in Turkey is that it does not teach people what it means to be Rum.

On the other hand, Interviewees 4&5 do not think that the opening of the Halki Seminary is a major concern for the Rum minority. They argue that a male Turkish citizen can go abroad to study religion.

According to Interviewee 6, the biggest problem facing the Rum minority is minority education. She also thinks that the inheritance of the properties which belong to the Rum people who were deported from Turkey in 1964 still remains a big problem.

Interviewee 7 claims that the biggest problems of the Rum community are minority education and foundations. He argues that the opening of the Halki Seminary, which he attended for two years before it was closed, is much more important for the Patriarchate than it is for the Rum community. He argues that despite the requirement to be a Turkish citizen to attend the minority schools under the Law on Private Educational Institutions, Greek students can attend as guest students in minority schools but they cannot receive a diploma in the end of their studies.

Interviewee 8 argues that former PM Erdoğan gave the people freedom of expression of their identity, but as the President he is trying to abolish this freedom.

On the other hand, Interviewee 9 argues that there is still no perception of equality. Also, he thinks that the small number of the Rum minority has led to the emergence of an ‘artificial community’. Interviewee 9 claims that the Turkish government has viewed the minority issues numerically, according to the number of properties that were given back and their monetary value. While the government gives development, it does not give democracy. He continues that the electoral regulations of the minority foundations have not been prepared yet. Because the Rum community has lost its historical consciousness, it is difficult to change their defensiveness in a short period of time. Moreover, he states that disregarding the minorities and not integrating them into society is the fault of the Turkish nation-state. Moreover, the purification mentality of the Turkish state has not gone away.

He continues that the relations between the government and the Rum minority have stagnated since the Gezi Park protests. He thinks that the biggest absence in Turkey is the lack of perception of equal citizenship. Lastly, Interviewee 9 argues that the biggest problem of the Rum community is the community’s decreasing population and globalization. He claims that no minority people work in the international companies. There is no ‘Yanni’ or ‘Kosta’ there.

The Principle of Reciprocity of Turkey and Greece in terms of their Minorities

Interviewee 2 explains that Turkey and Greece still have the reciprocity principle and use their minorities as a foreign policy tool. She argues that the Patriarch and the mufti are different so it is ridiculous to compare and contrast them.

Interviewee 3 thinks that Rum minorities’ lives in İstanbul are easier than the Muslim Turkish minorities’ lives in Western Thrace.

Interviewees 4&5 think that Greece respects to human rights more than Turkey so that the Muslim Turkish minorities can even be MPs there. Interviewees 4&5 think

that the Gezi Park protests showed that people have problems in Turkey and that Greece is a more democratic country.

On the other hand, Interviewee 6 thinks that the Muslim Turkish Minority in Western Thrace has similar problems.

Interviewee 7 thinks that the Muslim Turkish minority in Greece can use the NGOs composed of lawyers to assert their rights. He argues that the reciprocity principle was put in the Lausanne Treaty in positive terms but that it has been implemented in negative terms for several years.

Interviewee 9 is totally against the principle of reciprocity. He says that he has suffered a lot from the principle of reciprocity. Therefore, he has not dealt with the Muslim Turkish minority in Greece. He states that when the inspector came to his high school, they immediately thought of what had happened in Western Thrace. Lately, in Ankara the authorities of the Ministry of Culture submitted the Madrasah in Rhodes Island in contrast to the Assyrian Church in Elazığ. He explained the inconsequence of this reciprocity and that they have changed their attitude.

What about Turkey's EU Membership?

Interviewee 2, independent from the minority issues, wants Turkey to gain EU membership.

Even though Interviewee 3 does not follow the developments in the Turkey-EU relations, she thinks that Turkey cannot become an EU member. She also thinks that both Turkey and Greece do not meet the level of the European standard in terms of their minority rights.

Moreover, Interviewee 6 does not want Turkey to become an EU member because democratization should not come from above instead it should start at a grassroots level. She argues that the JDP government uses its positive relations with non-Muslim minorities as a demonstration of its democratization to the EU. For example, former PM Erdoğan chose a Rum young man as the chair of the youth organization of the JDP in Bozcaada/Tenedos.

While Interviewee 7 wants Turkey to become an EU member, Interviewee 8 wants Turkey to become an EU member but she is not sure if this membership will be to the advantage of Turkey.

Any Suggestions?

Interviewee 2 suggests that by using the Greek economic crisis the Rum minorities in the diaspora can be called back to Turkey in exchange for employment.

Interviewees 4&5 think that Rum people cannot be affected too much by Turkey's amendments to its minority rights policy because the number of Rum minority members is low. Instead, Armenians and Jews will enjoy these rights. Because their number is around 2.500 individuals, they argue that Turkey does not pay attention to the Rum minority.

According to Interviewee 6, in order to solve the Patriarchate's problems the Halki Seminary should be reopened. She also thinks that the minorities should be granted positive rights. She thinks that the 'new minorities' should also be given the same minority rights as those of the national minorities.

Interviewee 7 does not like the word 'minority' because of its negative connotations. He thinks that a new title should be found for the Rum community.

Interviewee 8 claims that in order to amend Turkey's minority rights policy, the attitudes of the ruling elite should be changed. Turkey's minority rights policy is successful in terms of extinguishing the Rum minorities. In particular, İnönü's 1964 plan for mass deportations achieved this goal.

Interviewee 9 argues that minority rights should be increased. In order to do so, a third parameter is needed which is an academic platform for the minorities. According to him, the fundamental aim is to create a sphere for the minorities. He thinks that the community should be encouraged because the non-Muslim minorities have lost their democratic rights and respect due to the pressure they have experienced for years. He argues that it is easy to disregard the minority but the recognition of it is more difficult.

Moreover, Interviewee 9 argues that the Rum community is tired and weak due to the heavy burden that the government has put on its shoulders. The government should understand the minority's psychology and ameliorate these difficulties. He claims that the government should stop creating a 'signboard citizen' out of minorities. He also suggests that the organization of the Rum minority should be minimized because there are twenty associations and seventy foundations which the Rum people are struggling to perpetuate. He recommends that the number of them be decreased to one-third but the Rum community will not accept it. He says that instead of putting in so much effort to continue all of these foundations and associations, they may create a value for the community.

Furthermore, Interviewee 9 says that the educational problem is really paranoia because three high schools are already too many for only 220 students. This number should be decreased to one or two high schools but the Rum community is not ready to accept it. He argues that they should renew their organizational chart so that they can increase the Rum community's productivity and sustainability.

On the other hand, he finds Interviewee 2's university project risky only in economic terms. Also, he has never thought to initiate a political party because of the demographic problems that the community faces and because it has suffered a lot from politics. Unless an important political party allocates a sphere to them to solve the problems of minorities effectively, being a part of politics does not mean anything to the Rum. Lastly, Interviewee 9 argues that the new Constitution will make them relax if it includes a definition of citizen which will help them to feel like they are considered equal to the Sunni-Muslim majority present in the country.

3.8 To what extent is Turkey Europeanized in Terms of Minority Rights Protection? Rational Choice Institutional External Incentives Model and the Sociological Institutionalism Model for Explaining the Europeanization of Minority Rights in Turkey

According to Kaya (2013, p.187), there are four social and political actors that are shaping the Europeanization process of Turkey; political parties, civil society organizations, trade unions and the media.

Firstly, in terms of the political parties, since the first Turkish application for association in 1959, the political parties have either shown or have not shown efforts to attain EU membership at different levels. Secondly, the civil society organizations began to play an effective role in gaining EU membership in the 1990s. TÜSİAD (Turkish Industrialists' and Businessmen's Association-*Türk Sanayicileri ve İşadamları Derneği*), Türk-İş (Confederation of Turkish Trade Unions-*Türkiye İşçi Sendikaları Konfederasyonu*) and TOBB (The Union of Chamber and Commodity Exchanges of Turkey-*Türkiye Odalar ve Borsalar Birliği*), which have good relations with the government, MÜSİAD (Independent Industrialists and Businessmen's Association-*Müstakil Sanayici ve İşadamları Derneği*), which is composed of mainly JDP supporters who emphasize the 'Islamic and democratic identity' of Turkish society, and the IKV (Economic Development Foundation-*İktisadi Kalkınma Vakfı*) as an initiative of the İstanbul Chamber of Commerce since 1965 and TESEV (Turkish Economic and Social Studies Foundation-*Türkiye Ekonomik ve Sosyal Etüdler Vakfı*) as a non-governmental think tank have all been working to inform "the public and the government about EU-related issues" (Kaya (a), 2013, pp.190-192).

Thirdly, although their effect is limited, trade unions present a dichotomous argument on the EU. According to Yıldırım et al. (2008, p.363), while on the one hand they argue that "the Europeanization process would cause unemployment and the disintegration of the country; on the other, EU membership is seen as providing an opportunity to move forward and to improve labor rights" (cited in Kaya (a), 2013, pp.193). Lastly, the media's role in the Europeanization of Turkey is limited because the JDP government filters the news before it reaches to the people.

The rational institutionalist external incentives model is useful to explain the development of the minority rights regime in Turkey. Moreover, the Europeanization of Turkey as a candidate country is based on the conditionality strategy. According to the external incentives model of rational institutionalism, the credibility of the EU conditionality strategy and the amount of adoption costs are the key factors affecting domestic change in candidate countries (Schimmelfennig and Sedelmeier, 2005; Magen and Morlino, 2009; Kelley, 2004). Besides this, the sociological institutionalist social-learning model is also applied in order to explain the implementation problems.

In terms of the Europeanization of minority rights in Turkey, because Turkey is a candidate country, a top-down (downloading) process is more appropriate than a bottom-up (uploading) one. However, top-down Europeanization does not just mean that the candidate country has to adopt the EU's rules but that it should implement them as well (Özer, 2012, p.47).

The EU's conditionality tool can work on the candidate country, when there is credibility, and EU membership is considered the ultimate reward. For Turkey, the Commission declared that the country was eligible for membership after its application in 1987. On the other hand, the EU set the Copenhagen criteria in 1993 in which the political criteria requires democracy, rule of law, human rights, respect for and protection of minorities. Even though these conditions are not part of the *acquis*, they are *sine qua non* for EU membership. On 1 January 1996, the Customs Union was established between Turkey and the EU but the former was not declared as a candidate country in the 1997 Luxembourg Summit when a group of CEECs were invited to accession negotiations. At that time, the EU lost its credibility for the Turkish ruling elite so there were no motivating incentives for Turkey to pursue membership at that time. Credibility increased when Turkey gained candidate status in the 1999 Helsinki Summit and the EU opened up the accession negotiations in 2005. After the accession negotiations started in October 2005, the *acquis* conditionality started to be applied to the candidate countries (Schimmelfennig and Sedelmeier, 2005). Consequently, Turkey has been expected to adopt the full *acquis communautaire* since 2005. Nevertheless, the

credibility of the EU's conditionality has been steadily decreasing since 2006 when the accession negotiations were stopped due to the Cyprus problem.

Since its establishment, Turkey has violated not only special minority rights, but also general human rights through the application of the death penalty, torture, restricting freedom of expression and freedom of association, and the rule of law with the military courts. When the democratic conditionality was applied to Turkey, between its candidacy and the start of negotiations, the country made major reforms through two constitutional reform packages in 2001 and 2004, seven harmonization packages between 2001 and 2004, and a new Penal Code in September 2004. The JDP governments have tried to improve these abovementioned rights in Turkey because they also serve their own interests. While Articles 26 and 28 of the Turkish Constitution concerning the ban on speaking, training, and broadcasting in languages other than Turkish were abolished in 2001, the right to possess the properties of foundations and the right to establish religious places were granted to the non-Muslim minorities in 2002 and 2003. In addition to these, other major international agreements on human and minority rights protection were signed and ratified by the government. That is to say that the government ratified the 1965 UN Convention on the Elimination of All Forms of Racial Discrimination with the reservation to Article 22, the European Agreement Relating to Persons Participating in Proceedings of the European Court of Human Rights in 2002, and both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in 2003. In May 2003, Turkey adopted the Sixth Constitutional Package in which Protocol No. 6 of the ECHR was ratified, all death sentences were converted to life imprisonment and Article 8 of the Anti-Terror Law, banning the 'propaganda against the indivisible unity of the state', was repealed. Moreover, the Seventh Harmonization Package on 30 July 2003 made changes to the Turkish Penal Code for the improvement of freedom of expression and freedom of the press. On 7 May 2004, the Eighth Constitutional Package, and on 24 June 2004, the Ninth Constitutional Package, were adopted which made a number of important changes in the area of human rights.

Turkey signed Protocols No. 13 and 14 to the ECHR in January and October 2004, abolished the death penalty in all circumstances, signed the First and Second Optional Protocols to the International Covenant on Civil and Political Rights in February and April 2004, and ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict in October 2003. Moreover, Turkey ratified the European Agreement relating to Persons Participating in Proceedings of the ECtHR in October 2004, the Revised 1996 European Social Charter in October 2004 and the Optional Protocol to the UN Convention against Torture (OPCAT) in September 2005.

After the accession negotiations started in 2005, these legal adoptions faced a slow-down for a while due to the fact that the accession negotiations stalled in 2006 because of the French veto of eight chapters of the *acquis*. In 2008, however, the legal reforms in terms of minority rights have been revived. The new Law on Foundations, a Law on de-mining the Turkish-Syrian border, and a minority circular, which gives the non-Muslim minorities ‘the right to exercise their cultural rights’, were adopted and the Kurdish initiative has begun to solve the Kurdish problem (Yılmaz, 2012, p.123). Moreover, since the early 1990s, the Kurdish people have established seven political parties, the last of which was disbanded in 2009 by the Constitutional Court’s decision. Nevertheless, since 2012, the HDP (Peoples’ Democratic Party-*Halkların Demokratik Partisi*), has survived (despite the Kemalist veto players) as an example of Turkish democracy.

Implementation of these legal reforms was problematic before 2008. Since then, the property rights of the non-Muslim foundations and the right to broadcast and teach in languages other than Turkish have been exercised by both non-Muslim and Muslim minorities. Then, the ruling party faced what Patton (2007, p.345) refers to as, ‘reactionary nationalism’ by the veto players, especially from the nationalist element of the Turkish population.

This shows that Turkey made radical reforms during the period between 2001 and 2004 right up until the start of accession negotiations because the JDP government perceived a potential benefit from adopting and implementing the EU rules, such as

‘greater religious freedoms’ and ‘civilian control over the military’ (Özer, 2012, p.57). Because the credibility of EU conditionality decreased and the costs of compliance exceeded the benefits in times, the implementation of these reforms has also become problematic and slowed down.

The Cyprus issue has become one of the biggest obstacles to Turkey’s EU membership even though it is not directly related to the Copenhagen criteria and the *acquis*. It has totally blocked the accession negotiation process since in December 2006 the European Council decided that “the negotiation chapters relating to the operation of the customs union between the EU and Turkey would not be opened and no chapter would be provisionally closed until Turkey performed the requirements regarding the extension of the customs union to the new members” (Özer, 2012, p.60). In this way, the EU’s conditionality for Turkey has weakened which has made Turkey reluctant to continue to participate in the costly reform process. Moreover, the EU’s absorption capacity as the newest accession condition for the candidate countries has further weakened the credibility of conditionality.

Hence, over time, Turkey has started to believe that the EU will not accept it into the EU even it meets all of the criteria. “Therefore, reforms have remained limited, superficial and more importantly on paper” (Özer, 2012, p.61). Nevertheless, with the 1995 Madrid Summit, the effective implementation of the adopted rules has become yet another criterion for membership.

On the other hand, the JDP government adopted a 400-page plan in April 2007 for the completion of Turkey’s alignment with the EU by 2013 (Özer, 2012, p.63). This demonstrates the sociological institutionalist social-learning and lesson-drawing models for Turkey. Börzel and Risse (2012) call it ‘indirect’ Europeanization in Turkey which seems to sometimes be a bottom-up process but implies that since it came into power the JDP government has been using the EU as a ‘legitimization device’ in order to achieve its own aims, i.e. diminishing the power of the Kemalist elite, the Constitutional Court, and the TAF who are the main veto players in Turkey (Börzel, 2012a, p.17; Börzel and Pamuk, 2012).

In fact, the EU's conditionality tool lacked determinacy and legitimacy when it created new political conditions which were not a part of the *acquis* and has not been totally accepted and implemented by its member states (Grabbe, 1999). The EU's 'differential treatment' of its member and candidate states in terms of minority protection decreases the credibility of its conditionality tool (Schwellnus, 2001, p.3; Schwellnus, 2005; De Witte, 2000). While France denies that there is a minority in its country, it has had the most extreme reactions to the minority problems in candidate countries and prevented their membership. Here, despite France's identification with the EU, the resonance of the minority policies in France has been low (Schimmelfennig, Engert and Knobel, 2005, p.34). Moreover, the EU also treats its candidate countries differently in terms of the minority conditionality depending on the extremity of their minority problems. As a result, both the absence of an EU standard on minority protection and the EU's differentiated approach concerning its member and candidate countries, and also among the candidate countries, has led the candidate states to become unwilling to change their minority policies. For example, while the EU criticized the Slovak government for its Hungarian minority, it did not pay much attention to Latvia where the Russian-speaking minority did not have Latvian citizenship. "Under these circumstances, the effectiveness of political conditionality should suffer according to both the external incentives and the social learning models" (Schimmelfennig, Engert and Knobel, 2005, p.32).

Since the establishment of Turkey, the Kemalist ruling elite has denied the existence of minorities in Turkey. Grigoriadis (2008, p.31) and Oran (2004, p.64) argue that the presence of Muslim minorities, mainly Kurds and Alevis, have been denied, due to the fact that they, in addition to the non-Muslim minorities, have all been regarded "as 'threats' to the integrity of the state, as tools of foreign interference to the internal policies of the state and as second class citizens" (cited in Yılmaz, 2012, p.122).

On the other hand, in addition to *acquis* conditionality, the EU has expected Turkey to recognize the RoC (Republic of Cyprus) as a whole island, not as a divided island and to establish a customs union with it. The EU also applies a differentiated policy in this issue. Whereas the EU accepted the RoC as a full member without solving

its problem with Northern Cyprus, especially after rejecting the Annan Plan for the reunification of the island, Turkey's accession negotiations have been cut short and frozen due to this issue by suspending eight chapters of the *acquis*. Yılmaz (2012, p.127) argues that the EU has become for the first time in its enlargement history "an unreliable partner". Moreover, Turkey has become a "rebuffed candidate" due to the stalled relations with the EU after the accession negotiations were opened (Nas and Özer, 2012, p.259).

Between 2002 and 2007, according to Çınar (2011, p.13), Kemalist elites, the RPP in the parliament, the President, officials in the Turkish Armed Forces (TAF), and judicial elites (especially the Constitutional Court) acted as the main veto players in Turkey (cited in Yılmaz, 2012, p.127). The TAF intervened in politics through the National Security Council (NSC) five times in its history, 1960,1971,1980,1997,2007, in order to 'protect and defend' the Kemalist principles. "The Kemalist ideology has two important characteristics: secularism, which endures strict separation of religion and state and the unitary nature of the State reflecting a single Turkish identity" (Yılmaz, 2012, p.127). Thus, reforms in minority rights faced the vetoes of these Kemalist elites which caused problems in implementation. In terms of rational institutionalism, it can be understood that not only the government but also other veto players and other formal institutions have a say in the rule adoption and implementation process (Schimmelfennig and Sedelmeier, 2005). Hence, since 2007, the JDP rulings have eliminated almost all of the veto players from Turkish politics in order to enable the adoption and implementation of the EU's rules, norms, and practices.

Furthermore, between 2007 and 2014, three main events resulted in the increase of veto players in Turkey; first, the TAF published an e-memorandum for the Abdullah Gül's election to the Presidency on 27 April 2007; second, the headscarf issue was solved in 2008; and lastly, the Kurdish initiative was started in 2009. Then, all of the abovementioned veto players were eliminated from the scene by the JDP government.

When Abdullah Öcalan, the leader of the PKK, was arrested in 1999, the number of veto players and the adoption costs decreased. However, with the reforms of

the JDP government (which has Islamist roots), both the veto players and the adoption costs remained high. In fact, over the years the veto players in Turkey have reacted to the EU's demands on three sensitive issues; the Cyprus problem, minority rights (especially of Kurds), and the Armenian issue.

In terms of its minority rights policy, the JDP government has adopted a supra-identity for Turkey, called *Türkiyelilik* ('being from Turkey'ness), in contrast to the Muslim Turkish identity of the Kemalist legacy. Thus, the party regards minority rights as individual rights based on the principles of equality and non-discrimination therefore it believes that there is no need to provide extra positive minority rights to these people (Yılmaz, 2012, p.131). Despite these abovementioned reforms regarding the minorities in Turkey, the assassination of Armenian journalist Hrant Dink in 2007 showed once again the level of hatred for the minorities in society and as well as within the police, military, and judiciary (Nas and Özer, 2012, p.266).

The EU tries to regain the determinacy and legitimacy of its conditionality tool with the Commission's Annual Progress Reports in which the EU evaluates the developments in the candidate country and gives feedback on them. Because the EU, in its Annual Progress Reports, welcomes the developments made in the candidate country and recommends next steps for the country, it regains determinacy (Schimmelfennig, Engert and Knobel, 2005, p.32). Hence, the Annual Progress Reports that have been prepared for Turkey since 1998 have increased the determinacy and legitimacy of the EU's conditionality tool but not its credibility.

Recently, in terms of the minority rights protection in Turkey, several developments have taken place since 2009. While the first celebration of the Rum Orthodox minority in the Sümela monastery, Trabzon, occurred in August 2010, the first religious ceremony since 1915 took place in the Armenian church of Akdamar Island, Van, in September 2010. The February 2008 Law on Foundations was amended by new legislation in August 2011 which resulted in the return of 318 properties and the payment of compensation for 21 properties by April 2014. After the adoption of Third Judicial Reform Package in July 2012, the Fourth Judicial Reform Package was adopted in April 2013. Moreover, on 30 September 2013 the JDP government declared a

Democratization Package in which the government allowed the use of languages and dialects other than Turkish in political campaigns, education in languages and dialects other than Turkish in private schools, use of the Kurdish letters ‘Q, X and W’ and the changing of the names of the villages back to their pre-1980 military coup versions. The school oath which emphasized ‘Turkishness’ with its saying ‘I am Turkish, I am Honest, I am Diligent’ was abolished on 8 October 2013. In addition, the Turkish National Human Rights Institution (NHRI) became operational in January 2013 in order to promote human and minority rights in Turkey. On the other hand, religious textbooks and courses were redrafted in favor of the Alevi faith and non-Muslim minorities became exempt from these courses. Lastly, the Turkish government invited representatives from the three non-Muslim minority communities to Parliament to hear their views on the newly prepared Constitution. As a response to these developments, the EU-Turkey Readmission Agreement was signed which at the same time initiated the Visa Liberalization Dialogue on 16 December 2013. This shows that the EU has tried to increase its credibility by giving some ‘carrots’ to Turkey.

As a result, in terms of the rational institutionalist external incentives model, in the Europeanization of Turkey, high identification and low resonance remained. Because the EU does not have a common minority rights policy and this policy does not appear in the *acquis*, the EU conditionality in terms of minority rights has lost its legitimacy and determinacy. Hence, the EU tries to regain its determinacy and legitimacy through Annual Progress Reports and by giving some ‘carrots’ like the Visa Liberalization Dialogue and the promise to open Chapters 23 and 24 as soon as possible. Its credibility problem emerged first of all when the accession negotiations with the CEECs started in the 1997 Luxembourg Summit when Turkey expected to be made a candidate. Credibility increased when Turkey gained candidate status in the 1999 Helsinki Summit and the EU opened the accession negotiations in 2005. Nevertheless, the credibility of the EU’s conditionality has been diminishing since 2006 when the accession negotiations were cut due to the Cyprus problem. While the Kemalist legacy objected to the reforms made by the JDP government because, for the Kemalist elite, this means breaking “the homogeneity, unity, and indivisibility of the

state, its people, and its territory” (Schimmelfennig, Engert and Knobel, 2005, p.42), the JDP government eliminated all of the veto players and decreased the adaptational costs.

On the other hand, in terms of the sociological institutionalist social-learning and lesson-drawing models, Turkey has fully aligned itself with Europe since its establishment as one of the Kemalist principles. Even though the JDP governments seem to have adopted some reforms on their own, the JDP government (ab)used these reforms in order to make its own demands real; i.e. using the headscarf issue to make a reform on the freedom of religion. While the JDP government has continued to make reforms, especially on the minority rights, these reforms stay on paper and the practical implementation of these reforms becomes problematic. In this way, Turkey has lacked the socialization and internalization process of these adopted reforms. Thus, it can be said that the sociological institutionalism can be applied in Turkey’s implementation period.

In terms of the level of the Europeanization of minority rights in Turkey, we can say that it is at the ‘accommodation’ level. That is, the change in the policies and institutions is modest due to the non-implementation problem. If all the adopted reforms can be implemented within the country, then Turkey will upgrade to the level of ‘transformation’.

Recently, on 28 May 2013 the Gezi Park protests, as a show of civil unrest against the authoritarian JDP ruling, have emerged as the new ‘norm entrepreneur’ which demands the JDP government become more democratic, more respectful of human rights and that Turkey becomes a real rule of law country. In addition, Fetullah Gülen, as a long-time supporter of the reopening of the Halki Seminary, in order to open his theological schools officially, can also be regarded as a mediating factor in the recent Europeanization of Turkey. However, the JDP government also tries to eliminate these two entrepreneurs by arresting and trying the former and by trying to judge the latter.

3.9 Conclusion

According to Kaya (2013, pp.72-73), the formation of a Turkish nation-state from above has created several problems because “it was too laicist for the Islamists, too Sunni for the Alevis, and too Turkish for the Kurds, Circassians, and Lazis” and for the non-Muslim minorities. “The Ottoman imperial experience and the Turkish national experience approved that the Turkish nation tolerate those non-Muslims, non-Sunni Muslims and non-Turks as long as they did not disturb or go against the Sunni-Muslim-Turkish order” (Kaya (a), 2013, pp.219-220). Therefore, the Sunni-Muslim-Turkish majority in Turkey has expected a guarantee of non-betrayal and proof of their Turkishness from its minorities. Turkish nationalism in Turkey deals with the ‘others’ collectively, that is, the non-Muslim (Rum, Armenian, Jewish), non-Turkish (Kurdish and, to a degree, Circassian), and non-Sunni (Alevi) people (Akgönül, 2007, p.74).

In Turkish history, the nation-state was established before the nation was formed so between 1923 and 1980 Turkishness was attempted to be established through events and campaigns against non-Muslim minorities; such as the ‘Citizen, Speak Turkish!’ Campaign, the Law Regarding Trades and Services Reserved to the Turkish Citizens in Turkey (11.06.1932, No. 2007), the Wealth Tax, the Sirkeci and Aşkale camps, the 6-7 September 1955 Pogrom, the 1964 Mass Deportations and other violations that took place in response to the crises between Turkey and Greece. After the 1980s, the Turkish-Kurdish division gained more importance which turned into a war in the 1990s.

The first Minority Representative, Laki Vingas, held a conference in İstanbul between 30 June and 2 July 2006 at İstanbul Bilgi University called ‘Meeting in İstanbul: Today and Tomorrow’. It marked the turning point for the Rum minority in Turkey. For the first time, the Rum people of İstanbul from all around the world came together and showed their commitment to İstanbul. Since then, the Rum community and the government have maintained relatively good relations.

Even though the modernization and Europeanization of Turkey dates back to the nineteenth-century *Tanzimat* period, the Europeanization process of the country has

shifted gears since the 1999 Helsinki Summit which has led to “a discursive shift from the republican discourse of ‘unity over diversity’ to a more democratic and pluralist discourse of ‘unity in diversity’” (Kaya (a), 2013, p.210), even though its implementation is still problematic. Nevertheless, since the accession negotiations halted in 2006, Euroskepticism has risen among the political elite and also within Turkish society.

As a result, the minority rights policy of Turkey is based on two opposing interpretations. On the one hand, it includes the integrity of the state and on the other, it protects the minorities so long as they do not betray the state. Even though the developments in the minority rights policy of Turkey are easily observed, the Turkish population is still prejudiced against the non-Muslim minorities. According to the research of Ali Çarkoğlu and Binnaz Toprak (2006), 42% of the Turkish population does not tolerate Rum and Armenian neighbors (cited in Kaya (a), 2013, p.12).

Nevertheless, the Rum people try to maintain the permanence of their community and in order to do so they annually organize the Ceremony of Cross Extraction from the Sea (*Fota* in Greek) in Haliç in order to remember the baptism of Jesus Christ each year on 6 January. The young Rum person who extracts the cross from the bottom of the sea demonstrates the vitality of the minority group despite its decreasing numbers.

On the other hand, the interviews that were conducted with nine Rum minorities of İstanbul show that the biggest problems of the Rum minority are those associated with minority education and the paucity of their number as a minority community. They think that Turkey’s minority rights policy is successful in terms of depleting the Rum minorities. Hence, they recommend the Turkish government create a new minority rights policy which favors the principle of equality and suggest that the Rum minority creates a new organizational method to develop their community instead of existing as an artificial community.

4. EUROPEANIZATION OF MINORITY RIGHTS IN GREECE

4.1 Introduction

Just as Turkey has created a Sunni-Muslim-Turkish identity for its population, Greece has shaped its identity based on the Orthodox-Christian-Hellenic civilization and has excluded those that are different. Of these ‘others’, only Muslims have been granted minority status with the signature of the Lausanne Treaty with Turkey. That is to say that Muslims represent the religious minority in Greece which is composed of Turks, Pomaks, and Roma people. These three communities identify as Turkish so they have been demanding for several years to be referred to as the Muslim Turkish minority³⁷.

There has been ‘minoritophobia’ within the Turkish and Greek governments since their establishment “as a collective ideological defence mechanism” (Tsitselikis, 2012, p.51). Therefore, like the Turkish government, the Greek governments have also exerted pressure on their minorities. In general, religious minorities have been accused of lacking in patriotism (Iatrides, 2002, p.59). Moreover, the Orthodox Church (formally the Church of Greece) often reduces religious minorities to the status of second-class citizens or worse (Iatrides, 2002, p.48).

Therefore, since the Muslim Turks of Western Thrace gained minority status in 1923, they have been trying to first get citizenship rights then get minority rights from the Greek government. Consequently, the restrictions of the Greek government on the Muslim Turkish minority, the main problems of the Muslim Turkish minority, and the mechanisms of the minority rights protection in Greece will be assessed in this chapter. At the end, the Europeanization of minority rights in Greece will be analyzed.

³⁷ Even though the religious minority in Greece is officially Muslim, it prefers to be called the ‘Muslim Turkish minority’ and so it will be referred to as such in this chapter and throughout this thesis.

4.2 Minority Rights Evolution since Greece's Independence from the Ottoman Empire: Anti-Minority Attempts

In this part of the chapter, first of all, the question of 'who are the minorities in Greece' will be answered. Then, as the only official minority group, the Muslim minorities will be dealt with by providing the details of Greece's anti-minority attempts; i.e. physical attacks or restrictions by law. According to Kurubaş (2006, p.293), Muslim Turks, Roma, Pomaks, Muslim and Orthodox Albanians, Slavic-Orthodox Macedonians, Latin-origin Vlachs, Armenians, and Jews are the minorities living in Greece. Clogg (2002) adds Old Calendarists, Catholics, Evangelicals, and Sarakatsani to the main minority groups in Greece. Each of these groups is described below.

1) Macedonians: Greece rejects the existence of Slavo-Macedonians as a minority group but accepts them as Slavophone Greeks since Greece does not recognize any country by the name of Macedonia (it is considered a geographic area instead); therefore is no ethnic group called Macedonian (Kurubaş, 2006, p.300).

In the Metaxas period (1936-1941), Slavo-Macedonians were assimilated by a ban on speaking the Macedonian language, and bans on songs, dances, and similar activities which symbolized the Macedonian national character. According to a law of October 1936, speaking and singing in the Macedonian language and emphasizing the Macedonian identity were regarded as activities threatening state security. Moreover, a law was passed in September 1938 which prohibited Macedonian schools; adult Macedonians were forced to learn Greek at night school. Those Macedonians who did not obey these rules were punished by being sent to prison or camps (Kurubaş, 2006, p.300).

During WWII, they were granted the right to use the Macedonian language in limited areas but during the civil war (1946-1949), they were accused of disloyalty to the Greek state so they were again prohibited to use their language and were forced to deny their ethnic identity. In fact, Greece regarded the Macedonians as a threat because these people had settled before the Greeks so they could possibly claim land to reform historical Macedonia or Yugoslavian Macedonia. That is why Greece still does not

recognize Macedonia even after it became independent in 1992 after the dissolution of Yugoslavia. In this way, Greece limited the freedom of expression of the Macedonian minority in Greece, prevented their right to establish associations, put pressure on their political representative the Rainbow Party (*Orania Toxo* or *Vinojito*), prevented the entry of returning Macedonians into Greece (Kurubaş, 2006, pp.301-302). Today, the Macedonian language is not allowed to be used in education or in public but Macedonians in Greece can watch and listen to the TV and radio programs of Bulgaria and Macedonia and they are able to publish a bilingual journal once every two months (Karakasidou, 2002).

2) Vlachs (Aromans): Vlachs are a Latin-origin people who speak Aromanian and live in the mountainous areas of Thessaly and Pindus. They do not have a minority status and their language is not used in education or in the media. Due to the fact that the Greeks do not regard Vlachs as a threat, the Greek governments have allowed the Vlachs to establish societies and associations since almost two centuries. Even so, Greeks regard the Vlachs as Greeks who speak a different dialect (Kurubaş, 2006, p.302). Interestingly, Greek Vlachs also think themselves as Greeks first and Vlachs second (Winnifrith, 2002, p.113). The last calculated of the Vlachs's population took place in 1951 and numbered 39.885, although it is currently estimated to be nearly 20.000 people in Greece (Winnifrith, 2002, p.113).

Since 1984, the Greek-controlled Pan-Hellenic Union of Vlach Cultural Associations has arranged cultural and artistic activities but still they are regarded as Vlachian-speaking Greeks (Kurubaş, 2006, pp.302-303). This union has been publishing a journal in Greek, called *Aromanika Chronika*, since 1994. In May 1995, then Minister of Education, Yorgo Papandreou, and the mayor of Metsovo discussed the possibility of teaching the Vlachian language in schools. The mayor totally objected and this issue has since been closed (Kurubaş, 2006, p.303).

3) Albanians: The Albanians that are living in Western Epirus and the central and southern parts of Greece are both Orthodox (Arvanides) and Muslim. The Orthodox Albanians have been mostly assimilated. Besides these, there are also *Çamerya* Albanians (Thesproita) who are Muslims. As a result, Albanians do not have

any minority status and their language has been denied use in the media, education, and by public authorities (Kurubaş, 2006, p.303).

4) Old Calendarists: On 3 March 1924, the Archbishop of Athens declared that the Church of Greece had changed from the Old Style (Julian) Calendar to the New Style (Gregorian) Calendar which had already been adopted by the Greek authorities in February 1923. After this, the 'Old Calendarists' (*Palaiomerologitai*) emerged with their own independent bishops, parishes, and monasteries (Ware, 2002, p.2). They are accepted as an unofficial minority group in Greece whose number, geographical distribution, and educational and social backgrounds can be estimated on the basis of their registration information provided to their places of worship (Ware, 2002, p.4).

5) Catholics: Today, almost 0.5% of the total Greek population, approximately 53.000 people, is Catholic. The islands of Tinos and Syros have been the centers of Catholicism (Frazee, 2002, p.39). The Catholic Church does not have any legal status because only the Orthodox Christians and the Jews have legal status in Greece.

In 1938 Metaxas banned converting from Orthodox to Catholic Christianity by a law which has since been extended to all recognized religions (Frazee, 2002, p.40). Even now, Article 2 of the Penal Code refers to the 'tolerated religions' instead of the 'recognized religions'; this has raised objections from the Catholics and they have demanded it be changed (Frazee, 2002, p.41).

In the early 1990s, attacks on the Catholic Greeks continued. An official of the New Democracy Party once declared that "Catholics were, 'Greek according to law, but not according to consciousness'" (Frazee, 2002, p.41). In November 1994, the Latin Archbishop of Athens sent a memorandum to the Minister of Religion and Education in which he listed eleven issues of discrimination against the Catholic Church (Frazee, 2002, p.41). Among them, the main problems of the Catholics are discrimination encountered in the work place, in the army, while seeking jobs (i.e. an entrance exam demands the applicant's religion), and also in public schools because the books to teach

Catholic students must be approved by the bishops and the construction of new Catholic Churches must also be approved by the Orthodox bishops (Frazee, 2002, pp.41-42).

6) Evangelicals: They are Greek Protestants who belong to the General Synod of the Greek Evangelical Church (Iatrides, 2002, p.55). While the 1928 population census listed 9.003 persons as Protestants, the 1951 census (as the last one to give information about religious differences) stated that they numbered 6.859 (Iatrides, 2002, p.55). On the other hand, whereas an Athens paper reported in December 1992 that the number of Protestants was around 12.000-15.000 from which the Greek Evangelical Church had 5.000 members, the Brussels-based organization Human Rights Without Frontiers published a document in 1994 in which it gave the number as 16.000-18.000 Protestants in Greece (Iatrides, 2002, p.56).

Moreover, even though Article 13(2) of the 1975 Constitution extended the protection of freedom of worship to all 'known' religions, the Evangelicals, as Protestants, which was accepted as a known religion, have usually faced restrictions through the constitutional ban on 'proselytizing', which refers to the attempt to convert others (Iatrides, 2002, p.58).

7) Jews: While before WWII the Jews in Greece were estimated at 75.000, their number dropped to almost 5.500 today due to the fact that in the early 1940s over 55.000 Jews died in Thessaloniki (Bowman, 2002, p.64).

The Jews of Greece have religious schools in Athens, Thessaloniki, and Larissa, and synagogues, some museums, i.e. Jewish Museum of Greece in Athens, the Central Organization of Jewish communities (KIS) in Athens as the voice of the Greek Jewry, and a children's summer camp and charities for orphans etc. (Bowman, 2002, pp.65-66).

8) Armenians: According to Hassiotis (2002, pp.96-97, 106), the number of Armenians in Greece was 350-400 by the end of the nineteenth century, 600 after the Balkan Wars, 1500 by the end of WWI, around 55.000 in August 1924, almost 42.000 in September 1927, 27.080 in 1938, and now there are no more than 1.000-1.200 living in Thessaloniki today.

9) The Sarakatsani: They are Greek-speaking transhumant shepherds who were estimated at around 80.000 in 1955 (Campbell, 2002, p.165). Actually, they cannot constitute an ethnic minority in Greece but they are a group of people who are regularly excluded from their own community when they find another job or marry outside the community (Campbell, 2002, pp.165-166).

10) Muslims of Western Thrace: There are three ethnic communities in Western Thrace who constitute the only official Muslim minority in Greece; Turks, Pomaks, and Roma. They all mainly live in the three cities of Western Thrace, Dedeğaç/Alexandroupouli, Gümülcine/Komotini, and İskeçe/Xanthi. However, there are also many Muslim Turks living in the two islands of Greece, Rhodes and Kos/İstanköy.

A. Pomaks and Roma: The Pomaks and Roma people are a part of the Muslim minorities of Greece, that is to say that they are a ‘minority within the minority’, living in Western Thrace. Nevertheless, the Muslim Turkish interviewees in Western Thrace insist that they define themselves first as Turks then as Pomak or Roma.

Pomaks live in the villages on the southern slopes of the Rhodopi Mountains on the Greco-Bulgarian border which was determined by the Greek government to be a close military zone and they number approximately 30.000 out of 100.000-130.000 Muslim Turkish minorities in total (Meinardus, 2002, p.83).

The Pomak language has not been used publicly but there has been a monthly newspaper, ‘Zagalisa’, in the Pomak language written with the Greek alphabet since 1997. Pomak children attend Turkish minority schools so they are mostly Turkified. On the other hand, Pomaks do not want to be a minority within the minority and need Turks to defend their rights (Kurubaş, 2006, p.299).

The Roma population has also been assimilated by the Turkish population for the same reasons as the Pomaks. However, they are also a ‘minority within the minority’. The exact number of the Roma people is not known but it varies from 5.000 to 18.000 (Meinardus, 2002, p.84). The Greek government promotes converting Roma

people to Orthodox Christianity in exchange for a large amount of money. “Whereas the Greek Pomaks are settled mainly in the Xanthi prefecture, the ‘Roma’ are concentrated in the nomos of Evros, bordering Turkey” (Meinardus, 2002, p.84).

In the 1950s, the Greek government tried to Turkify the Pomaks and Roma people so the Greek policy to create a minority within the minority has evolved from a ‘Muslim minority’ to a ‘Muslim Turkish minority’. However, in the late 1970s and during the 1980s, the Greek government had tried to strengthen the Pomak identity. In this way, the Greek government tried to create three ethnic communities within the Muslim Turkish minority. “One aim of this policy seems to be to divide the minority, to alienate the Pomaks from the Turks, thus weakening the potential for a united ‘front’, led or influenced by Ankara” (Meinardus, 2002, pp.88-89). Whereas the Greek authorities have banned the Turkish minority from creating associations, research centers, kindergartens, and schools using the word ‘Turk’, they have supported Pomaks and Roma people in creating associations and research centers with the words ‘Pomak’ and ‘Roma’ in their titles (Cin, 2009, p.12).

B. Turks: Nowadays, almost 50.000-60.000 Turks out of a total 100.000-130.000 Muslims are living in Western Thrace in the prefecture of Rhodopi; they are called the ‘Muslim Hellens’ by the Greeks (Kurubaş, 2006, p.296; Meinardus, 2002, p.85).

Before the Greek Revolution in 1821, the Muslim Turks numbered almost 80.000 people out of the 800.000 total Greek population (Tsitselikis, 2012, p.31). However, this number began to decrease and less than 11.500 Muslim Turks remained with Greek citizenship after the establishment of the Greek state in 1830 (Tsitselikis, 2012, p.32). Then, as the first homogenizing attempt of Greece, the Muslim Turks were given a chance to migrate to the Ottoman Empire in 1836 and vice-versa (Tsitselikis, 2012, p.33).

After the Greek annexation of Thessaly and Arta in 1881, 40.000 Muslims were added to the Muslim Turkish population (Tsitselikis, 2012, p.34). Then, during the Balkan Wars of 1912-1913, while the number of the Muslim Turks in Greece continued

to decrease due to deaths, after the territorial gains there were more than 560.000 Muslims in Northern Greece (Tsitselikis, 2012, p.47). Because the Muslim Turkish community had been living in the region where the Ottoman Empire, Greece and Bulgaria had fought, they were badly affected by the war. “Perceived as kin of the defeated Ottoman authorities, local Muslims paid a terrible toll in blood and death” (Tsitselikis, 2012, p.47). In order to decrease the high Muslim Turkish population, Greece decided to carry out population exchanges with Bulgaria and Turkey. In this manner, all of the three nation-states could ‘get rid of’ their minorities to an extent.

In 1909 a committee of experts was appointed by the king in order to “cleanse Greece of Turkish and other place names of foreign origin” (Tsitselikis, 2012, p.49). In doing so, the process nationalizing the place names had begun and it has continued up until today.

On 31 August 1913, the Turkish Republic of Western Thrace was established in Western Thrace. Greece and Bulgaria recognized its independence. While the borders of the Republic were determined, the flag of the Republic was created, the army was established, the budget was prepared, money was stamped and passports were given out, the Ottoman Empire did not recognize the Republic of Western Thrace and gave Western Thrace to Bulgaria with the İstanbul Agreement which was signed on 29 October 1913 (Koçak and Özyiğit, 2014, p.17). Therefore, the Turkish Republic of Western Thrace only survived for two months. Greece initially supported an independent Turkish Republic in Western Thrace because it preferred this Republic to the idea of Bulgarian sovereignty over the area. Nevertheless, on 4 June 1920 Greece invaded Western Thrace and from then on the Muslim Turks in Western Thrace have lived as (religious) minorities.

After the homogenization and Hellenization attempts of Greece during the eighteenth and twentieth centuries, the country has only accepted Muslims as its officially recognized minority group and has tried to assimilate Slovak-speaking Bulgarians, Pomaks, and Roma in Western Thrace and Jews in Thessaloniki. It is obvious that the country has not accepted its national diversity. In fact, Greece adopted this as its state policy in order to counter the Turkish approach which has been to

maintain the Ottoman tradition of giving acknowledgement only to non-Muslims as the country's official minorities. This reciprocal relationship has remained in place up until now.³⁸

Homogenization attempts started with the Population Exchanges with Bulgaria and Turkey. First, in 1919 with the signature of the Treaty of Neuilly, a Voluntary Population Exchange was decided between Greece and Bulgaria (Pentzopoulos, 2002), which resulted in the exchange of 30.000 Greeks and 53.000 Bulgarians in a short space of time. Then, in 1923, Greece and Turkey decided on a Compulsory Population Exchange during the Lausanne Conference (Özkırmı and Sofos, 2008; Clark, 2008; Hirschon, 2004). As a result, almost 1.2 million Greeks left Turkey while around 355.000 Muslims left Greece. İstanbul, Bozcaada/Tenedos and Gökçeada/İmvrros from the Turkish side and Western Thrace from the Greek side were exempted from the exchange. Thus, these people have become the minorities of the two nation-states. At that time, it was too difficult for the Greek population to accept both the newcomers and the Muslim Turkish minorities. While they called the migrated Greeks 'Turkified Greeks', they referred to the Muslim Turkish minority as 'Asia Minor's Hellens' (Akgönül, 2007, p.315).

In 1920, both Western and Eastern Thrace were annexed to the Greek state with the Act of 2492/1920 (Tsitselikis, 2012, p.58). While all the residents were granted Greek citizenship, the legal protection regime regarding the muftis, foundations, and minority schools extended to the region. At that time, there were twenty-four muftis in Thrace, 157 primary Muslim schools in Eastern Thrace and twenty deputies out of Thrace's fifty-two seats represented the Muslims of Western and Eastern Thrace (Tsitselikis, 2012, pp.58-59).

Greece only recognized the Muslims as the official religious minorities with the signature of the Lausanne Treaty in 1923. The Greeks prefer to not call them the Turkish minority because they fear the risk to their internal security due to the 'Turkish threat' of annexation of Western Thrace as a second Cyprus case (Meinardus, 2002, p.81). As mentioned in Chapter 3, Articles 37 to 45 deal with the minority rights in

³⁸ This paragraph was quoted from Akıncılar (2011, pp.19-20).

Turkey and Greece 'reciprocally'. In fact, only Article 45 of the Treaty states that "[t]he 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" (Lausanne Peace Treaty, 26.12.2014). Because Article 45 does not determine an area for the Muslim Turkish minorities, Greece should not limit these rights just to the Muslim Turks in Western Thrace but anywhere 'in her territory'.

Before 1923, Crete was an autonomous state whose constitution of 1907 arranged in Article 105 that the Muslim Turks were dependent on the Islamic Law in terms of their personal, family, inheritance, wardship, and guardianship laws (Cin, 2009, p.98). However, at the time that Crete was annexed to Greece in 1913, Article 105 of the Crete Constitution continued to be in force until 16 October 1968 when the Greek civil procedure cancelled all of the rules of the Crete civil procedure (Cin, 2009, pp.98-99).

On the other hand, the Dodecanese Islands were annexed to Greece on 10 February 1947 with the Paris Peace Agreement. At that time, Muslim Turks were mostly living in Rhodes and Kos/İstanköy and the Muslim Turks of Rhodes had a mufti until 1990; however he was as a religious leader and had no judicial power (Cin, 2009, p.100). From 1961 to 1990, *Hafuz Ethem Efendi*, *Şeyh Süleyman Kaşlıoğlu*, and Naibi İhsan Kayserili worked as the mufti. After 1990, the Mufti of Gümülcine/Komotini sent an 'imam', Çakır Salimoğlu İsmail, to Rhodes (Cin, 2009, p.100).

Greece has not applied the Lausanne Treaty to the Muslim Turks of Dodecanese Islands because it argues that these islands became a part of Greece in 1947 many years after the signature of the Lausanne Treaty. Nevertheless, the Law of 2345/1920 and the 1913 Athens Peace Agreement had been applied to the Muslim Turks of Western Thrace as minorities before the 1923 Lausanne Treaty was signed (Cin, 2009, p.102).

According to Tsitselikis (2012, p.64), there were 229.398 Muslim Turks living in Western Thrace in 1919 in contrast to 81.328 Greeks. However, Papadimitriou (2003, p.127) argues that in 1920 almost 22.000 Muslim Turks left Greece for Turkey (cited in

Tsitselikis, 2012, p.64). In this way, the number of the Muslim Turkish minority had continued to decrease drastically. Then, according to the 1928 population census there were 126.000 – and according to the 1940 census there were 141.090 – Muslims in Greece as both citizens and aliens (Tsitselikis, 2012, p.82). Specifically, in 1923 there were 95.407 Muslim Turks in Western Thrace, in 1925 it had decreased to 93.269 and in 1927 it was 92.899 (Tsitselikis, 2012, p.83). Moreover, in 1930 the number of Muslim Turks in Western Thrace was 110.000, in 1934 106.000 and by 1940 it was 112.535 (Tsitselikis, 2012, p.84).

In the 1930s, the Greek government expelled almost 150 religious leaders of the Muslim Turkish minority from Western Thrace which led to the rise of Turkish nationalism among the minorities (Meinardus, 2002, p.87). On the other hand, in October 1931, there were four Muslim MPs in the Greek parliament (Cin, 2009, p.81). Greece restricted the legal and social conditions for minorities especially at the beginning of the Second World War. Just after the Second World War, civil war broke out throughout the country in 1946, and the discrimination against minorities reached its peak. The discrimination was legitimized by the acceptance of the Greek Citizenship Code in 1955, especially with the discriminatory Article 19 on minorities.³⁹ Article 19 of the Greek Citizenship Law, which was passed in 1955, said that “[a] person of non-Greek ethnic origin leaving Greece without the intention of returning may be declared as having lost Greek nationality” (Deprivation of Citizenship, 20.10.2014). During the Civil War of 1946-1949, almost 10-15.000 Muslim Turks left Greece for Turkey (Tsitselikis, 2012, p.84). Interestingly, on 24 December 1947, the Communist Party of Greece (*KKE/Kommounistiko Komma Elladas*) formed a Directorate-General of National Minorities that depended on the Prime Minister in order to deal with the problems of the minorities (Clogg, 2002, p.xiii). The KKE’s slogan was ‘equal rights for all nationalities’ (Clogg, 2002, p.xiv). Hence, the relations with the minorities started to be softened in the late 1940s.

At the beginning of the 1950s, because Turkish-Greek relations were going well, some improvements for both minorities were made. Hence, the period of 1950-

³⁹ This paragraph until the end of this sentence was quoted from Akıncılar (2011, p.20).

1955 is called the 'golden years' for the minorities on both sides of the Aegean. In 1951, the Turkish-Greek Culture Agreement was signed, in 1952 the first high school, Celal Bayar High School, was opened in Gümülcine/Komotini, and with a law passed in 1954 several schools and institutions were allowed by the governor generalship of Western Thrace to hang signboards including the word 'Turk' as a substitute for 'Muslim' (Kurubaş, 2006, p.296; Meinardus, 2002, p.84). Besides this, the Turkish and Greek governments signed cooperation protocols in 1951 and 1968 on mutual respect for the acknowledgment of ethnic, national and religious minorities, and regarding the exchange of teachers and schoolbooks (Kurubaş, 2006, p.294). These protocols have not been truly implemented.

According to Elçin Macar, the leaders of the Western Thracian Turks wrote two letters to then Turkish President Celal Bayar, who visited Gümülcine/Komotini, in which they listed their demands (Cin, 2009, p.81). Macar said that these letters are held in the Prime Ministry Republic Archives under the number 30.140238.13 (Cin, 2009, p.81). In the first letter, written on 1 December 1952, the leader of the Turkish community, H. Ahmet Kamil, demanded the establishment of an Arch-Mufti as the chief of the muftis, the application of the Turkish Civil Law on inheritance issues, the enforcement of hat-wearing in order to improve their appearance which was inferior compared to the Greeks, and asked that two preachers be sent to Gümülcine/Komotini by the Department of Religious Affairs in Turkey in order to prevent 'ignorant mullahs' in their mosques (Cin, 2009, pp.81-82). In the second letter, written on 2 December 1952, the chief of the Gümülcine Turkish Young Association (*Türk Gençler Birliği*), Şevket Pazarköylü, the vice-president Mustafa H. Mustafa, and the secretary general Ahmet İbrahim made similar demands; improvements in dress, Arabic alphabet, and Islamic judgment (Cin, 2009, p.82).

According to Elçin Macar, the Turkish Ministry of Justice analyzed the Western Thracian Turks' demands and answered on 26 February 1953 that, according to the Lausanne and Sevres Treaties, Muslim Turks in Greece were subject to the Islamic law in personal and family law matters so if the Muslim Turkish minority in Greece did not want to adhere to the Islamic law, they could ask to be dependent on the Greek Civil

Law of 15 May 1940 just like the Rum minority of Turkey had demanded that the Turkish Civil Law apply despite the Lausanne clauses. The Turkish Ministry of Justice concluded that it was not possible to ask to use the law of a different country while living in a country as a minority and also added that Turkey could not send an Arch-Mufti and two preachers due to the lack of a bilateral agreement on this issue (Cin, 2009, p.82).

However, due to the Cyprus issue the relations between the two countries deteriorated in 1955. Successive Greek governments had implemented Article 19 in order to deport the Muslim Turks from Western Thrace starting from 1955 until 1998 when it was abolished. As a response to the 6-7 September 1955 Pogrom which was organized in İstanbul by hyper-nationalists against Rum citizens using the Cyprus issue as an excuse, and the deportation of Rum citizens again using the same excuse in 1964, Greek officials deported approximately 60.000 Thracians, the majority (50.000) of whom were Muslim Turks, and revoked their Greek citizenship until 1998. That is to say, “the deprivation of citizenship on the basis of Article 19 was part and parcel of a broader set of informal but widespread restrictive measures instituted by Greek governments appealing to the need to balance out the demographic decline of the Greek population in İstanbul” (Anagnostou, 2005, p.338).⁴⁰

Moreover, the Greek government randomly impounded the passports and possessions of the Turks, expropriated the Turks’ lands, declared the Turks’ deeds invalid, i.e. İnhanlı case, and declared the region which is close to the Bulgarian border as a closed military zone even though this was the area where the Pomaks lived – Turks were forbidden from entering this area and buying any property there. The Muslim Turkish minority’s fundamental rights and freedoms have therefore been violated for a long time (Kurubaş, 2006, p.297).

Besides this, the Greek government has prevented the Turks from working in public sector, has sometimes limited their right to vote, banned the use of the word ‘Turk’ in the names of their minority associations, put pressure on minority foundations, prevented them from freely electing their muftis, has not allowed them to repair their

⁴⁰ This paragraph was quoted from Akıncılar (2011, p.20).

mosques and houses, prohibited them from buying land and only allowing the Turks to sell their lands to the Orthodox Greeks, prevented them to getting driver's licenses, especially for tractors, which is very important for the farming minority, made the usage and teaching of the Turkish language difficult, prevented Turks from being educated beyond primary school because the school-leaving exams were in Greek language, and lastly, the schoolbooks taught in minority schools have been too outdated so the Turkish students have been deprived of current knowledge (Kurubaş, 2006, p.297).

As a response to the 1964 mass deportations in Turkey, the Greek mass media initiated an anti-Turkish campaign, cemeteries and mosques were bombed, Turkish teachers' appointments became difficult and the elections for the Turkish foundations' leading committees were made difficult with the Royal Decree (No.649) passed on 7 October 1964 (Akgönül, 2007, p.280). Afterwards, Colonel Georgios Papadopoulos initiated a coup d'état on 21 April 1967 and established a seven-year long dictatorship which ended in July 1974 with the Turkish intervention in Cyprus. During this dictatorship era, discrimination against minority rights became the most prevalent issue in Greek history.⁴¹ During the Colonels' Junta period, the relationship between Greece and Turkey also worsened and the former began to emphasize its 'Christian Hellenic Civilization' ideology which annoyed the Western Thracian Turks (Akgönül, 2007, p.300).

While travelling throughout Greece, it can be easily observed that Western Thrace is one of the less-developed regions of the country. Both the Greeks and (mainly) the Muslim Turkish minority of this region earn money from tobacco farming. During the 1960s and 1970s, many Thracians lost their income due to the crisis in the tobacco industry. Thus, these Thracians left Greece and migrated to Western Europe, especially to Germany. Due to the fact that the Greek government cancelled these people's citizenship in accordance with Article 19 of the Greek Citizenship Law, they became known in Germany as '*Gastarbeiter*' and formed a community of Western Thracian Turks comprised of approximately 12.000 persons (Meinardus, 2002, p.84).

⁴¹ This paragraph was quoted from Akıncılar (2011, pp.20-21).

When the power of the junta began to weaken, its attitude towards the Muslim Turkish minority became tougher. The first attack on the Turkish minority was against their identity. The minority in Greece was divided by the junta into three identities: Turks, Pomaks, and Gypsies. Then, the junta thought that Pomaks were Hellenic people who had been converted to Islam by the Ottomans. In 1972, the word ‘Turkish’ was banned from use in all of the minority institutions. With the Law of 1260/1972, Turkish names of the villages in Western Thrace were banned and prison sentences were handed down to those who did not observe it. Correspondingly, the Turkish government banned the Rum names, i.e. the name of the village ‘Farilya’ became ‘Gündoğan’. Likewise, when the İskeçe/Xanthi clock tower’s marble plate was broken, the marble plate, on which ‘Our People’s Mighty School’ was written above the Fener Rum Man School was also removed (Akgönül, 2007, p.310).

Furthermore, after the Turkish intervention in Cyprus, Greek dictatorship was abolished in June 1974. Then, democracy began to consolidate and the democratization process spread to every area of the state. In 1975, Greece approved a new and more democratic Constitution in terms of its human rights protection.⁴² However, this new Constitution did not abolish Article 19. This law directly contravenes the 1975 Greek Constitution’s Article 4/1 that states that “[a]ll Greeks are equal before the law” and Article 4/3 that states that

[a]ll persons possessing the qualifications for citizenship as specified by law are Greek citizens. Withdrawal of Greek citizenship shall be permitted only in case of voluntary acquisition of another citizenship or of undertaking service contrary to national interests in a foreign country, under the conditions and procedures more specifically provided by law (Constitution of Greece, 20.10.2014).

Due to the authoritarian rule of the Junta regime, the EEC and the CoE froze their relations with Greece in 1969 so its membership to the CoE and its associational membership to the EEC were suspended. After the return to democracy in 1975, Greece aimed at improving the relations with these European organizations which promote

⁴² This paragraph was quoted from Akıncılar (2011, pp.20-21).

democracy and human rights. Therefore, the country applied for membership to the EEC in 1975 and became the tenth member of the EEC on 1 January 1981. The CoE cancelled its suspension and from then on the country has depended on the mechanisms of the EEC/EU and the CoE in terms of its democracy, rule of law, and human rights.

In the years 1984-1995, among the Turkish minority in Greece, a sense of nationalism increased and they demanded more rights from the government. Dr. Sadık Ahmet fought in the name of the Turkish minority and tried to make their problems international which made the Greek authorities in Athens nervous (Akgönül, 2007, pp.326-327). Thus, between the years 1985 and 1995, the Turkish minority in Western Thrace increased their minority rights activities regarding the protection and reinforcement of their identity under the leadership of Dr. Sadık Ahmet.

In November 1987, “the Court of Cassation had forbidden the minority’s youth and primary school teacher associations to describe themselves as ‘Turkish’” (ECtHR (k), 1996). This judgment led to the serious events that took place in Rodopi and İskeçe/Xanthi which broke out in response to the closure of the Muslim Turkish unions; ‘Komotini Union of Turkish Youth’, the ‘Turkish Primary Teachers’ Union of Western Thrace’ and the ‘Turkish Union of Xanthi’. Hence, this event led to a large collective response by the Muslim Turkish minority. On 29 January 1988, thousands of Muslim Turks had marched on Gümülcine/Komotini in reaction to the Greek government. The trial of Dr. Sadık Ahmet further increased their opposition to the government and Turkish nationalism among the Muslim Turkish minorities of Greece intensified (Tsitselikis, 2012, p.155).

As a response, two years later at the commemoration of the January 1988 events, “some groups of nationalist Greeks carried out a mini-pogrom, targeting minority shops and people” on 29 January 1990 (Tsitselikis, 2012, pp.155-156). The pressure of the ECtHR was added to these events, so the Greek government felt it was required to improve conditions for the Turkish minority in terms of their minority rights protection since 1990. In these events, the Muslim Turks, Pomaks, and Roma people came together and united under the slogan ‘We are Turks’; since then, these minorities

have emphasized their Turkishness first, and their religion second (Tsitselikis, 2012, p.156).

Two days after the Greek mini-pogrom against the Muslim Turkish minority, on 31 January 1990, the party leaders Kostas Mitsotakis (New Democracy), Andreas Papandreou (PASOK) and Kharilaos Florakis (Synaspismos) met in Athens under the chairmanship of the Prime Minister Xenophon Zolotas. Together, they agreed on a ‘common strategy’ for the minority issue which was composed of a set of ‘carrots and sticks’ (Meinardus, 2002, p.91). They agreed that the main problems for the Greek government were the Muslim Turkish minority’s high birth-rate, the increasing number of Muslim Turks on the Turkish border, the unified control of the foundations, and the formation of an independent minority party (Meinardus, 2002, p.91). In order to overcome these so-called problems, the Greek leaders decided to develop the Western Thrace area economically, to increase the living standards of the minorities to prevent Greeks from leaving the region, to promote the settlement of Greeks in the Turkish border to balance the Muslim Turkish population, to purchase the farmland of the Muslim Turks and encourage them to relocate, to raise educational standards, to encourage the minorities to work in the public service and industries, to control the foundations, to reduce the judicial power of the mufti and transfer this power to the Greek courts, and to strengthen ‘the presence of the state’ (Meinardus, 2002, pp.91-92).

Mitsotakis’ visit to Western Thrace in May 1991, therefore, carried great meaning. He declared the Greek government’s new slogan would be ‘legal equality–equal citizenship’. He arrived at a decision that this minority problem had occurred due to the underdevelopment of Western Thrace. Consequently, he suggested the political and economic liberalization of the country, especially of this region. However, he still did not abolish Article 19.⁴³ Mitsotakis supported the Turkish MPs because he believed in the equality of all Greek citizens and according to him, minority status had to be given in terms of national diversities, that is, that Turks, Pomaks, and Roma should have been granted separate minority status. Consequently, since the early 1990s, the Western Thracian Turks have started to experience some improvements in their

⁴³ This paragraph until the end of this sentence was quoted from Akıncılar (2011, pp.21-22).

citizenship rights. The Greek government gave the right to education and broadcasting in Turkish which led to the Greek State Radio to broadcast in this language for the first time in 1997 and then the Greek government allowed private radios to broadcast in Turkish as well (Kurubaş, 2006, p.298).

Between 1990 and 1993, Dr. Sadık Ahmet, who, together with İbrahim Şerif, was sentenced by a Greek court to a prison term for insisting that they were Turks, and Ahmet Faikoğlu, represented the Muslim Turkish minority in the Greek Parliament as MPs. While Dr. Sadık Ahmet declared that “no politician can say that the Pomaks are not Turks, because they don’t speak Turkish. These people who speak the Pomak language are Turks, just as the Greek-speakers from Albania or Greek Americans are Greeks”; Ahmet Faikoğlu stated that “the Pomaks are pure-blooded Turks. The minority is Turkish and its religion is Muslim” (Meinardus, 2002, p.88).

After two months’ imprisonment, Dr. Sadık Ahmet was released and the rest of his punishment was pecuniary. Then, he formed the first minority political party, DEB (Friendship, Equality, Peace-*Dostluk, Eşitlik, Barış*), in Greece in September 1991. Since then, the DEB has survived and participated in every election even though the party cannot pass the election threshold. Therefore, the Muslim Turkish minority is represented by the several Muslim Turkish MPs from the different political parties.

The Chief of the Western Thracian Turks Mutual Relief Association brought the citizenship issue to the Council of Europe which organized a conference on racism and anti-Semitism in 1995. In the international arena, Article 19 of the Greek Citizenship Law was condemned by the US Congress Human Rights Report in 1990. Helsinki Watch also put pressure on Greece to change or abolish this article. In 1993, the EU also condemned this article in its Annual Report. After all of this international pressure, the Greek authorities abolished this article in January 1998. Despite this, the Turkish minority who had lost its Greek citizenship due to Article 19 did not automatically request the return of their citizenship. In mid-1999, the then Minister of Foreign Affairs, Giorgos Papandreu, initiated a campaign called ‘Return to Greek Citizenship’ (Akgönül, 2011, p.181).

On the other hand, when the Western Thracian Turks migrated to Turkey, they also encountered the compulsory settlement policy of the Turkish government. They gained the right of asylum just in case they lost their Greek citizenship. Hence, these people could not get their Greek citizenship back because they left it ‘voluntarily’ by signing a document and sending it to the Greek Embassy in İstanbul. After that, the Turkish government sent these people to different parts of Turkey. In this policy, the Turkish government tried to balance the Kurdish population in the eastern and central parts of Anatolia by settling the Western Thracian Turks there. For example, in June 1988, six families, twenty-two people in total, migrated from Greece and learned that the Edirne Police Station that their residence permit was only valid for Adıyaman. Hence, they requested help from the Chief of the Western Thracian Turks Mutual Relief Association, Mustafa Rumelili, and then gained the right to settle in Bursa (Akgönül, 2011, pp.178-179). This policy was actually implemented by the Turkish government to decrease the number of asylum seekers coming from Greece, especially the Western Thracian Turks.

Today it is estimated that around 2.000-3.000 heimatlos (stateless) people who came from Greece are living in Turkey. In 1981, the military regime in Turkey gave Turkish citizenship to the approximately 3.000 Western Thracian Turks that had lost their Greek citizenship. Moreover, after the 1999 rapprochement between Turkey and Greece, Greece began to return citizenship back to the heimatlos minorities (Akgönül, 2007, p.328).

Nevertheless, since Turkey gained candidate status from the EU in 1999, due to the rapprochement between Greece and Turkey both of the countries have started to improve the minority rights protection in their countries. The Greek Minister of Justice (now Minister of Justice, Transparency and Human Rights), Michael Stathopoulos, (PASOK) between 2000 and 2001 declared that Greece would widen the scope of its freedom of religion and would remove the restrictions on non-Orthodox Greek citizens (Kurubaş, 2006, p.295). This shows that the discourse of the Greek government has changed over time. While the Deputy Minister of Foreign Affairs in the 1980s, Ioannis Kapsis, declared that “no Turks live in Greece ... There are only some Greeks who

happen to be Muslim and happen to speak Turkish to each other ...”, by 1999 the Greek Minister of Foreign Affairs, Georgios Papandreou, stated that “he had no objection if members of the country’s Muslim minority chose to call themselves Turks” (Clogg, 2002, p.xv).

On the other hand, then Prime Minister Erdoğan’s visit to Western Thrace in 2004 demonstrated the upgrading and liberalization of the status of both the Muslim Turkish and the Orthodox Rum minorities. While Erdoğan avoided referring to the national character of the Muslim Turkish minority, Ali Babacan, the Minister of Foreign Affairs in 2007, recommended in his visit to Western Thrace that they ‘defend their Turkish identity’ (Tsitselikis, 2012, p.174). This discourse was balanced by Ahmet Davutoğlu, the Minister of Foreign Affairs in 2011, in his visit to Western Thrace when he “called the minority ‘to conserve their religion, language and identity’, ‘to participate in the political and economical life of Greece’ and ‘to open their horizons in Greece and Europe’” (Tsitselikis, 2012, p.174).

However, in 2006, then Prime Minister Papandreou (PASOK) referred to a minority candidate, G. Karahasan, in the local elections as the ‘Greek of Muslim origin’ which was “an attempt to underplay any reference to her Turkish identity” (Tsitselikis, 2012, p.142). This shows that although the Turkish-Greek relations have been steadily improving since the early 2000s, the two countries’ behavior toward their reciprocal minorities have continued to fluctuate.

4.3 The Main Problems of the Minorities in Greece

Due to the geographical position of Western Thrace, the Muslim Turkish minority has had good relations with both Turkey and Bulgaria. The Muslim Turkish minority in Greece has gained some rights stemming from Articles 37 to 45 of the Lausanne Agreement. These rights are both negative and positive rights which have some problems of duality. In other words, the Muslim Turkish minority in Greece has been treated in a reciprocal manner in accordance with the treatment of the Rum minority in Turkey, especially in terms of education (textbooks, teachers, schools), and legal and religious structures (mufti and minority foundations) (Akgönül, 2011, p.166).

In general, the main problems of the Muslim Turkish minority in Western Thrace are their identity problems; that is, whether they are a religious or national minority, the mufti issue, problems relating to the minority foundations, educational problems, the problems of entrance to work and the decreasing minority population. Besides these problems, the men of the Muslim Turkish minority have also faced discrimination in the course of their military service. Military service has been obligatory for all male Greek citizens, including the Muslim Turkish minorities, but only for assignment to the construction of public works. However, the religious leaders of the known religions were exempted from the military before 2005 (Tsitselikis, 2012, p.92). In 2005, this implementation was cancelled and the muftis, *imams* and *muezzins* have been required to do their compulsory military service. The interviewees in Western Thrace say that the Muslim Turkish men are still not given guns; instead they are given other duties.

Identity problem (Religious or National Minority?)

The Western Thracian Turks want to be officially named as a Turkish minority. The biggest lobbying activity has come from the Western Thracian Turkish Association's Federation of Germany. This Federation brings this issue to the Council of Europe and other European organizations and works hard in order for the Western Thracian Turks to be named a Turkish minority (Akgönül, 2011, p.182). Greece, on the other hand, claims that the Lausanne Agreement mentions the religious minorities on both sides of the Aegean so the Western Thracian minority should be regarded as a religious minority rather than a national or ethnic minority.

In March 2008, the ECtHR found Greece guilty according to Article 2 of the ECHR when Greece closed down the Turkish Union of Xanthi and the Turkish Women Culture Association of Rhodopi. Whereas the Turkish minority celebrated this decision, Greece appealed the court's decision (Akgönül, 2011, p.184).

The Muslim Turkish minority in Greece has had major problems in getting driver's licenses for both cars and tractors, building licenses, paying taxes, military service, accepting diplomas and on citizenship issues. These problems have been mostly

resolved but the most pressing problem is still the identity issue (Akgönül, 2011, p.185). The election of the muftis and the minority associations' names' inclusion of the term 'Turk' are also problems classified as an identity issue.

Mufti Issue

The mufti is the religious leader of the Muslim Turkish minority in Western Thrace who has both religious and judicial authority based on the Islamic law which has four fundamental sources: Koran, Sunna (the Prophet Mohammed's sayings, activities and sanctions), ijma (the Muslim scholars' mutual decision on a issue in the post-Prophet Mohammed period) and comparison (Cin, 2009, p.24). This was similar during Ottoman times. Even though the Greek Constitution has protected the freedom of religion, Muslims living in Athens are not allowed to have mosques, cemeteries, and muftis (Cin, 2009, p.7).

The Greek laws of 147/1914 and 2345/1920 state that an Arch-Mufti should be created as the leader of the muftis in Greece to have authority over family law, inheritance law, wardship, and guardianship corresponding to the Patriarch in İstanbul. However, an Arch-Mufti has not been created up until now because the Greek authorities argue that they do not want to provoke Turkey which abolished the chief religious official in the Ottoman Empire (Sheikh-ul Islam) (Akgönül, 2011, pp.167-168).

With the law passed in 1882 in Greece, muftis took office in Volos, Farlasa, Trilaka and Yenişehir (modern Larissa), and in Kardiça in 1910 (Cin, 2009, p.4). With the Greek Royal Decree of 2/17.01.1923, muftis took office in Gümülcine/Komotini as first class, while in Dedeğaç/Alexandroupouli and İskeçe/Xanthi as second class. With the Greek Republic Presidency Decree of 01.06.1927, the mufti of Dimetoka also started his work in 1927 as second class. With the Greek Republic Presidency Decree of 19 March/3 April 1928, in addition to İğumeniça and Filiation, muftis in Langaza, Yanya, Paramithia and Thessaloniki came into office. As a result, in 1928 there were twelve muftis in Greece. With this decree, muftis in Greece were divided into three classes: Gümülcine/Komotini and Yanya as first class, İskeçe/Xanthi,

Dedeğaç/Alexandroupouli, Dimetoka, Paramithia and Thessaloniki as second class, and Margarit and Langaza as third class. The mufti of Langaza upgraded from third class to second class with the Greek Republic Presidency Decree of 8/18 July 1931. Nevertheless, with the Royal Decrees passed on 9 December 1952 and 9 January 1953, all of the muftis except for those in Western Thrace were abolished (Cin, 2009, p.4).

In Greece, as a member of the EU since 1981, Western Thracian Muslim Turks, even though they are Greek citizens, have been subject to Islamic law and not to Greek national law in terms of family law, marriage, divorce, wardship, guardianship, alimony, inheritance, and adoption (Cin, 2009, p.19). When problems emerge or contradictions are found in the Islamic law, the Greek civil courts are not authorized to judge on this matter. The muftis of the Muslim Turks in Greece have the judicial power under the name of '*kadı*' (judge in the Ottoman Empire). Therefore, since 1881, the muftis have been the people who issue a fetva, interpret the Koran, and lay down rules while they also have judicial power as the '*kadı*' (Cin, 2009, p.19).

The Greek courts do not have the authority to review, monitor, or criticize the decisions made by the muftis. Instead, they are only authorized to analyze the decisions of the muftis and consider whether they are in line with the Greek Constitution and then approve or reject these decisions. However, according to the agreements signed by Turkey and Greece, the decisions of the muftis can be only analyzed and monitored by the 'Arch-Mufti' but this position has not been permitted by the Greek government up until now (Cin, 2009, p.20). When the appointed muftis make incorrect decisions on purpose as '*kadı*', the Greek government claims that the judicial power of the muftis should be cancelled and that they should be restricted to religious leadership of the Muslim Turkish minority (Cin, 2009, p.20).

During the Lausanne Conference, Venizelos said that "the Muslim community's hierarchical organization is autonomous. Mufti is appointed by the community itself" (Cin, 2009, p.21). While in the Greek Sevres of 1920 and the Lausanne Agreement of 1923 the autonomy of the Muslim Turkish minority was not mentioned, Article 8 of the 1881 İstanbul Agreement and Article 11(4) of the 1913 Athens Agreement accepted the Muslim community's autonomy (Cin, 2009, pp.21-22).

When the Law of 2345/1920 was accepted, Western Thracian Turks were not Greek citizens. They became legally a part of Greece in 1923 with the Lausanne Agreement. Thus, the Greek government has not implemented the establishment of the Arch-Mufti or the election of the muftis stemming from this law. Evidently, Greece does not want to grant autonomous and collective rights to its Muslim Turkish minority, only individual rights. The appointed muftis have been public servants holding the equivalent status of general manager and receiving their salaries from the Greek state (Cin, 2009, p.31).

For the first time, the Arch-Mufti was designed in Article 11 of the 1913 Athens Peace Agreement. According to this law, the head office of the Arch-Mufti should be in Athens. In the election/appointment of the Arch-Mufti, all of the muftis in Greece would elect three candidates, then the Greek King (now the President) would appoint one of them. After that, the Greek government would report the Arch-Mufti to the chief religious official in the Ottoman Empire (Sheikh-ul Islam) (today the Department of Religious Affairs) through the medium of the Greek Embassy in İstanbul (today in Ankara). After the Sheikh-ul Islam (today the Director of Religious Affairs) approved the Arch-Mufti, the latter would start its work above the other muftis (Cin, 2009, p.31).

According to the Law of 2345/1920, the first Arch-Mufti would be appointed by the Greek government and then, the next Arch-Muftis could be elected by the muftis themselves (Cin, 2009, p.32). Article 6(3) of this law says that the election of the muftis should be done by secret ballot and the mufti who received the majority of the votes would become the new mufti. The following fifteen days would be the period set aside for objections. If there is no objection, the Civil Court of First Instance would send it to the chairman of religious affairs. Then, with the royal decree in place (now the Republic Presidency decree) that mufti was appointed. Before starting his work, the mufti had to take an oath in the presence of the governor of his city (Cin, 2009, p.36).

This Arch-Mufti issue of the Muslim Turkish minority can be compared and contrasted to the 'Ecumenical Patriarch' issue experienced by the Rum minority in

Turkey. Under the principle of reciprocity, neither of the countries is willing to create these high-ranking positions.

The power and the tasks of the mufti were arranged respectively in the 1881 İstanbul Agreement, the 1913 Athens Peace Agreement, the 1920 Greek Sevres, the 1923 Lausanne Peace Agreement, and in the laws of ALH/1882, 147/1914, 2345/1920 and 1920/1991 (Cin, 2009, p.34). The Greeks call the mufti the 'holy judge', and the Muslim Turkish minority the 'Thracian Muslim Greeks/Hellenic Muslims'. According to Islamic Law, women can also be 'kadi' but children, people lacking mental capacity, blind, deaf and uneducated people cannot be 'holy judges' (Cin, 2009, pp.39-41). The first 'kadi' of the Islamic world was the Prophet Mohammed.

The Law of 2345/1920 was repealed in 1990 (Cin, 2009, p.35). In Article 1 of the Law of 1920/1991, in contrast to the election of the mufti set out in the Law of 2345/1920, the conditions of the appointment of the muftis were determined (Cin, 2009, p.37). Today this law is still in effect although the Muslim Turkish minority has been demanded that it be repealed. Article 5(1) of the Law of 1920/1991 accepts that the mufti has the authority to judge as a 'kadi'. According to Article 5(3), the one-judge Civil Court of First Instance is authorized to recognize the decisions of the mufti and then to announce it but it does not have the authority to monitor the decision and determine whether it is appropriate under Islamic law. With Article 8(2) of the entrance law of the Greek Civil Procedure, this Civil Court of First Instance is also authorized to oversee the muftis' decisions and determine whether they conform to the Greek Constitution (Cin, 2009, p.46).

Muslim Turks in general do not apply to the Greek civil courts of first instance although they have this right. Instead, they prefer the mufti's judicial power. However, since the early 1990s, several Muslim Turkish women have started to bring their cases to the Greek Civil Court of First Instance regarding the contradictions in inheritance issues because they claim that the equality between men and women is violated by the muftis. However, these courts consider themselves to lack jurisdiction and transfer these cases to the mufti (Cin, 2009, p.47).

Today in Greece, the details on the number of the muftis, the area of the new muftis, and the opening or closing the muftis are determined by Article 6 of the Law of 1920/1991 (Cin, 2009, p.4). Before 1991, muftis were also authorized to act in the areas of marriage, divorce, wardship, guardianship, alimony, and inheritance on behalf of the Muslims living outside Western Thrace. This was accepted by the decision of 1723/1980 of the Greek Court of Appeals (Cin, 2009, p.5). Today, the elected muftis of İskeçe/Xanthi and Gümölcine/Komotini are Ahmet Mete and İbrahim Şerif respectively. The formation of the post of ‘mufti’ in Greece dates back to the İstanbul Agreement signed between Greece and the Ottoman Empire on 2 July 1881. The Western Thracian Turks demanded to elect their mufti according to Article 11 of the 1913 Athens Peace Agreement and the Law of 2345/1920. Nevertheless, the Greek government does not accept the elected muftis and appoints muftis to Western Thrace who have good relations with the government instead.

According to the 1913 Athens Agreement and the Law of 2345/1920, Muslims in every district should vote for the mufti. However, the Greek Minister of Foreign Affairs also has the right to remove the names of the muftis from the candidates’ list if Greek authorities do not like them. Because these agreements and laws do not determine the election method of the muftis, Greek authorities use this and have been appointing these muftis (Akgönül, 2011, p.168).

At the time that the mufti of İskeçe/Xanthi died in 1985, the elite of the Muslim minority demanded an election method exactly like the İstanbul Fener Rum Patriarch’s election. The Greek authorities rejected this demand which inspired a strong opposition movement under the leadership of Dr. Sadık Ahmet (Akgönül, 2011, p.169).

In 1990, two muftis were elected in the mosques by vote through the show of hands. This was a continuation of the Ottoman tradition. In 2010, two muftis were elected in the mosques and two were appointed by the Greek authorities (Akgönül, 2011, p.169). As a result, today there are two de facto and two de jure muftis as the religious leaders (who have also judicial powers) of the Muslim Turkish Minority in Western Thrace.

Today in Europe, Islamic law has been only implemented in Greece for the Muslim Turkish minority. For example, the Islamic judicial system for the Turkish Cypriots was formed by Article 87 of the 1960 Constitution but has not been implemented since 1974. At present, the Islamic judicial system that applied to the Muslims on France's Mayotte Island is in the process of cancellation (Cin, 2009, p.2).

Besides, most of the Muslim Turkish minorities in Western Thrace have been pleased with the implementation of the Islamic Law in terms of family law. The interviewees stated that the Islamic law is fair in all respects to family law. Hence, it can be said that while some of the Muslim Turkish minority prefers to fall under the jurisdiction of the Greek courts, most of them prefer Islamic law because they think it is a part of their Muslim Turkish identity.

As a result, the mufti problem of the Muslim Turkish minority in Western Thrace has two dimensions. The first problem is that the Muslim Turkish minority demands the ability to elect their own mufti but the Greek government does not recognize the elected muftis and instead appoints its own. The second problem is that the Greek government wants to nullify the legal and administrative function of the mufti by reducing them to religious leadership.

In order to solve these problems, there are currently four possible scenarios (Akgönül, 2011, pp.169-170):

a) Status quo: When the Muslim minority applies to the elected mufti, its decisions are not recognized by Greece so the former becomes aggrieved. This means that the Greek authorities continue to ignore the minority identity of the Muslim Turks.

b) The appointed muftis should be removed and only the elected muftis should be appointed by the Greek authorities.

c) The appointed muftis have legal and administrative functions, while the elected muftis are only religious leaders.

d) The elected muftis are only religious leaders and their legal and administrative roles ended; the appointed muftis are also abolished.

The Judicial Power of the Mufti as the 'Kadı' (Holy Judge): The mufti has, in addition to his religious position, a position as a judge, which is also called an Islamic court (Cin, 2009, pp.106-107). Because the judicial power of the mufti means a legal autonomy (which means a collective right), Greece wants to cancel this power and then it will allow the Muslim Turks to elect their muftis freely (Cin, 2009, p.107).

According to the Law of 2345/1920, the content of the mufti's decision cannot be monitored by the Greek One-Judge Court of First Instance, instead the court can only decide on whether the mufti's decision is aligned with the Greek Constitution and within the framework of the mufti's judicial power (Cin, 2009, p.113). According to the international agreements, only the Arch-Mufti can monitor the mufti's decision in terms of its content. In addition, Article 5 of the Law of 1920/1991 states that only the Greek Multi-Judge Court of First Instance can monitor the decision of the One-Judge Court of First Instance in terms of the mufti issues (Cin, 2009, p.114).

Marriage of the Muslim Turks in Greece: The Muslim Turks in Greece should receive their marriage licenses from the mufti. Then, this marriage should be registered in the municipality where the husband is resident (Cin, 2009, p.119). Under Article 1367 of the Greek Constitution, which was changed in 1982 with the Law of 1250, Greek citizens can choose whether to have a civil or religious wedding according to their faith and sect (Cin, 2009, p.120).

In fact, the Muslim Turks in Western Thrace say that they have been monogamous. However, a Greek Criminal Court released a Muslim Turkish husband in 1995 who was caught while committing adultery (Cin, 2009, p.122). On the other hand, the appointed mufti of Gümülcine/Komotini cancelled the second marriage of a Muslim Turk with the decision of 9/1991 and the Gümülcine/Komotini One-Judge Court of First Instance approved it (Cin, 2009, p.122).

In Western Thrace, Muslim Turks remarry only once the mufti has dissolved the previous union. Also, Muslim Turkish men cannot divorce their wives unilaterally as it is known in the Islamic Law (Cin, 2009, p.123).

In Greece, *imams* can also perform the marriage ceremony of the Muslim Turks but then muftis should approve the marriage. After that, this marriage should be registered in the Greek civil registry (Cin, 2009, p.123). Furthermore, Article 1350 of the Greek Civil Law provides that the persons being married must be present at the wedding and Article 1386 makes it compulsory for married couples to live together after marriage, in accordance with Islamic Law (Cin, 2009, p.123, 125).

Divorce of Muslim Turks in Greece: When the Muslim Turks want to divorce, the mufti has to dissolve this marriage as the 'kadi'. Then, the Greek One-Judge Court of First Instance should declare that this decision is valid (Cin, 2009, p.126).

The Relatives of the Muslim Turks in Greece: The Law of 147/1914 and Article 1465 of the Greek Civil Law state that a child should be born in wedlock but the Islamic law says that a child should be conceived in wedlock. Article 5 of the Law of 1920/1991 determines that establishing the kinship relations of a child born out of wedlock is left to the mufti (Cin, 2009, p.127).

Parent-Child Relations of the Muslim Turks in Greece: With the Law of 1329/1983, Greece grants equality between mothers and fathers. However, according to Islamic law, at the time of divorce, custody of boys up to age seven and girls up to age nine is given to the mother and then past these ages, custody is given to father which lasts until their adolescence (Cin, 2009, p.128).

Inheritance Law for the Muslim Turks of Greece: Muslim Turks have not registered their properties for several reasons. While on the one hand the Western Thracian Turks shared their properties based on an oral agreement made between siblings, they were prevented from registering their inherited properties by the Law of 1366/1938 which banned the Turks of the frontier provinces from buying and selling property (Cin, 2009, p.129). This law was changed in 1991 but the problems persist. The mufti has the judicial power to settle disagreements over inheritance.

In Islamic law, the daughters take one portion while the sons take two portions from an inheritance. If a husband without children dies, his wife takes $\frac{1}{4}$ of the inheritance; whereas if a wife without children dies, her husband takes $\frac{1}{2}$ of the

inheritance (Cin, 2009, p.130). However, Muslim Turkish women can apply to the Greek courts for the equal division of an inheritance. Then, the court can decide to contradict the rule of Islamic law in this regard because it is counter to the Greek Constitution (Cin, 2009, p.133).

The Problems of the Minority Foundations

Since 1967, the principle of reciprocity has been visibly applied to the Muslim Turkish minority in two areas; education and the foundation issues. The Greeks use the term ‘vakoufia’ for the Islamic foundations but the term ‘foundation’ is preferred in this thesis.

Before the Colonels’ Junta regime, the foundations of the Muslim Turkish minority were administered by democratically-elected authorities but this policy was cancelled in 1967. However, since the democratic government was formed in 1975, this provision has not been re-established. In contrast, a new Law of 1091/1980 was passed in October 1980 which strengthened the state’s control of the minority foundations and weakened their administrative and financial autonomy. After the adoption of the Law of 1091/1980, the Greek authorities declared, by relying on the principle of reciprocity, that “we believe that this law will benefit the Muslim minority of Thrace as well as the Greek minority in Constantinople” (Meinardus, 2002, p.90).

Educational Problems

The Greek Colonels’ Junta also placed restrictions on minority education by aiming to ‘Hellenizing’ it; as a result, the educational problems have persisted. After the Special Academy for Teachers’ Training was established in Thessaloniki in 1968, the teachers at the minority schools have not been appointed by Turkey, instead they have been trained there by Greek instructors. Also, after the junta regime, the teaching of the Greek language in the minority schools became compulsory.

The Act of 4862/1931 gave the Muslim Turks the right to opt out of the religious education in which the Greek-Orthodoxy view was dominant (Tsitselikis, 2012, p.91). “Moreover, non-Orthodox pupils must attend but are not permitted to

participate in the morning Greek-Orthodox prayer with which every school day begins” (Tsitselikis, 2012, p.91). On the other hand, the first secular secondary school in Gümülcine/Komotini in Western Thrace was opened when a school for the Rum minority in Turkey was opened (Akgönül, 2007, p.175).

Moreover, in schools (and in the private sector too), the Islamic holidays marking the Islamic feasts are respected but the Muslim Turks are also expected to respect the Christian holidays (Tsitselikis, 2012, p.92). Nevertheless, some Muslim Turks’ application for Friday as the non-working day was rejected in 1925 and today this has not been implemented (Tsitselikis, 2012, p.92).

Problems of Entrance to Work

Like the Turkish government, the Greek government has also traditionally preferred to not hire Muslim Turks for specific occupations, such as pharmacists, taxi drivers, owners of gas stations etc. The Muslim Turkish interviewees state that nowadays the Greek government hires several Muslim Turks as a ‘token’ to show the EU that it employs its Muslim Turkish minority in the public services, in the banks, as firemen etc. In 1913, the Greek government appointed, for example, Ali Nayip Zade[s], a Cretan Muslim and personal friend of Venizelos, as the Prefect of Drama, then as the high officer of the Greek Administration of Symirni in 1919, then as the Prefect of Adrianoupolis and lastly in 1923 as the Prefect of Lasithi (in Crete) (Tsitselikis, 2012, p.59).

The Decreasing number of the Muslim Turkish minority

In 1923, the number of the Muslim Turkish minority in Greece was around 120.000. Despite the relatively high birth rate (2.5%), the Muslim Turkish minority’s population is still the same which stems heavily from the Western Thracian Turks’ migration to other countries. In Turkey, especially in İstanbul and Bursa, there are around 200.000 Western Thracian Turks, while in Europe, especially in Germany, there are around 30.000 immigrants from the Muslim Turkish community of Western Thrace. In particular, Pomaks who live near the Rhodopi Mountains, temporarily migrate to Germany as seasonal workers. In Athens and Thessaloniki, there are several thousands

of Muslim Turks. Also, there are Western Thracian Turks in Australia, Libya, Egypt, and Saudi Arabia (Akgönül, 2011, p.173).

The Muslim Turkish minority in Greece holds Greek citizenship but members of this group regularly visit Turkey to visit their relatives or for economic reasons. In general, they attend education in several cities in Turkey. They enter as tourists but have to exit and re-enter every three months. Some of them also acquire residence permits and live for six months in Greece and the other six months in Turkey. In addition, Turkey has not required visas for Greek citizens since 1989 (Akgönül, 2011, p.174).

In Germany, almost 30.000 Western Thracian Turks are living there who have established almost twenty associations under the umbrella of the Western Thracian Associations' Federation which aims at improving the rights and the living standards of the Muslim Turkish minority in Greece and the Western Thracian Turks in Germany; at the same time, they wish to draw international attention to the problems of the Western Thracian Turkish minority (Avrupa Batı Trakya Türk Federasyonu, 10.04.2015). In order to do this, since 1988 numerous delegations have been sent to the European Parliament, CoE, OSCE, and the UN, and this Federation has been working effectively as an NGO. It should be noted that this Federation has a nationalistic attitude and has usually reinforced Ankara's policies (Akgönül, 2011, p.175). Nevertheless, this Federation helps form public opinion in Europe in support of the minority's demands and it has exerted pressure on Greece to abolish Article 19 of the Citizenship Law and to resolve some of the minority's legal problems (Akgönül, 2011, p.175).

Some Western Thracian Turks who began to migrate to Turkey in the 1950s have acquired Turkish citizenship (Akgönül, 2011, p.176). When Turkey and Greece signed the Agreement on Residence, Trade and Navigation in the 1930s, the citizens of both countries gained the right to reside, travel freely, and migrate to the other country. This free migration continued until 1964. However, during this thirty-three-year period, Western Thracian Turks lost their wealthiest and most enterprising members (Akgönül, 2011, p.176).

During WWII, the Turkish minority fled German and Bulgarian occupation and settled in İstanbul and Bursa. Then, with the civil war that started in Greece just after the end of WWII, the migration of the minority continued. When migrants arrived in İstanbul, they initially settled in guesthouses in Sirkeci but soon left them after they found jobs. In 1946, these migrants established the ‘Western Thracian Migrants Charity Association’ in İstanbul in order to help newcomers from Greece to settle. In 1975, this association was renamed the ‘Western Thracian Turks Mutual Relief Association’ which continues to exist in Zeytinburnu (Akgönül, 2011, p.177).

Greek identity is based on the Greek language, on the one hand, and Orthodox Christianity on the other hand. Article 3 of the 1975 Constitution confirms that “the prevailing religion in Greece is that of the Eastern Orthodox Church of Christ” (Constitution of Greece, 22.10.204).

In the 1951 census in Greece, questions regarding mother tongues and the religions of the people were asked for the last time. At that time, the total population was estimated to be 7.632.801 of which “7,472,559 citizens reported their religious affiliation as Orthodox (97,9 per cent); 112,665 (1,4 per cent) as Muslim; 28,430 as Catholic (0,4 per cent); 12,677 as Protestant or other Christian (0,2 per cent); 6,325 as Jewish (0,1 per cent)” (Clogg, 2002, p.xi). Meanwhile, “7,297,878 (95,6%) people declared that their mother tongue was Greek, while 179,895 (2,4%) of Turkish, 41,017 of Slavic, 22,736 of Albanian and 51,420 of another language” (Clogg, 2002, p.xi). As a result, while 112.665 persons professed to be Muslim, 179.895 persons reported that their mother tongue was Turkish. It seems that not all the Turkish-speaking people were Muslims, i.e. Karamanlides, and that not all the Muslims were Turkish-speaking, i.e. Pomaks. Since the 1951 census, questions regarding mother tongues and religion have not been asked. Moreover, the numbers would be less indicative today since the second and third generations of the Karamanlides are now assimilated so that their mother tongue is Greek and the Pomaks and Roma people now identify as Turkish and their mother tongue is also Turkish.

4.4 The Mechanisms of the Minority Rights Protection in Greece

To create the mechanisms of the minority rights protection in Greece, bilateral and international agreements were signed and also some laws were passed which regulate the rights of the Muslim Turkish minority in Greece. There are also several multilateral agreements that Greece should sign and ratify in order to strengthen its minority rights protection.

First of all, there are some bilateral and multilateral agreements which determine the rights of the Muslim Turkish minority in Greece. According to a decision made by the Greek Supreme Court of Appeals (1723/1980), the jurisdiction of the mufti is determined by the 1881 İstanbul Agreement, the 1913 Athens Peace Agreement, the 1920 Greek Sevres, and the 1923 Lausanne Peace Agreement (Cin, 2009, p.62).

1) 1881 İstanbul Agreement: Greece was officially formed on 3 February 1830 by the London Protocol signed by Greece, Great Britain, France, and Russia and its independence and sovereignty were informed to the Ottoman Empire. Article 5 of the Protocol states that “the Muslims that will maintain their residence in the lands and islands that are given to Greece will enjoy a full security with their families and possessions” (translation mine; Cin, 2009, p.63).

The İstanbul Agreement that was signed between Greece and the Ottoman Empire in 1881 also determined the protection of the Muslim Turks’ rights who continued to live in the lands that Greece occupied (Cin, 2009, p.63). Therefore, the rights of the Muslim Turks of Greece were guaranteed for the first time by the İstanbul Agreement which accepted Islamic Law and recognized the mufti as the religious leader of the Muslim Turkish minority. Article 3 states that Muslims have equal civil and political rights to those of the Greeks (Tsitselikis, 2012, p.35). Article 8 of the Treaty states that

the freedom of religion of the Muslims that are living on the lands that were left to Greece is respected. The autonomy, hierarchical structuring and organization of the present and future Muslim communities and management of their fund and immovables will not be harmed. The relations between these

communities and their religious leaders in religious issues will not be prevented. The local Islamic Courts will continue to judge only in religious issues (translation mine; Cin, 2009, p.64).

Moreover, Article 13 says that the Muslims of the annexed territories (Thessaly and Arta) were given the right to choose between Greek and Ottoman citizenship, however, choosing Ottoman citizenship would mean they would have to leave Greece (Tsitselikis, 2012, p.35).

Then, Greece passed the Law of ALH/22.06.1882 on the spiritual leaders (muftis) of the Islamic communities (Cin, 2009, p.64). Here it is interesting to note that the muftis were given the right to monitor the minority schools but this is not enforced today (Cin, 2009, p.66). Moreover, this law granted the right to appoint a mufti to all city centers or provinces whose population exceeded 40.000 (Cin, 2009, p.66). With the Royal decree Law of 88/29.08.1882, the Greek government recognized the muftis of Yenişehir, Farsala, Frikala, and Volos. Then, with the Laws of ARPG/21.04.1884 and 44/17.02.1889, which repealed all of the former laws, the management of foundations and other properties were determined (Cin, 2009, p.65).

According to the Greek Supreme Court of Appeals, the 1881 İstanbul Agreement is still in effect (Cin, 2009, p.67). However, today in Greece some lawyers and scholars claim that the Lausanne Treaty nullified this agreement. Thus, this issue is problematic and still debated in Greece today.

2) 1913 Athens Peace Agreement (The Treaty of Peace between Greece and the Ottoman Empire) and its Protocols: The Athens Peace Agreement was signed by Greece and the Ottoman Empire on 14 November 1913 at the end of the Balkan Wars in order to reinforce peace and friendship between the two countries (Tsitselikis, 2012, p.60). This agreement also determined the rights of the Muslim Turkish minority in Greece through Article 11 and Protocol No. 3 which can be considered the agreement that gives the utmost responsibility to Greece in terms of the Muslim Turkish minority. Moreover, under Article 4, the Muslim Turks were granted the right to choose Ottoman

citizenship within three years but the number of the Muslim Turks who opted to take Ottoman citizenship is not known (Tsitselikis, 2012, p.60).

Article 11 of the Athens Peace Agreement states that:

The life, property, honor, religion, and customs of those inhabitants of the territories ceded to Greece who shall remain under the Greek dominion shall be scrupulously respected. They shall enjoy in full the same civil and political rights as native Greek subjects. The free and public practice of their religion shall be assured to Mussulmans [Muslims]. ... Neither shall any interference be made in the relations of the individual Mussulmans or Mussulman communities with their spiritual chiefs, who shall be subject to the Cheik-ul-Islamat at Constantinople, who shall invest the chief mufti. The muftis, each within his own community, shall be elected by Mussulman electors. ... The muftis, in addition to their authority over purely religious affairs and their supervision of the administration of vakouf property, shall exercise jurisdiction between Mussulmans in matters of marriage, divorce, alimony (*nefaca*), guardianship, trusteeship, emancipation of minors, wills of Ottomans, and succession to the office of Mutevelli (*tevllet*). ... (The Treaty of Peace between Turkey and Greece, 2008).

Moreover, Protocol No. 3 also provides some specific rights to the Muslim Turkish minority in Greece in terms of the muftis, foundations, and minority schools. While Article 7 states that the Arch-Mufti and the muftis have the same rights as the other Greek public officers, Article 13 states that the legal personality of the Muslim communities will be recognized. Since this agreement did not limit the rights of the Muslim Turkish minority only to Western Thrace, it can be understood that these rights are valid for the whole country of Greece.

In the end, when Greece conquered İzmir on 15 May 1919, it violated the Athens Peace Agreement. Thus, the Greek authorities argue that the Athens Peace Agreement is null and void because it was replaced by the Lausanne Peace Treaty. However, even though the Greek Supreme Court of Appeals stated in its decisions that

the 1913 Athens Peace Agreement is still valid today (Tsitselikis, 2012, p.61; Cin, 2009, p.68), these rights that were provided for the Muslim Turkish minority are not been implemented today. Besides, the rights that gave the muftis great powers were also restricted in 1991 with the Law of 1920/1991.

3) 10 August 1920 Sevres Treaty Concerning the Protection of Minorities in Greece: This is one of the three agreements that was made in Paris by Greece, Great Britain, France, Italy, and Japan. These three agreements were the Ottoman Sevres, the Treaty which gives Thrace to Greece, and the Treaty on the protection of minorities. The Ottoman Empire is not a part of this treaty.

This treaty provides equal rights to all of the people living in Greece at that time or in the future in new territories without consideration of birth, citizenship, language, race, or religion (Cin, 2009, p.74). “It secures linguistic rights for all Greek citizens that belong in national, linguistic and religious minorities, while it specifically refers to Muslims, Jews and Vlachs” (The Treaty of Sevres, 27.12.2014). With Article 14, Greece agreed to protect the mosques, cemeteries, and other religious institutions belonging to Muslims (Cin, 2009, p.74). Greece ratified it after the signature of the Lausanne Peace Treaty in 1923 and had enforced the treaty until 1940. Thus, the validity of the Greek Sevres is being questioned today.

4) 24 July 1923 Lausanne Peace Treaty: This treaty was signed by Turkey and Greece, Britain, France, Italy, Japan, Romania, Serbian-Croatian-Slovenian states. The Lausanne Treaty is composed of 17 likely agreements, notifications and protocols (Cin, 2009, p.75). Greece ratified it on 25 August 1923. The Articles of 37-45 determine the legal status of the non-Muslim minority in Turkey and the Muslim minority in Greece (with the principle of reciprocity set in Article 45). The details of these articles were given in Chapter 3 and will not be repeated here. It is important to note that while the French and English versions of the original treaty stated a singular minority (*minorité musulmane*, Muslim minority), this was interpreted by the Greeks as plural minorities; referring to Turks, Pomaks, and Roma (Cin, 2009, pp.75-76).

Moreover, according to Article 37, the Lausanne provisions take precedence over domestic law including the Greek Constitution. Hence, above all the Greek governments should implement the provisions of the Lausanne in terms of the protection of their minority rights in order to provide for the Muslim Turkish minorities in Greece.

Greece violated the Lausanne Treaty with the passing of the following laws: 376/1936 on prohibited zone, 1366/1938 forbidding the Muslim Turks to buy and sell properties in Western Thrace, 1109/1972 banning on the word ‘Turk’ and Turkish place names, 1672/1939 compulsory laws, the Greece Presidential Decree of 182/24.12.1990 on the prevention of construction and repair of mosques and small mosques (*mescit*), and the laws of 1920/1991 and 1091/1980 on foundations (Cin, 2009, p.77).

In light of Article 42(2) of the Lausanne Treaty, the Turkish Ministry of Justice formed a mixed commission in September 1925 in order to arrange the family and personal laws of the non-Muslim minorities in Turkey. First, Jews in October 1925, then Orthodox Christians in November 1925 delivered a petition to the Ministry of Justice in which they demanded to not be dependent on a different set of family and personal laws (Cin, 2009, p.80). Turkey argued that the non-Muslim minorities chose it because it was on track to adopt the Swiss Civil Code (19 June 1926). Greece brought this issue to the League of Nations in September 1926 and claimed that Turkey violated the Lausanne Treaty. The League of Nations rejected it (Cin, 2009, p.80). Nevertheless, the Greek governments continue to apply Islamic law to the Muslim Turkish minority in Greece in order to arrange their rights in terms of family and personal laws.

Greece, as a part of the 1969 Vienna Convention on the Law of Treaties whose Article 29 states that “[u]nless a different intention appears from the treaty or is otherwise established, a treaty is binding upon each party in respect of its entire territory” (Vienna Convention, 1969), should apply the clauses of the Lausanne Treaty to all of the Muslims living in its territory. Article 45 of the Lausanne Treaty did not mention just the Muslim Turkish minorities in Western Thrace so all the Muslim Turks living in Greece, including the Dodecanese Islands, should enjoy the minority rights granted to them by the Lausanne Treaty (Cin, 2009, p.84). However, Greece has not

been applying the Lausanne clauses to the Muslim Turks living in the Dodecanese Islands which have been under Greek rule since 10 February 1947 at the time of the signature of Paris Peace Treaty. Moreover, many Muslim Turks have been living in Rhodes and Kos (İstanköy) but they cannot enjoy the rights of the Western Thracian Muslim Turks.

However, the Greek Supreme Court of Appeals has a decision of 1723/1980 in 1980 in which there was a man who was born in Egypt and was an Egyptian citizen who migrated to Greece in 1965. Since then, he had lived in Athens and eventually gained Greek citizenship. Afterwards, he married a Muslim Egyptian citizen, converted to Islam, and he and his wife had a child. At the time that this couple decided to divorce, the woman applied for support for her child and the Greek Supreme Court of Appeals decided that on this matter the mufti has the authority to judge. In this way, the Greek Court decided that not only the Muslim Turks of Western Thrace but also all the country's Muslims should submit to Islamic law in terms of the issues belonging to the family and personal law (Cin, 2009, p.93).

In terms of the Greek domestic law, with the Law of 147/1914, the Law of 2345/1920, and the Law of 1920/1991 which abolished the previous one, the rights of Muslim Turks in Greece were arranged. First of all, Article 4 of the Law of 147/1914 provides that the Muslim Turkish minority, in all of Greece according to Article 45 of the Lausanne Treaty, should apply to the Islamic law in matters regarding the family and personal laws. Then, the Law of 2345/1920 designates the judicial power of the mufti which was replaced by the Law of 1920/1991 (the detailed of which were given previously in this chapter).

With the decision of 105/1937, the Greek Supreme Court of Appeals kept the Muslim Turks of Crete out of Article 4 of the Law of 147/1914 in terms of the inheritance law. Then, the same decision was applied to the Muslim Turks of Rhodes and Kos/İstanköy. Moreover, with the decision of 738/1967, the Greek Supreme Court of Appeals had jurisdiction over the divorce of the Muslim Turks in the Dodecanese Islands. It said that these Muslims were dependent on the Greek Civil Law because in the agreement made with Italy on 10 February 1947 there was no clause concerning the

application of Islamic law (Cin, 2009, p.92). Moreover, according to Articles 1416 and 1446 of the Greek Civil Law of 1946, Muslim minorities were exempted from the Greek Civil Law in terms of marital relations, and marriage and divorce issues (Cin, 2009, p.90).

The Greek Ministry of Internal Affairs published a circular letter in 2002 (21/2002) in which it requested all the public registration offices to not marry a Greek-citizen Muslim person to a non-Greek foreigner (Cin, 2009, p.120). In addition, the undersecretary of the Greek Ministry of Internal Affairs in 2003, Lambrou Papadima, decided in October 2003 (F97920/201138/31.10.2003) that a mufti cannot marry a Muslim to a non-Muslim, a Greek citizen to a foreigner, and Muslims living outside Western Thrace because there is no mufti other than the one in İskeçe/Xanthi and Gümülcine/Komotini while the Muslim Turks in Rhodes and Kos/İstanköy only have ‘*imams*’ (Cin, 2009, p.91). In this way, this decision violated Articles 5, 9 and 13 of the Greek Constitution which apply to the freedom of domestic accommodation, private life (the freedom of choosing a spouse), and the freedom of religion (Cin, 2009, p.91). Hence, the Greece Human Rights Union published a declaration on 24 February 2004 in which it asked the Greek government to cancel this decision (Cin, 2009, p.121). After the objections of the Western Thracian Turks as well, the Greek Ministry of Internal Affairs repealed this decision.

4.5 The Impact of the EU, UN, CoE, and the OSCE on the Development of Minority Rights in Greece

A new era began in EU history with the acceptance of the Copenhagen criteria in 1993. From then on, states had to fulfill these requirements in order to become members of the EU. Despite the fact that Andreas Papandreou’s nationalistic government did not pay attention to this development between 1993 and 1996, the new leader of PASOK and the successor to the Prime Minister of the country, Konstantinos Simitis, aimed at full integration into the EU. In order to improve its minority rights protection, Greece ratified the UN International Covenant on Civil and Political Rights (1966) in 1996 with the reservation of Article 27, but the reservation was dropped in 1997. Moreover, Greek government also signed the CoE Framework Convention for the

Protection of National Minorities (FCNM) in 1995 but has not ratified it yet. The country also signed the European Convention on Nationality in 1997. Nevertheless, Greece has not still signed the CoE European Charter for Regional or Minority Languages. Hence, together these international conventions and the ECtHR forced the country to improve the legal conditions of minorities and they wanted Greece to abolish Article 19. After the Monitoring Committee of the CoE decided in November 1997 to hold a meeting in early 1998 to discuss Article 19 of the Greek Citizenship Code, Simitis' government unanimously decided to abolish this article in January 1998.⁴⁴

In this section, Greece's engagement with the major international agreements of the UN, the CoE, and the OSCE which set the standard international minority rights protection policy will be investigated.

1) 1945 The UN Charter: After WWII, 50 states, including Greece, signed this charter on 26 June 1945 in San Francisco in order to establish peace, security, and to protect human rights in the international arena. In Article 1(3), the aim of the UN is set “[t]o achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion” (UN (a), 1945). Also, the UN has a monitoring mechanism through its judicial body, the International Court of Justice.

2) 1948 The UN Universal Declaration of Human Rights: Even though it is not binding, this declaration forms the basis of all the human rights agreements because it aims at establishing “a common standard of achievement for all peoples and all nations” (UN (b), 1948). While Article 7 states that “[a]ll are equal before the law and are entitled without any discrimination to equal protection of the law”, Article 23(2) mentions that “[e]veryone, without any discrimination, has the right to equal pay for equal work” (UN (b), 1948).

3) 1960 The UNESCO Convention against Discrimination in Education: This convention has the purpose of preventing the deprivation of “any person or group

⁴⁴ This paragraph was quoted from Akıncılar (2011, p.22).

of persons of access to education of any type or at any level” and the limitation of “any person or group of persons to education of an inferior standard” (UN (c), 1960). Greece has not signed this treaty yet but the signature and the ratification of this treaty may lead to improvements in the educational rights of the Muslim Turkish minority.

4) 1965 International Convention on the Elimination of All Forms of Racial Discrimination: Greece signed this convention and approved it in 1970 with the decree Law of 494/1970. Racial discrimination in this convention means “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin” (UN (d), 1965). Hence, by restricting the rights of the Muslim Turkish minority based on its Muslim and Turkish identity, Greece has violated this convention.

5) 1966 International Covenant on Civil and Political Rights (ICCPR): The most famous Article 27 of the covenant is the first provision for minority rights protection in the international arena. Greece signed this convention in 1996 with the reservation on Article 27 but approved this convention in 1997 with the Law of 2462/1997 by dropping its reservation. Thus, according to Article 27 of the ICCPR, Greece should respect its Muslim Turkish minorities’ cultural, religious and linguistic rights and should end its ongoing restrictions on these rights.

6) 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief: This is the most important international document banning intolerance of religious rights (Cin, 2009, p.55). According to Article 1,

[e]veryone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching (UN (e), 1981).

However, because it is a declaration, it is not binding for Greece.

7) 1989 Convention on the Rights of the Child: It entered into force in 1990. Greece approved this convention in 1992 with the Law of 2101/1992. According to Article 30, if the contracting parties

in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language (OHCHR (d), 1989).

8) 18 December 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities: This declaration is composed of nine articles including both negative and positive rights for all forms of minorities. Because this is a declaration, it is not legally binding for the states. However, this declaration is very important due to its introduction of a minimum standard for minority rights.

However, the CoE Conventions are more effective for the EU and its member states in order to achieve a common minority rights policy. These conventions are the 1948 ECHR, the 1961 European Social Charter, the 1992 ECRML, the 1995 FCNM, and the 1997 European Convention on Nationality.

1) 1950 European Convention on Human Rights and Additional Protocols: The ECHR does not directly mention minority rights but it has a non-discrimination article (Article 14) applying to minorities. Article 1 of the Additional Protocol No. 12 also mentions the general prohibition of discrimination, including discriminating against national minorities. Greece approved it in 1974 with the decree Law of 53/1974, and approved Additional Protocol No. 11 in 1996 with the decree Law of 2400/1996 (Cin, 2009, p.59).

2) 1961 European Social Charter: This charter covers socio-economic rights and entered into force in 1965. Turkey signed it in 1961 and approved it in 1989 while Greece approved it in 1984 with the Law of 1426/1984 (Cin, 2009, p.59). This charter does not directly mention minorities but the 1996 revised European Social Charter, Part

V Article E, states that “the enjoyment of the rights set forth in this Charter shall be secured without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status” (Council of Europe (e), 1996).

3) 1992 European Charter for Regional or Minority Languages: This charter aims at the protection of the regional or minority languages. Today, twenty-five states have ratified this treaty while eight states have signed it but not yet ratified. Greece has neither signed nor ratified this treaty.

4) 1995 Framework Convention for the Protection of Minorities (FCNM): It entered into force in 1998. Greece signed it in 1997 but has not ratified it yet. In the Explanatory Report to the Framework Convention for the Protection of National Minorities, Article 13 makes it clear that the convention does not give collective rights to the minorities (Council of Europe (f), 1995). Nevertheless, Greece prefers to not ratify the last two treaties even though the EU insists on it being a contracting state to the ECRML and the FCNM in order to improve its minority rights protection as an EU member state.

5) 1997 European Convention on Nationality of the Council of Europe: This convention was the first document which recognized the international legal norms on nationality. While Article 4(a) states that “everyone has the right to a nationality”, Article 4(b) says “statelessness shall be avoided” and Article 4(c) mentions that “no one shall be arbitrarily deprived of his or her nationality” (Council of Europe (g), 1997). Furthermore, Article 5(1) states that “[t]he rules of a State Party on nationality shall not contain distinctions or include any practice which amount to discrimination on the grounds of sex, religion, race, colour or national or ethnic origin” (Council of Europe (g), 1997). Greece signed this agreement in 1997 but has not ratified it yet because these abovementioned articles contradict Article 19 of the Greek Citizenship Law which has led to the loss of nationality of more than 60.000 Muslim Turkish minorities in Western Thrace.

Although they are not legally binding, the CSCE/OSCE's documents on human and minority rights are the 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, the 1990 Charter of Paris for a New Europe, the 1991 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, and the 1991 Report of the CSCE Meeting of Experts on National Minorities in Geneva.

The 1990 Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE is the most important document of the abovementioned documents which aims at the protection of and respect for minorities.

While Article 32(6) of the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (including Turkey and Greece) on 5-29 June 1990 states that “[p]ersons belonging to national minorities can exercise and enjoy their rights individually as well as in community with other members of their group” (OSCE(a), 1990, p.19), the European Commission for Democracy through Law (Venice Commission) determined in its report on 4 March 1991 (Article 10) that “persons belonging to religious minorities can exercise their religion or faith individually as well as in community with other members of their group” (translation mine; Cin, 2009, p.14). However, because the European countries think that collective rights lead to the organization of minorities, they see these abovementioned rights as threats to their sovereignty.

Article 36 of the same document states that

[t]he participating States recognize the particular importance of increasing constructive co-operation among themselves on questions relating to national minorities. Such co-operation seeks to promote mutual understanding and confidence, friendly and good-neighbourly relations, international peace, security and justice. Every participating State will promote a climate of mutual respect, understanding, co-operation and solidarity among all persons living on its territory, without distinction as to ethnic or national origin or religion, and

will encourage the solution of problems through dialogue based on the principles of the rule of law (OSCE (a), 1990, p.20).

Moreover, in the 1991 CSCE Meeting of Experts on National Minorities in Geneva, it was declared that if a community or an individual does not have minority consciousness, there is not also a minority (Cin, 2009, p.13).

These abovementioned documents are all applied to the protection of Western Thracian minorities in Greece despite the fact that they are not legally binding.

Lastly, as the main subject of this thesis, the EU deals with minority rights under the framework of human rights and relies on the provisions of the conventions of the UN and the CSCE/OSCE, and mainly on those of the CoE. Under Article 2 of the TEU, the EU wants its member states to respect human rights, including the rights of persons belonging to minorities. As in Chapter 2, it is argued here that there has been a downgrading in the wording of this following the Copenhagen criteria's 'respect for and protection of minorities' principle. Even though the EU has applied this principle to new members since 1993, it has had a very loose monitoring mechanism to oversee its current member states. That is to say, although Greece has not paid much attention to protecting and promoting the minority rights of the Muslim Turkish minority, the country has not faced any major 'sticks' or been subject to any monitoring mechanisms. Only the Western Thracian Associations' Federation in Germany as an NGO works diligently to push the EU to improve the rights of the Western Thracian Turks both in Greece and in Germany (Avrupa Batı Trakya Türk Federasyonu, 10.04.2015).

Nevertheless, in response to the EU, the Greek authorities changed the names of the two ministries in order to widen their scope to include the protection of the minority rights of the Muslim Turks. While in 2009, the Ministry of Justice was renamed the Ministry of Justice, Transparency and Human Rights; the Ministry of Macedonia and Thrace was re-established in 2012. In fact, the EU's effect on Greece has been carried out through either 'shaming' or 'threatening' it with the ECJ. For example, in a case on telecommunication, the Commission stated in 2012 that "[i]f the national authorities do not reply satisfactorily within two months, the Commission may

refer the matter to the Court of Justice of the European Union” (European Commission Press Release Database, 12.02.2015).

Moreover, in 1998 the Greek National Commission for Human Rights (NCHR) was established by the Law of 2667/1998 in order to protect and promote human rights in Greece and it started its work in 2000. The NCHR is composed of thirty-one members which are “relevant Ministries’ representatives (without voting rights), trade unions, Law and Political Science Faculties, Independent Authorities, major NGOs, political parties represented in the Parliament, the Bar Association” (AEHRD, 16.01.2015). The mission of the NCHR is, in general, to deliver guidelines to the Greek government for the development of its human rights protection. It is inspired by the Paris Principles that were also accepted by the UN and the CoE.

In addition, because Greece is subject to the EU’s Racial Equality and Employment Framework Directives as an EU member, it began to develop its non-discrimination and anti-racism legislation with the adoption of the Law of 3304/2005 in 2005 which concerns the “[i]mplementation of the principle of equal treatment regardless of race or national origin, religion or other beliefs, disability, age or sexual orientation” (UNDOC, 16.01.2015).

On the other hand, the Human Rights Watch (an effective mechanism as an independent organization) prepared a report on Greece in 2012 which criticized the xenophobic violence in the streets and also the failure of the police and judiciary to prevent the violence and punish the perpetrators. The Human Rights Watch also wanted Greece to implement Article 79(3) of the Greek Criminal Code which was amended in 2008 and in 2013 and states that “any prejudice motivation” for the xenophobia can be also judged (HRW, 2013). It has also welcomed the fact that the amended Greek Criminal Code in 2008 introduced ‘national, racial and religious’ hatred as a crime (HRW, 2013).

Lastly, the CoE’s European Commission against Racism and Intolerance (ECRI) and the EU’s Fundamental Rights Agency (FRA) have repeatedly prepared reports on the prevalence of discrimination, racism and intolerance in Greek society.

Nevertheless, the ultra-right-wing Golden Dawn party remains as a perpetrator of the discrimination, racism, xenophobia and intolerance that is targeted towards the Muslim Turkish minorities, in the first instance, and then to foreigners.

4.6 Evaluation of Interviews with Eleven Turkish Minority Persons of Western Thrace

Interviews with eleven members of the Muslim Turkish minority were conducted in Western Thrace in which the interviewees from the same families were grouped together.

By means of introduction, Interviewees 10&11&12 are from the village ‘Filira/Sirkeli’ in Gümülcine/Komotini. Interviewee 10 is a 30-year-old woman and an architect (graduated from university in İstanbul). Interviewee 11 is her sister (studying sociology at university in Athens) and Interviewee 12 is her mother (housewife). Interviewee 13 is a man who is 71 years old and a builder from the village ‘Linos/Kozlardere’ in Gümülcine/Komotini (graduated from the school of arts). Interviewee 14 is his grandson who is 23 years old, an industrial engineer and lives in İstanbul (graduated from university in İstanbul). Interviewees 15&16 live in the village ‘Sapes/Şapçı’ in Gümülcine/Komotini which is a Turkish-Greek mixed village. While Interviewee 15 is a 47-year-old woman and a writer (studying at the open university in Turkey), Interviewee 16 is her son and is 26 years old (graduated from university in Ankara from the department of international relations, then did his MA in Manchester, UK). Moreover, Interviewees 17&18 are from the Pomak village ‘Ragada/Kızıllağaç (Kızıllağaç)’ in Gümülcine/Komotini. Interviewee 17 is a 55-year-old man and a teacher at the minority school in the village (graduated from an academy), while Interviewee 18 is his son who is 27 years old, a mathematics teacher and lives in London (graduated from university in İstanbul, then did his MA in London). Lastly, Interviewees 19&20 are from the district of ‘Myki/Mustafçova’ in İskeçe/Xanthi. Interviewee 19 is a man who is 44 years old and the mayor (graduated from university in İstanbul). Interviewee 20 is his wife and she is 33 years old and a housewife (graduated from university in İstanbul).

Citizenship

All the Interviewees have Greek citizenship and most of them have never thought about Turkish citizenship because travelling to Turkey is easy and having the EU passport is more advantageous. Interviewee 10 says that she has faced difficulties seeking job in Turkey because the same procedures for foreigners are applied to them.

Interviewee 13 says that since the 1980s, travelling to Turkey has been very easy. Before the 1980s, they were forced to wait in the Greek customs house for three to four hours, once it took three days to travel to Keşan. On the other hand, Interviewee 14 has both Turkish and Greek citizenship.

Lastly, Interviewee 16 sometimes thinks about gaining Turkish citizenship because he plans to do a PhD in Turkey. Due to the strike in the Greek universities, it takes longer to finish their education in Greece. Thus, he prefers to get an education in Turkey.

Any Marginalization or Discrimination that they Face

Interviewee 10 says that she has not been marginalized because she left Greece at 18 years old and before that she had attended only minority schools. She argues that when a minority goes to a minority school, s/he is always with Turks so they can experience fewer problems from the Greeks due to there being less interaction between the two groups.

According to Interviewee 12, both Greeks and Muslim Turks grow tobacco in the villages of Western Thrace and the merchant does not discriminate in buying the products.

Interviewee 13 had worked as a builder until 1974 and earned good money but in 1974 the Greek government revoked his building permit. He says that he could not so much as change a tile for 20 years but at night they would construct buildings. If caught by the police, he was taken into custody. However, after Greece became an EU member (all the interviewees refer to the EU as the 'Common Market') the Greek government gave the building permit back. Moreover, he says that the Greek government took away

their right to choose and pay the teachers of the minority schools. Now the government appoints only the graduates of the Academy Thessaloniki.

Interviewee 13 continues to say that in the 1970s, speaking Turkish was prohibited in the cafes. At that time, he went to cafes and talked to his Greek friends in the Greek language but they answered in Turkish because in the Turkish-Greek mixed villages, some Greeks do not know Greek and are only able to speak Turkish. Moreover, he says that minorities could not get a license to drive either a tractor or a car before Greece became an EU member. He says that 70-80% of the houses in Western Thrace are illegal. The income of the Muslim Turkish minority in Western Thrace comes from tobacco, amounting to 5.000-6.000 euro per year for one farmer.

Until 1960, the name of the primary school was 'Kozludere Turkish Primary School', after that it was changed to 'Kozludere Muslim Primary School'. His diploma was double-sided, one side is Turkish and one side is Greek. Now it is only in Greek. Interviewee 13 states that until the early 1980s there was only one phone in the café in his village. The EU tried to understand the non-communication in the region and suddenly every house was hooked up to a phone. The government charges 30 euro every second month as the subscription fee, and he argues that all of these phones are tapped by the government.

Interviewee 14 says that he has some friends with dual citizenship who gave up their Turkish citizenship in order to take the YÖS exam and improve their chances of entering the medical faculty in İstanbul. He says that the 2004 Olympics led to increased expenditure which caused the Muslim Turkish minority to have 300 euro water bills.

According to Interviewee 13, the biggest traffic fine had been for the tractor owners. The police had entered the fields and wrote the fine there. He thinks that these punishments were high during ND rule. When Greece entered the Common Market and the socialist party came to the rule, these punishments were ended. He says that they have MPs as their representatives in the assembly but they are like the puppets of their parties. Before the 1980s, Turks could sell their lands and property only to Greeks at

one-tenth of the price. He argues that the minarets of the mosques in the villages cannot exceed seven meters, and if so the Greek authorities come and collapse them. He also claims that the Greek and Turkish customs houses have black books in which some names are written. The son-in-law of Interviewee 13 is in the black book of Greece. Whenever he entered the village from İpsala, the police came before him to the village.

At the time of the Cyprus issue in 1974, Interviewee 15 was a child. She was attacked by the Greek children. Since then, she does not think that she can be friends with the Greeks because she has always felt anxiety around them. When she went to primary school, the Greek teachers talked to them in Turkish and did not teach Greek. She says that before the 1980s a house could easily be recognized as belonging to a Turk due to its disrepair. She also states that the Greeks abused the Turks during the Cyprus issue in 1974 often; while they did not kill them, they beat them severely.

On the other hand, Interviewee 16 says that before the 1980s there was pressure on the minority so thousands of people migrated to Turkey. On 29 January 1988 there was a big march in Gümülcine/Komotini. Interviewee 15 says that they could reach out to the world. Interviewee 16 is surprised by how these people walked in this march. Two years later on 29 January 1990 a mini-pogrom took place. Greeks attacked the shops of the Turks and also the people. Several months before the mini-pogrom, the police came to the villages and ordered the Turkish shopkeepers to buy new signboards in order to make identification easier while attacking.

He argues that the Greeks did not prefer assimilation because they wondered: ‘do we get mixed up with the Turks?’ He says that Western Thrace is an under-developed region. When the DEB Party became the first party in Gümülcine/Komotini and İskeçe/Xanthi, the Greek Minister of Interior recommended that Greeks be brought to this region.

Interviewee 17 states that during the Colonels’ Junta between 1967-1974, they were discriminated against on the streets because they were speaking Turkish. He says that more discrimination was faced in the military. After 1974, thousands of people migrated to Bursa. Nowadays there are exceptional cases. He says that like all the other

minorities in the world, they have faced injustice. Especially until 1993, it was only based on their religion and language.

When Interviewee 17 joined the military in 1981, he was tasked with driving the bulldozer, but after his Turkishness was revealed, his responsibilities and even his gun were taken away. When he asked for the reason, the commander said that he was dangerous because he could shoot every moving thing. He says that 'we have always been a piece of wheat that smashed between the two stones of the mill'.

Interviewee 17 says that until 1985 there was also discrimination among the Muslim Turkish minority due to the Turk-Pomak-Roma division. Then he explains how they had to enter the Pomak villages before the 1980s. The person who wanted to go to the Pomak villages first had to ask the permission of the military unit of Gümülcine/Komotini, then s/he had to ask for permission of the police station, then had to bring it to the police station of the Pomak village, then the police had to sign this document and write the duration of this person's stay. Before leaving the Pomak village, the person had to bring the document to the police station of the Pomak village and make the police sign it, then s/he went to Gümülcine/Komotini directly to the police station and the police had to sign the document. Finally the person could go to his or her hotel or house. Before the 1980s, this procedure was usually stopped at the Gümülcine/Komotini police station, that is, they did not give permission to enter the Pomak village. He says that the Greek government has not wanted to mix the Pomaks of the Rhodopi Mountains and the other minorities of the savanna villages.

He continues that until the 1980s, the Pomaks were given another identity card in addition to the Greek citizenship card. With this identity card they could not go more than 30 km away. If they had to go to another city, they had to follow the same procedure to request permission. Interviewee 18 calls it a 'prison without walls'.

Interviewee 17 says that Xeroxing documents for the students was prohibited in the school but after the teacher got permission from the inspector s/he could Xerox paper (but it was impossible to obtain).

It is very important to note that electricity was brought to Ragada in May 1994 and that the asphalt-paved road only reached Ragada one and a half years ago. They say that if the village had been a mixed village with Greeks, it would have been more quickly developed. Every Muslim Turkish village has a church even though no one uses it. The Greek government makes it compulsory.

The Greek government has tried to divide the Muslim Turkish minority into ‘*gajal*’ (Turks of savanna villages), ‘*pomak*’ (Turks of Rhodopi Mountains) and ‘*çitak*’ (Alevi Turks). However, Interviewee 17 states that his Pomak ancestors came from Konya-Karaman before the Ottoman Empire invaded this region. After the Ottomans came, the Pomaks helped them a lot so the Ottomans called them ‘Pomaga’ which means in the Pomak language ‘helped’. Thus, their name became Pomak. Interviewee 18 says that his parents spoke the Pomak language to each other when he was a child.

Interviewee 19 says that being a Western Thracian Turk in Greece means being in an ongoing struggle in order to live and perpetuate their religion, language, practices and customs. He says that this is the struggle of existence. He states that due to Article 19 of the Greek Citizenship Law, thousands of Turks lost their Greek citizenship. A maximum of 250 of them could return and reclaim their Greek citizenship. When some people demanded Turkish citizenship, the Turkish government required these people to give a document to the Greek Embassy in İstanbul in which they wrote that they voluntarily relinquished their Greek citizenship. Hence, the Greek government accepted it and did not give citizenship back to them. Article 19 is paradoxical because on the one hand the Greeks call the Turkish minority ‘Muslim Hellenes’, but on the other hand they refer to the people who are not the same race of Greeks. He states that this policy has been the biggest human rights violation in Greece.

Moreover, he says that several years ago a political party called the Golden Dawn emerged as an ultra-nationalist party in Greek politics. It has a motorcycle brigade which went to the Turkish villages, raised Greek flags there and shouted slogans of ‘this is Greece’. Interviewee 20 says that the Golden Dawn’s hyper-nationalists attacked the Muslim Turkish women who wear a headscarf. Last year the

Greek government launched an operation, captured the leader of the party, and arrested their MPs.

He claims that nowadays the Muslim Turkish youth is well-educated, knows both Turkish and Greek very well, does MAs abroad, etc. He argues that if the minority speaks the Greek language well in a public institution, the person behaves in a good way until s/he sees the name of the minority. The Greeks usually think that the Muslim Turks are illiterate. If the woman wears a headscarf she is Muslim, if she is Muslim, she is also Turkish so she is illiterate.

Interviewee 20 also wears a headscarf. She says that currently the Muslim Turkish women make themselves accepted by the Greek population. Many years ago, they could not freely sit in a café. They now feel like they have proven themselves to the Greek people.

Interviewee 19 says that because Greece is a technocratic country, Islam is respected. However, all the pressure also stems from this religious difference. He argues that the Muslim Turkish minority has faced pressure sometimes due to their Turkishness and sometimes due to their Muslimness. Furthermore, Interviewee 19 says that there is a newspaper published in the Pomak language but using the Greek alphabet. Turkish is everywhere on the TV, smartphones, social media, etc. and Greece cannot prevent this.

Lastly, he argues that the Western Thracian Turks lost some of their important rights after Greece became an EU member between 1985-1995. The Turkish Union of Xanthi and the Gümülcine Turkish Union of Youth were closed down. The mufti problem emerged when the mufti of Gümülcine/Komotini died in 1981 and the mufti of İskeçe/Xanthi died in 1990. Then, the Greek government started to appoint muftis. He says that in Greece there are two different policies; one is the state policy and the other is the government policy. The state policy has been over the government policy and has not changed. And the minority policy is a state policy. In 1991 this state policy changed for the better and equal citizenship has been achieved. Instead of minority rights, the Greek state preferred to give citizenship rights. After that, the Muslim Turkish minority was more inclined to stay in Greece and not leave for Turkey. At the time of the

economic crisis in Turkey in 2004,⁴⁵ Western Thracian Turks who had migrated to Turkey began to return to Greece. Most of the Western Thracian Turks have either an apartment or land in Turkey. After the economic crisis in Greece, people started to go to Turkey again. They also become seasonal migrant construction workers in the European countries.

Greek language

While Interviewee 10 knows Greek because she learned it in high school in Western Thrace, Interviewee 11 states that the youths that attend the high schools in Turkey do not know Greek. Moreover, Interviewees 13, 16, 17 and 19 know the Greek language very well. Interviewee 17 argues that the Turks that do not use the Greek language in daily life can be marginalized by the Greek population.

They cannot do ... as a Minority Citizen

Interviewee 11 says that a Muslim Turk in Greece cannot be fireman, high-ranking soldier, pilot, or police officer, while Interviewee 10 is not sure about it. She says that the Muslim Turks are working in public institutions. According to her, things have changed and they are not the same as before. There are also mixed-marriages nowadays.

Interviewee 13 says that the Greek government has not accepted the Turkish university diploma, thus, there were no Turkish minorities working as pharmacists, taxi drivers, bakers, or gas station attendants. When a Turkish man named Fahrettin could not get the right to open a pharmacy, he held a hunger strike and was granted permission. He also tells the story of a boy from their village who graduated from the department of veterinary medicine but the government did not allow him to open an animal hospital so he has not been able to work as a vet. Thus, he opened a store where he is a tradesman.

On the other hand, Interviewee 15 argues that the strategic occupations are not given to Turks so Turks cannot be police, high-ranking soldiers, bank employees, pilots

⁴⁵ He means the 2001 economic crisis.

or firemen. Turks cannot work in post offices or in governor generalship or public services. Nowadays one or two Turks are employed in these places. Interviewee 16 says that Turks can be MPs but not ministers.

Moreover, Interviewee 17 says that the only aim of the minority was to become a teacher because they knew that they could not become a high-ranking soldier or lawyer. Today the Turks can work in every institution but as a token. The government officials take the picture of these Turks and send it to the EU in order to show that they are employing Turks also. The Turks cannot be academics in Greek universities but they can work in Greek schools as teachers. As a response, the Greek government also wants to appoint Greek teachers to Turkish minority schools. If the Muslim Turkish minority objects to it, the Greek government says that these are equal implementations.

Interviewee 19 says that they cannot be police, high-ranking soldiers, police commissioners or pilots. He continues to say that a minority cannot be a diplomat or a minister, maybe a deputy minister, but they have three MPs in the assembly. This is proof of the political presence of the Muslim Turks. In the provincial elections of May 2014, 43.000 votes were given to the DEB Party even though they knew that they could not elect an MP from this party.

Any Prejudice against the Muslim Turkish minorities in Greece

Interviewee 10 thinks that Greeks are accustomed to the Muslim Turks in Western Thrace but after Thessaloniki many people do not know about the Muslim Turkish minority.

Interviewee 13 says that his Greek friends cannot call him as ‘Turkish’ but ‘Muslim’. He asks his Greek friends if they know a Muslim language. They say no. And he continues to say that their language is Turkish so they are Turkish but the Greeks do not accept it.

The husband of Interviewee 15 is a doctor. She is not sure that he has any Greek patients. Interviewees 15&16 say that the Greeks ‘absolutely’ still have prejudices against the Muslim Turkish minority. They think that among the Turks,

Pomaks, and Roma people the Roma are discriminated against the most because the Greeks think that they are incorrigible.

Interviewee 19 thinks that there is absolutely prejudice against minorities in Greece. He says that having a Muslim Turkish name initiates the prejudice of the Greek people.

Any Prejudice within the Muslim Turkish minority against the Greeks or other Muslim minorities

While Interviewee 10 does not have any Pomak friends, Interviewee 11 has many Pomak friends at university. She says that Pomaks hang out with Pomaks and Turks with Turks but that they do not have any problems with each other. Interviewee 10 says that the Muslim Turkish minority in Western Thrace is a closed community similar to the Greeks of Greece and Turks of Turkey. She also thinks that there is sympathy for Pomaks but that people fear the Roma people who are market sellers and have four to five children. The Greek government gives incentives to the families of four children (for three children before the crisis).

Interviewee 12 says that they cannot live with the Roma people together and she does not want her daughters to marry a Turk from Turkey.

According to Interviewee 13, Greeks are very good people in the conversation but they do not leave their internal nationalism. He says that there are still religious people among the Western Thracian Turks who support having Friday as a holiday. He continues that the Roma people register themselves with the Roma Association for three years and then get 50 thousand euro from the government.

On the other hand, Interviewee 15 says that saying Gypsy to a Gypsy is the biggest insult, and that they are 'dark citizens'. She says that the Turks in Western Thrace exclude the Roma people.

Interviewee 16 carried out interviews with Pomaks in the Pomak villages of İskeçe/Xanthi for his MA thesis. He put the Pomak language among the languages that they know. Pomaks got very angry when they saw the Pomak language there. They said

that this is a dialect not a language because it is composed of 300 words. He says that this is representative of Ernest Gellner's high culture. Muslims in the Balkans search for a high culture and they find this in the Turkish identity. The Ottoman Empire is missed by them. The Pomak language is spoken in homes, while in the minority schools the language of the education is Turkish. Even the sermons in the mosque are delivered in Turkish.

Interviewee 17 claims that if the Muslim Turkish minority went to the Greek secondary and high schools and then to the Greek universities, they would become Greek. He says that in the end all of the people are brothers and sisters descended from Adam and Eve.

Moreover, Interviewee 19 claims that in the 29 January 1988 riots, Pomaks were in front of the crowd. While Greece tried to divide the minority into Turks, Pomaks, and Roma, he says that they have been lumped together.

Living in Turkey

Interviewee 10 has been living in Turkey for thirteen years but every holiday she comes to Western Thrace.

Interviewee 11 says that the number of Muslim Turkish youth that go to Turkey for education or work has decreased because an interview system now takes place to gain university entrance and the student must convince administrators that s/he will return to Greece after graduation. If s/he wants to work in Turkey after graduation, 80% of the scholarship will be cut.

On the other hand, Interviewee 13 thought once of migrating to Turkey in 1968 but his father did not support him so he went to Germany as a seasonal worker.

Also, Interviewees 19&20 were educated in Turkish universities but they went there intending to return to Western Thrace.

Homeland

All the eleven Interviewees accept that their homeland is Greece but their home country is Turkey. Interviewee 15 says that they are living in Greece under the shadow of their home country Turkey while Interviewee 17 thinks that the Muslim Turkish minority has survived there courtesy of Turkey. He says that denying this would be ingratitude.

In addition, Interviewee 20 says that their heart beats in Turkey but they cannot leave İskeçe/Xanthi because their homeland is this region. Interviewee 19 says that they are treated like they are foreigners in Turkey because of their Greek citizenship, but they feel better when they go to Turkey because they speak Turkish and people are accustomed to seeing women with headscarves. He says that they do not feel 'other' in Turkey. He states that they have a 'certificate of etabli' with which they are treated like Turkish citizens in Turkey.

Do they feel Turkish or Greek?

All of the eleven Interviewees feel they are Turkish. Moreover, Interviewee 16 states that if the foreigners abroad ask where he is from, he says 'I am Turkish from Greece'. He says that he cannot say that he is Greek.

What type of minority do they belong to?

While Interviewee 10 defines the Muslim Turks in Greece as the religious minority, Interviewees 15&16 define themselves as an ethno-religious minority. In the interviews of Interviewee 16 with the Pomaks, in fact, Islam is a more defining factor of their identity than Turkishness even though some of them do not believe in God.

Moreover, Interviewee 17 says that they have national and religious identities. He thinks that the Islamic law promotes universal rights. He argues that the Islamic law protects women but that official marriage in Turkey cannot protect women so everyday women are killed by their husbands.

Interviewee 19 thinks that the Muslim Turkish minority in Greece is an ethnic, religious, and national minority.

Improvements in Minority Rights in Greece

Interviewee 12 is thankful to the Muslim Turkish MPs for the ability to depend on them in case of necessity.

On the other hand, Interviewee 13 states that the Common Market brings developments but none of them helps the Muslim Turkish minority. He says that now Greece provides a special quota for the Muslim Turkish students entering in the Greek universities. He also claims that he is 71 years old and over 71 years he has not observed any changes to the Greek policies on minorities. The Common Market gives a tobacco incentive to the Muslim Turkish farmers which was passed as a law by the assembly. The MPs (especially the Minister of Interior) in the assembly discussed why and how these Muslim Turkish minorities have earned so much money. However, after the economic crisis, they put a quota in place.

Interviewee 16 states that Greece became a democracy in 1975 and became an EU member in 1981. Greece has developed in every area but not in the area of minority rights. He says that after the mini-pogrom on 29 January 1990, Athens immediately gathered together and decided to make a change along with PM Mitsotakis whose slogan was 'isonomia-isopolitia', that is, equal citizenship rights. After that, driver's licenses for tractors and cars were given and building and repair permits were also given. He says that these are citizenship rights not collective rights.

He argues that the EU membership in addition to the 1988/1990 events led to some improvements being made in the area of minority rights. He also draws attention to the Western Thracian Turkish community in Germany that has raised its voice in the international arena to promote these rights. This led to the Human Rights Watch going to Western Thrace and writing a report on the problems of the Muslim Turkish minorities. He calls the 'internationalization of the minority question'.

Furthermore, Interviewee 17 says that in 1993 they gained the right to buy and sell property, even though they had all the rights between 1950-1960. The junta had repealed these rights. After 1980, with EU membership and the PASOK coming into power things changed. The Greek government declared that a Muslim is equal to a Greek. He says that it is not correct to say that there is ongoing governmental discrimination against minorities in Greece, but if you go to a public institution, you can be discriminated against. He claims that it depends on the place and person. He continues that Greece softened its discriminatory policy against the minorities during the crisis. He says that 'when it is starving, it becomes a jar of pity'.

On the other hand, Interviewee 17 says that in order to have a profession other than that of a teacher, minorities have had to go to Turkey for university. However, after 1993 a special quota was given to the Muslim Turkish minority, first 1.5%, then 5%, and then increased to 7%. Thus, now the Turks have more advantages than the Greeks. After the 1980s when the PASOK came into power, he says that they gained their Muslim Turkish identity back. Interviewee 17 claims that EU membership positively affects the minority rights. Economically, the Muslim Turks benefit from EU funding and in terms of political rights, Greece has decreased its pressures. They have always had MPs representing them but he claims that these MPs are given the right to speak to the extent that their parties allow. In the last elections, the minority supported the DEB Party. He argues that the Muslim Turkish minority showed their position to Greece and to the EU.

Lastly, Interviewee 19 says that nowadays Greeks choose Turks as firemen and public servants. At the time that the Minister of Foreign Affairs, Dora Bakoyanni, set the quota for university entrance (5/1000), a similar quota was also set for entry to public service but this has not yet been implemented.

Do they feel like a Second-Class Citizens?

Interviewee 10 is glad that she did not migrate to Turkey during the Population Exchange. She argues that the advantages of being a minority exceed the disadvantages. She also thinks that the Greek government has not silenced the Muslim Turks. She

states that they feel like second-class citizens because they have created this mentality with their minority psychology not because the Greek government discriminates against them.

On the other hand, while the daughter of Interviewee 15 says that they are exactly second-class citizens, Interviewee 17 says that he has never thought that he was a first-class citizen. Interviewee 19 has also sometimes felt that he is a second-class citizen but he argues that it depends on the person or on the situation.

The Biggest Problem of the Muslim Turkish Minority in Greece Today

Interviewee 10 thinks that the Muslim Turks see themselves as inferior to the Greeks. She calls it a 'minority psychology'. She says that the biggest problem of the Muslim Turkish minority is education. Education in the minority schools is very bad because the teachers graduate from the Academy in Thessaloniki without a very good education. A friend of hers told her that the teachers slept in the classrooms, for example. She continues to say that the students go to secondary school without knowing calculus. She says that she would prefer these schools to be closed down rather than deliver a poor standard of education.

Likewise, according to Interviewee 13, the biggest problem of the Muslim Turkish minority in Greece is education. He argues that minority education is very bad. Fathers of several children reported a teacher to the government but s/he was removed from this position then appointed to another village. He says that in last two years, nineteen minority schools have been shut down. The Greek government has started to train *imams* so it will appoint the *imams* like it did the teachers. He says that some of the Muslim Turks will like this because it means they will not have to pay the *imams*. Moreover, he says that Greece does not recognize their elected muftis. He finds it funny that the appointed muftis sign the wedding certificates of the children of the elected muftis. The muftis are generally graduates from Arabic countries (Saudi Arabia, Egypt, etc).

Interviewee 15 states that the muftis' appointments are life-long. After they die, problems occur.

Interviewee 16 says that the Law of 1240 for the appointment of *imams* was passed but the Muslim Turkish minority wants to continue to pay the salaries of *imams* and the bills of the mosques. He adds that education is the biggest problem of the minority.

When Interviewee 17 started to teach, there were 244 minority schools in Western Thrace. In June 2014, eighteen minority schools were closed down due to insufficient numbers of minority students. He finds this sensible because education does not work with three students in a classroom. Now he is a teacher in a minority school which has two classrooms. In one classroom are the students of the first, second, and third grades and in the second classroom are the students of the fourth, fifth, and sixth grades. He spends three hours with the first three grades and another three hours with the latter grades over the day.

Interviewee 18 says that in the primary school they had only one book which was published in 1972 and was called ‘natural history’ but they used it in order to learn to read.

On the other hand, Interviewee 19 finds the education system weak in terms of racism and xenophobia. The history textbooks lead to the prejudice against Turks. They should be changed. According to him, the biggest problems of the minority are education and the sense of national identity. Since 2011, Greece has instituted ten-year compulsory education plus one year of kindergarten but the kindergartens’ education is delivered in Greek. Kids then face problems when they start at the minority primary school. Until 2004, the minority students also had shortages of books and materials in their schools. There is no private minority school. There are only two high schools; one is in Gümülcine/Komotini (Celal Bayar High School) and another is in İskeçe/Xanthi (Muzaffer Salihoğlu).

The Principle of Reciprocity of Turkey and Greece in terms of their Minorities

Interviewee 12 says that they cannot compete with the Rum people of İstanbul because they are well-educated whereas the Muslim Turkish minority is composed of agriculturalists and farmers.

Interviewee 16 adds that the decreased number of the Rum minorities in İstanbul has also badly affected them. The years between 1950 and 1955 were the golden years in Turkish-Greek relations. He finds that the Rum minorities of İstanbul have better living conditions than the Western Thracian Turks. He says that urban communities can migrate easier than the farmers. The Greeks say that because there was less pressure for Turks they did not migrate so their number is between 100-120.000 today while the Rum people of Turkey numbers around 2.000-2.500; he thinks that this is not true, and that instead it stems from the farming.

Moreover, Interviewee 17 says that if Turkey and Greece have political problems like Cyprus, they fear discrimination, Greek soldiers, and tanks. But if the problem is economic, they do not feel any pressure. He thinks that the Rum people of İstanbul are in a better situation than they are.

According to Interviewee 19, the Rum people of İstanbul live in a cosmopolitan city. They are well-educated. They are traders and do not have economic problems but he thinks that the Rum people also face prejudice in Turkey because they are Christian. The 6/7 September 1955 pogrom was a disaster but at least people discuss it. In Greece, no one can discuss the 29 January 1990 events. He says that the reason for the decline in the number of Rum people is not the Muslim Turkish minority, instead he wishes that their number was higher than it is today. He says that their common feature is being a minority. He thinks that Turks in Turkey see having a Rum friend as an extraordinary or privileged thing. They do not see them as an enemy. In Greece, Turkish music has been heard for the last ten years but in Turkey you can hear Greek music everywhere.

Any Suggestions?

Interviewee 10 argues that the Muslim Turkish minority should learn the Greek language. They should understand the news of this country when they turn on the TV. She says that it is ridiculous to watch the news of Turkey as if they live in Turkey. People should learn to live in harmony with the Greeks. She thinks that it is not important to preserve the Turkish language.

Moreover, Interviewee 17 says that once the Muslim Turkish minorities have the same rights as the ordinary Greek citizens, then they will be happy. In terms of the mufti problem, Muslims should elect their own religious leaders. In terms of education, the history, geography, and social studies courses are given in Greek which had been in Turkish. This should be changed. He thinks that the salaries of the *imams* and the bills of the mosques should be paid by the Muslim Turkish minorities. It is not fair for the Greeks to pay them because they do not have any interest in this religion. If the Muslim Turks pay the salary of the *imam*, then they have the right to dismiss him when they do not like his work because he also has a position of authority (he has a stamp). If the Friday sermon is prepared by Athens, the minority will not like it.

Interviewee 19 thinks that there is no longer any prejudice in sport or business affairs but that it remains in politics. The minorities should not fear the possibility of a Turkish-Greek war. He states that they want to contribute to the peace and friendship of Turkey and Greece. They do not want to become a bridge of peace because they do not want people to pass over it while stepping on them. They just want to have the same minority rights that are given to other minorities in Europe. He says that they are living in an EU member state so they want to share in the EU's values. They want to be free.

Greeks do not accept them as the Turkish minority but he argues that they are good citizens, they obey the laws, they pay taxes, they serve in the military, they do not kill, they do not form terrorist organizations, and they work more than the Greeks. He claims that Greece still regards the Muslim Turkish minority as a threat. The Greeks think that since Turkey invaded Cyprus it can also invade Western Thrace.

The Turkish media does not pay attention to their problems. He finds the Turkish policy on Western Thrace to be wrong. Turkey considers Western Thrace in its Balkan policy. He wants the Turkish businessmen to come to Western Thrace and open factories (if the Greek government allows it) in order to employ the Muslim Turks.

Furthermore, he has applied to the government to open one more minority high school because two is not enough, but the government has not answered yet. Hence, he is preparing to apply to the ECtHR. They do not demand that a university be opened because he says that the important thing is that the youth should be able to return to Western Thrace and engage in their chosen professions. He says that a psychologist cannot do his/her job in Western Thrace and has to work as a farmer or a waiter.

Lastly, Interviewee 19 says that the Muslim Turks love their flag, love their country, love their state, obey all the rules of the state, and work hard for the development of Greece. He thinks that Greece will benefit (rather than suffer) from giving greater minority rights in addition to the basic citizenship rights that are granted to the Muslim Turkish minority. They want to live in Greece in peace and with peace of mind. He concludes that they do not harm anyone in Greece so they do not expect to be harmed.

4.7 To what extent is Greece Europeanized in terms of its Minority Rights Protection? Sociological Institutional Social-learning and Lesson-drawing Models and the Rational Choice Institutionalism to Explain Europeanization of Minority Rights in Greece

In terms of the sociological institutionalist logic of appropriateness, norm entrepreneurs and a political culture help countries to internalize the European norms, rules, practices, and ideas and then use them to create a domestic change. However, according to sociological institutionalism, when there is high adaptational pressure between the country and the EU, strong institutional inertia exists in the country which prevents any domestic change (Radaelli, 2003, p.70). In order to overcome this inertia and to decrease the high adaptational pressure, norm entrepreneurs, political culture, and other informal institutions should cooperate with the multiple veto points and

existing formal institutions. This is representative of Greece's experience with the minority rights issue.

The sociological institutionalist social-learning and lesson-drawing models are more appropriate to Greece than the rational institutionalist external incentives model because, while the former can be applied to the countries which are not certain on their preferences and strategies, the latter can be applied to the countries whose strategies and ultimate aim are well-defined (Radaelli, 2003, p.74). That is, whereas the rational institutionalist model requires simple learning, the sociological institutionalism demands complex learning (Schimmelfennig and Sedelmeier, 2005, p.21).

Not only Greece, but also the core countries of the EU, face problems in the process of Europeanization. For example, although Germany's domestic structure is very similar to the EU, it also experiences misfits; or Germany has problems due to the citizenship norms of the Council of Europe which were easily resonated by other member states (Radaelli, 2003, p.62, 67). Hence, Germany underwent a social-learning and lesson-drawing process in order to align with these rules (Checkel, 2000; Radaelli, 2003, p.68).

On the other hand, some institutions are needed in order to implement the EU's policies. For instance, while the UK can implement the EU's policy of 'equal pay and equal treatment' through 'the Equal Opportunities Commission', France cannot demonstrate any development due to its lack of a similar institution (Radaelli, 2003, p.65). Thus, Greece could make major improvements to its minority rights policy with the establishment of a 'Ministry of Minorities', for example.

When Greece became the tenth member state of the EEC/EU on 1 January 1981, there were no detailed conditions for the membership. At that time, according to Article 237 of the Rome Treaty, being a European country was the only condition to become a member of the community. Therefore, when the Copenhagen criteria were set in 1993 as the membership criteria, the existing member states were not affected by these conditions which include 'the respect for and protection of minorities'. The EU does not have effective 'sticks' for the member states that do not improve their minority

rights policies because the community itself does not have a common minority rights policy and the ECJ did not have any jurisdiction over the minority rights issues until the Amsterdam Treaty entered into force. Hence, several international agreements and especially the ECtHR are the mechanisms which have pushed Greece to improve its minority rights protection policy. In terms of the logic of the appropriateness of the sociological institutionalism, norm entrepreneurs, a political culture, and other informal institutions help the country to socialize and internalize the European norms, rules, practices and ideas which leads to the domestic change in the end.

Radaelli (2003, p.70) argues that if the situation in the member state is totally dissimilar to what the EU demands or if the EU rules, norms and institutions are difficult to digest, there emerges a high adaptational pressure which will lead to a strong institutional inertia, which means 'lack of change'. This is what Greece has experienced in the minority rights issue. However, Radaelli (2003, p.37) also argues that long-term inertia should produce 'crisis and abrupt change' (also see Olsen, 1996). Here, it can be easily seen that Europeanization of Greece on minority rights issues remains at the level of inertia.

The variables of the social-learning and lesson-drawing models are legitimacy, identification, and resonance (Schimmelfennig, Engert and Knobel, 2005, p.35). While Greece has fully identified itself with the EU for many years, this does not mean an automatic alignment with the EU rules, norms, and ideas so legitimacy and resonance of the Europeanization of minority rights are investigated here.

There were two waves of Europeanization of minority rights protection in Greece. The first wave was during the Mitsotakis government between 1990 and 1993, and the second one was during the Simitis government between 1996 and 2004 (Grigoriadis, 2008, pp.28-30).

The New Democracy Party (ND) formed a government in 1990 under the leadership of then Prime Minister Konstantinos Mitsotakis whose aim was to re-establish strong relations with Europe which had been loosen by the former PASOK government. In order to re-establish strong relations with the EU, Mitsotakis had to both

liberalize and Europeanize Greece's politics and economy. Thus, Anagnostou (2005, pp.339-340) argues that establishing European-minded minority policies was one of the primary aims of that government because "the election of independent minority Members of Parliament, the intensification of the campaign to recognize the Turkish identity of the minority and the riots of January 1990 underlined the urgency of a decision to reform government minority policies" (cited in Grigoriadis, 2008, p.28).

In an effort to do so, Mitsotakis visited the less-developed Western Thrace in May 1991 and declared that he would try to erase past errors and change this injustice being faced by the Muslim minorities in Greece. Moreover, for the first time in Greek minority history, Mitsotakis as a Prime Minister recognized that the Muslim minorities of Western Thrace, as defined by the Lausanne Treaty, are composed of three ethnic groups; Turks, Pomaks, and Roma. More importantly, Mitsotakis announced a new slogan called 'legal equality–equal citizenship (*isonomia–isopoliteia*)' which highlighted the equality between ordinary Greeks and the minorities (Grigoriadis, 2008, p.28). With this new minority policy, Greece tried to remove some of its undemocratic rules but this could not include, however, the abolition of Article 19 of the Greek Civil Code due to the increasing opposition from the rising nationalism of the Greek public. Because this powerful veto player, the Greek public, accused the Mitsotakis government of violating Greek national interests, it lost its power and was overthrown in 1993. Mitsotakis was replaced by Andreas Papandreou in 1993 as the new PASOK government which was "much more populist, nationalist-prone and did little to further the reform agenda" (Grigoriadis, 2008, p.29).

Moreover, the Muslim Turkish minority formed a party, DEB, in 1991 under the most well-known Muslim Turkish minority, Dr. Sadik Ahmet. Furthermore, the Muslim Turkish minority in Western Thrace had been trying to earn a place in the Greek democracy with its independent MPs. There are currently three independent MPs belonging to the Muslim Turkish minority in the Greek parliament, and three Muslim Turkish mayors have been elected.

The second wave of the Europeanization of minority rights protection in Greece started in January 1996 at the time that Papandreou was succeeded by

Konstantinos Simitis' PASOK government. The new slogan of the Simitis government was 'a less nationalistic and more European strong Greece' (Grigoriadis, 2008, p.29). Therefore, Simitis aimed at reshaping the Greek foreign policy, Greek identity and Greece's national interests by joining the EMU (Economic and Monetary Union), and taking a leadership role in the Western Balkan countries by preparing them for EU membership as the 'transmission belt' of European rules, norms, and practices (Grigoriadis, 2008, p.29).

At first glance, Simitis thought that Greece had to decrease the number of the decisions of the ECtHR on the minority rights issues. Similarly, the existence of Article 19 of the Greek Civil Law continued to be one of the most discriminative Greek policies and lessened the prestige of Greece in the international arena. When the Monitoring Committee of the CoE declared in 1997 that Greece would be monitored in 1998 due to its policy based on Article 19, the Simitis government decided to abolish Article 19. The abolition of Article 19 did not mean, however, that the citizenship of more than 60.000 people would be automatically returned.

Furthermore, the Simitis government signed and ratified some international agreements related to the improvement of the legal status of the minority rights protection; Greece ratified the 1966 UN Covenant on Civil and Political Rights in 1997 and signed the 1995 Framework Convention for the Protection of National Minorities and the 1997 European Convention on Nationality of the Council of Europe but not has yet ratified the last two conventions.

The Simitis government's Minister of Foreign Affairs, Georgios Papandreou, pointed to the ethnic character of the Muslim minority in Western Thrace in his statement that "[n]o one doubts that there are many Muslims of Turkish origin. Of course, the Treaties [of Lausanne] mention only Muslims. If no one contests the present borders, I could not care less if one calls himself a Muslim or a Turk, a Bulgarian or a Pomak" (Grigoriadis, 2008, p.30).

Since its establishment, minority rights protection has not constituted one of the fundamental principles of the Hellenic Republic, instead this was regarded as a

burden based on the principle of reciprocity (also see Tsitselikis, 2006, pp.383–384; Grigoriadis, 2008, p.30). “It was to Turkey and not to its own citizens that Greece ‘owed’ respect for minority rights” (Grigoriadis, 2008, p.30). In other words, this reciprocity principle means that if Turkey improves the rights of its Rum minority, then Greece would also take steps to protect the rights of its Muslim Turkish minority.

Even though the two Europeanization waves have led Greece to improve its minority rights protection policies through the initiatives of the two Prime Ministers and proves the sociological institutionalist social-learning and lesson-drawing models, “[l]imitations to the right of ethnic self-identification, freedom of expression, association and religion and the problem of statelessness have remained and tarred Greece’s improved record in minority rights protection” (Grigoriadis, 2008, p.30; see also Human Rights Watch, 1999; Kostopoulos, 2004).

Grigoriadis (2008, p.30) claims that giving the right of ethnic self-identification to the Muslim Turkish minority will pave the way to the freedom of expression, association, and religion. After that, if the mufti problem would be solved by agreeing on whether to keep the dual role of the mufti (religious and judicial/administrative) or separate them, then Greece would make the Muslim Turks free to elect their own muftis.

On the other hand, the EU still demands that Greece ratify the 1995 Framework Convention for the Protection of National Minorities, the 1997 European Convention on Nationality and to sign and ratify the 1992 European Charter for Regional or Minority Languages as they set the EU’s core minority rights standard for its member and candidate countries. It seems that the minimum progress in minority rights protection made by Greece has been paused since the late 1990s and that Greece has not felt any pressure to make improvements despite a number of cases going to the ECtHR regarding the country’s minority rights.

To sum up, in the Europeanization of minority rights protection in Greece, high identification and low resonance have been persistent. Since there is still no common minority rights policy in the EU, the EU has lost its legitimacy in this regard. While the

EU tries to regain its legitimacy through a number of cases in the ECtHR concerning minority rights, the EU has failed and Greece has not much felt any pressure to improve. On the other hand, since its establishment, Greece has fully identified with Europe as the tenth member state of the EU. Although the Prime Ministers (Mitsotakis [1990-1993] and Simitis [1996-2004]) initiated improvements in the Greek minority rights policy as part of the lesson-drawing model, they faced strong reactions from the veto players in the country. According to Schimmelfennig and Sedelmeier (2005, p.221), “[t]he massive transfer of EU rules cannot be explained simply by lesson-drawing or social-learning”. Thus, rational institutionalist veto players and other formal institutions are needed in this case. In contrast to major reforms regarding minority rights protection in Greece, the election of muftis, lost citizenship due to Article 19 of the Greek Citizenship Law, minority education, and the minority foundations are still problematic. Thus, the size of the adaptational costs has remained high which has led to the lack of resonance. In conclusion, it can be stated that the Europeanization of minority rights in Greece has remained in the level of inertia. Relying on Radaelli’s interpretation (2003) that claims that long-term inertia leads to political crisis and prevents domestic change, Greece’s Europeanization of minority rights protection seems unlikely to occur in the near future.

4.8 Conclusion

Greece started to arrange for the rights of its Muslim Turkish minority after 1830 when the country gained its independence, even though the Muslim Turks acquired minority status with the 1923 Lausanne Treaty. Since then, the Greek governments have seen this minority as a threat to its internal security due to its kinship with Turkey. Because Greece has feared repeating what happened in Cyprus, it had tried to prevent Western Thrace from becoming a second Cyprus by putting restrictions on the fundamental and citizenship rights of the Muslim Turkish minority there which was excluded from the Population Exchange in 1923.

However, after the 1930s, Greece also had internal problems. The dictatorships, WWII, the civil war, coups d’état and the junta period had affected Greek treatment of the Muslim Turkish minority. Although Greece established a democracy in

1975 and became the tenth member of the EU in 1981, the Muslim Turks had to wait until the early 1990s to gain back their citizenship rights. Just after the mini-pogrom on 29 January 1990 in which Greeks attacked the Turks, their shops, and houses, Prime Minister Mitsotakis decided to make a change which is referred to by the slogan of 'legal equality–equal citizenship'. In addition, Prime Minister Simitis came into power in 1996 and continued the improvement in minority rights in Greece by making sure to sign the major international agreements which provided protection for the minorities. These are perceived as bottom-up attempts by the two Greek PMs to improve the minority rights in Greece. Thus, the social-learning and lesson-drawing models of the sociological institutionalism can be applied to the Greek case.

Even though the presence of nationalism within the Greek state cannot be extinguished, and the Golden Dawn party continues to discriminate against the Muslim Turkish minority, the EU cannot put too much pressure on the Greek government to change this situation due to a lack of effective monitoring mechanisms and also some 'sticks'. The Greek government has been trying to eliminate this veto player; that is to say that the leader of the Golden Dawn party was arrested, but the Europeanization of minority rights in Greece seems to continue to be problematic. Therefore, the current situation of inertia in terms of the minority rights protection process persists.

The eleven Interviewees of Western Thrace generally argue that before receiving positive minority rights they should also be granted some fundamental citizenship rights by the Greek government. According to them, the biggest problem faced by Western Thracian Turks is the quality of minority education and the non-recognition of their 'Turkish' identity. They argue that their problems would be solved if the Greek authorities would pay attention to the EU's values (stated in Article 2 of the TEU) as an EU member state.

5. CONCLUSION

Both Turkey and Greece have been regarding the minority rights issue as threatening to increase separatism in each of the countries which negatively affects the security and integrity of the states. Therefore, the domestic costs of implementing minority rights policies in Turkey and Greece have been always high. Veto players in both of the countries have attempted to prevent any law- and policy-making initiatives on minority rights protection. It is true that in Turkey and Greece the Europeanization of minority rights becomes “an issue of lesson-avoidance rather than lesson-drawing” (Schimmelfennig, Engert and Knobel, p.215). Akgönül (2007, p.227) also argues that the two minorities in Turkey and Greece have become hostages in the hands of the Turkish and Greek authorities.

According to Heritier (2005, p.207), Europeanization East is a one-way street, whereas Europeanization West seems a two-way street. Europeanization East implies a top-down Europeanization through the EU’s conditionality tool, while Europeanization West represents the merger of both ways. Nevertheless, when there is *inertia* in Europeanization West, that is when there is no change, it means that the EU imposes ‘relatively mild sanctions’ on Western countries (Heritier, 2005, p.205). This is demonstrated by the Europeanization process of minority rights in Turkey and Greece. That is, while Turkey faces top-down Europeanization through the EU’s conditionality tool, Greece does not face a two-way street in terms of the Europeanization of its minority rights and because there is *inertia*, it seems that the sanctions of the EU on Greece are not enough to change the situation.

After the EU declared the Copenhagen criteria in 1993, the principle of ‘the respect for and protection of minorities’, as a part of the political criteria began to be applied to the new candidate countries. Since then, Turkey has been trying to overcome the problems in the minority rights protection of its non-Muslim and, to a lesser extent, its Muslim minorities. Here, the rational institutionalist external incentives model was applied to the Turkish case in which the cost-benefit calculations of the multiple veto points and the existing formal institutions were found to have played a significant role. In addition, the conditionality tool of this external incentives model can easily explain

the Europeanization process of Turkey due to its candidate status. Nevertheless, since the EU has lost the credibility of its conditionality tool for Turkey, Turkey has started to think that it will never become a full member of the EU and so it has stopped making reforms regarding minority rights and also ceased to implement the existing ones.

When Greece was accepted to the EEC as a full member in 1981, it did not have to meet any criteria to improve its minority rights protection. When the CEECs became independent nation-states after the collapse of the Soviet Union in the early 1990s, the EU started to pay attention to the minority problems in both member and candidate countries. That is why Greece initiated an improvement process for the protection of minority rights in its country during the 1990s, especially for the Muslim Turkish minority in Western Thrace. However, this process did not come to a satisfactory end and significant problems still exist today. According to Moravcsik (1995, p.161), “[t]o investigate the reasons which prompted the change in the position of the Greek government, one can consider European pressure expressed in the form of ‘shaming’” (cited in Grigoriadis, 2008, p.37). Thus, Greek policy-makers have initiated the reforms on minority rights protection voluntarily, as explained by the sociological institutionalist social-learning and lesson-drawing models. Nevertheless, the reform process has stopped due to the rational institutionalist cost-benefit calculations mechanism. That is, because the costs exceeded the benefits for Greece in the improvement of minority rights protection and there were neither ‘carrots’ nor ‘sticks’, the country did not see any reason to continue its reforms. For both Turkey and Greece, Checkel (2001, pp.575-576) thinks that, “[t]he evident shortcomings in the reform process could be attributed not only to the limited nature of the diffusion of European norms but also on the basis of bureaucratic inertia and lack of cooperation with political elites, what is also called ‘involuntary non-compliance’” (cited in Grigoriadis, 2008, p.38).

Even though minority rights protection is not a part of the *acquis communautaire* and the EU has not yet established a common standard for it, conditionality for the candidate states differentially emphasizes the protection and promotion of minority rights. On the other hand, the EU also demands that its member

states improve their minority rights policies but it does not have any effective monitoring mechanisms for it.

As a result, the EU has been applying a differentiated policy to its member and candidate countries in terms of their protection and promotion of minority rights. Thus, its conditionality tool has started to lose its credibility for the candidate countries, especially for Turkey. In order to overcome this differentiated approach to minority rights, the EU should create a common minority rights policy which will lead the member and candidate countries, especially Greece and Turkey, to think that the European countries should possess a real minority rights protection scheme “as a natural consequence of the rule of law and an indispensable element of a consolidated democracy” (Grigoriadis, 2008, p.38).

As a result of this analysis, the thesis’ two main research questions can now be answered.

To what extent have Turkey and Greece been Europeanized in terms of their minority rights protection? Has Turkey been more effectively Europeanized than Greece?

In light of the two models of Europeanization; external incentives model of rational choice institutionalism and social-learning and lesson-drawing models of sociological institutionalism, it can be said that the rational institutionalist external incentives model explains the first years of the Europeanization of minority rights in Turkey between approximately 1999 and 2005 due to the conditionality tool, while the sociological institutionalist social-learning model explains the period from 2006 because of the non-implementation of the adopted reforms. In contrast, the social-learning and lesson-drawing models of sociological institutionalism explain the Europeanization of minority rights in Greece due to the EU’s ‘political shaming’ of it (Moravcsik, 1995; Grigoriadis, 2008), but the rational institutionalist cost-benefit calculations also play an important role in creating *inertia*. This thesis concludes that while Turkey has been Europeanized at the level of *accommodation*, that is that there is a change but it is modest due to the non-implementation problem, Greek

Europeanization has stayed at the level of *inertia* which means that there is no change. This proves that Turkey, as a candidate state, has been more effectively Europeanized than Greece which has been an EU member state since 1981. If Turkey can implement all the adopted reforms, then the country can be upgraded to the level of *transformation*.

Moreover, it seems that this *inertia* in Greece will not be changed in the near future because the EU does not have a common minority rights policy or a separate set of legislation on minority rights or a functioning monitoring mechanism of it for its member states. Therefore, since the EU is not clear in terms of its minority rights policy, it has lost its credibility which led to both its member and candidate countries to fail to adopt or implement the rules stemming from the obligations of EU law.

Does the EU have a common minority rights policy? If not, can the EU's conditionality tool be effective for Turkey's Europeanization process?

The EEC/EU started to deal with human rights issues in its relations with the third countries in early 1989 at the time that the EEC/EU began to negotiate the trade and cooperation agreements with the CEECs. Then, the European Parliament declared that henceforth the economic agreements with third countries would also include a 'human rights clause' (Schimmelfennig, Engert and Knobel, 2005, p.30). Afterwards, the EU began to pay attention to minority rights issues and Ram (2003, p.28) and Kurban (2008, p.272) believe that the full membership perspective of the CEECs came to the fore just after the collapse of the Soviet Union "due to the potential threat of minority discontent to stability and democracy throughout Europe in the post-Cold War era" (cited in Yilmaz, 2012, p.121).

The minority rights policy is a sensitive issue for the EU, its member states and also its candidates. However, while the minority rights issue is not a part of the *acquis*, the EU has not yet established a common minority rights policy so it has applied a differentiated approach to its internal and external policies (De Witte, 2004; Schweltnus, 2005, p.51). Here, the EU rule is weak whereas the conditionality became strengthened for the candidate countries after 1993 when the Copenhagen criteria were created. Thus, the EU has preferred to import the rules of the other European

organizations, the UN, CoE, and OSCE, and has determined that these rules can establish a standard for minority rights in Europe. According to Schweltnus (2005, p.53), member or candidate states are not likely to fit the lesson-drawing model under these conditions.

The EU has taken into account Article 27 of the UN's ICCPR in which the cultural, religious, and linguistic rights of the minorities 'should not be denied' along with the practices of the OSCE High Commissioner on National Minorities (HCNM), which is an early-warning body in times of tension in the member state. Mostly it has relied on the rules of the Council of Europe, mainly the 1992 European Charter for Regional or Minority Languages (ECRML) and the 1995 Framework Convention for the Protection of National Minorities (FCNM). Thus, in the accession process, the EU exerts pressure on the candidate countries to improve their minority rights regimes by signing and implementing the ECRML and the FCNM, and also by fulfilling some obligations stemming from the Commission's Annual Progress Reports. Besides, the EU's only pressure on its member states in order to improve their minority rights policies is its demand to agree to and implement the abovementioned agreements. Apart from that, the EU does not have any effective monitoring mechanisms and cannot apply major 'sticks' to them.

In general, the EU has a non-discrimination principle which is indirectly applied to the minority rights. Nevertheless, there are some differences among them, that is, while non-discrimination is a personal and also a negative right, special minority rights are also group-specific and positive rights (Schweltnus, 2005, p.54). Through Article 2 of the TEU, the 'Race Equality Directive' (2000) and the decisions of the ECJ establishing its case law, the EU has formed a clear non-discrimination standard (Schweltnus, 2005, p.55). Only under the non-discrimination article (Article 21) of the Charter of Fundamental Rights (2000) has the EU touched upon the minority issue by saying that 'any discrimination towards a national minority is prohibited' (European Parliament (f), 2000).

For the first time in the EU's history, the Lisbon Treaty mentions minorities in Article 1(a) of the TEU (now Article 2 of the TEU):

[t]he Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, *including the rights of persons belonging to minorities*. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail (italics mine; EUR-lex (m), 2007, p.11).

Despite this development, the treaty did not define the term ‘minority’ so the EU still does not have a standard definition of minority. Here, it can be argued that there is a clear downgrading in terms of the minority rights policy of the EU. That is, the change from the Copenhagen criteria’s ‘respect for and protection of minorities’ to Article 2 of the TEU’s ‘respect for human rights, including the rights of persons belonging to minorities’ means that the EU has accepted that it does not have a common minority rights policy and it has not been able to establish an international minority rights protection regime so it has put the minority rights issue under the umbrella of human rights law.

As a result, since the EU has acted differentially on the implementation of its minority rights policy by its candidate and member states, which stems from the fact that the Union does not have a common minority rights policy and does not set any legislative standard on the protection of minority rights, and because Turkey has been more effectively Europeanized than Greece in terms of the improvements in their minority rights protection regimes, this thesis argues that Turkey, technically, can receive full membership. Full membership could be granted on the basis of its existing legislation but the country should also start to effectively implement all the adopted reforms for its minorities and should also change its perception of minorities and other groups which do not have minority status in order to complete the social-learning part of Europeanization.

To sum up, this thesis concludes that the EU does not have a common minority rights policy or a standard minority rights protection regime. It has put minority rights provisions under human rights law and deals with minority rights only in terms of ‘equality’ and ‘non-discrimination’. Also, the codification attempts of the UN, the CoE,

and the OSCE do not help to constitute an international minority rights regime. As a result, this thesis also concludes that the present international minority rights regime is weak because minorities in European countries still suffer from discrimination and injustice. In order to overcome this, the EU should leave its ‘no-indifference-but-no-preparedness-to-take-steps’ position behind (Hilpold, 2007), and create a separate chapter on minority rights in the *acquis*, and thus take the lead to form a separate international minority rights law.

On the other hand, this thesis also concludes that Turkey has been more effectively Europeanized than Greece in terms of the protection and promotion of its minority rights because the EU applies its conditionality tool to Turkey and will not accept it as a member state before the completion of this membership criterion, whereas the EU does not apply much pressure on Greece. Nevertheless, the minority rights issue in both Turkey and Greece is still problematic. The two countries should, first of all, abandon their principles of ‘one country-one nation-one language-one religion’ (the Sunni-Muslim-Turkish for the former, and the Christian-Orthodox-Hellenic for the latter) and should pay attention to the diversity in their countries. This will create a richness not a separation for these nation-states.

It can also be concluded that after the effective implementation of the adopted reforms and after improving its perception against the minorities and other different groups through social-learning, Turkey could be the next member state of the EU since one of the biggest problems blocking its full membership is the minority rights issue. On the other hand, Greece, as a member state of the EU since 1981, does not face severe sanctions or even the possibility of losing its membership on the basis of its insufficient minority rights regime. Nevertheless, Greece should develop further its ‘legal equality-equal citizenship’ slogan of the early 1990s and should start to provide some positive minority rights stemming from the major international agreements that it is party to.

This thesis has contributed to the existing literature on the subject by conducting interviews both in İstanbul with the Orthodox Rum minorities and in Western Thrace with the Muslim Turkish minorities. Since the previous literature has

mainly focused on interviews with the elite in order to explain the Turkish and Greek states' policies, in this thesis it was thought that the minorities themselves should be asked about their problems. It is believed that only in this way can theory and practice be compared and contrasted.

When the Orthodox Rum minority of Turkey and the Muslim Turkish minority of Greece were considered, the twenty interviews that were conducted both in İstanbul and in Western Thrace (Gümülcine/Komotini and İskeçe/Xanthi) show that the two minorities' biggest problem is that of education. The Orthodox Rum minority adds the scarcity of their number, while the Muslim Turkish minority adds the non-recognition of their Turkish identity as their second most important problems. Hence, the Orthodox Rum community of Turkey recommends the Turkish government create a new minority rights policy which favors the principle of equality and gives more positive rights to the minorities instead of isolating them as an artificial community. However, the Muslim Turkish minority of Greece demands first, some fundamental citizenship rights, then some more positive rights from the Greek government. They argue that their problems will be resolved if the Greek authorities would pay attention to the EU's values (stated in Article 2 of the TEU) as an EU member state.

While twenty interviews may seem to be too few on which to base such generalizations, it was deemed sufficient because all the interviewees were basically in agreement on the main issues that face their communities. Moreover, the interviews were not used in order to prove the validity of the research questions in the thesis but merely to support their analysis. Despite this, more field research may be conducted in future in order to make more precise generalizations regarding the problems relating to the minority rights of these two 'reciprocal' minorities. In addition to this, further research could focus on the minority rights of other candidate countries (i.e. Western Balkans) which could be compared and contrasted with Turkey, while the minority rights in other member states could be compared and contrasted with Greece in order to explain the EU's attitude toward the candidate and member countries in terms of their minority rights protection regimes.

APPENDIX

Since the questions of the first eight interviews became irrelevant during the interviews, the number of the questions was narrowed and the most important issues were paid attention.

The questions of the first eight interviews:

1. Yaşınız

18-24

25-29

30-35

36-45

46-55

56-65

66 ve üstü

2. Cinsiyetiniz

Kadın / Erkek

3. Medeni durumunuz

Evli / Bekar / Boşanmış / Diğer

4. Çocuğunuz var mı? Var ise kaç tane?

5. Beraber yaşadığınız kişi sayısı nedir?

6. Vatandaşlık durumunuz

Türk vatandaşı / Yunan vatandaşı / Çifte vatandaş / Diğer

7. Eğer Türk vatandaşı iseniz Yunan vatandaşlığına geçmeyi hiç düşündünüz mü ya da düşünüyor musunuz?

Evet / Hayır / Bilmiyorum

8. Doğum yeriniz?

9. Kaç yıldır Türkiye’de yaşıyorsunuz?

1-10

11-20

21-30

31-fazlası

10. Eğitim durumunuz?

Okur-yazar

İlkokul

Ortaokul

Lise

Üniversite

Yüksek lisans-doktora

11. Mesleğiniz?

12. İşvereniniz Türk mü Rum mu?

13. Günlük hayatınızda Türkçe’yi ne sıklıkla kullanıyorsunuz?

Tüm gün / Epey / Ne az ne de çok / Az / Hiç

14. Günlük hayatınızda Rumca’yı ne sıklıkla kullanıyorsunuz?

Tüm gün / Epey / Ne az ne de çok / Az / Hiç

15. Alışveriş yaptığınız yerin sahibi ya da çalışanlarının Rum olmasına dikkat eder misiniz?

Evet / Hayır / Bilmiyorum

16. Kiliseye ne sıklıkla gidersiniz?

Haftada 1 kez

Ayda 1 kez

Yılda 1 kez

Daha fazla

Daha az

17. Sokakta Rumca konuştuğunuzda hiç garip karşılandınız mı?

18. Hiç sadece Rum olduğunuz için dışlandığınız oldu mu?

19. Bir Rum olarak Türkiye’de ne yapamazsınız?

20. Müslüman Türkleri yakın arkadaş olarak kabul eder misiniz?

Evet / Hayır / Bilmiyorum

21. Müslüman Türkleri iş arkadaşı olarak kabul eder misiniz?

Evet / Hayır / Bilmiyorum

22. Müslüman Türkleri evlilik yoluyla akraba olarak kabul eder misiniz?

Evet / Hayır / Bilmiyorum

23. Müslüman Türkleri komşu olarak kabul eder misiniz?

Evet / Hayır / Bilmiyorum

24. Müslüman Türk’e aşık olur musunuz? Hiç oldunuz mu?

Evet / Hayır / Bilmiyorum

25. Müslüman Türk’le evlenir misiniz?

Evet / Hayır / Bilmiyorum

26. Azınlık gruplarına mensup kişilerle ne sıklıkla görüşüyorsunuz?

Her gün / Haftada 1-2 / Ayda 1-2 / Nadiren / Hiç / Bilmiyorum

27. Görüşmeleriniz ne şekilde oluyor?

Uzun sohbet / Sadece selamlaşma / Diğer

28. Sizin diğer azınlık gruplarına mensup kişilere karşı önyargınız var mı?

Evet / Biraz / Hayır / Bilmiyorum

29. Yunanistan'da yaşamayı hiç düşündünüz mü ya da düşünüyor musunuz?

Sıklıkla / Bazen / Nadiren / Hiç / Bilmiyorum

30. Yunanistan'a hangi sıklıkla gidiyorsunuz?

Senede 1 kez

Senede 2 kez

Daha fazla

Daha az

31. Hangi ülkeyi vatanınız olarak kabul edersiniz?

Türkiye / Yunanistan / Hiçbiri

32. Kendinizi daha çok Yunan olarak mı Türk olarak mı hissediyorsunuz?

33. Ne tür bir azınlık grubuna mensupsunuz?

Etnik / Dini / Milli / Diğer

34. Türkiye'de azınlıklara karşı bir önyargı olduğunu düşünüyor musunuz?

Çok / Biraz / Hiç / Bilmiyorum

35. 10 yıl önceki Türkiye'ye göre Türkiye'deki azınlıklara karşı önyargı sizce nasıl?

Şu an daha fazla / Şu an daha az / Neredeyse aynı / Bilmiyorum

36. Sizce Türkiye'de resmi azınlık gruplarından hangisine karşı önyargı daha fazla?

Rumlar / Ermeniler / Museviler

37. Arkadaş olarak daha çok kimi tercih edersiniz?

Kendi azınlık grubuma mensup / Diğer azınlık gruplarına mensup / Müslüman Türk / Özel bir tercihim yok / Diğer / Bilmiyorum

38. Türkiye'de azınlık olarak yaşamaktan memnun musunuz?

39. Azınlık TR vatandaşı olarak sahip olduğunuz haklarınızı düşündüğünüzde aşağıdaki ifadelerden hangisi sizi en iyi ifade eder?

a. Haklarımı biliyorum ve detaylarına hakimim.

b. Haklarımı biliyorum ancak detaylarını bilmiyorum.

c. Haklarım olduğunu biliyorum ancak hiçbir fikrim yok.

d. Haklarım hakkında hiçbir fikrim yok.

40. Bu haklara baktığımızda 2. Sınıf vatandaş olduğunuzu düşünüyor musunuz?

41. Türkiye'nin AB adayı olmasından sonra azınlık haklarında gerçekleştirilen gelişmeleri biliyor musunuz? Bundan memnun musunuz? Daha başka neler yapılabilir sizce?

42. Türkiye'nin AB üyesi olmasını ister misiniz? Neden? Azınlık hakları gelişimi için mi?

43. Sizce Türkiye'nin azınlık politikası ne kadar başarılı? Yunanistan'la karşılaştırsak?

44. Türkiye'de azınlık hakları konusunda eksiklikler neler? Nasıl giderilebilir sizce?

45. Türkiye AB üyesi olursa, AB vatandaşı olacaksınız. Yani bir Müslüman Türk'le ya da bir Yunan vatandaşıyla eşit vatandaşlık haklarınız olacak. Bu durumda kendinizi hala azınlık olarak hisseder misiniz?

46. Türkiye ve Yunanistan'ın azınlık politikalarını karşılıklılık ilkesine bağlı olarak geliştirdiğine inanıyor musunuz? Sizce Türkiye ve Yunanistan sahip olduğu azınlıkları bir dış politika aracı olarak kullanıyor mu?

47. AB standartlarında azınlık hakları nedir sizce? TR ve GR AB standartlarında mı sizce?

The questions of the Interview 9:

1. Yaşınız?
2. Vatandaşlık durumunuz? Yunan vatandaşlığını hiç düşündünüz mü?
3. Kaç yıldır Türkiye’de yaşıyorsunuz? Nerede doğdunuz, büyüdünüz?
4. Mesleğiniz? Eğitim durumunuz?
5. Sokakta Rumca konuştuğunuzda hiç garip karşılandınız mı?
6. Hiç sadece Rum olduğunuz için dışlandığınız oldu mu?
7. Bir Rum olarak Türkiye’de ne yapamazsınız?
8. Sizin diğer azınlık gruplarına mensup kişilere karşı önyargınız var mı?
(Ermeni-Musevi)
9. Antakya Rumları konusunda ne düşünüyorsunuz?
10. Yunanistan’da yaşamayı hiç düşündünüz mü ya da düşünüyor musunuz?
11. Yunanistan’a hangi sıklıkla gidiyorsunuz?
12. Hangi ülkeyi vatanınız olarak kabul edersiniz?
Türkiye / Yunanistan / Hiçbiri
13. Ne tür bir azınlık grubuna mensupsunuz?
Etnik / Dini / Milli / Diğer
14. Türkiye’de azınlıklara karşı bir önyargı olduğunu düşünüyor musunuz?
15. Sizce Rum-Ermeni-Musevi azınlık gruplarından hangisine karşı önyargı daha fazla?
16. Türkiye’de azınlık olarak yaşamaktan memnun musunuz?

17. Azınlık vatandaşı olarak sahip olduđunuz haklar nelerdir?
18. Bu haklara baktıđımızda 2. Sınıf vatandař olduđunuzu düşünüyormusunuz?
19. Türkiye'nin AB aday ülkesi olmasının azınlık haklarını iyileřtirmede etkisi var mı sizce? Daha başka neler yapılabilir sizce?
20. Türkiye'de azınlık hakları konusunda eksiklikler neler? Nasıl giderilebilir sizce?

The questions of the last 11 interviews:

1. Yaşınız?
2. Vatandaşlık durumunuz? Türk vatandaşlığını hiç düşündünüz mü?
3. Kaç yıldır Yunanistan'da yaşıyorsunuz? Nerede doğdunuz, büyüdünüz?
4. Mesleğiniz? Eğitim durumunuz?
5. Sokakta Türkçe konuştuğunuzda hiç garip karşılandınız mı?
6. Hiç sadece Türk olduğunuz için dışlandığınız oldu mu?
7. Bir Türk olarak Yunanistan'da ne yapamazsınız?
8. Sizin diğer azınlık gruplarına mensup kişilere karşı önyargınız var mı?

(Pomak – Roma)

9. Türkiye'de yaşamayı hiç düşündünüz mü ya da düşünüyor musunuz?
10. Türkiye'ye hangi sıklıkla gidiyorsunuz?
11. Hangi ülkeyi vatanınız olarak kabul edersiniz?

Türkiye / Yunanistan / Hiçbiri

12. Ne tür bir azınlık grubuna mensupsunuz?

Etnik / Dini / Milli / Diğer

13. Yunanistan'da azınlıklara karşı bir önyargı olduğunu düşünüyor musunuz?
14. Sizce Türk – Pomak – Roma azınlık gruplarından hangisine karşı önyargı daha fazla?
15. Yunanistan'da azınlık olarak yaşamaktan memnun musunuz?

16. Azınlık vatandaşı olarak sahip olduğunuz haklar nelerdir?
17. Bu haklara baktığımızda 2. Sınıf vatandaş olduğunuzu düşünüyor musunuz?
18. Yunanistan'ın AB üyesi olmasının azınlık haklarını iyileştirmede etkisi var mı sizce? Daha başka neler yapılabilir sizce?
19. Yunanistan'da azınlık hakları konusunda eksiklikler neler? Nasıl giderilebilir sizce?

Interviews that are conducted in Turkey with the nine Rum Minority persons of İstanbul

Interview 1

1. Yaşınız

85 / 1929 doğumlu

2. Cinsiyetiniz

Kadın

3. Medeni durumunuz

Dul

4. Çocuğunuz var mı? Var ise kaç tane?

1 tane

5. Beraber yaşadığınız kişi sayısı nedir?

Yalnız yaşıyor.

6. Vatandaşlık durumunuz

Türk vatandaşı

7. Eğer Türk vatandaşı iseniz Yunan vatandaşlığına geçmeyi hiç düşündünüz mü ya da düşünüyor musunuz?

Hayır

8. Doğum yeriniz?

İstanbul

9. Kaç yıldır Türkiye’de yaşıyorsunuz?

Doğduğundan beri (84 yıldır) – 4. kuşak

10. Eğitim durumunuz?

Ortaokul (azımlık okulu) – Olgunlaşma Enstitüsü mezunu.

11. Mesleğiniz?

Olgunlaşma enstitüsünde terzi eğitimi almış. 12 sene fakirlere yardım eden dernekte çalışmış. Müslüman – Rum fark etmezdi.

12. İşvereniniz Türk mü Rum mu?

Türk, karısı Rum' muş. 1 sene çalışmış, evlenince bırakmış.

13. Günlük hayatınızda Türkçe'yi ne sıklıkla kullanıyorsunuz?

Tüm gün

14. Günlük hayatınızda Rumca'yı ne sıklıkla kullanıyorsunuz?

Tüm gün

15. Alışveriş yaptığınız yerin sahibi ya da çalışanlarının Rum olmasına dikkat eder misiniz?

Hayır

16. Kiliseye ne sıklıkla gidersiniz?

Haftada 1 kez – her pazar

17. Sokakta Rumca konuştuğunuzda hiç garip karşılandınız mı?

Bakırköy'de hiç garip karşılanmadım ama otobüste “Vatandaş Türkçe konuş” derlerdi.

18. Hiç sadece Rum olduğunuz için dışlandığınız oldu mu?

Yedikule’de doğdu, Bakırköy’e gelin geldi. Hiç dışlandığını hissetmedi.

19. Bir Rum olarak Türkiye’de ne yapamazsınız?

Hiç sıkıntı çekmedim, her istediğimi yaptım. 6-7 Eylül’de babasının Yedikule’deki dükkanını harap ettiler. Ondan sonra Beyoğlu’nda tutunmaya çalıştılar. Sonra da Yunanistan’a gittiler, yerleştiler. Varlık Vergisi yüzünden de 3 kez askerlik yaptı babası.

20. Müslüman Türkleri yakın arkadaş olarak kabul eder misiniz?

Evet

21. Müslüman Türkleri iş arkadaşı olarak kabul eder misiniz?

Evet

22. Müslüman Türkleri evlilik yoluyla akraba olarak kabul eder misiniz?

Evet

23. Müslüman Türkleri komşu olarak kabul eder misiniz?

Evet

24. Müslüman Türk’e aşık olur musunuz? Hiç oldunuz mu?

Fransız asıllı biriyle evlenmiş.

25. Müslüman Türk’le evlenir misiniz?

Fransız’la evlenmiş, ama sevseydim Türkle de evlenirdim diyor.

26. Azınlık gruplarına mensup kişilerle ne sıklıkla görüşüyorsunuz?

Her gün

27. Görüşmeleriniz ne şekilde oluyor?

Uzun sohbet

28. Sizin diğerk azınlık gruplarına mensup kişilere karşı önyargınız var mı?

Hayır. Musevi tanımıyor, Ermenilerle de arkadaş, aynı kiliseyi kullanıyorlar.

29. Yunanistan'da yaşamayı hiç düşündünüz mü ya da düşünüyor musunuz?

Hiç. Kocasını Yunanistan'da ölmüş, hiç istemiyor gitmeyi.

30. Yunanistan'a hangi sıklıkla gidiyorsunuz?

Hiç

31. Hangi ülkeyi vatanınız olarak kabul edersiniz?

Türkiye

32. Kendinizi daha çok Yunan olarak mı Türk olarak mı hissediyorsunuz?

Türk

33. Ne tür bir azınlık grubuna mensupsunuz?

Dini. Çünkü kocasından öyle görmüş, hep dinle ilgilenmişler. Kilisenin kurucusu ve başkanıymış, o ölünce kendisi kilisede çalışmaya devam etmiş.

34. Türkiye'de azınlıklara karşı bir önyargı olduğunu düşünüyor musunuz?

Bilmiyorum. Günde 2 gazete okuyor (Apoyevmatini ve İho), Türk gazetelerden haberleri tercüme ediyorlar. Bir tane de Türk gazetesi okuyor. Okuduklarından çıkardığı, önyargı olmadığı.

35. 10 yıl önceki Türkiye'ye göre Türkiye'deki azınlıklara karşı önyargı sizce nasıl?

Şu an daha az. Tapular geri verilmeye başlandı. Yetimhane geri verildi. Sümela açıldı.

36. Sizce Türkiye’de resmi azınlık gruplarından hangisine karşı önyargı daha fazla?

Bilmiyorum.

37. Arkadaş olarak daha çok kimi tercih edersiniz?

Özel bir tercihim yok.

38. Türkiye’de azınlık olarak yaşamaktan memnun musunuz?

Tabii, şimdi burada çok iyiyim. İsteseydim giderdim, kocam 1981’de öldü.

39. Azınlık TR vatandaşı olarak sahip olduğunuz haklarınızı düşündüğünüzde aşağıdaki ifadelerden hangisi sizi en iyi ifade eder?

Ben azınlık olduğumu hissetmedim hiç.

40. Bu haklara baktığımızda 2. Sınıf vatandaş olduğunuzu düşünüyor musunuz?

Hiç düşünmedim.

41. Türkiye’nin AB adayı olmasından sonra azınlık haklarında gerçekleştirilen gelişmeleri biliyor musunuz? Bundan memnun musunuz? Daha başka neler yapılabilir sizce?

Ruhban okulu kaldı, en büyük mesele o.

42. Türkiye’nin AB üyesi olmasını ister misiniz? Neden? Azınlık hakları gelişimi için mi?

43. Sizce Türkiye’nin azınlık politikası ne kadar başarılı? Yunanistan’la karşılaştırsak?

44. Türkiye’de azınlık hakları konusunda eksiklikler neler? Nasıl giderilebilir sizce?

Kiliseler bomboş, sayımız çok az kaldı. Gençler ilgi göstermiyor.

45. Türkiye AB üyesi olursa, AB vatandaşı olacaksınız. Yani bir Müslüman Türk'le ya da bir Yunan vatandaşıyla eşit vatandaşlık haklarımız olacak. Bu durumda kendinizi hala azınlık olarak hisseder misiniz?

46. Türkiye ve Yunanistan'ın azınlık politikalarını karşılıklılık ilkesine bağlı olarak geliştirdiğine inanıyor musunuz? Sizce Türkiye ve Yunanistan sahip olduğu azınlıkları bir dış politika aracı olarak kullanıyor mu?

47. AB standartlarında azınlık hakları nedir sizce? TR ve GR AB standartlarında mı sizce?

Notlar:

- Evine hırsız girmiş, olgunlaşma enstitüsünden diplomasını ve pasaportunu kesip unufak yapmış. Sivil polisler gelmiş gece eve.
- Katolik kilisesine çok gelen olmadığı için dualar Türkçe yapılıyor (Latin Katolik yok). Süryaniler de olduğu için bazı dualar da Arapça yapılıyor.
- Yedikule'de mezarlıklardan ölü çıkarmışlar.
- Aya Triada'da 29 Antakya Rum'u eğitim görüyor, bahçenin içinde bir yer yaptılar.
- 6-7 Eylül'den önce benim ailem Yunanistan'a gezmeye bile gitmiyordu. Gerek yoktu.

Interview 2

1. Yaşınız

52 / 1962 doğumlu

2. Cinsiyetiniz

Kadın

3. Medeni durumunuz

Evli

4. Çocuğunuz var mı? Var ise kaç tane?

2 tane (ikiz kızlar)

5. Beraber yaşadığınız kişi sayısı nedir?

1 (eşyle birlikte yaşıyor, kızlar üniversitede okuyor, ayrı yaşıyorlar)

6. Vatandaşlık durumunuz

Türk vatandaşı

7. Eğer Türk vatandaşı iseniz Yunan vatandaşlığına geçmeyi hiç düşündünüz mü ya da düşünüyor musunuz?

Hayır

8. Doğum yeriniz?

İstanbul

9. Kaç yıldır Türkiye’de yaşıyorsunuz?

51 yıldır, doğduğundan beri.

10. Eğitim durumunuz?

Doktora.

11. Mesleğiniz?

Akademisyen (Prof).

12. İşvereniniz Türk mü Rum mu?

Türk.

13. Günlük hayatınızda Türkçe'yi ne sıklıkla kullanıyorsunuz?

Tüm gün

14. Günlük hayatınızda Rumca'yı ne sıklıkla kullanıyorsunuz?

Ne az ne de çok

15. Alışveriş yaptığınız yerin sahibi ya da çalışanlarının Rum olmasına dikkat eder misiniz?

Hayır

16. Kiliseye ne sıklıkla gidersiniz?

Bayramdan bayrama.

17. Sokakta Rumca konuştuğunuzda hiç garip karşılandınız mı?

Hayır

18. Hiç sadece Rum olduğunuz için dışlandığınız oldu mu?

Hayır

19. Bir Rum olarak Türkiye'de ne yapamazsınız?

Milletvekili olamam. Acaba Rum'um diye dekan ya da rektör olmamı istemezler mi diye düşünüyorum bazen. Üniversitenin bakış açısına bağlı.

20. Müslüman Türkleri yakın arkadaş olarak kabul eder misiniz?

Evet

21. Müslüman Türkleri iş arkadaşı olarak kabul eder misiniz?

Evet

22. Müslüman Türkleri evlilik yoluyla akraba olarak kabul eder misiniz?

Evet

23. Müslüman Türkleri komşu olarak kabul eder misiniz?

Evet

24. Müslüman Türk'e aşık olur musunuz? Hiç oldunuz mu?

Evet

25. Müslüman Türk'le evlenir misiniz?

Evet

26. Azınlık gruplarına mensup kişilerle ne sıklıkla görüşüyorsunuz?

Haftada 1-2

27. Görüşmeleriniz ne şekilde oluyor?

Uzun sohbet

28. Sizin diğer azınlık gruplarına mensup kişilere karşı önyargınız var mı?

Hayır

29. Yunanistan'da yaşamayı hiç düşündünüz mü ya da düşünüyor musunuz?

Hiç

30. Yunanistan'a hangi sıklıkla gidiyorsunuz?

Senede 1 kez. Her yaz giderim. Bodrum'da kazık yemektense Yunan adasına giderim. Her yerde fiyat aynı, eşit.

31. Hangi ülkeyi vatanınız olarak kabul edersiniz?

Türkiye. New York ve Kanada'da yaşayabilirim aslında.

32. Kendinizi daha çok Yunan olarak mı Türk olarak mı hissediyorsunuz?

Türk.

33. Ne tür bir azınlık grubuna mensupsunuz?

Etnik-Dini.

34. Türkiye'de azınlıklara karşı bir önyargı olduğunu düşünüyor musunuz?

Evet, tanımıyorlar çünkü.

35. 10 yıl önceki Türkiye'ye göre Türkiye'deki azınlıklara karşı önyargı sizce nasıl?

Şu an daha az. Daha araştırmacı, AB sayesinde.

36. Sizce Türkiye'de resmi azınlık gruplarından hangisine karşı önyargı daha fazla?

Ermeniler

37. Arkadaş olarak daha çok kimi tercih edersiniz?

Özel bir tercihim yok

38. Türkiye'de azınlık olarak yaşamaktan memnun musunuz?

Kendi yaşam koşullarıma göre mutluyum. Azınlık olarak yaşamaktan değil de yaşamaktan memnun değilim. Senden farklı olduğumu düşünmüyorum bu konuda. Sen ne kadar rahatsızsan hükümetten, ben de o kadar rahatsızım.

39. Azınlık TR vatandaşı olarak sahip olduğunuz haklarınızı düşündüğünüzde aşağıdaki ifadelerden hangisi sizi en iyi ifade eder?

Haklarımı biliyorum ancak detaylarını bilmiyorum.

40. Bu haklara baktığımızda 2. Sınıf vatandaş olduğunuzu düşünüyor musunuz?

Hayır.

Bir zamanlar mülk satın alıp, satamadık. Ama bunlar yazılı değil. Uygulama başarısız, eşit değiliz. Bana pek etki etmedi. Rum okulunu bitirmedim, Fransız okuluna gittim.

Biz de Antakyalı Rumlara kötü davranıyoruz. Gerektiği gibi davranmıyoruz. Bir azınlık bir başka azınlığa da aynı şeyleri yapabiliyor. Ermeniler arasında da önce gelenler, sonra gelenleri dışlamıştır. Kendi içinde cemaat çelişkileri de var. Antakyalı Rumlar Ortodoks'tur ama etnisiteleri Arap'tır. Bu nedenle karşılıklı çatışmalar var. Rum okulunda Rumca bilmeden eğitime başlıyorlar, çok büyük bir problem yaratıyor bu.

41. Türkiye'nin AB adayı olmasından sonra azınlık haklarında gerçekleştirilen gelişmeleri biliyor musunuz? Bundan memnun musunuz? Daha başka neler yapılabilir sizce?

Kültürel miras konuları çok önemli, binaların geri verilmesi.

Rum vakfının üniversite kurma kararı, gazetelerde yer aldı. Merkez Rum Kız Lisesi binası, 1999'da eğitimi durduruldu. Geçen sene geri alındı bina. Taksim İlyardım'ın arkasında. Vakıf Yönetim Kurulu kuruldu. Ersi Kalfaoğlu ve 1 kişi daha var. Rektör Kalangos olacak. Bülent Arınç destekledi. Uluslararası bir üniversite

olacağını kavradı. Diasporadaki Rum akademisyenlerin de geri dönmesi için bir fırsattır bu. Şu anda Vakıflar Genel Müdürlüğü'nde, izni bekleniyor. Vakıf senedimiz yok Lozan sonrası olduğumuz için. Ama ferman var, yapamazsınız diye bir şey yok.

Uluslararası bir üniversite olacak. Her türlü eğitim olacak ve herkese olacak. Yunan dili edebiyatı bölümü olur elbette, ama sadece Rumlar ya da azınlıklar için olmayacak. Eğitim açılığında olan bir kitle varken Türkiye'de, onları bundan mahrum edemeyiz. Bir denge üniversitesi, bir barış üniversitesi olacak. Fütürist bir üniversite olacak.

Rumlara nasıl faydası olacak? Galatasaray Üniversitesi nasıl Fransız okullarından alıyorsa, biz de belli bir puan ve sıralamaya sahip olan Rum okullarından mezun olan öğrencilere ayrı bir sınav olacak. Rumlara bir faydası olması lazım, ama mütakabiliyetle ilgisi yok. Türkiye'de bugün bütün vakıf üniversiteleri vakıflara bağlı, bizimki de Rum vakfının olacak.

Gelişmelerden mutluyum, daha hızlı davranılmalı. Daha fazla yerlerde bulunmalı azınlıklar; mecliste mesela. Tarihsel miras açısından Ruhban okulunun açılması benim için daha önemli. Din adamı yetiştirmesi için açılması çok da önemli değil benim için. Ne kadar daha açık olunursa, toplumlar birbirine o kadar fazla entegre olabilir. Kültürü turizme çevirme açısından da önemli, hem patrikhane hem Ruhban okulu. Türkiye bu muhteşem mirası (patrikhane) hiç kullanamadı. Bizans araştırmaları Türkiye'de ne kadar başarılı? Burdaki Rumlardan mı korkuluyor?

42. Türkiye'nin AB üyesi olmasını ister misiniz? Neden? Azınlık hakları gelişimi için mi?

AB üyesi olmasını isterim. Azınlıklarla alakası yok.

43. Sizce Türkiye'nin azınlık politikası ne kadar başarılı? Yunanistan'la karşılaştırsak?

Yunanistan'ı pek bilmiyorum. Türkiye'ninki çok başarılı değil.

44. Türkiye’de azınlık hakları konusunda eksiklikler neler? Nasıl giderilebilir sizce?

Lozan itibariyle süregelen haksızlıklar şu an sancı olarak devam ediyor. Bunların %100 iyileştirilmesi gerekiyor. Bizim en büyük problemimiz ciddi nüfus kaybı. Geri getirilmesi için belki istihdam sağlanabilir. Yunanistan’daki ekonomik kriz kullanılabilir belki. Çok daha rahat konuşabilmeyi isterdim. Gerçi şu andaki yönetime azınlık-müslüman ayrımı gözetmeksizin çoğu insan karşı olduğundan, daha rahat konuşmak istediğinden, sadece azınlığım diye rahatsız olduğum söylenemez. Yani azınlığım diye değil devlet politikalarından rahatsızım.

45. Türkiye AB üyesi olursa, AB vatandaşı olacaksınız. Yani bir Müslüman Türk’le ya da bir Yunan vatandaşıyla eşit vatandaşlık haklarınız olacak. Bu durumda kendinizi hala azınlık olarak hissediyor musunuz?

Azınlık olarak hissetmiyorum ki aslında.

46. Türkiye ve Yunanistan’ın azınlık politikalarını karşılıklı ilkesine bağlı olarak geliştirdiğine inanıyor musunuz? Sizce Türkiye ve Yunanistan sahip olduğu azınlıkları bir dış politika aracı olarak kullanıyor mu?

Evet. Kesinlikle hem de. Patrikle müftünün karşılaştırılması çok saçma, çok farklı şeyler. İnsanlar da bilmediği için inanıyor bu karşılaştırmalara. Araştırmıyorlar. Ben azınlık olduğumu burada fark ediyorum. Ben enjekte olarak büyüdüm. Kimliğim başka, hissettiğim başka! Birçok kişinin sahip olmak istediği konumda olabilirim. Ben de kendimi bir kültürel miras olarak görüyorum aslında.

47. AB standartlarında azınlık hakları nedir sizce? TR ve GR AB standartlarında mı sizce?

Avrupa standartlarını bilmiyorum. Ama ortada paradokslar olduğunu düşünüyorum. Hepsi ayrı vaka. Azınlıkları problem olarak gördükleri için üye ülkelere bırakıyorlar. Ama şimdi de mülteci konusu daha büyük problem yaratıyor bence.

Notlar:

Geri alınan binaların restorasyonu meselesi! Anıtlar Kurulundan izin alınacak, bir sürü prosedür var. Mesela Yetimhane'nin restorasyonu için milyon dolarlar isteniyor, çok zor.

Ayasoyfa ve Topkapı'ya bir turist ikinci kez gelmiyor. Yeni bir şey yok çünkü. Bunun için bir şeyler yapılmalı. Bu noktada da azınlık binaları ön plana çıkabilir bence. Yurtdışına gittiğimde bana böyle yerler gezdiriliyor çünkü. Bu kültürü avantaja çevirmeyi bilemiyorlar. Kısa vadeli şeylerde biliyoruz, eğer bir kız bir yarışını kazanmışsa, 'aa bu kız Türk aslında' diyoruz. Orada bitiyor.

Baba Rum, anne Yahudi, eşi Müslüman. Hiç hissetmedim azınlık olarak ama daha sonra okudukça, öğrendikçe; 'nasıl olmuş bunlar' diye sorguladım. Bu tür eşitsizlikler neden oluyor? Tek korkum yapay bir belleğin oluşması. Çok ilginç olan bir nokta, bugün azınlıklara ait olan mekanların Müslümanlarla paylaşılması; Aya Yorgi gibi.

Interview 3

1. Yaşınız

31 / 1983 doğumlu

2. Cinsiyetiniz

Kadın

3. Medeni durumunuz

Boşanmış

4. Çocuğunuz var mı? Var ise kaç tane?

Yok.

5. Beraber yaşadığınız kişi sayısı nedir?

Yalnız yaşıyor.

6. Vatandaşlık durumunuz

Türk vatandaşı

7. Eğer Türk vatandaşı iseniz Yunan vatandaşlığına geçmeyi hiç düşündünüz mü ya da düşünüyor musunuz?

Evet. Bir ara düşünmüştüm, 3 yıl orada yaşamak veya çalışmak gerektiği için vazgeçtim. 6-7 yıl önce. Üniversite okumak içindi. Üniversite kazanmıştım orda.

8. Doğum yeriniz?

İstanbul

9. Kaç yıldır Türkiye’de yaşıyorsunuz?

31 - doğduğundan beri.

10. Eğitim durumunuz?

Üniversite

11. Mesleğiniz?

Satış yöneticisi

12. İşvereniniz Türk mü Rum mu?

Türk

13. Günlük hayatınızda Türkçe'yi ne sıklıkla kullanıyorsunuz?

Tüm gün

14. Günlük hayatınızda Rumca'yı ne sıklıkla kullanıyorsunuz?

Ne az ne de çok. Telefonda ailemle konuşurken.

15. Alışveriş yaptığınız yerin sahibi ya da çalışanlarının Rum olmasına dikkat eder misiniz?

Hayır

16. Kiliseye ne sıklıkla gidersiniz?

Bayramdan bayrama

17. Sokakta Rumca konuştuğunuzda hiç garip karşılandınız mı?

Çok nadir 1-2 kere otobüste olmuştu.

18. Hiç sadece Rum olduğunuz için dışlandığınız oldu mu?

Hayır

19. Bir Rum olarak Türkiye'de ne yapamazsınız?

Herhalde devlet kurumlarında çalışmam.

20. Müslüman Türkleri yakın arkadaş olarak kabul eder misiniz?

Evet / Hayır / Bilmiyorum

21. Müslüman Türkleri iş arkadaşı olarak kabul eder misiniz?

Evet

22. Müslüman Türkleri evlilik yoluyla akraba olarak kabul eder misiniz?

Evet

23. Müslüman Türkleri komşu olarak kabul eder misiniz?

Evet

24. Müslüman Türk'e aşık olur musunuz? Hiç oldunuz mu?

Evet

25. Müslüman Türk'le evlenir misiniz?

Evet. Kaçarak evlendim, boşandım zaten.

26. Azınlık gruplarına mensup kişilerle ne sıklıkla görüşüyorsunuz?

Ayda 1-2. Aileyle haftada 1-2 gün.

27. Görüşmeleriniz ne şekilde oluyor?

Uzun sohbet

28. Sizin diğer azınlık gruplarına mensup kişilere karşı önyargınız var mı?

Hayır

29. Yunanistan'da yaşamayı hiç düşündünüz mü ya da düşünüyor musunuz?

Geçmişte düşündüm

30. Yunanistan'a hangi sıklıkla gidiyorsunuz?

Senede 1 kez

31. Hangi ülkeyi vatanınız olarak kabul edersiniz?

Türkiye

32. Kendinizi daha çok Yunan olarak mı Türk olarak mı hissediyorsunuz?

Türk

33. Ne tür bir azınlık grubuna mensupsunuz?

Etnik

34. Türkiye'de azınlıklara karşı bir önyargı olduğunu düşünüyor musunuz?

Hayır

35. 10 yıl önceki Türkiye'ye göre Türkiye'deki azınlıklara karşı önyargı sizce nasıl?

Şu an daha az

36. Sizce Türkiye'de resmi azınlık gruplarından hangisine karşı önyargı daha fazla?

Ermeniler

37. Arkadaş olarak daha çok kimi tercih edersiniz?

Özel bir tercihim yok

38. Türkiye'de azınlık olarak yaşamaktan memnun musunuz?

Memnunum bir sıkıntım yok, kendimi azınlık olarak görmediğim için öyle sıkıntılarımlı olmadı.

39. Azınlık TR vatandaşı olarak sahip olduğunuz haklarınızı düşündüğünüzde aşağıdaki ifadelerden hangisi sizi en iyi ifade eder?

Haklarımı biliyorum ancak detaylarını bilmiyorum.

40. Bu haklara baktığımızda 2. Sınıf vatandaş olduğunuzu düşünüyor musunuz?

Hayır

41. Türkiye'nin AB adayı olmasından sonra azınlık haklarında gerçekleştirilen gelişmeleri biliyor musunuz? Bundan memnun musunuz? Daha başka neler yapılabilir sizce?

Birebir beni etkileyen bir durum olmadığı için takip etmiyorum, bilmiyorum. Ruhban okulu açılırsa güzel olur tabii.

42. Türkiye'nin AB üyesi olmasını ister misiniz? Neden? Azınlık hakları gelişimi için mi?

AB'ye girmemeli Türkiye. Türkiye'nin AB'ye girecek kadar medeni olduğunu düşünmüyorum. Türkiye sadece İstanbul, Ankara, İzmir'den ibaret değil.

43. Sizce Türkiye'nin azınlık politikası ne kadar başarılı? Yunanistan'la karşılaştırsak?

Bence burada yaşayan azınlıklar Yunanistan'a göre rahat.

44. Türkiye'de azınlık hakları konusunda eksiklikler neler? Nasıl giderilebilir sizce?

Ben cemaatle ilgili bir iş yapmıyorum, daha çok Türklerle çalışıyorum. Rum'un ne demek olduğunu öğretmek lazım. 40-50 yaşındaki insanlar biliyor ama kendi yaşlılarım Rus mu diye soruyor. Tanınmıyor, bilinmiyor olmak beni üzüyor.

45. Türkiye AB üyesi olursa, AB vatandaşı olacaksınız. Yani bir Müslüman Türk'le ya da bir Yunan vatandaşıyla eşit vatandaşlık haklarınız olacak. Bu durumda kendinizi hala azınlık olarak hissediyor musunuz?

Ben zaten hissetmiyorum, bir şey fark etmeyecek benim için.

46. Türkiye ve Yunanistan'ın azınlık politikalarını karşılıklılık ilkesine bağlı olarak geliştirdiğine inanıyor musunuz? Sizce Türkiye ve Yunanistan sahip olduğu azınlıkları bir dış politika aracı olarak kullanıyor mu?

Çok ilgilenmiyorum ama bir dış politika aracı olarak kullanıldığını düşünmüyorum.

47. AB standartlarında azınlık hakları nedir sizce? TR ve GR AB standartlarında mı sizce?

İkisi de değil bence.

Interview 4&5

1. Yaşınız

4 - 37, 5 – 36 yaşında.

2. Cinsiyetiniz

Kadın / Erkek

3. Medeni durumunuz

Evli

4. Çocuğunuz var mı? Var ise kaç tane?

1 tane

5. Beraber yaşadığınız kişi sayısı nedir?

2

6. Vatandaşlık durumunuz

Türk vatandaşı

7. Eğer Türk vatandaşı iseniz Yunan vatandaşlığına geçmeyi hiç düşündünüz mü ya da düşünüyor musunuz?

Evet. AB vatandaşlığı için düşündük ama oradaki ekonomik kriz nedeniyle vazgeçtik. AB de belki atar Yunanistan'ı.

8. Doğum yeriniz?

İstanbul

9. Kaç yıldır Türkiye'de yaşıyorsunuz?

Doğduğumuzdan beri

10. Eğitim durumunuz?

4 – Üniversite

5 – Lise

11. Mesleğiniz?

4 - Mühendis

5 - Ev hanımı

12. İşvereniniz Türk mü Rum mu?

%70 Yunan - %30 Türk ortak şirketi.

13. Günlük hayatınızda Türkçe'yi ne sıklıkla kullanıyorsunuz?

5 – Sadece dışarı çıktığım zaman kullanıyorum.

4 – İşyerinde kullanıyorum.

14. Günlük hayatınızda Rumca'yı ne sıklıkla kullanıyorsunuz?

5 – Tüm gün.

4 – Eve gelince & işyerinde Yunanlılarla konuşurken.

15. Alışveriş yaptığımız yerin sahibi ya da çalışanlarının Rum olmasına dikkat eder misiniz?

Hayır. Fazla da kalmadı kasap falan ama. İşyeri anlamında varsa eğer fiyat alırız mutlaka.

16. Kiliseye ne sıklıkla gidersiniz?

Bayramdan bayrama

17. Sokakta Rumca konuştuğunuzda hiç garip karşılandınız mı?

Bu dönemler hayır, ama ilkokulda-lisede konuşamıyorduk. 80-90 arası konuşamıyorduk. Vatandaş Türkçe konuş'un sonlarına denk geldi. Otobüse bindiğimizde annem sakın Rumca konuşma derdi. Haç da eskiden çok garip kaçıyordu, saklıyorduk dışarı çıktığımızda. Şimdi herkes takıyor. Eskiden annelerimiz babalarımız radyo bile açamazlardı evde yüksek sesle.

18. Hiç sadece Rum olduğunuz için dışlandığınız oldu mu?

Yoğun hatırlamıyorum. Biz yaşamadık. Babamlar farklı cevaplar mesela. Ufak-tefek şeyler oldu. Şu an dünyanın değişimiyle bizde de değişimde oldu. Bir de sayımız çok az kaldı. X'in şirketine çok uzun yıllar gayrimüslimler işe alınmıyordu. Devlette de memur olarak almıyorlardı işe.

19. Bir Rum olarak Türkiye'de ne yapamazsınız?

Pilot, devlet memuru olamıyorsun. Çöpçü bile olamıyoruz. Bir tanıdığımız vardı, askeri uçak pilotu olmak istiyordu. Ne dilekçeler, ne izinler olamadı. Ama tabi dediğim 80'ler.

5 - Askerlikte çok kızıyorum. Bir ülke için çöpçü olamıyorsan, askerlik niye yapasın. Oğlumun gitmesini istemiyorum aslında.

4 - Ben yaptım askerliğimi. Neden askerlik yaptığımı anlamadılar bir türlü. 8 ay geçti, gideceğim artık bir türlü anlamadılar neden geldiğimi.

20. Müslüman Türkleri yakın arkadaş olarak kabul eder misiniz?

Evet

21. Müslüman Türkleri iş arkadaşı olarak kabul eder misiniz?

Evet

22. Müslüman Türkleri evlilik yoluyla akraba olarak kabul eder misiniz?

5 - Ben çok tercih etmem. Ama oğlum büyüyünce Türk'le evlenirse yapacak bir şey yok. Bizim cemaatten çok az kişi kaldı.

23. Müslüman Türkleri komşu olarak kabul eder misiniz?

Evet

24. Müslüman Türk'e aşık olur musunuz? Hiç oldunuz mu?

Evet / Hayır / Bilmiyorum

25. Müslüman Türk'le evlenir misiniz?

Müslüman var Müslüman var. Yoğun bir müslümanla olmaz. Ama bizim gibi bayramdan bayrama müslümansa bir sıkıntı olmaz. Oğlum isterse karşı çıkmam.

26. Azınlık gruplarına mensup kişilerle ne sıklıkla görüşüyorsunuz?

5 - Haftada 1-2

4 - Her gün (Ermeni arkadaşımız da çok) Türk arkadaşlarımız da çok. Adadan hep Rumlarla büyümüş Türkler ama. Biliyorlar bizi. Babamın zamanında biliyorlardı Rum nedir diye.

27. Görüşmeleriniz ne şekilde oluyor?

Uzun sohbet

28. Sizin diğer azınlık gruplarına mensup kişilere karşı önyargınız var mı?

Hayır. 50 sene önce Karamanlı Rumlar geldi, hiç Rumca bilmiyorlardı. Öğrenip uyum sağladılar. Şu anki Antakya Rumları da öyle.

29. Yunanistan'da yaşamayı hiç düşündünüz mü ya da düşünüyor musunuz?

Düşündük.

30. Yunanistan'a hangi sıklıkla gidiyorsunuz?

5-6 kez, fırsat buldukça.

31. Hangi ülkeyi vatanınız olarak kabul edersiniz?

Hiçbiri. İstanbul.

32. Kendinizi daha çok Yunan olarak mı Türk olarak mı hissediyorsunuz?

Hiçbiri. İstanbullu Rum.

33. Ne tür bir azınlık grubuna mensupsunuz?

Etnik-Dini

34. Türkiye’de azınlıklara karşı bir önyargı olduğunu düşünüyor musunuz?

Çok azalmakla birlikte var.

35. 10 yıl önceki Türkiye’ye göre Türkiye’deki azınlıklara karşı önyargı sizce nasıl?

Şu an daha az.

36. Sizce Türkiye’de resmi azınlık gruplarından hangisine karşı önyargı daha fazla?

4 - Rumlara daha çok bence. Kıbrıslılar Rum değildir, Yunan Kıbrıslıdır. Pontuslular Rum’dur. Roma imparatorluğunun kalıntısı olman lazım Rum olmak için.

5 - Ermenilere de var bence. En iyiler Museviler bence.

37. Arkadaş olarak daha çok kimi tercih edersiniz?

Özel bir tercihim yok. Kendi azınlık grubumuzdan olunca ortak paydalar daha çok oluyor. Dinden dile kadar çok etkiliyor.

38. Türkiye’de azınlık olarak yaşamaktan memnun musunuz?

5 - Bir sorun teşkil etmiyor.

4 - Şu anda çok fazla sıkıntımız yok.

39. Azınlık TR vatandaşı olarak sahip olduğunuz haklarınızı düşündüğünüzde aşağıdaki ifadelerden hangisi sizi en iyi ifade eder?

Haklarımı biliyorum ancak detaylarını bilmiyorum.

4 - Şu anda Türkiye’de 280, Batı Trakya’da 10.200 öğrenci var. Lozan’da eşit davranıldı ama eşit değil şartlar şu anda bence.

40. Bu haklara baktığımızda 2. Sınıf vatandaş olduğunuzu düşünüyor musunuz?

4 - 2. sınıf olmasa da 1,5.

5 - Aslında 2. sınıfız.

4 - Dünya değişti ama farklı şartlarda olsak anlardık o zaman. Şu anki şartlarımızda bir şey hissetmiyoruz.

5 - Milletvekili olamıyorsun. Ama Batı Trakya’da yaşanlar olabiliyorlar, 4 tane var mecliste şu an. Orada insan hakları daha fazla. Burada olamazsın.

41. Türkiye’nin AB adayı olmasından sonra azınlık haklarında gerçekleştirilen gelişmeleri biliyor musunuz? Bundan memnun musunuz? Daha başka neler yapılabilir sizce?

Kısmen biliyoruz, çok derinlemesine bilgi sahibi değiliz. Kiliseler, okullar tamir edilemiyordu, kiraya verilemiyordu. Şimdi onlar değişti (5). Dünyanın gelişimiyle TR de etkilendi (4). Ruhban okulu da açılrsa iyi olur (5). Onu da çok büyük bir koz olarak kullanıyorlar ama açılrsa ne getirecek bilmiyorum (4). Türk vatandaşı yurtdışına gidip okuyup geri gelebilir. Çok da büyük bir engel yok bence. Biraz fazla büyüdü bu ruhban okulu meselesi bence.

42. Türkiye’nin AB üyesi olmasını ister misiniz? Neden? Azınlık hakları gelişimi için mi?

Azınlık hakları için değil de günlük şeyler için isteriz. Vize muafiyeti isteriz.

43. Sizce Türkiye'nin azınlık politikası ne kadar başarılı? Yunanistan'la karşılaştırsak?

Orası daha demokratik, insan hakları daha çok. Burada sadece azınlık konusu değil, bütün insanların problemi var. Gezi parkı olayları bunu gösteriyor.

44. Türkiye'de azınlık hakları konusunda eksiklikler neler? Nasıl giderilebilir sizce?

5 - Aslında giderilse ne olur, çok az kişi kaldık.

4 - Ermeniler ve Museviler daha fazla. Onların işine daha çok yarar.

45. Türkiye AB üyesi olursa, AB vatandaşı olacaksınız. Yani bir Müslüman Türk'le ya da bir Yunan vatandaşıyla eşit vatandaşlık haklarımız olacak. Bu durumda kendinizi hala azınlık olarak hisseder misiniz?

AB vatandaşı olunca göreceğiz. Bakış açısı önemli. Azınlıksan azınlıksındır (4). 1920'lerde İstanbul'un nüfusu 800binken, 300bin Rum, 300bin Ermeni, 150bin Musevi, 150bin Türk varmış. O zaman Türkler azınlıkmış aslında. Şimdi Rumlar 2500 kaldı. Daha derin konular bence. Son 10 yılda Türkiye'nin çehresi çok değişti. İyi şeyler de var ama bize uymayan farklı şeyler de vardı. Birçok arkadaşımız hadi sizin gidecek ülkeniz var, biz nereye gideceğiz diyorlar. Daha önce bunu kimse düşünmüyordu.

46. Türkiye ve Yunanistan'ın azınlık politikalarını karşılıklılık ilkesine bağlı olarak geliştirdiğine inanıyor musunuz? Sizce Türkiye ve Yunanistan sahip olduğu azınlıkları bir dış politika aracı olarak kullanıyor mu?

Kullandığı oluyor tabii ki. 2500 kişi kaldığımız için çok da sallamıyorlar aslında. Kilise yapıyorlar falan tehdit olarak hissetmiyorlar bizi. Hak vermiş gibi gözükyorlar yurtdışında da.

47. AB standartlarında azınlık hakları nedir sizce? TR ve GR AB standartlarında mı sizce?

Yunanistan'da genel olarak insan hakları fazla. Her taraf göçmen kaynıyor. Atina'da cami yok, büyük bir eksiklik. Şu an ekonomik kriz sebebiyle de cami yapamazlar tabii. Büyük bir alan verdiler ama mescit gibi, cami gibi değil pek.

Interview 6

1. Yaşınız

30 / 1984 doğumlu.

2. Cinsiyetiniz

Kadın

3. Medeni durumunuz

Bekar

4. Çocuğunuz var mı? Var ise kaç tane?

Yok

5. Beraber yaşadığınız kişi sayısı nedir?

Yalnız yaşıyor.

6. Vatandaşlık durumunuz

Türk vatandaşı

7. Eğer Türk vatandaşı iseniz Yunan vatandaşlığına geçmeyi hiç düşündünüz mü ya da düşünüyor musunuz?

Hayır. Tamamen pratik nedenlerden dolayı 6 ay Atina'da yaşamıştım, oturma izni almıştım. Yurtdışı çıkış harcı vermemek için. Ama vatandaşlık almayı hiç düşünmedim.

8. Doğum yeriniz?

İstanbul

9. Kaç yıldır Türkiye'de yaşıyorsunuz?

Doğduğumdan beri

10. Eğitim durumunuz?

Yüksek lisans

11. Mesleğiniz?

Sinemacı -yayıncı

12. İşvereniniz Türk mü Rum mu?

Kendimim. Freelance iş yapıyorum, işverenlerim oluyor. Türk oldular genelde şimdiye kadar.

13. Günlük hayatınızda Türkçe'yi ne sıklıkla kullanıyorsunuz?

%90

14. Günlük hayatınızda Rumca'yı ne sıklıkla kullanıyorsunuz?

Tüm gün

15. Alışveriş yaptığınız yerin sahibi ya da çalışanlarının Rum olmasına dikkat eder misiniz?

Hayır. Etnik aidiyettense politik görüşe daha çok dikkat ederim. Gezi dönemindeki boykotlar beni çok etkiledi. Hala daha boykot ediyorum.

16. Kiliseye ne sıklıkla gidersiniz?

Dinsizim, ateistim. İnanmasam da kültürel bir şey olarak gidiyorum mecburen. Senede 1-2 kez gidiyorum. Hem düğün-cenaze yeri, hem sosyalleşme yeri. Dinle alakası olmayan gidişler.

17. Sokakta Rumca konuştuğunuzda hiç garip karşılandınız mı?

Çok eğlenirim öyle bir durum olduğunda. Ama kinli bakış olmadı da anlayamadılar hiç. Yabancı olarak algılıyorlar, sen nerden geldin diyorlar. İnsana en çok koyan o. Garip karşılanabilirsin ultra milliyetçiler kin doludur falan ama bilinmemek daha kötü. Kısıtlı çevremizde kültürel bir öge olarak kalıyor.

18. Hiç sadece Rum olduğunuz için dışlandığınız oldu mu?

Rum cemaati içinde de çeşitli konularda dışlanabilirim. Ateist olduğum için mesela. Ama ben bunlara ek olarak politik görüşüm nedeniyle ayrımcılık gördüm, kadın olmam nedeniyle de ayrımcılık gördüm. Eşcinsel olsaydım kat kat artardı ayrımcılık görme halim. Bu ülkede öteki olma katmanların ne kadar artarsa o kadar dışlanma oranın artar. Ben hep serbest çalıştığım için pek görmedim o dışlanmayı. Ama üniversitenin giriş-çıkışlarında kimliğe bakınca anlamamalar, ayşe-meryemleştirmeler oluyordu. Sadece etnik kimlik değil bir sürü özelliğimden dolayı dışlandığım oldu. Son dönemde AKP karşıtlarıyla yanlıları olarak ikiye bölündü ülke. İki taraf da homojen değil.

19. Bir Rum olarak Türkiye’de ne yapamazsınız?

Halen geçerli mi bilmiyorum ama pilot, itfaiyeci olamazsın. Ama işin ilginç yanı birsürü Yunan pilot var THY’da. Yunan pilotlar çok ünlüdür, iyi pilotlardır. Kapitalizm etnisite tanımıyor. Polis, asker, devlet memuru olamazsın. Gerçi dışişlerinin böyle bir açılımı olmuştu. Bakanlıklarda çalışamazsın.

20. Müslüman Türkleri yakın arkadaş olarak kabul eder misiniz?

Evet

21. Müslüman Türkleri iş arkadaşı olarak kabul eder misiniz?

Evet

22. Müslüman Türkleri evlilik yoluyla akraba olarak kabul eder misiniz?

Evet

23. Müslüman Türkleri komşu olarak kabul eder misiniz?

Evet

24. Müslüman Türk'e aşık olur musunuz? Hiç oldunuz mu?

Evet

25. Müslüman Türk'le evlenir misiniz?

Evet

26. Azınlık gruplarına mensup kişilerle ne sıklıkla görüşüyorsunuz?

Etrafımda çeşit çeşit insan var. Haftada 3-4.

27. Görüşmeleriniz ne şekilde oluyor?

Değişiyor.

28. Sizin diğer azınlık gruplarına mensup kişilere karşı önyargınız var mı?

Hayır. 4 sene Musevi'yle birlikteydim. Ermenilerle de çok iç içeydim. Rumların sayısı azaldıkça Ermeni gelin-damatlar arttı.

29. Yunanistan'da yaşamayı hiç düşündünüz mü ya da düşünüyor musunuz?

Olabilir. Ama Barselona'da ve New York'ta da yaşamayı düşündüm. Bir ayağım İstanbul'da olduğu müddetçe bu ülkelerden birinde yaşayabilirim.

30. Yunanistan'a hangi sıklıkla gidiyorsunuz?

Senede 2-3.

31. Hangi ülkeyi vatanınız olarak kabul edersiniz?

Türkiye

32. Kendinizi daha çok Yunan olarak mı Türk olarak mı hissediyorsunuz?

Hiçbiri. Benim Rum tanımıma göre Rum hissediyorum.

33. Ne tür bir azınlık grubuna mensupsunuz?

Ethno-religious

34. Türkiye’de azınlıklara karşı bir önyargı olduğunu düşünüyor musunuz?

Şu anki Türkiye’de bir cehalet olduğunu düşünüyorum azınlıklara karşı. Sadece azınlıklara karşı değil, Kürtlere, Alevilere, Kırmançı, Zazalar, Hemşinliler, LGBT’lere karşı önyargı var.

Hrant Dink, sosyalist bir Ermeni olduğu için öldürüldü, sadece Ermeni olduğu için değil.

35. 10 yıl önceki Türkiye’ye göre Türkiye’deki azınlıklara karşı önyargı sizce nasıl?

Sadece Rum toplumu değil, Ermeniler, Yahudiler, Süryaniler çok sevindi demokratikleşme paketlerine, mal-mülkün geri verilmesine, kiliselerin restore edilebilmesine. Ve AB demokrasi getirdi oldu. Ben bütün bunların biraz sahte olduğunu düşünüyorum. İlk başta çok şüpheli davranıyordum. AB’ye de. Kendi göçmenlerine duvar inşa eden bir birlikten demokrasi bekliyoruz. Çeşitli binaların restore edilebiliyor olması zaten olması gereken bir şeydi, ama diğer yandan azınlık gazetelerinin zar zor yaşam alanı bulması, sokakta öldürülen ermeni gazeteci, içeri giren gazeteciler, transların öldürülmesi gibi problemler bitmiyor. Aşağıdan bir demokrasinin örgütlenmesi gerekiyor cemaat içinde. Daha sonra da bu kapalı cemaatler toplumla kaynaşmalı. Demokrasiyi herkes için istiyor olmalıyız, sadece kiliselerin restore edilmesini istemek değil olay. Şu an o genel demokratik talepten yoksunuz genel olarak. Genel demokrasi olursa azınlıklara da yansıyacaktır. Rumlar AKP’ye oy vermeye devam edecektir. Keşke daha fazla tartışılan bir toplum olsa. Rumlar bu karşılaştırmayı çok yapıyor, CHP döneminde hiç yapamayacağımız şeyler şimdi yapılabiliyor. Ama olması gerekendi zaten bu. Ne AKP ne AB bunun çözümü. Çok daha genel bir hikaye.

36. Sizce Türkiye’de resmi azınlık gruplarından hangisine karşı önyargı daha fazla?

Ermeniler

37. Arkadaş olarak daha çok kimi tercih edersiniz?

Özel bir tercihim yok.

38. Türkiye’de azınlık olarak yaşamaktan memnun musunuz?

Evet. İki dilli, iki kültürlü olmak güzel.

39. Azınlık TR vatandaşı olarak sahip olduğunuz haklarınızı düşündüğünüzde aşağıdaki ifadelerden hangisi sizi en iyi ifade eder?

Haklarımı biliyorum ve detaylarına hakimim.

Lozan’daki 8 maddeyi biliyorum. 60’ların başındaki eğitim kanunu biliyorum.

40. Bu haklara baktığımızda 2. Sınıf vatandaş olduğunuzu düşünüyor musunuz?

Kadın olarak da düşündüm, sosyalist olarak da düşündüm. Sadece Rumluğa bağlı değil. Rumların bir kısmı 1. sınıf vatandaş hissedebilir.

41. Türkiye’nin AB adayı olmasından sonra azınlık haklarında gerçekleştirilen gelişmeleri biliyor musunuz? Bundan memnun musunuz? Daha başka neler yapılabilir sizce?

Mal-mülkün geri verilmesi önemli gelişme ama otel mi olacak alışveriş merkezi mi olacak. O önemli konu. Okullar büyük bir sorun. Yasa hala nüfus cüzdanında Rum-Ortodoks yazmayan öğrenciyi okula almıyor. Yasada değişti mi bilmiyorum ama tek tarafı Rumsa olabiliyor sanırım. Burada yaşayan Yunanlar var. Onların çocukları gidemiyor bu okullara. Bir taraf Yunansa bir taraf Türkse falan çok zor. Anaokuluna gönderebiliyor sanırım ama sonrasına gönderemiyor. Bütün okullarda çalışan insanları bu konuya odaklıyor. Senede Orta 1’e kaç kişi gelecek diye kara kara

düşünüyorlar. Çünkü eğitim devam etmeli, o binalar ayakta durmalı. Eğitim binasıysa eğitim amaçlı kullanmalılar. Kültürel olarak din ve dili korumalı Rumlar.

AB ile, eğitimle ilgili sorunlar giderilmeli. Ruhban okulu açılmalı. Yunanistan'dan veya dünyanın başka yerlerinden din adamları getiriliyor. Buraya yabancı kişilerin gelmesi çok anormal, cemaate yabancı kalıyorlar. Patrikhanenin içinde yaşadığı sorunlar var. Patrikhanenin ayda 1 kiliseyle ilgili kararları alması gerekiyor. Bu sensinoydlara vatandaşlık verildi sanırım. Bu insanlar patriği seçebiliyor bu sayede. Önemli gelişme bu patrikhanenin varlığını ve statüsünü devam ettirebilmesi için.

64'te giden insanların mal-mülk durumları var. 1 gecede insanlar her şeylerini bırakıp gittiler. Bunların muhtemelen %50si kentsel dönüşüm kurbanı olmuştur. Yunanların çeşitli yerlerde mal-mülk edinmesine kota var. Yunanistan'da da sınır bölgelerinde var. Birgün Alanya'da mı Antalya'da mı haber çıkıyor, en çok toprak satın alan yabancılar yunanlarmış. Meğer Batı Trakyalılarmış. Bunu öğrenince rahatlıyor insanlar.

42. Türkiye'nin AB üyesi olmasını ister misiniz? Neden? Azınlık hakları gelişimi için mi?

İstemiyorum. Yunanistan'ın durumunu gördüğümüz için istemiyorum. Çeşitli demokratik gelişmeleri biz kendimiz getirmediğimiz, tepeden indikçe ne fark eder.

43. Sizce Türkiye'nin azınlık politikası ne kadar başarılı? Yunanistan'la karşılaştırsak?

2bin kişi kadar kaldı Rumlar, bayağı başarılı. Yunanistan daha becerememiş. İki ülkenin de çok eksiklikleri var şaka bir yana. Pomak köyleri tepelerde, kendi köyelerine pasaportla girdiler. Çift yönlü baskı var onlarda. Yunan toplumu içine almıyor. Türkler de onları Türkleştirmeye çalışıyor. Gettolaşmış kuzey Yunanistan. Diğer taraflar daha çok homojen bir yapı. Orada da azınlıklara karşı cehalet hakim. Orada da fanatizm çok.

Mübadeleyle gidenler de, burada Yunan tohumu, orada Türk tohumu oldular. Yunanistan da devlet politikası olarak hiçbirşey yapmadı bunlar için. Çifte öteki oldular. Batı Trakya Türkleri politik olarak da buradan çok farklı değiller.

AKP muhtemelen siyasete katılmak isteyen Rumlara kollarını açardı. Popülizmin gereğini gerçekleştirmiş olurdu. Bozcaadada AKP gençlik kolları başkanı Rum bir çocuk vardı. Bunu sayfalarca kullandı.

44. Türkiye’de azınlık hakları konusunda eksiklikler neler? Nasıl giderilebilir sizce?

3 resmi azınlık var. Bir sürü etnik grup var. Onların durumu ne olacak. Anadolu da konuşulan dillerin haddi hesabı yok. Ama resmi bir hak verilmiyor. Resmi 3 azınlığın da kendi kültürlerini aktarabilme durumu da çok iyi değil. Eğitimde çok sıkıntı var. Demografik sıkıntıdan kaynaklanıyor. Ermeniler ve Museviler de bunu yaşıyor.

Rumların da bir Kürt sorunu var. Antakya’daki Ortodoksların anadilleri Arapça. 80lerden başlayarak İstanbul’a göç var. Buradaki patrikhane de kucak açıyor. Sayı artsın diye. Sınıfsal olarak, birilerinin kiliselere, okullara, mezarlıklara bekçilik yapması gerekiyor. Patrikhane bu insanları bu tip görevlere veriyor. Genelde orta-alt sınıf. Tokaçlı köyünden geliyorlar. Sayıları artıyor. Rum okuluna gidince problem yaratıyor. İlkokuldaysa Rumca öğrenebiliyorlar. Rum cemaati içinde hem beyaz Rumlar var, hem de öteki olan Antakya Rumları var. Ortaokuldan başarlarsa Yunanca öğrenmeleri çok zor. Yunanca bilmiyorlar, o yüzden eğitimimiz kötü demek kolaylarına geliyor. Bu insanların entegre edilmesi için çözüm bulabilirlerdi. Eğitim yasalarıyla alakalıdır bunların olmaması (hazırlık sınıfı koyamamak, etüd yapamamak). Rum cemaati içinde bir öteki var. Tırnak içinde taşradan gelenler, dili bilmiyorlar falan. Ama bir yandan da artan nüfus, hem de bütün bu yerlerin korunmasından sorumlu olmuş insanlar.

Pozitif ayrımcılık olmalı azınlıklara karşı. Azınlık politikası nedir? İster istemez dış politika aracı olmuşlar. Ama bence azınlık meselesi iki ülkenin de iç politikası.

45. Türkiye AB üyesi olursa, AB vatandaşı olacaksınız. Yani bir Müslüman Türk'le ya da bir Yunan vatandaşıyla eşit vatandaşlık haklarınız olacak. Bu durumda kendinizi hala azınlık olarak hisseder misiniz?

Azınlık meselesinin kültürel bir şey olduğunu düşündüğüm için Rum olarak hissedirim. Azınlık olarak da hissedirim.

46. Türkiye ve Yunanistan'ın azınlık politikalarını karşılıklılık ilkesine bağlı olarak geliştirdiğine inanıyor musunuz? Sizce Türkiye ve Yunanistan sahip olduğu azınlıkları bir dış politika aracı olarak kullanıyor mu?

47. AB standartlarında azınlık hakları nedir sizce? TR ve GR AB standartlarında mı sizce?

AB standartları derken ideal olanı mı kastediyoruz bilmiyorum. Anadili kullanma, varolma durumudur. AB standardı deyip büyütüyorlar. Yeni azınlıklar da var. Yeni göçmenler var. Birileri oradaydı, onlara azınlık diyelim. Birileri yeni geldi, düşünelim onlara azınlık hakkı vericez mi diye düşünüyorlar.

Interview 7

1. Yaşınız

66 yaşında

2. Cinsiyetiniz

Erkek

3. Medeni durumunuz

Evli

4. Çocuğunuz var mı? Var ise kaç tane?

2

5. Beraber yaşadığınız kişi sayısı nedir?

1 eşim.

6. Vatandaşlık durumunuz

Türk vatandaşı

7. Eğer Türk vatandaşı iseniz Yunan vatandaşlığına geçmeyi hiç düşündünüz mü ya da düşünüyor musunuz?

Hayır. Gerek yok çünkü. Orada bizim ikamet sorunumuz yok, gidince istediğimiz kadar kalıyoruz. Gerek duymadım o yüzden.

8. Doğum yeriniz?

İstanbul.

9. Kaç yıldır Türkiye’de yaşıyorsunuz?

Doğduğundan beri.

10. Eğitim durumunuz?

Üniversite

11. Mesleğiniz?

Azınlık okulunda öğretmen.

12. İşvereniniz Türk mü Rum mu?

Okul müdürü Rum, yardımcısı Türk. Lozan'a göre Batı Trakya'da ne oluyorsa burada tam tersi.

13. Günlük hayatınızda Türkçe'yi ne sıklıkla kullanıyorsunuz?

Tüm gün

14. Günlük hayatınızda Rumca'yı ne sıklıkla kullanıyorsunuz?

Evde-okulda

15. Alışveriş yaptığınız yerin sahibi ya da çalışanlarının Rum olmasına dikkat eder misiniz?

Hayır. Öyle bir olanak yok, kaç tane esnaf kaldı ki.

16. Kiliseye ne sıklıkla gidersiniz?

Haftada 1 kez daha bile fazla, okuyucuyum çünkü kilisede.

17. Sokakta Rumca konuştuğunuzda hiç garip karşılandınız mı?

Günümüzde hayır. Ben Vatandaş, Türkçe konuş dönemini yaşadım. Evden çıkınca babam tembih ederdi sokakta Rumca konuşma diye. 6-7 yaşındayım. Her pazar Balat'a kiliseye gidiyorduk. Bazen Kasımpaşa'ya inip vapurla gidiyorduk Balat'a. Vapurun içinde iki kız öğrenci İngilizce konuşuyordu. Biri kalktı Türkçe konuşun dedi. Yanlarında da babaları varmış, albaymış. Kalktı, ben bu dili öğrenmeleri için kaç para veriyorum biliyor musun dedi.

18. Hiç sadece Rum olduğunuz için dışlandığınız oldu mu?

Benim jenerasyonda çok anı var. 1964, 1974'ten sonra çizgi çekiyorum. Yavaş yavaş mentalite değişti, Özal zamanında iyice değişti.

Tuzla'dayım piyade okulunda, 8. Bölük. Şu anda savaş var, belki gidersiniz, hazırlıklı olun dediler. O anda biri kalkıyor, peki biz gideceğiz de X ne yapacak dedi. Bölük komutanı afalladı, bu üniforma altında herkes eşittir dedi. Hatasını anladı özür diledi o çocuk.

19. Bir Rum olarak Türkiye'de ne yapamazsınız?

Türk vatandaşı olduğumuz için her şeyi yapabiliriz. Azınlıklar pek devlet memuru olamıyor, üniversitelerde proflar var. Çocukluğumda iett şoförü vardı. Bu okulda da elektrik idaresinden emekli olmuş bir bey vardı. Bunların dışında devlet memuru olmuş Rum tanımıyorum.

20. Müslüman Türkleri yakın arkadaş olarak kabul eder misiniz?

Evet

21. Müslüman Türkleri iş arkadaşı olarak kabul eder misiniz?

Evet

22. Müslüman Türkleri evlilik yoluyla akraba olarak kabul eder misiniz?

Çocuklarımız bir Tükle evlenseydi, (iki çocuğum da Rumla evlendi), iyi bir insan olsaydı sorun olmazdı. İlk tercihim olmayabilirdi ama kabul ederdim. Evladımı kaybetmek istemezdim.

23. Müslüman Türkleri komşu olarak kabul eder misiniz?

Evet

24. Müslüman Türk'e aşık olur musunuz? Hiç oldunuz mu?

Evet / Hayır / Bilmiyorum

25. Müslüman Türk'le evlenir misiniz?

Evet / Hayır / Bilmiyorum

26. Azınlık gruplarına mensup kişilerle ne sıklıkla görüşüyorsunuz?

Her gün / Haftada 1-2 / Ayda 1-2 / Nadiren / Hiç / Bilmiyorum

27. Görüşmeleriniz ne şekilde oluyor?

Uzun sohbet / Sadece selamlaşma / Diğer

28. Sizin diğer azınlık gruplarına mensup kişilere karşı önyargınız var mı?

Hayır

29. Yunanistan'da yaşamayı hiç düşündünüz mü ya da düşünüyor musunuz?

Evet. Tam Kıbrıs harekatı sırasında askerlik yaptım. Doğu sınırında Ağrı'ya yakın bir yerde rahat bir askerlik yaptım. Askerden geldikten sonra bizim toplumda herkes o kadar gergindi ki ben de bir-iki kere gidip iş aramaya başladım. Babam da hiç gitme taraftarı değildi, o yüzden gitmedik. Evlendik kaldık burada.

30. Yunanistan'a hangi sıklıkla gidiyorsunuz?

Senede 1 kez

31. Hangi ülkeyi vatanınız olarak kabul edersiniz?

Türkiye

32. Kendinizi daha çok Yunan olarak mı Türk olarak mı hissediyorsunuz?

Türkiye vatandaşı Rum asıllı İstanbullu olarak tanımlıyorum kendimi. Yunan asıllı olup tek göç etmeyen toplum biziz. O yüzden İstanbullu kavramı çok önemli bizim için.

33. Ne tür bir azınlık grubuna mensupsunuz?

Etnik-Dini

34. Türkiye’de azınlıklara karşı bir önyargı olduğunu düşünüyor musunuz?

Vardı, ama 2000’den sonra önyargılar yavaş yavaş kalkmaya başladı.

35. 10 yıl önceki Türkiye’ye göre Türkiye’deki azınlıklara karşı önyargı sizce nasıl?

Şu an daha az

36. Sizce Türkiye’de resmi azınlık gruplarından hangisine karşı önyargı daha fazla?

Eskiden Rumlara karşıydı, şimdi Ermenilere daha çok.

37. Arkadaş olarak daha çok kimi tercih edersiniz?

Kendi azınlık grubuma mensup

38. Türkiye’de azınlık olarak yaşamaktan memnun musunuz?

Kişisel düşünürsem bir sıkıntım yok. Rum toplumuna ait bir okulda çalışıyorum, cemaat dışına çıkmıyorum pek. Herkes için olmayabilir ama.

39. Azınlık TR vatandaşı olarak sahip olduğunuz haklarınızı düşündüğünüzde aşağıdaki ifadelerden hangisi sizi en iyi ifade eder?

Haklarımı biliyorum ve detaylarına hakimim.

40. Bu haklara baktığımızda 2. Sınıf vatandaş olduğunuzu düşünüyor musunuz?

Vatandaş tanımını bile bulamıyorlar yeni anayasada. Düşündüm.

41. Türkiye'nin AB adayı olmasından sonra azınlık haklarında gerçekleştirilen gelişmeleri biliyor musunuz? Bundan memnun musunuz? Daha başka neler yapılabilir sizce?

Biliyorum, memnunum, daha çok şey yapılabilir. Eğitim ve vakıf baş konular. Onlarda gelişmeler olmalı. Ruhban okulunda 2 sene okudum ben. Sonra çıktım. Ruhban okulu patrikhane için büyük sorun, ama bizim Rum toplumu için o kadar da büyük sorun değil. Ama açılması gerekli o ayrı mesele. Ruhban okulu da eğitime giriyor aslında. Ruhban okuluna girecek kişiler avrupadan geliyor.

42. Türkiye'nin AB üyesi olmasını ister misiniz? Neden? Azınlık hakları gelişimi için mi?

Bütün insanlar için, evet istiyorum Avrupa ülkesi olmasını.

43. Sizce Türkiye'nin azınlık politikası ne kadar başarılı? Yunanistan'la karşılaştırırsak?

Son senelerde çok ilerleme kat edildi. Yerleşmesi için biraz daha zaman geçmesi lazım. Hala büyük boşluklar var. Bizim okullara kayıt sorunu var. Özel öğretim kurumları kanunu değiştiği zaman TC vatandaşı ibaresi kaldırıldı. Yunan geldiği zaman bizim okullara kaydetmek istiyoruz, ama daha gerçekleşmedi. Misafir öğrenci oluyorlar, ama diploma alamıyorlar şu an.

44. Türkiye'de azınlık hakları konusunda eksiklikler neler? Nasıl giderilebilir sizce?

Yunanlılar artık gelip evini satabiliyor, ama önce Ankara'ya soruluyor. Daha da gelişmeler olmalı bu konuda.

45. Türkiye AB üyesi olursa, AB vatandaşı olacaksınız. Yani bir Müslüman Türk'le ya da bir Yunan vatandaşıyla eşit vatandaşlık haklarınız olacak. Bu durumda kendinizi hala azınlık olarak hisseder misiniz?

Zaten azınlık kelimesi sevilmiyor. Böyle ayrımlar yapılmaması lazım. Biz bunu Rumvader’de de tartışıyoruz. Mutlaka kendimize bir ünvan bulmamız lazım.

46. Türkiye ve Yunanistan’ın azınlık politikalarını karşılıklılık ilkesine bağlı olarak geliştirdiğine inanıyor musunuz? Sizce Türkiye ve Yunanistan sahip olduğu azınlıkları bir dış politika aracı olarak kullanıyor mu?

AB için de yapıyorlar bu gelişmeleri, ama istedikleri için de yapıyorlar.

47. AB standartlarında azınlık hakları nedir sizce? TR ve GR AB standartlarında mı sizce?

Tanıdığım Batı Trakyalılar var. Orada durum çok değişti. Stk’lar Yunanistan’da ve AB’de çok etkili. Sınır Tanımayan Avukatlar Birliği, Vatandaşın Avukatı’na gidiyorlar hemen bir sorunları olduğunda. AB vatandaşı olarak haklarını çok daha iyi kullanıyorlar. Herkül Millas’ın dediği gibi tencere dibin kara, seninki benden daha kara. Lozan’da mütekabiliyet pozitif anlamda konuldu, ama negatif yönde kullanıldı. Bizim sorunlarımız daha fazla, onların sayısı da iyi.

Notlar:

Türkiye’de bizim bu ufak kalmış Rum toplumundan daha çok AB üyeliğini destekleyen yoktur. AB müktesebatından dolayı bize verilmesi gereken hakları savunduk hep. 1942 Varlık Vergisi, 1955 olayları, 1964 (en büyük darbe-çünkü nüfusumuzun yarısı gitti). 80-90’larda Özal zamanı; 64 gizli kararnamesi kaldırıldı. 2000’de AB olayı başladı. Çok sevindik. Çünkü birdenbire bize karşı tavırlar değişti. Özellikle 2004-2006-2008 yeni vakıflar kanunu bu konuda dönüm noktası oldu. 2 konuda çok büyük sorunumuz var; eğitim ve vakıflar. Metruk şekilde duran binalar eğer okulsa öyle boş kalıyor. O değişti, vakıfların izniyle akara çevrilip gelir elde ediliyordu. Bizim cemaat vakıfları Osmanlı zamanında kurulmuş, beyanname ile. Tüzüğümüz yok, bu beyanname tüzük olarak kabul ediliyor. 2004’te seçimler yapmaya başladık, 1991’den beri seçim yapamıyorduk izin vermiyorlardı. Bu da AB’den kaynaklandı. İstanbul Valiliğinde AB bölümü var, onunla irtibattayız hep. Seçimler sonrası yeni bir kan, tazeleme geldi. Ve ondan sonra gidişat tamamen değişti. Bütün bunlar AB adaylığı

sonucu oldu. Hükümetin niyeti çok iyi artık. Eskiden resmi makama gittiğimizde adımızı duyduklarında garip karşılanıyorduk. Şimdi bütün işlerimiz halloluyor, rahatça derdimizi anlatıp karşılığını alabiliyoruz.

1960 sayımında 100binin üstünde rum vardı, bugün 2500. Çoğu yaşlı. Çalışan 50-60 kişi var vakıflarda. Ama vakıflar bizim maddi gücümüz. Gelen gelirler cemaat içinde sosyal alanlarda harcanıyor.

İkinci önemli konu eğitim. Eskiye göre sorunlarımız azaldı. Artık milli eğitime gittiğimizde sorunun çözülmesi için uğraşıyorlar. Eskiden köstek olurlardı. Şu anda her okulda olan sorunlar var.

Antakyalılar buraya geldi, nüfus kağıtlarında Rum Ortodoks yazdığı için kayıt hakları var. 30 sene önce başladı bu geliş. Ama Rumca bilmiyorlar. O zaman sayıları azdı sınıflarda, öğreniyorlardı. Şu an değişti, sınıflarda onların sayıları daha fazla. Onları almamazlık edemedik. O zaman bizim düşünemediğimiz şey, onlar çoğalınca ne yapacağımızdı. Hazırlık sınıfı isteyemiyoruz milli eğitimden, siz yabancı okul değilsiniz, hazırlık sınıfına gerek yok gelen zaten Rumca biliyor diyor.

Buradaki nesil artık Arapça bilmiyor, ama Rumca biliyorlar biraz. Siz uyum sağlayıp Rum toplumuna katılmak istiyor musunuz diye sordum. Okullara aldık, vakıflarda seçme seçilme hakkı verdik. Gelir düzeyi yüksek olan Antakyalılar kolay entegre olamıyorlar. Ama gelir düzeyi düşük olanlar daha kolay entegre oluyorlar.

Interview 8

1. Yaşınız

63 yaşında / 1951 doğumlu

2. Cinsiyetiniz

Kadın

3. Medeni durumunuz

Bekar

4. Çocuğunuz var mı? Var ise kaç tane?

Yok

5. Beraber yaşadığınız kişi sayısı nedir?

Yalnız yaşıyor.

6. Vatandaşlık durumunuz

Türk vatandaşı

7. Eğer Türk vatandaşı iseniz Yunan vatandaşlığına geçmeyi hiç düşündünüz mü ya da düşünüyor musunuz?

Hayır. Hiçbir zaman sıkı bir ilişkim olmadı çünkü.

8. Doğum yeriniz?

İstanbul

9. Kaç yıldır Türkiye’de yaşıyorsunuz?

Doğduğundan beri

10. Eğitim durumunuz?

Doktora

11. Mesleğiniz?

Akademisyen (Prof)

12. İşvereniniz Türk mü Rum mu?

Türk

13. Günlük hayatınızda Türkçe'yi ne sıklıkla kullanıyorsunuz?

Tüm gün. Türkçem daha kuvvetli.

14. Günlük hayatınızda Rumca'yı ne sıklıkla kullanıyorsunuz?

Az. Rumcam çok iyi değildi, bir süre önce yoğun bir okuma yaptım şimdi biraz daha açıldım. Geçen yıl Erasmusla Yunan Üniversitesi'ne gittim, konuşmamı İngilizce hazırlamıştım ama sonra Rumca yapmaya karar verdim ve gayret gösterdim. Birinci dilim Türkçe'dir.

15. Alışveriş yaptığınız yerin sahibi ya da çalışanlarının Rum olmasına dikkat eder misiniz?

Hayır

16. Kiliseye ne sıklıkla gidersiniz?

Paskalya haftasında giderim. Uzak ve az kalabalık olan kiliselerde tören olursa, bir üye olarak destek vermek için giderim.

17. Sokakta Rumca konuştuğunuzda hiç garip karşılandınız mı?

Tabii ki oldu belli dönemlerde, adının bile değişmesi gerektiği baskısı vardı. Gerçi Türkçe'de daha iyi olduğum için pek yaşamadım. Şu an İstanbul'da o kadar karışık insan var ki, kişiler Rumca mı konuşuyor Almanca mı konuşuyor pek dikkat

etmiyor insanlar. Rahatsız artık. Bir Yunan hoca geldiğinde buraya bağıra çağıra konuşuyoruz, rahatsız.

18. Hiç sadece Rum olduğunuz için dışlandığınız oldu mu?

Olmadı, kesin ve net söyleyebilirim. Şanslıydım çünkü gittiğim okullar farklıydı. English high school'a gittim. En yakın arkadaşım beni gördüğünde hayatımda hiç Rumla tanışacağımı düşünmemiştim demişti. Sonra Boğaziçi zaten.

19. Bir Rum olarak Türkiye'de ne yapamazsınız?

Yapamayacağım bir şey olduğunu hiçbir zaman düşünmedim. Ben Türkiye'ye amerikadan yepyeni bir konu getirdim. Hazineden de full destek aldım.

20. Müslüman Türkleri yakın arkadaş olarak kabul eder misiniz?

Evet. Bir gerçek Rum arkadaşım X'tir. Diğer herkes Türk'tür.

21. Müslüman Türkleri iş arkadaşı olarak kabul eder misiniz?

Evet

22. Müslüman Türkleri evlilik yoluyla akraba olarak kabul eder misiniz?

Bir Türk-Rum evliliğinin neutral bir ülkede gerçekleştirilmesi gerektiğine inandım hep. Aileler katılmadan, dilemmalar yaşanmadan.

23. Müslüman Türkleri komşu olarak kabul eder misiniz?

Evet

24. Müslüman Türk'e aşık olur musunuz? Hiç oldunuz mu?

Evet / Hayır / Bilmiyorum

25. Müslüman Türk'le evlenir misiniz?

Neutral ülkede evlenmek isterdim. Patrikhanede çalışanların çok büyük yüzdesi Türk'le evli.

26. Azınlık gruplarına mensup kişilerle ne sıklıkla görüşüyorsunuz?

Her gün

27. Görüşmeleriniz ne şekilde oluyor?

Uzun sohbet

28. Sizin diğer azınlık gruplarına mensup kişilere karşı önyargınız var mı?

Hayır

29. Yunanistan'da yaşamayı hiç düşündünüz mü ya da düşünüyor musunuz?

Son zamanlarda evet. Şimdiye kadar hiç düşünmemiştim. İki halam var orada, yalnız kaldılar. Geçen seneden itibaren çok sık gitmeye başladım. Şu anda orada kendime buraya eşdeğer bir ortam hazırladım. Bu üniversite sayesinde oldu. Burada tek kaldım, ailemden kimse kalmadı. Arkadaşlıklar da bir yere kadar. Biraz kan bağı güvencesiyle son dönemlerimi orada mı geçirsem diyordum. Son 10 yıla kadar toplam 2 sefer gitmiştim. 2 halam kalmıştı, birini kaybettim geçen sene. Gidip geliyorum sürekli. Buradan memnun olmamaktan değil. Kuzenlerim var.

30. Yunanistan'a hangi sıklıkla gidiyorsunuz?

Çok sık.

31. Hangi ülkeyi vatanınız olarak kabul edersiniz?

Türkiye. Son zamanlarda gidip-gelirken havaalanında ben buralı mı hissediyorum oralı mı hissediyorum diye çok düşündüm. Bir şeyler verdiği insanlar orada, çözmek gereken ailevi sorunlar orada, burada iş sorunları çözüyorum. Bu çok yordu beni. Şimdiye kadar hiç hissetmemiştim. Ev de aile demek sonuçta. İlkokul arkadaşlarım orda, akademik çalışma yaptığım herkes orada, ailem orada. Bağlılık oluşmaya başladı.

32. Kendinizi daha çok Yunan olarak mı Türk olarak mı hissediyorsunuz?

33. Ne tür bir azınlık grubuna mensupsunuz?

Dini. Etnik diyemem, Türk'üz hepimiz. Din, ananeler birleştiriyor bizi. Fukara Sevenler Derneği muazzam bir kimlik. 5 kadının neleri yapabileceğini görmek. Annem her gün 70 kişiye yemek yapardı. Patronu hanımdı. Christmas'ta, paskalyada hediye paketleri hazırlanır, her sene balo, çaylar yapılır, kapı kapı gezilip takvim satılır. Bu toplumsal kimliği orada kazanmamak mümkün değildi, sosyal kimlik oluşuyor aslında. Din birleştirici yani.

34. Türkiye'de azınlıklara karşı bir önyargı olduğunu düşünüyor musunuz?

Biraz. Bir bakanımız (CHP'li galiba)⁴⁶ geçen gün, ben Ermeni miyim ki bunu söylüyorsunuz dedi. Sonra ben savaştan Ermeni'leri söylemişim dedi, özür diledi.

35. 10 yıl önceki Türkiye'ye göre Türkiye'deki azınlıklara karşı önyargı sizce nasıl?

Erdoğan'ın bana göre yaptığı ve şimdi bozmaya başladığı nokta şu. Taksiiye bindiğimde nerelisin abla dediklerinde İstanbulluyum, konuşman çalıyor dediklerinde, evet Rum'um diyorum. Son 10 yılda değişen şu; ben biliyor musun Karadenizliyim, benim ninem de Rum herhalde deme cesareti gösteriyorlar artık. En büyük açılım orada. İnsanlar Kürt olduğunu söyleyebiliyor. Taksi şoförü seviyesinde de böyle.

36. Sizce Türkiye'de resmi azınlık gruplarından hangisine karşı önyargı daha fazla?

2 sene önce AKP il meclisi, Zoğrafyon'da güzel bir panel düzenledi. Panel başkanı olarak beni yaptılar. Kürt temsilcisi dedi ki, siz bizim yaşadıklarımızı bilerseniz kendinize çok pozitif ayrımcılık yapıldığını görürdünüz dedi. Yani o toplumdaki olmadıkça bunu anlayamam. Ama en iyi durumdakiler Museviler herhalde. Onlar asimile olmuşçasına entegre oldular. Okul bile açmadılar senelerce. Niye eğitimi Türk

⁴⁶ There is no 'Minister' from the RPP in Turkey since more than one decade so she intended to say 'MP' instead of 'Minister'.

okulları üzerinden sürdürdünüz diye sordum. Biz Türk kimliğini tercih ettik dediler. Ama şimdi kurdular Musevi lisesini. Bize yapılan iyilik çok büyüktü, biz böyle yaşayalım dediler.

Ermeni patriğin de zehirlendiği söyleniyor. Süper zeka bir adamdı.

37. Arkadaş olarak daha çok kimi tercih edersiniz?

Özel bir tercihim yok

38. Türkiye’de azınlık olarak yaşamaktan memnun musunuz?

Benim şikayetim olmadı. Ailemin de etkilendiği şeyler oldu. 80lerde ben doktoramı bitirirken Rumların kendi mallarını satmama durumları çıktı. Türk vatandaşım, vergi veriyorum, sahip olduğum malı satamıyorum. Ankaraya gidip soruyorsun, kanunlaştıramıyoruz farkındayız diyorlar ama şerh koyuyorlardı. Toplum liderlerimiz korkaktı hep. AİHM’ye de başvurma gibi bir deneyimimiz, altyapımız yoktu. Dolayısıyla susup kalıyorduk. Ameliyat günü, parayı satacağı evden alacak insan ameliyat olamadı. Kocaman apartmanlar daire fiyatına satıldı, üç kağıtçılar çıktı ortaya. Kendi vatandaşın, nasıl sattırmıyorsun. Hiç kimse bir türlü dile getirmez bunu ama çok aile derinden etkilendi.

39. Azınlık TR vatandaşı olarak sahip olduğunuz haklarınızı düşündüğünüzde aşağıdaki ifadelerden hangisi sizi en iyi ifade eder?

a. Haklarımı biliyorum ve detaylarına hakimim.

b. Haklarımı biliyorum ancak detaylarını bilmiyorum.

c. Haklarım olduğunu biliyorum ancak hiçbir fikrim yok.

d. Haklarım hakkında hiçbir fikrim yok.

40. Bu haklara baktığımızda 2. Sınıf vatandaş olduğunuzu düşünüyor musunuz?

Benim hayat döngüm bunu hissettirmedi.

41. Türkiye'nin AB adayı olmasından sonra azınlık haklarında gerçekleştirilen gelişmeleri biliyor musunuz? Bundan memnun musunuz? Daha başka neler yapılabilir sizce?

Bu son dönemde bize verilmiş olan tapular çok önemli bir hak. Doğru şekilde değerlendirilmesi gerekiyor. Sonunda hakların elde edilebileceğine dair bir güvence.

En büyük kozları Halki.

Ben Türk hissettim, Türk toplumuna sonsuz hizmetlerim var. Ben hiçbir zaman burada yarınımı garanti göremedim. Limited paran varsa 1 daire alabilecek, hiçbir zaman Türkiye'de bir daire alabileceğimi düşünemedim. Ya ihtiyacım olduğunda sattırmazlarsa bana, ya da yarın burası benim yaşamak istemediğim bir yer olursa. O korku hep dipte var maalesef. Yarınımı güvensizlik kendi adıma!

42. Türkiye'nin AB üyesi olmasını ister misiniz? Neden? Azınlık hakları gelişimi için mi?

Evet. Ama Türkiye için ne kadar avantajlı olacağını bilmiyorum. Çok fazla kontrol altında oluyorsun. Yunanistan da üye olurken aynı şeyi görmüştüm. Orada çekincelerim var.

İç değişmediği sürece, kurallar sadece azınlığın haklarının peşinde koşma hakkını yaratır. Devlet safında olanların düşünceleri değişmedikçe bir gelişme olamaz.

43. Sizce Türkiye'nin azınlık politikası ne kadar başarılı? Yunanistan'la karşılaştırsak?

Çok başarılı, yok etmeye yönelik bir politika vardı. Çok iyi başardı onu. İnönü muazzam bir kafa. 64'ü kurgulaması çok büyük politik başarı. Kimseyi suçlamayacak, sonuca hızlıca götürecek muazzam bir manevra.

44. Türkiye'de azınlık hakları konusunda eksiklikler neler? Nasıl giderilebilir sizce?

45. Türkiye AB üyesi olursa, AB vatandaşı olacaksınız. Yani bir Müslüman Türk'le ya da bir Yunan vatandaşıyla eşit vatandaşlık haklarınız olacak. Bu durumda kendinizi hala azınlık olarak hissediyor musunuz?

46. Türkiye ve Yunanistan'ın azınlık politikalarını karşılıklılık ilkesine bağlı olarak geliştirdiğine inanıyor musunuz? Sizce Türkiye ve Yunanistan sahip olduğu azınlıkları bir dış politika aracı olarak kullanıyor mu?

47. AB standartlarında azınlık hakları nedir sizce? TR ve GR AB standartlarında mı sizce?

Her yerde azınlık olduğun hissettirilir. İngilterede bile belli clublar vardır, giremezsin. Fransa da uyguluyor. Geçen gün Müslümanlığı yasak etti Andorra mı ne. %90ı Hristiyanmış. AB ne kadar garanti olur bu durumda emin değilim. Onu başaran bir tek Kanada var. Biz birliğimizi kişilerin kimliğini tutma şartıyla oluşturuyoruz. Devlet politikası söylemi bu. Sakın kimliğini kaybetme diyor. Öyle koyunca yürüyor tabii. Amerika'da bütün azınlıklar Amerikalı olmaktan avantaj sağlıyorlar, dolayısıyla ilk kimlikleri Amerikan. İkinci kimliği mesela Yunan, cacık yapar, horon teper, kiliseye gider. Başka Yunan kimliği yok onlarda. Biz burada azınlığız ama buranın yerlisiniz.

Notlar:

Milletvekilimiz vardı, devlet memuru ancak üniversitede çalışabiliyorsun, polis olamıyorsun. AKP birkaç arkadaşımıza teklif götürdü aslında. Polis olmaması bir güvensizlik. Daha Yunan gibi davranıp ülkeni satabilirsin gibi bakıyorlar. Diğer yandan Lefter'i Fenerbahçe Rum kimliğiyle sonuna kadar destekledi. Yunanistan'a özel uçak gönderip aldirtarak.

Interview 9

1. Yaşınız?

53

2. Vatandaşlık durumunuz? Yunan vatandaşlığını hiç düşündünüz mü?

Türk vatandaşlığı.

3. Kaç yıldır Türkiye’de yaşıyorsunuz? Nerede doğdunuz, büyüdünüz?

Doğduğundan beri / İstanbul

4. Mesleğiniz? Eğitim durumunuz?

Üniversite mezunu / Azınlık Temsilcisi

5. Sokakta Rumca konuştuğunuzda hiç garip karşılandınız mı?

6. Hiç sadece Rum olduğunuz için dışlandığınız oldu mu?

Askerde sakıncalı askerdim gayrimüslim olduğum için. Ermeni, Bulgar-Ortodoks arkadaşım vardı. Sakıncalıydık biz. Sebebini anlamamıştım. İnanamadım. Küsmedim ama kızdım, bunu affetmiyorum.

7. Bir Rum olarak Türkiye’de ne yapamazsınız?

8. Sizin diğer azınlık gruplarına mensup kişilere karşı önyargınız var mı?
(Ermeni-Yahudi)

9. Yunanistan’da yaşamayı hiç düşündünüz mü ya da düşünüyor musunuz?

10. Yunanistan’a hangi sıklıkla gidiyorsunuz?

11. Hangi ülkeyi vatanınız olarak kabul edersiniz?

Benim bu mücadelemde temelinde önce vatandaş olduğumun idrakı var. Ben bu ülkenin vatandaşıyım ama Rum olma özelliğim var ve bu şekilde kendimi kabul

ettirmem lazım. Kimse benim hüviyet özelliklerimden feragat etmemi beklemesin. Ama önce vatandaşım. Tersinden gitmedim. Sonra da devletten de beklenti içindeyim. Askerliğimi yaptım, düzgün bir vatandaşım. Hiçbir zaman boşuna gittim demedim ama kimliğime de saygı istedim, alan istedim. Hala istiyorum.

12. Ne tür bir azınlık grubuna mensupsunuz?

Etnik / Dini / Milli / Diğer

13. Türkiye’de azınlıklara karşı bir önyargı olduğunu düşünüyor musunuz?

Şu anda en az tepkiyi gören veya en sempatik Rumlar. Maalesef Yahudilere karşı arttı bu aralar. Rumlar daha sayıca az diye mi, daha açık bir toplum diye mi bilmiyorum. Neye dayandığını çözemedim.

14. Sizce Rum-Ermeni-Yahudi azınlık gruplarından hangisine karşı önyargı daha fazla?

Rum cemaati içinde Antakya Rumlarına karşı önyargı var mı? Karşılıklı. Her birinci jenerasyonda bu süreç yaşanır. Sanıyorum o ilişkiler de ikinci jenerasyonla geliyor. Genç jenerasyon daha çok lisan biliyor. Eğitimli. İlk jenerasyon köy kültürüyle geldi, onu burada devam ettirmek istedi olmadı. Tabi ki İstanbullu söz sahibi Rumlar çok azaldı. Rum cemaati 30 yıldır bu Antakya Rum toplumuna yatırım yaptı. Kaybetmemek lazım, ortak değer yaratmak lazım. Çok çok önemli. O insanları korumak, değerlerini geliştirmek çok önemli. Çok doğaldır ki İstanbullu Rumlar da onlara alan yaratmak lazım. Onları dışlamamız lazım biz kendimize bunun yapılmasını istemezken.

15. Türkiye’de azınlık olarak yaşamaktan memnun musunuz?

16. Azınlık vatandaşı olarak sahip olduğunuz haklar nelerdir?

17. Bu haklara baktığımızda 2. sınıf vatandaş olduğunuzu düşünüyor musunuz?

18. Türkiye'nin AB üyesi olmasının azınlık haklarını iyileştirmede etkisi olur mu sizce? Daha başka neler yapılabilir sizce?

AB reformları da başladı 2000'lerde. Müspet tarafları gayet iyi. Faydalanıyoruz. AB projeleri almaya başladık. Açıldık. Kendimizi ifade yeteneğini tekrar bulduk. Kendimize güven geldi. Başka kurumlarla diyalog kuruyoruz. Cemaatler arası diyalog da arttı. AB uygulamalarının da faydalarını görüyoruz. Vakıflar meclisinin 15e çıkması, kültürel mirasın korunması AB sayesinde oldu.

İlişkiler durdu ama Türkiye siyasi kriz sonrası yine AB yoluna ilerlemesi gerektiğini düşünecek. Oradaki değerlerden daha iyisi yok. Daha iyisini yaratma kapasitesinde değiliz. Siyasi ve hukuki sistem olarak.

19. Türkiye'de azınlık hakları konusunda eksiklikler neler? Nasıl giderilebilir sizce?

Devletle ilişkilerde hayatımdan çok büyük bir süreç adadım. Ailemden de işimden de feragat ettim hep bunlarla uğraştım. Dini azınlıklarla devlet arasındaki gelişmeler sağlanıyor. Ama daha eşitlik, algı açısından da eşitlik söz konusu değil. Daha yolumuz var. Karşılıklı ilişkide çok mesafe alındı. Ama bazı temel konularda hala direnç var. İki tarafta geçmişten gelen kuşku ve kaygılar devam etmekte.

Bu süreci hızlandırıp azınlık haklarını arttırmalıyız. Devletle ilişkiler bunu sağlamıyor. Üçüncü bir parametreye ihtiyaç var. Uluslararası bağlamda, akademik bir parametre olmalı. X Üniversitesi'nde azınlık enstitüsü / platformu açma görüşmemiz var.

Cemaat mensuplarını da akademik hayata teşvik edeceğiz bu şekilde. Yalnız Türkiye için değil başka ülkeler için de faydalı olacak. Temel sebep; alan yaratmak. Demokrasilerde alan yaratmazsanız şahıs etrafında döner. O nedenle azınlık temsilciliğine adaylığımı koymayacağım bir daha. Yahudi cemaati hala benden istiyor.

6 yıldır yapıyorum bu görevi. İlk temsilci benim. Cumhuriyet tarihindeki ilk benim. İkincisi olup, üçüncüsü olup başarılı olursa bu sistem yürür. Yoksa tek adam etrafında çok kolay sürmesi.

Sayılarımız o kadar azaldı ki suni toplum olma sürecine giyoruz, folklorik bir azınlık.

Cemaatlerimiz yılların baskısıyla demokratik saygıyı, demokratik hakları kaybettiği için onları teşvik etmeliyim.

Azınlığı yok saymak kolay, onun varlığını kabul etmek daha zor.

Türkiye azınlık hakları konusunda olayları rakamsal değerlendiriyor. Şu kadar milyon dolarlık mal verdik. Önemli tabi. Ama kalkınmayı verirken demokrasiyi vermiyorsun. Kendi seçim yönetmeliğini vermiyorsun.

Maalesef rum cemaati çok küçüldü, çok önemli değerlerini kaybetti. Tarihsel bilincini kaybetti. Devamlılık, sürdürülebilirlik fikrini kaybetti. Bunların bazı hasssiyetini geliştirmek kolay olmuyor. On yıllarca defansiflerdi, onları açmak kolay olmuyor. Kapalı bir odadan dışarı çıkmış gibi oluyor. Fazla ışık onları nereye gitmeleri konusunda şaşırtıyor. Nereye gitmeleri gerektiğini bilemiyorlar. Okulların, vakıfların, hastanen ekonomik olarak bağımsızsa ve şeffaf yönetiliyorsa tüm toplumun ihtiyaçlarını giderir ve tüm toplum kendini rahat ve güvende hisseder. Sağlık, kültürel faaliyetlerini kendi otokontrolünde gerçekleştirmiş oluyorsun. Çok çok önemli.

120 öğrenci üniversiteye gidiyor. Bunların bursları vakıflardan geliyor. Çok önemli vakıflar o yüzden. Hastane ve kiliseler vakıflar sayesinde yenileniyor, yaşayabiliyor.

Toplum yorgun, toplum güçsüz, toplum bu ağır yükü kaldırmakta zorlanıyor. Onun için devletin bunu (azınlık psikolojisini) anlayıp zorlukları gidermesi lazım. Tüm bu zorlukların tabelasını azınlık vatandaşın sırtına yüklemekten, tabela vatandaş yaratmaktan vazgeçmesi lazım devletin artık.

Eğitim ilkokuldan başlar. Azınlıkları yok saymak ve çoğunluğa tanıtmamak devletin hatasıdır. Ulus-devletin tasfiye anlayışı çerçevesinde süregelen bakiyeleridir. Tasfiye anlayışı daha silinmiş değildir. Ne zaman silinecek? Binaları verdi ama onları kullanabilmek için en az 5 sene var. Ya işgal var içindekileri çıkaramıyoruz. Ya üstünde

insanlar 40 yıldır içinde çalışıyordur. Kamu kuruluşları orda bina yapmıştır mahkemeye uğraşyoruz. Önemli değil. Bu bir süreçtir. Bu süreci yaşamamız lazım.

Eski tasfiye anlayışı daha silinmemiştir demek en doğrusu. Hala bakiyeler var. O bakiyelerin silinmesi için mücadele etmemiz lazım. Devlet tek taraflı bunu kaldıramıyor. Lozan 143 madde, 7 maddesi azınlık. Herkes Lozanla azınlık konusunda uğraşiyor. Diğer maddelere bakan yok.

En büyük eksiklik azınlık haklarında Türkiye’de algı. Eşit vatandaşlık anlayışının olmaması.

Azınlık açısından: kendilerini eşit vatandaş olarak görmemeleri.

Minority citizen-equal citizen projesi yaptık herkes Türkiye için yaptım sandı. Ben azınlık için yaptım. Kendilerini eşit görmeleri için yaptım. Gökçeada’ya gittik, Aantakya’ya gittik.

Aralıkta Ankara’ya gidiyoruz. Ben nasıl kendi insanımı eşit vatandaş yaratabilirim. Toplum çok kötü durumda. 65 ve üzeri olan neslimizin fikirlerini değiştiremeyiz. Normal. Veya hayatta başarısız olan, veya bu mücadelede kendi ekonomik şartlarının kötüleştiği kişiler çok kötü, herkes kötü düşünüyor. Rum cemaatinin en büyük sıkıntısı sayı sıkıntısı ve globalleşme. Önümüzdeki 5 yılda yeni mezunları farklı işlerde göreceğiz. Hala global şirketlerde çalışan Yanni’ler, Kosta’lar yok. Çok zayıf. Demografik yapımız çok kötü. Örgütlenmemizi küçültmemiz lazım. 70 vakıf, 20 dernek fasafiso. Küçültmemiz lazım. Orada devletin desteği yok şu anda. Yıllardır söylüyorum. Rum cemaati buna hazır değil. 3te 1e düşürün, nefes alırsınız. Dernek yaşatmak için harcadığımız mücadeleyi bir değer yaratmak için vereceksiniz. Ama milletin egosu var.

Eğitim bir paranoya: ben de çocuklarımı yabancı okula verdim ama torunumu Rum okuluna göndermek istiyorum. 3 tane liseyi kaldırmıyor bu cemaat. 2 veya 1’e düşürmek lazım. Ama cemaat buna hazır değil. Gurur, onur, ego, kültürel miras, anılar çok yoğun. 220 öğrencinin 3 okula gitmesi çok saçma. Hiçbir randabilitesi yok.

Örgütlenme şemamızı yenileyebilirsek, verimliliğimizi ve sürdürülebilirliğimizi arttırabiliriz ancak.

Kötü olduğunu düşünürler, sakız ağızda hep. Kötü derler ama hiçbirşey yapmazlar. Şikayet et geç, çözüm yok, alternatif yok. Getir iki tane Rum, 10 dakika sonra Türkçe'ye dönerler. Çok kolay yok saymak, Antakyalı çalışmam Almanca, İngilizce, Arapça, Rumca, Türkçe biliyor. Düşük sosyal standarttan geliyor, açlık var, kendini geliştirmek istiyor.

Notlar:

Mütekabiliyete karşıyım, insan hakları üzerinden mütekabiliyet olmaz. Bir azınlık veya bir kişi haksızlığa uğruyorsa kınıyorum tepki veriyorum, nerede olursa olsun, Türkiye de olur Yunanistan da Bulgaristan da.

Mütekabiliyet konusundan artık muaf tutulmamız lazım.

Türkiyenin ulus-devlet yaratma sürecindeki uygulamaları çok sertti. Mütekabiliyet sendromunun bir tarafı olarak o kadar zarar gördüm ve haksızlığa uğradım ki öteki tarafı hiç incelemedim, incelemek de istemedim.

Orta okulda ya da lisede müfettiş gelirdi, derdik ki eyvah Batı Trakya'da ne oldu. Mecburen düşündürdüler hep refleks olarak. Bundan dolayı onlarla temas kuramadık.

Batı Trakya çok daha politize insanlar ve sayıca da daha güçlüler. Sinema galasına davet ettiler gittim. İkincisinde basın aleyhime yazdı, Yunan devleti aleyhime düşündü.

Geçen gün Ankara'da mütekabiliyet çıktı yine karşıma. Kültür Bakanlığı'na gittim, bir genelgedeki haksızlığı söylemek için. Ama Rodos'taki medreselerimiz dedi. Ben napıyım Rodos'taki medreseyi ben kurtaramam dedim. Hadi benim için söyle ben Rum'um, Elazığ'daki Süryani kilisesinin Rodos'taki medreseyle ne alakası var? Ve insanları düşündürdüm ve hemen düzelttiler sağolsunlar.

Batı Trakya'dakilerin en büyük hatası, onların iki başkenti var Atina ve Brüksel, ama onlar Ankara'ya gelirler. Biz ise sadece Ankara'ya gideriz. Ben çözümü kendi başkentimde arıyorum. Batı Trakya'daki arkadaşlar da Atina'ya gitsinler, Selanik'e gitsinler, Brüksel'e gitsinler. Zor olacak başta ama onlar defansif davranıyor.

2006'da İstanbul'da buluşma konferansı düzenledim. Dönüm noktasıydı. Benim başkanlığımdaki dernek yaptı. 92 toplantı yaptım 3 günlük konferans. 300 kişi yurtdışından, 11 ülkeden İstanbullu Rumlar geldi. Ama devlete gide gele köselelerim eridi. Müezzinoğlu'na giderdim İstanbul il başkanıydı, siz azınlıksınız bizi anlarsınız. Böyle bir konferans yapıyoruz. Farklı anlamlar çıkarmayın. Çünkü bir Ermeni bir Kürt konferansı olmuştu problemlili. Dernekler masasına giderdim, başta hep Kıbrıs, Batı Trakya söylerdi. Sonradan arkadaş olduk. Egemen Bağış'a gittim konuştum. Bu akşam Erdoğan'la Amerika'ya uçacağım uçakta söyleyeceğim dedi. Ama Türkiye'nin hassasiyetleri benden sorulmuyor dedi. Biz var olma mücadelesi veriyoruz İstanbullu Rumlar olarak. Şayet devlet olarak şüphe duyuyorsanız hemen bırakırız dedim.

Konferansı yaptık. Muhteşem geçti. Benim açılış konuşmamda bir Batı Trakyalı bayrak çıkardı. 60'lı yaşlardı. Eski Avcılar Belediye başkanımıyş. Haber geldi ki emniyetten, protestoya gelecek aşırı milliyetçiler yok diye. Tam konuşmaya başladım. Adam bir fırladı bayraklı. Bir sürü sivil polis de varmış burası Türkiye falan dedi. Hemen polisler aldı tabii. Sonradan anlattı, Batı Trakya Türküyüm, hanımdan gizli geldim, hep uğraştım Avcılar belediye başkanırken, patrikhanenin elektriklerini, suyunu kestirdim dedi.

O andan itibaren İstanbul'daki Rumların kaderini değiştirdiğimi biliyordum. Atina'daki Rumları da örgütledik. Evrensel federasyon kurduk Atina'daki Rumlar için. Onlar da başladı konferanslara, istişare başladı aramızda. Onları cemaatimize kattık. İstanbul Rum mimarileri projesinin de fikir babasıyım. Amaç entegrasyon, amaç bu toplumun tekrar ait olduğu İstanbul'da varlığını sürdürebilmesi.

Bir de X adlı gazeteci var. Konferans öncesi ona gittim, böyle bir konferans düzenliyoruz. Lütfen destekleyin aleyhimize yazmayın. Konferansın ikinci günü bir makale yazdı. Bayağı methetti. Sonuna şunu yazdı: Rum arkadaşlarımız Yunan

bayrağının yanına Türk bayrağını da asabilirlerdi. Bütün makaleyi bitirdi o. Yunan bayrağı yoktu ki. O kadar zor ki bunları taşımak. 92 toplantı yapmışız, sekreteryaya kurdum. Para bulamıyorsun. Oradan dileniyorsun buradan dileniyorsun. Derken seni methediyor sonra bayrak mevzusu. Hemen yazdım ama hiçbirşey değişmedi.

Burada da hiç Yunan bayrağı göremezsiniz. Evet biz Yunanistan'la aynı dini, aynı etnisiteyi paylaşıyor olabiliriz ama biz kendi kültürümüzü korumaya çalışıyoruz.

Türkiye'nin hassasiyetleriyle oynuyorsun dediler hep. Kobani olsa, nükleer olsa, silahlanma olsa, askeri olsa neyse. Basit bir halkın doğal vatandaşlık hakkının Türkiye'nin hassasiyetiyle ne ilgisi var?

Önce vatandaş sonra hüviyet olunca o zaman mücadele etme gücünü elden bırakmıyorsun.

Rum toplumu çok zayıfladı, tarihi bilgisi çok zayıfladı, kültürel faaliyetleri de. Eğitim mi alacaklar, zengin mi olacaklar, başkasıyla rekabete mi girecekler şaşırdılar. Yıllarca sosyolojik olarak Rum toplumu üzerine yatırım yapıyorum. Çok tepki alıyorum. Rumvader'i 2011'de kurdum, 2 sene yönettim. Sonra ayrıldım. İstemediler. Neden gittim ama? Kaybolmuyorum başka yere gidip başka değerler yaratmaya çalışıyorum. O trenin yürümesi lazım. Ayrıldıktan sonra 2 sene denetleme kuruluna geçtim, yeni projeler götürdüm. Hep yanlarındaydım düşmesinler diye. Genel kurul olacak, dedim ki kurula yıllardır burada yaşayan bir Yunan vatandaşı alalım mesela. Bu enerjiyi katalım. İki sene önce tedirgindiler şimdi iyi baktılar. Hep söyledim çekildim. Hep böyle yapıyorum. Bazı insanlar çok çalışırsa olacak bu iş. Herkes yalnız kendini düşünürse hiçbir gelişme sağlanamaz.

Hükümet-azınlık ilişkisi şu an ne durumda? Bu aralar durgun. Gezi'den sonra düşme var.

Rum cemaatinin üniversite kurma isteği: çekincelerim var. İşin maddi boyutu en büyük çekincem. Nasıl çözeceklerini bilmiyorum. Kabiliyet ya da öğrenci bulmak açısından zorluk çekeceklerini düşünmüyorum.

Siyasi parti kurma fikri? Komik olur. Hiç düşünmedim. Ben öyle bir partiye katılmam.

Ya da bağımsız milletvekili? Tüm gayrimüslim vatandaşlar toplam 100bin. Bu sayıyla bir aday çıkaramazsın. Önemli bir siyasi parti sana alan vermezse, ya da gerçek anlamda vermezse sorunları çözmek için, hiçbir işe yaramaz. Siyasetten çok çektik çünkü.

Anayasaya çok güveniyorum. Bize nefes aldırarak diye düşünüyorum. Katkılar da sunduk. Eşit vatandaş hissedeceğimiz bir description olursa evet. Gündem olmaktan çıkarsak nefes alırız.

Interviews that are conducted in Greece with the 11 Muslim Turkish minority persons of the Western Thrace

Interview 10&11&12

1. Yaşınız?

10 - 30 yaşında

11 – bilinmiyor

12 - bilinmiyor

2. Vatandaşlık durumunuz? Türk vatandaşlığını hiç düşündünüz mü?

10 - Sadece Yunan vatandaşlığı var. Türk vatandaşlığı alabiliyoruz belirli bir süre Türkiye’de sürekli olarak oturduğun zaman. Batı Trakya Türkleri’ne kolaylık sağlıyorlar. Gerek yok ama. Rahat giriş-çıkış yapabiliyoruz. İş ararken sıkıntı oluyor. Aynı yabancılara uygulanan prosedür uygulanıyor. İşverenler uğraşmak istemiyor tabii. O nedenle sıkıntı yaşıyoruz.

3. Kaç yıldır Yunanistan’da yaşıyorsunuz? Nerede doğdunuz, büyüdünüz?

10 - 13 yıldır istanbuldayım.

4. Mesleğiniz? Eğitim durumunuz?

10 - Mimar / üniversite mezunu

11 – Atina’da sosyoloji okuyor.

12 – Ev hanımı

5. Sokakta Türkçe konuştuğunuzda hiç garip karşılandınız mı?

10 - Hayır. Yunanlar Türklerin varlığına alışık. İskeçe’den, Kavala’dan, en kötü Selanik’ten sonra Türk azınlığın olduğunu bilmeyen çok var. Buradakiler yarı

yarıya nüfus olduğu için farkında. Ülke gündeminde uzun zamandır yok Türk azınlıkların problemi.

10 - Gümülcine Alankuyu, Kalkanca'da Çingenerler çok yaşıyor.

12 - Biz Çingenerlerle bir olamayız. Dedeğaç'ta daha çok Çingene var.

Pomaklar balkan köyünde yaşar. Şahinköyü. İskeçe'de de çok var. Gümülcine'de de.

6. Hiç sadece Türk olduğunuz için dışlandığınız oldu mu?

10 - Ben öyle bir şeyle karşılaşmadım. Çünkü 18 yaşında buradan ayrılıp İstanbul'a gittim. Üniversite ve staj, iş hep orada. Burada azınlık lisesine gitmişim. Hep Türklerlesin. Kendi çapındasın. Kimse karışmıyor. Rahattık. Atina'da yaşadım bir süre. Rahattım gayet. Yunan okullarına gidenler daha iyiler. Yunanca biliyor.

11 - Yunanca biliyor. Atina'da okuyor. Liseyi Türkiye'de okuyanlar hiç bilmiyor.

7. Bir Türk olarak Yunanistan'da ne yapamazsınız?

11 - İtfaiyeci, asker, pilot, polis olamazsın.

10 - emin değil. Devlet kurumlarında da çalışıyorlar. Şu anda Türk-Yunan ilişkisi ilerlemiş durumda. Eskisi gibi değil, çok değişti her şey. Artık karma evlilikler de olmaya başladı. Çünkü aynı yerlerde okuyup, aynı yerlerde yaşamaya başladılar.

12 - tek tük başladı evlilikler.

10 - Azınlık kendi arasında kendini aşağıda hissediyor. Onlar daha iyi durumda, biz daha aşağıdayız diye düşünüyoruz. Azınlık psikolojisi olduğunu düşünüyorum.

Mübadelede Türkiye'ye gelmiş olmayı istemezdim. İsteyen arkadaşlarım var. Ama ben istemem. Götürüsü var ama getirileri de çok.

8. Sizin diğerk azınlık gruplarına mensup kişilere karşı önyargınız var mı?
(Pomak – Roma)

10 - Yok. Ama hiç Pomak arkadaşım da yok. Pomakça dilleri var, anlamıyorum dillerini. Türkçe konuşmuyolar Yunanca konuşuyorlar. Yunanca'yı da farklı konuşuyorlar.

11 - Çok Pomak arkadaşım var. Gruplaşma durumu var. Pomaklar Pomaklarla takılır. Türkler Türklerle. Daha kapalı bir durum var. Karşılıklı birbirimize karşı mesafeliyiz. Ama hiçbir sorunumuz yok.

9. Türkiye'de yaşamayı hiç düşündünüz mü ya da düşünüyor musunuz?

10 - Şimdilik Türkiye'de çalışıyorum

10. Türkiye'ye hangi sıklıkla gidiyorsunuz?

10 - Yunanistan'a tatillerde geliyorum. Düzenli işim yoksa daha sık geliyorum.

11. Hangi ülkeyi vatanınız olarak kabul edersiniz?

10 - Yunanistan

12. Ne tür bir azınlık grubuna mensupsunuz?

10 - Çok fazla milli bulmuyorum. Din çok daha fazla ağırlıklı. Buradaki azınlığı daha çok din bir arada tutuyor. Etnik demiyorum. Çünkü anneme sorsan Türkiye'den biriyle evlenmemi istemez. Buradaki insanlar Yunanlılara da kapalı ama Türk tarafına da kapalı. Son 4-5 yıldır Türkiye'ye okumaya çalışmaya gelen de az sayıda.

11 - Mülakat sistemi: konuşmalarınla ikna etmek zorundasın üniversite için edirne. Türkiye'de okursan, okul bittikten sonra mutlaka dönmen lazım. Çalışmak istersen sana verilen bursun %80'ini geri vermelisin.

10 - Politikayı hiç takip etmiyorum. 3 milletvekili ne yapıyor bilmiyorum.

12 - gene iyi. Başına birşey gelse bunlara başvuracaksın.

13. Yunanistan'da azınlıklara karşı bir önyargı olduğunu düşünüyor musunuz?

10 - Tarımda falan ayrımcılık yok, teşvikle ilgili.

14. Sizce Türk – Pomak – Roma azınlık gruplarından hangisine karşı önyargı daha fazla?

10 - Pomaklara karşı daha fazla sempati var. Çingenelerden korkuyor herkes. Türklerden daha kolay iletişim kuruyorlar Yunanlarla. Kendi köylerinde sabit yaşıyorlar genelde. Pazarcılık yapıyorlar genelde. Çocuklar kamyonetlerde uyuyor. 5-6-7 çocuk var. Yunan hükümeti çocuk yapınca teşvik veriyor. 3 çocuğa veriyordu eskiden, şimdi kriz yüzünden 4 çocuğa veriyor.

15. Yunanistan'da azınlık olarak yaşamaktan memnun musunuz?

10 - Yönetimsel bir baskı olduğunu düşünmüyorum. Ama azınlık psikolojisinin de sağlıklı bir şey olduğunu düşünmüyorum. Geride kalıyorsun hep. Dilini bile bilmiyorsun. Hep geriden geliyorsun. Çok fazla alternatif de sunmuyorlar. Okulda öğrenemeyince Yunanca kursuna gitme durumumuz yoktu. Şimdi kurslar başladı Yunanca, İngilizce.

16. Azınlık vatandaşı olarak sahip olduğunuz haklar nelerdir?

10 - Normal bir Yunan vatandaşı olarak yaşıyoruz, herhangi bir ayrımcılık hissetmiyoruz.

17. Bu haklara baktığımızda 2. Sınıf vatandaş olduğunuzu düşünüyor musunuz?

10 - 2. sınıf vatandaş olarak hissediyoruz çünkü bunu azınlık psikolojisiyle kendimiz yaratıyoruz.

18. Yunanistan'ın AB üyesi olmasının azınlık haklarını iyileştirmede etkisi var mı sizce? Daha başka neler yapılabilir sizce?

12 - Rumlar daha iyi İstanbul'da. Okumuşlar. Bizim onlara yetişmemiz mümkün değil. Biz burada tütün, arpa, buğday ekeriz. Tüccara satarız. Onlar okumuşlar. Biz çiftçilikle uğraşyoruz burada, onlar İstanbulda okul okumuşlar.

10 - Buradaki insanlar kanaatkar. Azla yetinirler.

12 - Yunanlar da tütün eker. Tüccar paraya göre alır. Ayrım yapmaz. Aynı köyden aynı fiyatlarda satarız.

19. Yunanistan'da azınlık hakları konusunda eksiklikler neler? Nasıl giderilebilir sizce?

10 - Eğitim konusu. Okulların ayrı olması çok kötü. Okulların eğitimi çok kötü. İlkokullarda eğitim çok kötü. Selanikte akademi denen bir yer var. Orada çok fazla bir eğitim almadan öğretmen oluyorlar ve azınlık okullarına görevlendiriliyorlar. Eğitime en açık olduğun 6 senen çok boş geçiyor. Yunancayı öğrenemiyorsun. Kendi okulundan nispeten memnundum. Çünkü ortaokula gittiğimde toplama çıkarma yapamayan Yunanca bilmeyenler vardı. Anlatıyorlardı, öğretmen gelip uyuyormuş sınıfta. Aileler de ilgilenmiyor pek. Okula gitsin sınıfını geçsin yeter. Ne öğreniyor, iyi öğreniyor mu önemli değil. Şimdi biraz da bilinçlenmeye başladı insanlar. Böyle kötü olacağına bu okullar okuldan kalsın. Bir arada yaşayıp kaynaşmamız gerekiyor. Haberleri açtığında bu ülkenin dilini anlamamak fln çok kötü. Sanki Türkiye'de yaşıyormuş gibi Türkiye haberlerini dinlemek çok saçma geliyor. Türkçe unutulursa unutulsun. İnsanlar burada yaşamayı öğrensin.

Interview 13&14

1. Yaşınız?

13 - 71 yaşında

14 – 23 yaşında

2. Vatandaşlık durumunuz? Türk vatandaşlığını hiç düşündünüz mü?

13 - Yunan vatandaşıyım. Türk vatandaşlığı için hiç müracat etmedik. Gidiş-gelişler çok kolay ama. 1980’lerde 3-4 saat Yunan gümrüğünde kalırdık. Eziyet çıkarıyorlardı. Buradan Edirne’ye 3 günde gittik. Kar da yağdı. Keşan’a geçinceye kadar yarım metre kar yağdı.

14 – çift vatandaş

3. Kaç yıldır Yunanistan’da yaşıyorsunuz? Nerede doğdunuz, büyüdünüz?

13 - Doğduğundan beri

14 – İstanbul’da yaşıyor.

4. Mesleğiniz? Eğitim durumunuz?

13 - İnşaatçı

14 – Endüstri Mühendisi

5. Sokakta Türkçe konuştuğunuzda hiç garip karşılandınız mı?

6. Hiç sadece Türk olduğunuz için dışlandığınız oldu mu?

7. Bir Türk olarak Yunanistan’da ne yapamazsınız?

8. Sizin diğer azınlık gruplarına mensup kişilere karşı önyargınız var mı?

(Pomak – Roma)

9. Türkiye’de yaşamayı hiç düşündünüz mü ya da düşünüyor musunuz?

13 - Babamdan para istedim 50bin drahmi. Türkiye'ye gitmek istedim hanım ve çocuklarla 1968'de. İzmir'e. Cesaretim çoktu. Burada gördüğünüz bütün binaları ben yaptım. Köyün %65'ini ben taş duvarla ördüm. Babam dedi ki, Türkiye'ye mi gideceksin dedi. Ev yap kendine en kısa zamanda dedi. Buradan 1 dönüm ver ev yapayım dedim. Sen bulursun kendine dedi, vermedi bana. Mezarlığın kenarından ta derinden verdi yer. Çoluk çocuk mezarlığın içinde mi kalsınlar dedim. Ninemindi bu ev. Satılığa çıkardı aldım ninemden.

Almanya'ya gittim işçi olarak. Çok güzel para kazanıyordum. 5500 mark para kazanıyordum. Atina'ya gidip muayene olduk. İplik fabrikasına gittik. 2 Türk, 24 tane Yunanlı. Boyumuzu kilomuzu ölçtüler. Cahilsiniz dediler, göndermiyoruz sizi dediler. Ben iki dil biliyorum, okul bitirdim dedim. Diğer Yunanlılar meğer okula gitmemişler bile. O zaman fikir değiştirdiler gönderdiler bizi. 1 sene en az ortaokula gitmeniz lazım dediler. Düsseldorf'a gittik. Kardeşinin düğününe geri geldiğinde karısı pasaportunu atmış tuvalete. Gidememiş geri.

10. Türkiye'ye hangi sıklıkla gidiyorsunuz?

11. Hangi ülkeyi vatanınız olarak kabul edersiniz?

13 - Vatan Yunanistan, Anavatan Türkiye

12. Ne tür bir azınlık grubuna mensupsunuz?

Etnik / Dini / Milli / Diğer

13. Yunanistan'da azınlıklara karşı bir önyargı olduğunu düşünüyor musunuz?

14. Sizce Türk – Pomak – Roma azınlık gruplarından hangisine karşı önyargı daha fazla?

13 - En fazla eziyeti Pomaklar gördü, Şahin köyü.

Çingeneler bizden daha kötü durumdalar. Mecbur kalıyorlar dilenmeye. İsimlerini değiştirenler birer araba aldılar. Serbest pazarcılık yapıyor. Fon ödemiş

devlet. 3 sene Romen derneğine üye olacaksın. 50bin euro para yardımı yapıyor. Yarısına araçlar bir de bankalar el koyuyor. Sadece isimlerini değiştirmekle kaldılar. Ama alanlar çok oldu. Bizim Türkler de Yunanlar da aldılar. Romeniz diye yazdırdılar kendilerini. Taksit taksit ödediler geri.

15. Yunanistan'da azınlık olarak yaşamaktan memnun musunuz?

16. Azınlık vatandaşı olarak sahip olduğunuz haklar nelerdir?

17. Bu haklara baktığımızda 2. Sınıf vatandaş olduğunuzu düşünüyor musunuz?

18. Yunanistan'ın AB üyesi olmasının azınlık haklarını iyileştirmede etkisi var mı sizce? Daha başka neler yapılabilir sizce?

13 - Ne zaman ortak pazara girdik, sosyalistler iktidara geldi. Ondan sonra cezalar hafifledi. Bir suç işlemeden ceza kesmez oldular artık.

19. Yunanistan'da azınlık hakları konusunda eksiklikler neler? Nasıl giderilebilir sizce?

13 - Okullarda eğitim yok. Sıfır. Gittikçe kötüleşiyor. Meclisten geçirdiler, imamlar da yetiştirmeye başladılar aynı akademide. Öğretmen yetiştirdikleri okuldan. İstesek de istemesek de onlar atayacak imamları. Bizim içimizden de bunu beğenenler olacak. Para ödemesinler diye. Bizim köyde 1956'da ben ilkokulu bitirdim. Kozlardere Türk İlkokulu yazıyordu. 1960'tan sonra Türk kelimesini kaldırdılar. Kozlardere Müslüman İlkokulu yazdılar sonra. Benim diplomam iki taraflıydı. Bir tarafı Türkçe'ydi, bir tarafı Yunanca'ydı. 1960'tan sonra sadece Yunanca oldu.

Türk kelimesini kullanmak hala yasak. Türk Gençlerbirliği mesela. Tabelası yok dışarıda. Çıkarmışlar. İçeri koymuşlar.

Damat: Müftülük önemli. Evlenme, boşanma, miras çok önemli. Türkler kendi aralarında müftü seçmişler. Bir yetkisi yok ama. Protokolde atanmış müftü var. Hükümetin aldığı kararları o uyguluyor. Dini yetkiyi elinde tutmak istiyor. İmamlar

burada çok önemli. Azınlık olduğu için sığınaacağı şey din. Azınlığı yavaş yavaş sindirmeye çalışıyorlar.

14 - Bahçeden topluyorlar her şeyi. Eğitim en kötüsü. Türkiye kontenjan veriyor okuyorlar en iyi okulda. Arkadaşlarım var. Türk vatandaşlıklarını iptal ettiler. YÖS sınavıyla girdiler Çapa Tıp'a.

Damat: Burada Türk diplomasını kabul etmiyor. İlk evlendiğim yıllarda 1 tek Türk eczane, 1 tek taksi şoförü yoktu. 1 fırın yoktu. Benzinlik yoktu. Hepsi kendi tekellerindeydi. Eczacı Türkiye'de eczacılığı bitirdi. Tekrar tekrar sınava aldılar. Eczane açtırmadılar. Hastanede ilaç bölümüne aylıkçı aldılar. 6 senesi böyle geçti. Sonra açlık grevi yaptılar fln. Ancak öyle izin alabildi eczane için.

13 - Hiçbir yerde telefon yoktu. Gümölcine ve İskeçe'de. Ortak Pazar araştırma yapıyor neden iletişim yok diye. O zaman karar aldılar. Acele bütün evlere gelip telefon bağladılar. Ve o telefonlar da dinlenirdi. Köyde tek telefon vardı o zamanlar kahvede. Dinlenirdi merkezden. Bütün köylü tek telefondan konuşuyordu. Megafonla çağırıyordu telefon geldi diye. Çok eski değil, 1980'lere kadar vardı. Şimdi her ailede telefon var. Abone parası 30 euro alıyor iki ayda. Hiç konuşmadan. Her iki ayda bir veriyoruz.

14 - 2004 Olimpiyatları'nı yaptılar. Gelir karşılamadı harcamaları. Bir baktık, su faturaları 300 euro gelmeye başladı. Vergiyi hemen bu bölgeye yüklüyor. En çok ceza yazılan yer de burasıdır. Trafikte de yazıyor. Köye geliyor, kapının önünde su var ceza yazıyor. Eskiden tarlada traktöre yazıyorlarmış cezayı.

13 - Şapçıya varmadan kör bir köy var. Trafik dayandırdı. 4000 drahmi ceza yazdı. Rum arkadaş, Karadenizli. Fatsa'dan gelmişler. Rodop ilinde kayışını tak demiştim, sen anlamadın dedim. Şimdi anladım dedi. O zaman yazdığını ödemek zorundaydım. Şimdi 10 gün içinde yarısını ödüyorsun. Veya davaya gidersin ama o zaman 1i 100bine çıkarabilirler.

Kardeşim traktör aldı ehliyeti yoktu. Polis gitti tarlaya ceza yazdı. Yeni Demokrasi Partisi yaptı bunu (ND). Sağ partiler yaptı bunu hep.

X abiyle başka köye giderdik her gün. Her sabah dayandırırdu polis. Çok hızlı gidiyorsun diyor. Benim arkadaş da 55-60'tan fazla hız yapmıyor diyor. Arkadaki arkadaşu üşüteceksin diyor.

Bir motorsiklete 100bin drahmi ceza keserlerdi.

Milletvekilimiz var ama kukla gibiler. Söz sahibi değiller. Ama mecbur seçiyoruz onları. Komünistlerden bir doktor seçtik. Mustafa isminde. 1999'da falan. Yunanlar bizden daha fazla sevdiler onu. Çünkü mecliste en çok çiftçileri savunan kişiydi. Gümölcine'den çıkmıştı. Hangi Rum'u görsen, sizin Mustafa zehir gibi derlerdi. Bizim Sarika'nın Allah cezasını versin. Bir kere görmedik derdi yan köydekiler.

Rumlar, Türk mallarını almaya başladı. Kira parasına satın aldılar. Tarlalar, mallar falan. Köyün girişinde 45-50 dönüm tarla sattı. 750bin drahmiye 50 dönüm tarla, 2 tane de ev sattı. Rum X, 6-7 sene sonra 1 evi 1 milyona, diğerini 1 milyon 200bine sattı. Dönümünü 500bin drahmiye sattı. Demek ki çok adaletsiz. Çok kayba uğradık. Türke satamadık. Sadece Rum'a satabildik.

Damat: Batı Trakya'da %80 Türklere aitmiş mallar, arsalar. Şimdi %20'ye düştü. Türk'e satamıyorsun. Önce Rum'a satacaksın. Sonra Rum'dan Türk alacak. Bir de Rum'a banka kredi veriyordu. Şimdi değişti. Rumlarda para yok.

13 - Buradaki memurlar (yunan) çift maaş alırdı. Sınır bölgesi gibi.

1981'den beri tütünlere fazla prim verdiler. Ama onu da 2 seneden beri yarıya düşürdüler kriz yüzünden.

Pamukların %85'i Yunanların elinde.

Kızı Celal Bayar lisesini kazanmış 80 kişi arasından 45 kişi kazanmış. Celal Bayar zamanı kurulduğu için adı Celal Bayar Lisesi. Yunanlılar çok para ödettiler bize okula giderken. 3 tane öğretmen vardı. Eski Yunanca ve yeni Yunanca için ders aldırıyordum. 4 dersten ikmale kalmıştı çünkü 1974te. Tarih-coğrafyayı da benim Türkçe kitaplarımdan çalıştırdım. Tüm köylünün 3 hocaya verdiği parayı ben tek başıma verdim.

Cumacılar (dindarlar) vs. pazarcılar

Vakıfları Yunanlıların seçtiği adamlar idare ediyor.

Kara kaplı defter var. Orada ismin varsa bazılarını Türkiye kabul etmiyor, bazılarını Yunanistan. Damat gazeteci. Bu konuları araştırıyor gençliğinde. Adı kara kaplı defterde. Gümrükten geçtiği an polis eskortu geliyor köye. Artık polisi gören köylü, senin damat geliyor heralde diyor.

Cami minaresinin boyu 7 metreyi geçmeyecek yoksa yıkarlar.

Yeni çeşme yapmaya izin vermiyorlar.

Cami duvarı yıkılmış zamanında, tamir etmiş. Resmini çekip İçişleri Bakanlığına göndermişler.

14 - Askerlik çok kolay, 45 yıl tecilli.

13 - Kıbrıs zamanı, asker tanklarla gelmiş. Kardak kısa sürdü.

Tankların namluları Selimiye camisine dönüktü. Askeriyeye doğru değil.

Eskiye nazaran %95 iyileşme var Yunan gümrüğünde.

1958'de sanat okuluna gittim. Dülgerlik okulu açtı kral-kraliçe. Yan komşu köylerden birinde açıldı. Bütün aletleri devlet verdi bize. 1974'e kadar çok iyi çalıştık. Sonra 1-2 sene müteahhit gibi çalışmaya başladım. 3-4 tane ev yaptım. Güzel de kazanmaya başlamıştım. 1974'ten sonra inşaat iznimi elimden aldılar. 20 sene 1 kiremit bile değiştiremedik. Adamın çatısı kırılmış. Nasıl tamir edeceğiz bunları. Gittik gizlice. Karşı binada polisler var bakıyorlar.

Hep kaçak bina yaptık. Polis yakalarsa içeri götürürdü. Ne zaman Ortak Pazar ülkesi olduk, izin vermeye başladılar. Ama azınlığın üzerinde bir değişiklik yapmadı. Ortak pazarın verdiği şartların hiçbirisini bize uygulamadı. Hala her şeyden mahrumuz. Öğretmen tutma hakkımız vardı. Öğretmenlerimizi ekarte ettiler. Köylü olarak hak sahibi değiliz şimdi. Önceden kendimiz öderdik. Şimdi Akademi Selanik'ten devlet

atıyor. 350-400 öğretmen yetiştirdiler. Öğretmenden çok başka her şeye benziyor. 6. sınıfı bitirdi çocuk, 5 kere 6 sor bilemez.

Babaları şikayet etti. Aldılar buradan ama başka köye götürdüler. 8 çocuk var. İsteseler kolej gibi öğretirler. Ama maalesef çocuklar okulu bitiriyor, Türkiye'ye üniversiteye gidiyor. Bayağı mahrum.

Şimdi üniversite için kontenjan tanıdı Yunanistan. Köyümüzden tek bir çocuk bitirdi. Veteriner oldu. Kendi dükkan açtı. Tüccar gibi açtı. Devlet tarafından atanmadı. Ticaretle de uğraşiyor.

Son 2 senedir 19 tane okulumuz kapandı. Öğrenci olmadığı için. Belediyeler minibüs koyuyor. Belediyeler toplayıp merkez köye götürüyor okula.

Berber büyüdüğümüz Rum arkadaşlar hala bize Türk diyemiyor. Siz Müslümanlar diyorlar. Beraber büyümüşüz. Biz Türk değil miyiz, evet. Ama ille Müslüman. 1974'ten sonra siz Müslümanlar diye diye Müslüman yaptılar. İçlerinden gelmiyor Türk demek. Siz Müslümanca dil bilir misiniz. Yok. E biz Türkçe konuşmuyor muyuz evet. Ama Türk diyemiyorlar. Komşu köyde Rum-Türk karışık. Kahvede Türkçe konuşmayı yasakladılar. Biz gidip onlarla Rumca konuşuyoruz. Onlar bize Türkçe cevap veriyor. Yaşlıların bazıları Rumca da bilmiyor, hakiki Yunan ama Yunanca bile bilmiyor o köyde. Ama hala Müslüman diyorlar.

Ben 71 yaşındayım. Hiçbir değişiklik görmedim devlet politikasında. Yunan halkı muhabbet ederken çok iyidir. Ama içindeki milliyetçiliği bırakmaz. Ortak pazara girmek bile değiştirmede bunu.

1974'ten sonra Türk azınlığın olduğunu öğrendiler ama Müslüman diyorlar.

Ben askerdeyken başçavuşun evini taşıdık Makedonya'ya. Başçavuş Rum. Aile Türkçe konuşuyor. Babası bir küfür savurdu bize. Kızı dedi ki belki bilirler Türkçe konuşma. Kahve yaptılar içiyorduk. Türkçe konuşmaya başladım ben de. Şaşırdılar. Türkiye'den mi geldiniz nereden geldiniz dedi. Yok biz Gümülcineliyiz dedim. Şaşırdı. Ne bileyim Yunanistan'da Türk var da Türkçe konuşuyorlar dedi.

Nereye gidersen git Türkçe konuşan birisi bulursun. 1964'te İstanbul'dan gönderilenler var. Rastladık onlara. Biz Türk'üz dediler. İnönü kovaladı, o sağır-kör meret dediler. Onun öbür gözü de kör olaydı dediler.

Yavaş yavaş 1974'ten sonra bizim azınlık olduğumuzu öğrendiler. Ortak Pazar tütün primi veriyor çiftçiye destek diye. Meclisten geçiyor bu prim. Neden bu azınlığa bu kadar para geliyor diye tartıştılar. Ama en çok tütünü işleyen de bizim azınlık. Kota koydular. Bu sene son senesi. Bundan sonra ne olacak belli değil. İçişleri bakanı dedi ki mecliste; bu azınlığa bu kadar para vermememiz lazım. Çok engellediler bizi. Serbest bıraksaydılar bizi, ehliyeti mehliliyeti araba, traktör almak için büyük problem çıkardılar. Traktör ehliyeti bile vermediler. 25 sene. Ortak pazara girince verdiler. Parası da olsa traktör alamadı. Hayvanlarla işlemek zorunda kaldı. Veya da Rum'a muhtaç kalıyordu.

İhtiyaç var ev yapacak mecbur kaçak, polisten gizli yaptı herkes. Trakya'daki binaların %70'i, %80'i kaçak. 1980-85'ten sonra izinler başladı. Yıkıyorlar ama. Kaçak inşaatı yaparken yakalanırsan, o zaman yıkıyorlar. Polis yıkıyor hem de. Ciplerle yıkıyorlar. Şimdi özelleştirmeye uğraşıyorlar. Meclisten de geçirdiler hiç olmazsa 40 seneyi geçen kaçakları muaf etsinler diye.

Azınlığın birinci geliri tütün. Bu köyün de %90'ı tütüncü. Sanatçı manatçı 1-2 iş adamı çok az var. 20bin euro hayal para. 5-6bin euro ile 1 yıl geçiniyor. Ticaret adamları var onlar daha çok kazanıyor.

Bizim seçtiğimiz müftüyü Yunanistan kabul etmiyor hiçbir zaman. Çocuklarının nikahlarını bile devletin seçtiği müftü imzalıyor.

14 - Tom Thanks'in karısı Rita Wilson buralıymış. İkinci dünya savaşı sonrası 1945-50'de göç etmiş Amerika'ya. Geçen sene buraya gelmişler. Soyalarını araştırmaya. Müftüden randevu talep etmişler. O da tanımamış Tom Hanks kim diye. Randevu vermemiş. Bizim müftü olsa böyle yapmazdı diyorlar. Milli eniştemiz Tom Hanks.

Müftü Suudi Arabistan'dan mezun. Mısır'dan da mezunlar var. İlahiyat fakültesi mezunları.

Interview 15&16

1. Yaşınız?

15 – 47 yaşında

16 – 26 yaşında

2. Vatandaşlık durumunuz? Türk vatandaşlığını hiç düşündünüz mü?

Yunan vatandaşı hepsi.

16 - Türk vatandaşlığı istiyor. Odtü’de okumuş. Uluslararası ilişkiler. Doktora yapmak için Türkiye’de istiyorum. Yunanistan’da çok zor. Kızkardeşi de Uludağ’da tıp okuyor. Burada doktor fazlası var. 5bin doktor Türkiye’ye çalışmaya gidiyor. Tus’a hazırlanmak çok zor Türk azınlık olarak Türkiye’de.

16 – Yunanlılarınki, komunist sistemine benziyor. Tarım ve hizmet sistemi var. Ama sanayi yok. AB’den çok yardım alıyorlar. Paşa gibi yaşıyor Yunanlılar. Tıpta uzmanlık için sıra bekleniyor 5-6 yıl. Tus yok. Üniversite çok az. Özel üniversite hiç yok. Yakın zamana kadar üniversite bedavaydı, kitapları bedava veriyorlardı. Geliriniz 30bin euronun altındaysa iki çeşit yemek, ulaşım, yurt bedavaydı. Ayda para desteği falan vardo. Şimdi değişti. Kamu harcamaları çok yüksekti buradan anladığımız gibi.

15 - Başka iş yok. Küçük esnaflar kapıyor yavaş yavaş. Son zamanlarda Yunan üniversitelerinde okuyanlar daha fazlaydı ama krizle yine Türkiye’ye yönelmeye başladılar.

16 - Çünkü Yunan üniversitelerinde grev var. Grev yüzünden okulu 2-3 yıl uzayanlar var. Öğrenciler içerde kavga ediyor, grev yapıyor hocalar. Polis de içeri giremiyor yasak. Önce Atina Üniversitesi ziraat mühendisliği kazanmıştım. Sonra bunlar yüzünden bırakıp Odtü uluslararası ilişkilere geldim. Rektörün kapısına tuğla örmüştü öğrenciler. Ya da uyuşturucu kullanıyorlardı polisin gözü önünde. Selanik Üniversitesi’ni yakmaya kalktılar. Girsin mi girmesin mi polis bilemedi. Ama değişti şimdi. Polis-jandarma girebiliyor.

3. Kaç yıldır Yunanistan'da yaşıyorsunuz? Nerede doğdunuz, büyüdüünüz?

Doğma-büyüme burada yaşıyorlar.

15 - Türkiye'ye gelmeyi hiç düşünmedim. Eşim doktor. Sigortalar var yıllardır ödediği. Vatandaşlık haklarımız var. Dostlarımız, çevremiz burada. Orada yaşamak çok zor. Küçük yaşta orda yaşamayı düşünmüştüm ama çok zor bu yaştan sonra.

4. Mesleğiniz? Eğitim durumunuz?

15 - Türkiyede açıköğretim lisesinde öğrenciyim. Yazar.

16 - Yüksek lisans mezunu (İngiltere)

5. Sokakta Türkçe konuştuğunuzda hiç garip karşılandınız mı?

15 - 7 yaşındayken, 1974 Kıbrıs hadisesi yaşandı. Yunanlılar bunun acısını bizden çıkardılar. Halama süt almaya gidiyorum. Yunan çocuklar benim önümü kestiler. Biz de ezilmiş bir toplumuz. 1912'de Balkan savaşı oluyor. Bütün topraklar gidiyor, sadece Batı Trakya kalıyor Yunanistan'da. Sonra WWI, WWII. Hep ikinci sınıf vatandaş muamelesi. Hep ezilmiş toplum. Beni itiyorlar. Hırpalıyorlar. Bisikletime biniyorlar. Hep içimde kinle karışık bir korku duygusu. Onlarla birlikte yaşamayı hiç düşünemezdim çocukken.

6. Hiç sadece Türk olduğunuz için dışlandığınız oldu mu?

15 - Yunan öğretmenlerimiz bizimle Türkçe konuşurlardı. Yunanca öğretmek istemezlerdi. Tarih ve coğrafya derslerini de Yunanca anlatırlardı. Almanya'da Türk çocuklarını iyi okullara almıyorlar ya bizde de ona benzer bir durum vardı. Zekiydik hepimiz ama öğretmek istemezlerse ne yapacağız. 1975-1976 falan. Kıbrıs sonrası böyle. Babam ilkokul öğretmeni idi. O bana evde öğretiyordu. Azınlığımızda ilkokuldan sonra okula gönderilmediler. Kızlar ferace giydi. Erkekler de çırak falan oldu.

Celal Bayar Lisesi'ne giden sınıf geçemiyor. 2 senede 1 falan geçiyor. Kızlar pek okutulmak istenmiyordu zaten. Yunan okuluna göndermek falan asla söz konusu

değildi o yıllarda. Ya azınlık lisesi ya Türkiye. İmam Hatip'e gönderdiler beni o zaman İstanbul'a. 1980 öncesi.

Burada medrese var. Yeni ortaokul statüsüne getirildi. Müftüler ya Türkiye'de ilahiyat okuyanlardan, ya da Mısırdan falan. Ölünceye kadar makamda kalıyor. Seçilmiş müftülerden İskeçe'deki Suudi Arabistan mezunu, Gümülcine'deki Türkiye'den. Atanmış olanlar da Arap ülkelerinden. Seçilmişler de atanmışlar da değişmiyor. Padişahların saltanatı gibi.

Eşim doktor. Yunanlı hastamız var mı bilmiyorum. Kamuya çalışmaya almıyorlar. Yeni yeni almaya başladılar tek tük. Belediyede falan daha basit işlerde çalışan var. Polis olmaz, asker olmaz. Bankada çalışan yok. İtfaiyeci olmaz, pilot olmaz. Stratejik hiçbir meslekte Türk yoktur. Postanede memur Türk olmaz. Valilikte hiç olmaz. Şimdi birkaç kişi aldılar.

29 Ocak 1988'de Türklerin haklarını savunmak için çok büyük bir yürüyüş oldu. Türklerin tarlalarını alıp açık hava hapisanesi yapmak istediler. Çok büyük bir yürüyüş oldu. Dünyaya duyurduk adımızı.

16 - 1974te demokrasiye geçti Yunanistan. 1981'de AB üyesi oldu. Her alanda değişim oldu ama bir tek azınlık konusunda olmadı. Ehliyet vermiyorlardı. Traktörünü alıyorsun ama ehliyet alamazsın. Tarla yolunda beklerdi polis, ceza yazardı. %5 alabilirdi. Araba çok nadir. Araba ehliyeti de alamazdın.

15 - Bizim mahallede 3 kişinin arabası vardı. Ehliyet alabilmişlerdi. Ev yapamazdın, tamir edemezsin. Yağmurda akar çatı, tamir edemezsin. İşyeri açamazsın. Bakkal bile açamazsın.

O yıllarda baskı vardı. 10binlerce kişi Türkiye'ye göç etti.

Bir evin yanından geçerken Yunan mı Türk mü anlaşılırdı. Bizimkiler eskiydi çünkü tamir edemezdik.

16 - Bizim insanımız nasıl yürüdü bilemiyorum. Pasiftir bizim insanımız. 1988 yürüyüşü. 2 sene sonra aynı gün 29 Ocak 1990'da, mini-pogrom oldu. Türk

dükkanlarına Yunanlılar saldırdı. Tabelaları yenilemişler Türk dükkanının olduğu belli olsun diye öncesinde. Ki rahat rahat Türk dükkanı kırılınsın camları, adamlar dövülsün, malları yağmalansın. Atina hemen toplanıyor ve değiştirmeye çalışıyorlar. 1991’de Mitsotakis yeni başbakan. Ziyaret ediyor burayı. Eşit vatandaşlık hakkı verilsin diyor. O yıldan beri yavaş yavaş değişiklik başlıyor. Tamir izni veriliyor, ehliyet veriliyor. Vatandaşlık hakkı bunlar. Kolektif hak da değil.

15 - Yüksek tahsilli insan yok ki bizi savunsun. Dr. Sadık çok cesur bir insandı.

15, 16’ya hamile o zamanlar. O bile gitmiş yürüyüşe. Polisten çok korkuyorum. Şimdi çevirse beni titriyorum. Kıbrıs zamanı komşularımızı çok dövdüler. İçime işledi sesleri. Evin erkekleri karakola götürülüp çok dövüldüler. Yeni kesilmiş hayvan derilerine sarıldılar geçsin yaraları diye. Sonra da Meriçten kaçıyorlar Türkiye’ye. Bir gece babam eve gelmedi. İmamdı aynı zamanda. Yolun karşısına geçmek istemiş. Tanklar var yolda. Türkler hemen anlaşılıyormuş bir de. Sen niye tankların arasından geçiyorsun, onların numarasını alacaksın değil mi demişler. Yürü düş önüme karakola gideceğiz. Karakolda biri tanıyor. Ama bütün dayak yiyenleri duyuyor.

16 - Direk öldürmemişler ama çok fena dövmüşler.

Anayoldan tanklar geçip Türkiye sınırına yığılma yapıyorlardı.

AB etkisiyle bireysel haklarda iyileştirmeler var. Türklerle mi karışacağız diye asimilasyon da istememişler hiç yapmayı. Türkiye de bastırılmış.

Yıllardır bu bölge aynı. Pek yatırım yapılmıyor. Yunanistanda bölgeler arası çok fark da yok aslında. Yine de burası geri kalmış bölge sayılıyor. Üst mevkiye gelmek mümkün değil. Milletvekili var ama bakan olunmuyor. DEB partisi 2 ilde birinci geldi ama hemen baskı yapmak istediler. Yunanlar getirip bölgeye yerleştirelim dedi İçişleri Bakanı.

Kolektif haklar pek moda değil Avrupa’da. Bireysel haklar ön planda. Müftülük falan. Müslüman azınlığı tanıyor, Türk olarak tanımıyor. Pomak ve çingeneyi

de Türk tanımlıyoruz. Milliyetçi Yunan arařtırmacılar çok ilgileniyor bu konuyla. Bulgarlar Pomaklar için Bulgar der, Türkler Türk der, Yunanlar Yunan diyor.

15 - Çingeneye Çingene demek en büyük hakarettir. Pomakların kökeni Türklüğe dayanır. Kuman kökeni. Pomakça konuşurlar. Irklar karışmış. Ova köylerinde gajal denen esmer insanlar vardır. Onlar Konya-Karaman'dan gelmiştir. Slav ırkını kabul etmezler. Sırplar akla gelir çünkü.

7. Bir Türk olarak Yunanistan'da ne yapamazsınız?

8. Sizin diđer azınlık gruplarına mensup kişilere karşı önyargınız var mı?
(Pomak – Roma)

16- Sonuçta Türk kültürü hakim. Gümölcine ova köylerindeki gajal, İskeçedekilere (ova köyelerine) çıtak deniyor. Pomak olmayanlara denir. Dağdakiler bunu böyle söyler. Ovakiler de biz Türk'üz dağdakiler Pomak derler.

15 - Kısacası hepimiz yaseften türemişiz.

16 - Bilimsel olarak kanıtlanmamış tabii ki.

İskeçe'dekiler çok ayrı. Pomak köyleri falan. Gümölcine'de ama çok karışık buralar.

15 - Pomakça da bilmeyiz. Keşke bilsek. Babam Pomak'tı. O da bilmezdi. Babannem ve dedem aralarında konuşurdu.

16 – İskeçe'de anket yaptım. Master tezi için. Bildiğiniz dil kısmına Pomakça'yı da koydum. Çok kızdılar. 300 kelimelik bir lehçedir, dil değildir dediler. Ben buna Ernest Gellner'in high culture'ı diyorum. Yüksek kültür arıyor halk. Pomaklar daha sade bir kültürün toplumu olduğu için yüksek kültür arıyor. Bu yüksek kültür de Türk bütün balkanlarda. Osmanlıya hep özlem duyulur. Türklük hep pozitif bir kimlik olarak algılanır Müslümanlar arasında.

Azınlık okullarında Pomakça eğitim yok tabii o yüzden de yok olmuş bu dil. Camilerde de hiçbir imam Pomakça hutbe okumaz. Halk anlamasa bile Türkçe okur o hutbeyi.

Makedonya'da, Bulgaristan'da Türk azınlık var ama hiçbiri kendini bu kadar güçlü tanımlamaz Türkiye'deki gibi.

15 - Buradaki Türkler çingeleneleri dışlar. Onlar evimize gelmesinler, camiye gelmesinler. Yunanlılar da hristiyan Çingeleneleri dışladılar. Hristiyan olunca maaş alanlar var. Camiye gidiyorum teravih namazına. Ön saflara Çingeleneler geçemez. Onlar arka safta kılar namaz. Ben de inadına onların yanına gidiyorum namaz kılmaya. Sen öne git kızanım derler.

16 - 300 yıl önce imam Roman cenazesini kaldırmak istememiş.

9. Türkiye'de yaşamayı hiç düşündünüz mü ya da düşünüyor musunuz?

16 düşünüyor.

10. Türkiye'ye hangi sıklıkla gidiyorsunuz?

11. Hangi ülkeyi vatanınız olarak kabul edersiniz?

Türkiye / Yunanistan / Hiçbiri

Vatan Yunanistan, anavatan Türkiye. Anavatanımızın gölgesi altında yaşıyoruz burada. Yılda en az 5 kez gideriz. Orada evim var. Bizim evde Yunanca tv izlenmez.

16 - Londra'da soruyorlar nerelisin diye. I'm Turkish diyorum hep. Greek diyemiyorum. I'm from Greece. Ama Türk azınlığım diye anlatıyorum uzun uzun.

Where are you from diye soruyorlar. Greece demiyorum. I'm Turkish diyorum. Greek desem çok uzun iş.

15 - Hacda sordular nerelisin diye. Turkey diyorum.

Akrabalarımızın çoğu orada. Bursa'da hep. Türkiye'de de eğitim aldık hep.

12. Ne tür bir azınlık grubuna mensupsunuz?

Hem dini hem etnik. Müslüman-Türk

13. Yunanistan'da azınlıklara karşı bir önyargı olduğunu düşünüyor musunuz?

Kesinlikle. Hala var.

15 - Oğlum anket yaparken ova köylerinde dolaştık. Türklük ne kadar önemli sizin için, %69. Müslümanlık ne kadar önemli %80. Gördüğü an çok önemliyi işaretliyor. Dini çok yaşamasa bile.

16 - Kimlik olarak Müslümanlık bu. Bosnada da var bu. Hristiyan öteki'den değilim. Şimdi 1240 imam yasası çıktı. Camilerdeki imamların maaşını Yunanlar vermek istiyor. Bizim halk istemiyor. Faturaları da cemaat öder. Köyün mütevelli heyeti öder. Gümülcinede vakıflar var Osmanlı zamanından kalan. Bazı imamların maaşları sadece oradan ödeniyor. Şapçı'da da var vakıf. Seçilmiş müftülükten maaş alan da var.

14. Sizce Türk – Pomak – Roma azınlık gruplarından hangisine karşı önyargı daha fazla?

En çok Çingene'ye var. Saygı duymazlar. Bunlardan bir şey olmaz görüşü var.

15. Yunanistan'da azınlık olarak yaşamaktan memnun musunuz?

16. Azınlık vatandaşı olarak sahip olduğunuz haklar nelerdir?

17. Bu haklara baktığımızda 2. Sınıf vatandaş olduğunuzu düşünüyor musunuz?

Kızı - kesinlikle ikinci sınıf vatandaşız.

18. Yunanistan'ın AB üyesi olmasının azınlık haklarını iyileştirmede etkisi var mı sizce? Daha başka neler yapılabilir sizce?

16 - Baskının sona ermesinde etki olduğunu düşünüyorum. Türkiye'nin de etkisi var tabii ki. 88-90 olayları sonrasında iyileşmeler başladı.

AB sonrası sistemi çözdüler. Bir sürü davalar oldu. Akademik yayınlar oldu. Açıldı insanlar biraz. Eskiden nereye başvurursan başvur birşey olmaz düşüncesi vardı. Pasaportun avantajını kullanan çok kişi var. Ben bile İngiltereye gidemezdim yoksa. Türkiye'de çalışırdım muhtemelen.

Buradan Almanya'ya göç eden Batı Trakyalılar çok duyurdular sesimizi. Human Rights Watch geldi raporlar yazdı. Bayağı 'internationalization of the minority question' oldu o yıllarda.

19. Yunanistan'da azınlık hakları konusunda eksiklikler neler? Nasıl giderilebilir sizce?

En büyük sorun ne? 16 - eğitim bir numaralı sorun. Eğitim iyi değil kesinlikle.

Kolektif haklar hala verilmedi. Vakıf problemi, müftü problemi. Kaç yüzyıllık binalar var Osmanlı'dan kalma. Kirayı arttırmıyorlar.

İstanbul'daki Rum azınlığın da bitmesi bizim için çok kötü oldu. 64'te gönderildiler. 50-55 arası Türk-Yunan ilişkilerinin altın dönemi. Sayılar iki tarafta da yüksekti. O zamanlar iki tarafta da azınlıklar iyi durumdaydı. Şu anda çok Yunan ve eski göç eden Rumlar İstanbul'a tekrar gidiyor çalışmaya.

İstanbullu Rumlar genel olarak daha iyi. Burası taşra, orası Türkiye'nin merkezi. Yapılan baskı aynıydı ama şehirli topluluklar daha kolay göç eder. Tarım yapan toprağa bağlı topluluk burada çok zor göç eder. Toprağı nasıl bıraksın. Deniz kenarı, güzel köylerde Türkler yok hiç.

Demek ki orda daha çok baskı vardı o yüzden az sayıda kaldılar diyorlar ama alakası yok. Buradaki insanlar nasıl bıraksın toprağı.

Interview 17&18

1. Yaşınız?

17 - 55 yaşında

18 – 27 yaşında

2. Vatandaşlık durumunuz? Türk vatandaşlığını hiç düşündünüz mü?

Sadece Yunan vatandaşı. Türk vatandaşı olmayı hiç düşünmedim.

3. Kaç yıldır Yunanistan’da yaşıyorsunuz? Nerede doğdunuz, büyüdünüz?

Doğma büyüme oralı

18 – Londra’da yaşıyor.

4. Mesleğiniz? Eğitim durumunuz?

17 - Üniversite mezunu, azınlık okulu öğretmeni. Yunanistan’da yüksekokul okumuş.

18 – Matematik öğretmeni. Yüksek Lisans (İngiltere)

5. Sokakta Türkçe konuştuğunuzda hiç garip karşılandınız mı?

1967-1974 yıllarında cunta vardı. O yıllarda oluyordu. Sonra ortam sakinleşti böyle şeyler olmadı. Zaten Türkçe eğitim yaptığımız için böyle sıkıntımız olmadı. Askere giden delikanlılar daha çok yaşıyor bunu. Komutanın kendi kanaatine göre aslında.

İstisnai durumlar olmuştur geçmişte, yarın da olabilir. Ama istisnai bunlar.

6. Hiç sadece Türk olduğunuz için dışlandığınız oldu mu?

Azınlık olduğumuz için, dünyadaki bütün azınlıklar gibi, dilimiz ve dinimizden dolayı birçok haksızlıklara maruz kaldık. Daha çok 1993’e kadar. 1993’te alım-satım

hakkı verildi. 1950 ve 1960 yıllarında azınlıklara tüm hak ve hürriyetler verilmiştir. İsteyen memur olmuştur yüksek tahsilli insan olmamasına rağmen. 1967 cuntasıyla tüm bu haklar elimizden alınmıştır. Türkler bir gayrimenkulü bir Türke satamaz olmuştur. İlla ki bir hristiyana satmalıydı. Akan bir kiremiti değiştiremezdi. 1974'te cunta bitti ama kanunlar değişene kadar 1980'e kadar gitti. 80de PASOK kazandı. Ve bizden yana iyileştirmeler başladı. Zaman zaman ezdiler, zaman zaman iyileştirdiler. Biz değirmenin 2 taşının arasındaki hep buğday tanesi olduk. 1993'te iktidar partisi bize alım-satım hakkı verdi. Ülkedeki bütün insanlar gibi bizim de hak ve hürriyetimizi ilan etti. Bir Müslüman bir Yunana eşittir bundan sonra açıklamasını yaptı. AB'nin de baskısıyla yavaş yavaş düzeldi. Şu anda iyiyiz. İstanbul'daki Rum azınlığın da şikayeti var. Bizim de burada şikayetimiz var.

1974'ten sonra Bursa'ya çok göç gitti burada. Onlar gitmeseydi 300bin olacaktık belki burada.

Bugün bir resmi daireye gidersin, yine dışlanabilirsin. Ama hep böyledir diye bir hüküm koyamayız. Krizin de etkisi çok büyük. İnsan acıkınca merhamet kütü oluyor. Daha önceki yıllarda askerlikte muhatap oldum 1981'de. Tecilli gittim ben askere. Öyle gidenlerin de görevi belli olmuyor. Dozer görevi verdiler bana. Şöför olacaktım. Türk olduğum anlaşılınca tüfeğim alındı, dozer alındı. Çapa ve kürekle askerliğimi bitirdim. Komutana sordum neden tüfeğimi aldınız diye. Sen tehlikelisin, her tepişen şeyi vurabilirsin dedi.

Zaten rütbeli asker olmayı beklemiyorduk. Hedef yoktu bizde. Öğretmen olabilirdin mesela. Medrese-i hayriye'de okuyacaksın. Celal Bayar Lisesi var Gümülcinede. Başka okula gidemezsin. Son yıllarda medreseyi cemaat reisi idare ediyordu. Şimdi onlar aldı yetkiyi.

Avukat olmak gibi hedefimiz yoktu, çünkü üniversiteye giremiyorduk. Türkiye'ye gitmemiz gerekiyordu. 1993'te kontenjan koydu, %1.5, sonra 5 ve 7 'ye çıktı bu yüzdeler.

Puanlar 20 üzerinden gidiyor. Yunanlılar 19,7 almıştır. Ben azınlık mensubu olarak 12,5 veya 10,5 almışımdır. Ben istediğim dala girebiliyorum o kontenjanla, ama

Yunan vatandaşı giremiyor. Türkiye'ye gidilmesin diye. Türkiye'de okuyup dönenler burada dert oluyor. Ortaokul ve lisede de kontenjan açtılar. Bizim zamanımızda biz gidemiyorduk.

Orta ve liseyi Yunan devlet okullarında ve üniversiteyi de Yunanistanda okuyunca, Yunanlı gibi oluyor azınlık mensubu artık.

7. Bir Türk olarak Yunanistan'da ne yapamazsınız?

Şu anda yapamadığım bir şey yok. Diğer kurumlara numunelik Türk alıyorlar. 100 itfiyeci Yunan, 2 tane Türk. Bütün bankalarda birer Türk vardır. Reklam olsun diye AB'ye. Onun videosunu çekip yollar AB'ye bak azınlık çalıştırıyorum diye. Üniversiteye hoca olamazsın.

Hem azınlık hem Yunan okullarında öğretmen olabiliyoruz. Zaten bizden çıkan insan sayısı da belli.

Mori adasında çalışmış Türk arkadaşlar vardır (Yunanlılara Yunanca öğretmişlerdir). Evros'ta da vardır. Ama biraz milliyetçiler, olaylar çıkmıştır.

20 sene sonra bu azınlık okula bir Yunanlı getirir, Türkoloji bölümünü bitirmiştir. Biz isyan ederiz. Niye Yunanlı Türke öğretmiyor, Türk Yunanlıya öğretiyor da durumu ortaya çıkar. Biz eziliriz yine. Mağdur durumunda biz kalırız yine. Çünkü azınlık okulunda Türkçe, coğrafya, tarih, fen hepsini yapmalı. Bu Yunan nasıl yapsın bunu. İslamı bilmez bir kere.

244 azınlık okulu vardı ben öğretmenliğe başladığımda. Haziran'da 18 okul kapandı. 5 sene merkezi okullar kalır, diğer köyler ona bağlanır. Çünkü sayılar çok az. Tepki yok Türklerden, çünkü bir sınıfta 3 kişi okuyor. Eğitim yönünden bakınca 5 kişilik sınıfla okul olmaz. Bu köye ben geldiğimde 79 çocuk vardı. Şu anda 2 okulda toplamda 10 çocuk var. Seneye 5i mezun olacak, yeni gelecek yok. Günde 6 saat yapıyorum. 1-3-4 /2-5-6. 45'er dakikalık dersim var. 15 dakika kime ayırıyorum. 6. Sınıfta 5 kişi var. Onlara 20 dakika mı ayırıyorum. 1. sınıflar çok önemli kaç dk ayırıyorum. Çocuklar eğitim alamıyor. Çocuklara yazık oluyor. Eğitim olmuyor.

8. Sizin diğerk azınlık gruplarına mensup kişilere karşı önyargınız var mı?
(Pomak – Roma)

Türkler arasında da 1985'e kadar ayırım vardı. Pomak-Türk-Roman ayırımı. Bilhassa 1974'e kadar, 1980'e kadar Pomak köylerine çıkmak mümkün değildi. Ragada'ya gidebilmek için önce Gümülcine'de askeriyeden izin alacaksın. Sonra karakoldan izin alacaksın. Buraya gelince karakola geliceksin izin kağıdını vereceksin ki aşağıdan gelemiyorsun %99,9. Kaç gün kalacağını söyleyeceksin buradaki karakola imzalatacağısın. Sonra buradan gitmeden önce yine imzalatacağısın. Gümülcine'ye gidince otele gitmeden önce yine karakola gidip imzalatacağısın.

Tampon bölgesi oldu burası. Buradaki dağda yaşayan Pomaklarla aşağıdaki insanlar hiç karışmasın istediler. Alışveriş olmasın istediler 1980'lere kadar. Biz gittik aşağıya hep, işimizi hallettik ama onlar hiç çıkamadılar yukarı.

Bizim ayrıca normal mavi kimlikten başka bir kimliğimiz daha var. O kimlikle de 30km uzağa gidebiliriz ancak. Onun dışına çıkarsam ben de aynı izne tabiyim. O yıllarda böyleydi.

18 - Açık hava hapishanesi gibiydi.

Büyük İskender'in torunusunuz diyorlardı bize. Kendi hesaplarına göre Osmanlı sizi zorla İslamlaştırdı diyeceğiz. Her köye kilise koyacağız. Senin neren Müslüman? Sen hristiyansın. Ama unuttukları şey, Büyük İskender, İsa'dan 330 sene önce yaşamış yani hristiyan olamaz. Museviydi. Bu konu üstünde çok hristiyanla konuştum. Güzel anlattın ama ben sana katılmıyorum diyorlar. 1980'den 1986'ya doğru rahmetli Dr. Sadık Ahmet'imiz vardı. PASOK iktidardaydı, bu yasakları, kimlikleri kaldırdı. Orada biz birleştik. Alışverişler başladı. Ondan sonra da Pomaklık-Türklük meselesi yerel basında yer aldı. Türkler de maddi anlamda destekliyordu belki de bilemiyorum. Aşağıdakiler Gajal, yukardakiler Pomak dediler hep. Bir de çitaklar var. Onlar Aleviler. 1983'te Başbakan 3 unsur var dedi, Pomak, Türk ve Çingene. Ben kendimi Pomak hissediyorum ama onların istediği gibi Pomak değil. Hiçbir ulus tek bir şeyden olmaz, biz de Türk boyundan bir koluz. Keşandan Edirneye kadar bir sürü Pomak var. Çanakkale'de, Balıkesir'de çok Pomak köyleri var. Bulgaristan'da da

Pomak kardeşlerimiz de var. Neticesinde hepimiz Adem-Havva'dan kardeşiz. Kullandığımız dil slav dili.

Osmanlı buraya gelmeden gelmiş bizim ecdad dağlara. Konya-Karaman'dan gelmişiz buralara. Komon ve Peçenek de derler. İskeçe köylerinde Peçenek soyadlılar vardır. Bütün denizmiş buraları, çalı-çırpı dikenlikmiş. Bataklıkmiş. Daha sonra su çekilince kara kalmış. Osmanlı geldikten sonra bizim ecdad Osmanlıya çok yardım etmiş. Pomakçada 'pomaga' yardım etti demektir. Bunlar bize çok yardım etti demekten pomaga Pomak olmuş zamanla. Pomakçanın yüzde 30'u Türkçe'dir, biraz Yunanca kelimeler var. Geri kalanı da Slav dilinden kelimeler.

18 - annemle babam aralarında Pomakça konuşuyorlardı ta ki ablam çözene kadar. Bayram namazında bizim asıl köyde camide 200 kişi varsa, 60-70i Alevi'dir. Beraber çok rahat yaşarız biz. Türkiye'deki gibi değil hiç. Neticede köyüz. Dar bir çevre. Neden o ızdırabı kendine reva görüyorsun. Kültür çok farklı bizde. Herkese merhaba diyeceksin. Evine gideceksin. Demezsene problem.

9. Türkiye'de yaşamayı hiç düşündünüz mü ya da düşünüyor musunuz?

10. Türkiye'ye hangi sıklıkla gidiyorsunuz?

11. Hangi ülkeyi vatanınız olarak kabul edersiniz?

Bizim için anavatan Türkiye, vatan Yunanistan'dır. Bugüne kadar burada kalmışsak anavatan sayesinde kalmışızdır. Bunu inkar etmek çok büyük nankörlüktür.

12. Ne tür bir azınlık grubuna mensupsunuz?

Keşke İnönü yaşasaydı da ona sorsaydın bu soruyu. Bu hak bizden alınmış. Dini ve milli kimliğimiz var.

13. Yunanistan'da azınlıklara karşı bir önyargı olduğunu düşünüyor musunuz?

Evet. Biz köyde pek hissetmiyoruz ama belki şehirde hissediyorlar. Yunanca'yı günlük hayatta kullanmayanlar dışlanabiliyor.

18 - dün plaja gittik. Mangal yaktık. Yunan polisi gelmiş ablam konuşuyor İngilizce. İki dakika daha yansın bitiriyoruz pişirmeyi falan diye. Ama bayağı sertti polis. Biz de babamla denizdeydik o sırada. Gittik hemen. Babam Yunanca konuşunca polis yumuşadı hemen.

Ablası: Türkiye’de okuyanlara karşı da bir önyargı var açıkça bir bankada şahit olduk buna.

14. Sizce Türk – Pomak – Roma azınlık gruplarından hangisine karşı önyargı daha fazla?

15. Yunanistan’da azınlık olarak yaşamaktan memnun musunuz?

İslam hukuku çok gelişmiştir. Evrensel insan hakları konusunda, veda hutbesi çok gelişmiştir. Kadına verilen haklar konusunda en gelişmişidir.

Son zamanlarda kız çocuğu erkek çocuğu ayrımı kalmadı. Ama İslam’ın getirdiği eşitlik var; kıza 1 erkeğe 2 veriliyor miras olarak. Ama kız evlenince erkekten 2 gelecek yine. Dengeleniyor böylece. Boşandıktan sonra hanımın tazminatı belli daha evlenirken nikahta. Ama hanım suçluysa tazminat yok.

Türkiyede de resmi nikah var. Bu resmi nikahta kadınlar mağdur. Hergün kadın öldürülüyor. Çünkü İslamdaki gibi o tazminat konmuyor nikahta. Şer-i nikah hoşumuza gidiyor bu durumda. Evrensel haklardan daha üstün.

16. Azınlık vatandaşı olarak sahip olduğunuz haklar nelerdir?

17. Bu haklara baktığımızda 2. Sınıf vatandaş olduğunuzu düşünüyor musunuz?

Hiçbir zaman 1. sınıf vatandaş olmadım ki!

18. Yunanistan’ın AB üyesi olmasının azınlık haklarını iyileştirmede etkisi var mı sizce? Daha başka neler yapılabilir sizce?

Türkiye-Yunanistan arasındaki gibi kriz maddi değil de Kıbrıs, Kardak gibi krizse bizim üzerimizde etkisi büyük. Hemen hava poyraz eser, askerler gelir, tanklar gelir köyleri dolaşır, caniler gelir. Olmaz inşallah.

İstanbulu Rumlar daha iyi durumda.

AB'ye girmek bizim için daha iyi oldu. Dağ başında burada yaşayan insanlar ceplerinde para görmüşlerdir. Bazı AB programlarından da yararlanıyoruz. Diğer taraftan da var olan baskılar da AB ile biraz azaldı. Ova köylerine git. Rum köyüyle Türk köyü çok fark ediyor. Biz dar dairede yaşıyoruz. 2 nehir arasında sıkışmış insanlarız. İskeçeden buraya kadar. Devlet kanallarında bizden söz edilmez. Atınadaki vatandaş bizimle ilgilenmesin diye. Mecliste milletvekili hep olmuştur. Bir partiden girdiği için parti de ona göre söz vermiştir. İşe yarasa da kim takar. Bağırarak kalıyorlar. Son seçimlerde eyaleti desteklemedik. DEB'i destekledik. Atina'ya, Avrupa'ya mesaj verdik. Biz buradayız, hakkımızı düşünün tekrar dedik. Sadık'ın kurmuş olduğu parti. Aynen devam ediyor.

19. Yunanistan'da azınlık hakları konusunda eksiklikler neler? Nasıl giderilebilir sizce?

En azından Yunan vatandaşının sahip olduğu haklara sahip olduğumuz zaman en mutlu olacağız. Müftülük konusunda, bir Müslümanın dini liderini kendisi seçmesi en normal. Eğitimimiz de biraz düzeldi ama devlet okullarında olan eğitimin ve hakların bize de gelmesi çok sevindirici olur. Ben buraya öğretmen olduğumda sınıfta sadece kara tahtam ve tebeşirim vardı. Tek bir kitap bile göndermemişlerdi. Çocuklar Türkiye'ye gittiğinde okumaya, baya şaşırıyorlar.

18 - biz ilkokulda okurken, 1972 yılından kalma bir kitap vardı adı 'Tabiat Bilgisi'. Sarı yapraklı böyle sayfaları kopuşmuş. Biz onu okumayı sökme amaçlı kullanıyorduk. Okulda fotokopi çekmek yasaktı. İzin almak gerekiyordu. Önceden gidip onu müfettişe gidip onaylatmak gerekiyordu. Elektrik Mayıs 1994'te geldi bu köye. Yol 1.5 sene önce geldi (asfalt). Bu köyde 2-3 hane hristiyan olsaydı, 30 sene önce gelirdi bu asfalt bize.

Ben ilkokuldayken tarih, coğrafya, hayat bilgisi Türkçeydi. Şimdi Yunanca yapılıyor. Müfredat belli. Biz sadece saatini ayarlarız.

Köylerde köylü kendisi öder camilerin faturalarını. Şehir içindekileri de cemaat öder. Devlet ödemez. İstese de biz istemiyoruz. İmamların maaşını vermek istiyor, biz istemiyoruz. Giritteki, Atinadaki adamların vergisiyle bizim burada elektrik kullanmaya hakkımız yok. İmamın da bi yetkisi var ayrıca. Elinde mührü var. Herhangi bi nahoş iş yaptığında köylü topla pılımı pırtını git diyor. Öbür türlü devletin memuru olacak. Birşey yapamayacaksın. Ya da Cuma hutbesini Atina hazırlayacak. Beğenmeyeceğiz.

Interview 19&20

1. Yaşınız?

19 – 44 yaşında

20 – 33 yaşında

İlk defa siyasete girdim. Çeşitli derneklerde yöneticilik yaptım, başkanlık yaptım. 2007de azınlık eğitim şirketi var. Onun kurucularındanım. Gazetecilik yapıp insan haklarıyla uğraştım. Uluslararası toplantılara katıldım, AB, BM, AGİT. Batı Trakya Türkleri'nin sorunlarının daha iyi anlaşılması için lobi çalışması yaptım.

Şimdi yerel siyasete girdik. Siyasetten kopamazsın zaten. Yunanistan'da Batı Trakya Türkü olmak demek sürekli mücadele halinde olmak demek. Kopamazsın. Kendi dilini, dinini, örf, adetlerini yaşamak ve yaşatmak için mücadele etmen lazım. Müslüman Türk ismi taşımak da camiye gitmek de mücadeledir. Varlık mücadelesi bu. Bunları yaşatmak için sıkıntılarla karşılaşıyorsun. Resmi azınlık statüsü elde ettiğimiz 1923'ten beri bu düşünce hep aklımızdaydı.

2. Vatandaşlık durumunuz? Türk vatandaşlığını hiç düşündünüz mü?

Sadece Yunan vatandaşlığı. Türk vatandaşlığı gereği hissetmedik. Eğitim gördük Türkiye'de. Batı Trakya'ya dönme düşüncesiyle gittik zaten. AB pasaportu sonuçta.

Yunan vatandaşlık yasası 19. Maddesi nedeniyle bir sürü insan vatandaşlığını kaybetti ve Türkiye'de TC vatandaşı oldu. 250 kişi maksimum döndü. Bunlardan da çok azı vatandaşlık alabildi. Yunanistan imza attırdı giderken. Sen kendin istemişsin beni vatandaşlıktan sil diye diyor. Türkiyede uzun süre vatansız olarak yaşadılar. Türkiye de önce vatandaşlıktan silin, sonra gel ben sana Türk vatandaşlığı vereyim dedi. Yunanistan'a gelemeyeceği için, İstanbul'daki Yunan konsoloslughuna dilekçe verdiler beni çıkar vatandaşlıktan diye.

Bu vatandaşlıktan çıkarmanın mağdurları 60.004 kişi var. %70'i Türkiye'de TC vatandaşı, Almanya'da çok var. 1998'de kalktı ama geriye yönelik bir uygulama olmadı.

Bir taraftan Müslüman Helen diyorlar bize, diğer yandan da Yunan ırkından olmayanların vatandaşlığı silinecek diyor. En belirgin insan hakları ihlallerinden birisidir.

3. Kaç yıldır Yunanistan'da yaşıyorsunuz? Nerede doğdunuz, büyüdünüz?

Doğduklarından beri

4. Mesleğiniz? Eğitim durumunuz?

19 – Belediye başkanı

20 – Ev hanımı

5. Sokakta Türkçe konuştuğunuzda hiç garip karşılandınız mı?

İskeçe'de bölge bölgedir. Merkezde sorun olmaz. Zaman zaman problem olur. Altın Şafak meselesi var. %8-9 oyları var. Milliyetçilik hortladı yine. Bazı yerlerde laf işitirsiniz. Özellikle tek kişi olduğunuzda duyabilirsiniz. Son 2-3 yıl içinde İskeçe'de daha çok Gümülcine'de, motorlu tugayları var. Köyleri dolaşıyorlar. Yunan bayrağı açıyorlar. Sloganlar atıyorlar burası Yunanistan diye.

20 - örtülü bayanlara saldırdılar. Geçen yıla kadar hızla ilerliyorlardı. Geçen yıl devlet tarafından ciddi operasyon yapıldı. Başkanları yakalandı. Milletvekilleri hapse atıldı.

6. Hiç sadece Türk olduğunuz için dışlandığınız oldu mu?

15 yıl öncesine gidelim. Üniversite mezunlarının sayısı çok azdı. Yunan üniversitelerinde okuyan öğrencilerin sayısı çok azdı. 1995'te, 1000'de 5'lik kontenjan ayrılınca artış oldu. Yunanca'yı iyi bilen, yabancı dili iyi bilen bir gençlik ortaya çıktı. Avrupada yüksek lisans yapan, hakkını arayan gençlik.

Bir resmi dairesine gittiğinizde iyi Yunanca konuşursanız iyi muamele yapıyor. Dilekçeyi veriyorsun ismini görüyor. Sonra onun inisiyatifine kalıyor.

Cahil muamelesi yapıyorlar. Başörtüsü takıyorsa Müslüman'dır. Müslümansa Türk'tür. Türkse cahildir diye düşünüyorlar.

Kaynanam görümcesini hastaneye götürüyor. Acil serviste kontrol ediyorlar. Kbb'ye yönlendiriyorlar. Oraya gidiyorlar. Tersliyor doktor saat kaç diye. Kaynanamın da Yunancası çok iyi. Kalaylıyor Yunanca, yakışmıyor size diye. Tamam gelsin o zaman demiş. Önyargı var. Açık bayanda ise ismini duyana kadar her şey normal. İsmi duyduktan sonra değişiyor her şey.

Eskiden eğitim seviyesi düşüktü. Ahmet amca bankaya gittiğinde şapkasını çıkarırdı. Polise gittiğinde hazırolda dururdu. Bu adam Türk'tür, belliydi. Şimdi azalıyor. Biz azaltmak zorundayız.

20 - Yunan kafelerinde eskiden örtülü bayanlar rahat hareket edemiyorlardı. Kimliğini hemen gösteriyor çünkü. Özgüven geldi kendimize. İspat ettik kendimizi, burada rahatça oturuyoruz. Hemen arka masadan laf atıyorlardı. Giremiyorduk ortama. Dışlanmıyoruz artık. Kabul ettirdik kendimizi. Hala anlayamıyorlar. Yazın çok sıcak niye takıyorsunuz diye. Ama alay boyutu yok artık.

19 - Yunanistan teokratik bir devlet. Mecliste İncil üzerinde yemin edilir. Mahkemelerde de öyle. O yüzden Müslümanlığa saygı var. Diğer taraftan bütün baskı da bu yüzden. Burada Müslümanlık ve Türklük birlikte gider. 20 - zincir gibi birbirine bağlı.

7. Bir Türk olarak Yunanistan'da ne yapamazsınız?

Polis olamazsın, emniyet müdürü olamazsın. Rütbeli asker (komutan) son zamanlarda Yunan ünilerinden mezun olanları yedek subay yapıyorlar. Seçmece paralı asker (5 yıllık süre için). Sezonluk göstermelik itfaiyeci. Pilot olamazsın. Devlet memuru zor olunuyor. İskeçede 10 devlet dairesi varsa, 1500 kişi çalışsa, 100 tane azınlık mensubu yoktur.

Dora Bakoyanni'nin Dışışleri Bakanlıđı zamanında, üniversite sınavlarındaki 1000'de 5'lik kontenjan devlet memurları için de geçti ama uygulanmıyor. Diplomat olamazsın. Bakan olmadı kimse şimdiye kadar. Belki ileride bakan yardımcısı olunabilir. Milletvekili var. 3 tane de Türk Belediye Başkanı var. Birisi benim.

Eyalet meclisinde meclis üyelerimiz var. Seçimle iş başına geliyorlar. 25 Mayıs 2014'te eyalet seçimi yapıldı.

Varlığımızın hissedilmesi açısından önemlidir. Eyalet başkan yardımcılıđını da üstlendi bir arkadaşımız. Bazı konularda sesimizi çıkarmamıza yaradı.

Okuma yazması olmayanlara yardım ediyoruz dilekçe yazarken falan.

Siyaseten varlığımızın kanıtıdır. Nüfusla alakalı. Oy kullanıp seçiyoruz. Türkiye'de Rumların sayısı çok az.

25 Mayıs'taki seçimde, DEB ilk defa seçime katıldı. Partinin milletvekili seçemeyeceđini bile bile 43bin oy verdik. İskeçe ve Gümölcine illerinde 1. parti oldu. Sandıktan %100 çıkan yerler var. Birlik beraberliğimiz bizi ayakta tutuyor. Bunu bozmak için de diđer taraf da her şeyi yapıyor.

8. Sizin diđer azınlık gruplarına mensup kişilere karşı önyargınız var mı?
(Pomak – Roma)

İkimiz de Pomak kökenliyiz. Hiçbir zaman Türklüğümüzden şüphe etmedik. Bu derin bir mesele. Pomakça konuşan insan topluluđu var. Fakat bu insanlar tamamen buradaki azınlık statüsü içinde olduklarından toplumun ayrı bir parçası olarak görmediler. Hatta Müslümanlık ve Türklük savaşında ön saflarda yer aldılar. Eğitim sistemi tektir. Türk azınlık okulu var sadece. Dilin farklı da olsa bu okula gidiyorsun.

Zaman zaman Türk olduđu için baskı görüyorsun, zaman zaman Müslüman olduđu için.

Yunanistan 3 etnik kimliğe bölmeye çalışıyor 120bin kişiyi. Böl-parçala-yönet şeklinde. Pomakları Yunanlı olarak lanse etmeye çalışıyor. Çingene meselesi zaten

karmaşık mesele. Tamamen bizim topluma adapte olmuşlardır buradakiler. Ama Atina'daki, Girit'tekiler hristiyan olabilir. Belli bir standart yok. Buradaki Ahmet, Girit'e gidip Taşo olabilir. Buradan 30bin alıyor Ahmet oluyor. Selanik'e gidip vaftiz oluyor oradan da alıyor para.

Ben Pomakça konuşulan bir bölgenin belediye başkanım. Hiç problem yok. 29 Ocak 1988 yürüyüşünde herkes beraberdi. Filistin için yürüyüş yapıldı geçen gün. Herkes karışık yine.

Uydu antenleri, Türk TV'leri eve girdi, internet, sosyal medya: bunlar türk dilinin evde daha çok kullanılmasına neden oldu. Türkiye'nin vizeyi kaldırmasıyla gidiş gelişler çok kolay oldu. Keşan-Edirne'ye alışverişe, iftara giderler. Senede 1 kez İstanbul'a gidilir. Türkiye'ye gidiyorum demeyiz, İstanbul'a gidiyoruz deriz. 3 otobüs firması sürekli sefer düzenliyor.

Yunanistana gelen Türk turistlerin sayısı da arttı. Türkler batırdı Taşoz adasını diye haber çıkardı gazeteler.

Pomakça yayın yapan 1 gazete var. Ama Yunan harfleriyle. Yunan devletinin bir siyasetidir. Ama tutmadı. Aksine daha fazla tepki topladı.

Pomaklar orta asyadan, Konya'dan Karaman'dan göç etmişlerin torunudur. Türk müyüz değil miyiz kaygısı yok.

9. Türkiye'de yaşamayı hiç düşündünüz mü ya da düşünüyor musunuz?

10. Türkiye'ye hangi sıklıkla gidiyorsunuz?

11. Hangi ülkeyi vatanınız olarak kabul edersiniz?

Yunanistan vatan, Türkiye anavatan.

20 - kalbimiz orda atıyor. Git orda yaşa, yaşayamayız vatanımız burası. Ama Türkiye çok farklı.

19 - azınlık olmak özel birşey ama çok zor. Eski milletvekili bir abimiz var. Allah kimseyi azınlık olarak yaşatmasın diye dua eder.

Yunanistan sizi kendinden kabul etmez. Öteki olarak görür. Hep bir yabancılik hissi var.

Başörtüsü takıyor. Demek ki ötekidir bitti. Bu bir. İkincisi Türkiye'ye özlem var. Orada da Yunan vatandaşı olduğumuz için bi yabancı muamelesi görüyoruz. Yine kimlik karmaşası var. Arada kalmış hissediyoruz. Meriç'in ortasındayız. Bir ayağımız orada bi ayağımız burada.

Türkiye'ye gelince daha da rahat hissediyorsun. Herkes aynı dili konuşuyor. Alışveriş merkezinde çay içerken bu hanım Kayseriden gelmiş derler en fazla.

20 - oğlu 4-5 kez geldi Türkiye'ye. Dönmeyelim buradan diyor çocuk. Nasıl yerleşti içine. Kendiliğinden oluyor.

19 - öteki olmayı orada yaşamıyorsunuz. Kimse yabancı demiyor gördüğünde. Resmi dairede işlem yaparken hissedersin belki.

Etabli vesikasına sahip olan bir azınlığız. Türkiye'de, Yunan uyruklu olmamıza rağmen TC vatandaşı gibi muamele görüyoruz etabli vesikasıyla. Üniversiteyi YÖS sınavıyla kazandım mesela. TC vatandaşı gibi de 40lira ödüyordum. 400 dolar yerine.

Batı Trakya Türkleri, Türkiye'siz bir hayat düşünemez. Çoğunun akrabası var Türkiyede.

12. Ne tür bir azınlık grubuna mensupsunuz?

Hem millidir, en etniktir, hem dinidir. Ama Yunanistan sadece dini azınlık olarak tanır Lozan ile.

13. Yunanistan'da azınlıklara karşı bir önyargı olduğunu düşünüyor musunuz?

Kesinlikle. Yunanistan, sınırları içinde milli ve etnik azınlık kabul etmez. FCNM'yi 1997de imzalamasına rağmen hala onaylamamıştır.

14. Sizce Türk – Pomak – Roma azınlık gruplarından hangisine karşı önyargı daha fazla?

15. Yunanistan'da azınlık olarak yaşamaktan memnun musunuz?

16. Azınlık vatandaşı olarak sahip olduğunuz haklar nelerdir?

17. Bu haklara baktığımızda 2. Sınıf vatandaş olduğunuzu düşünüyor musunuz?

Zaman zaman o hislere kapılıyor insan. Duruma göre, insanına göre değişiyor. Sadece Müslüman ve Türk ismi taşımak bazı insanlarda önyargı oluşturuyor. Eğitim sisteminde, ırkçılık, yabancı düşmanlığı konularında eksik. Eğitim şart. Tarih çok önemli. Bu önyargılar okullarda okutulan tarih kitaplarından kaynaklanıyor. Türkiye'ye karşı çok önyargı var. Spor camiasında, iş sanat dünyasında kırılma da siyasette kırılmıyor. Artık aman bir savaş çıkar korkusu olmamalı. Ege denizi barış yeri olmalı.

2014 yılında Türkiye-Yunanistan ilişkileri iyi. Her iki ülke için de kazançlı bir durum. Biz iki ülkenin de dostluk ve barışına katkı sağlamak istiyoruz. Köprü olmak istemiyoruz, kimse bizim üstümüzden geçmesin istiyoruz. Burada yaşamak önemlidir, istiyoruz. Müslüman ve Türk bir azınlık toplumu olarak burada yaşama niyetindeyiz. Tüm dünyada ve Avrupadaki azınlıkların sahip oldukları haklara sahip olmak istiyoruz. AB ülkesinde yaşıyoruz. AB'nin hassasiyeti olan değerlere sahip olmak istiyoruz. Özgür olmak istiyoruz. Yunanistanın her şeye rağmen AB üyesi olması nedeniyle avantaj olarak kullanmak istiyoruz. Üye olmasaydı düşünün neler olurdu?

İstanbul Rumları'yla hem ortak yanlarımız hem farklarımız var. Kozmopolitan bir dünya şehrinde yaşıyorlar. Ekonomik sorunları yok. Ticaret yapıyorlar. Bizim gibi taşrada değiller. Eğitim seviyeleri yüksek. Onlar da orada hristiyan oldukları için önyargılarla karşılaşılıyorlar. Bizden daha beter şeyler de yaşadılar. 6-7 Eylül olayları mesela. 1990 yılında burada yaşanan olaylar ne konuşuluyor, ne kabul ediliyor.

Ortak yönümüz azınlık olmamız. Türkiye’de Rumların sayısının az olmasının sorumlusu biz değiliz. Keşke bizim kadar çok olsalardı. Bu baskılar, göçler olmasaydı belki Türkiye’de 150bin Rum, Yunanistan’da 700bin Türk olcaktı. Tüm dünyadaki Batı Trakya Türkü toplamda 700-800bin kişi. Çoğu Almanya’da.

Türkiye’de uzun yıllar Yunan müziği tavernada çaldı. Yunanistan’da Türk müziği son 10 yılda başladı. Şu an Türkiye’deki Türkler İstanbul’daki Rumları düşman olarak görmüyorlar. Belki privileged bir şeydir. Rum arkadaşım var diyince extraordinary bir şeydir belki.

18. Yunanistan’ın AB üyesi olmasının azınlık haklarını iyileştirmede etkisi var mı sizce? Daha başka neler yapılabilir sizce?

Maalesef AB’ye girdikten sonra Batı Trakya Türkleri çok şey kaybetti. Özellikle 1985-1995 arası çok şey kaybetti. Din ve eğitim alanındaki özerkliğinden büyük parçalar kaybetti. Resmi prosedür itibariyle. İskeçe Türk Birliği, Gümülcine Türk Gençlerbirliği kapatıldı bu zamanda. Seçilmiş-atanmış müftü problemi bu yıllarda. 1981’de Gümülcine müftüsü öldü. 85’e kadar yardımcısı idare etti sorun yok, 85’te atanınca problem çıktı. İskeçe müftüsü 90’da öldü problem çıktı. 1981’de AB’ye üye oldu Yunanistan. Rahat edeceğimizi düşünmüştük. Ama maalesef ilk 10 yıl çok kötü oldu. Ondan sonraki süreçte çok şey kazandı.

1990’lı yıllardan sonra Yunanistan, azınlık politikasında değişikliklere gitmek zorunda kaldı. Eşit vatandaşlık hakları politikasını ilan etmek zorunda kaldı 1991’de. Yunanistanda bir devlet politikası vardır, bir hükümet politikası vardır. Azınlık konusu devlet politikasıdır, değişmez. Partiler-üstüdür. Bu 1991 eşit vatandaşlık politikası devlet politikasıdır. O döneme kadar Türkler taşınmaz alamıyordu. Ehliyet alamıyorlardı. Banka hesabı açamıyorduk. Bankalar kredi vermiyordu. İşyeri açamıyorduk. Fabrikaya işçi olarak almıyorlardı. Vatandaşlık hakları açısından bunlar. Azınlık hakları açısından zaten 1985-1995 arası kaybetmişiz. Onları örtebilmek için vatandaşlık haklarında serbestlik geldi.

1990’lı yıllara kadar belirsizlik, güvensizlik vardı. Kıbrısla buradaki yansımaları. Askerlerin baskı yapması. İnsanların Türkiye’ye göç etmesi. Hep acaba

vardı akıllarda. Herkesin Türkiye’de mutlaka arsası, evi oluyordu. Birşey olsa hemen geçelim oraya diye.

Yatırım yapmak istesen yapamıyorsun burada. Vatandaşlık haklarının iade edilmeye başlanmasıyla tünelin sonundaki ışık görülmeye başlandı. Araba alabilirmişiz. Ehliyet alabilirmişiz. Evi tamir edebilirmişiz. Tatile gidebilirmişiz. İnsanlar da valla burası da iyi, niye Türkiye’ye gidelim dedi ve burada kaldı bir hareketle.

Milli kimliğin tanınması konusunda herhangi bir değişiklik olmadı. Eğitim sisteminde yenilik olmadı. Fakat insanları burada tuttu. O zamana kadar çözümü bilsen de çözüm olmadığı için gitmek zorunda kalıyordu insanlar.

Herhangi birine bağımlı olmadığın zaman özgürsün demektir. O özgürlüğün verdiği cesaretle mücadele ediyoruz. Sorunlar var ama hayat devam ediyor.

Türkiye’deki 2004 krizinde⁴⁷, buradan gidenler buraya geri döndü. Bursa’daki 5 katlı apartmanını sattı buradan ev aldı. Şimdi ekonomideki iyileşmelerle bi sürü insan ticarete yine oraya gidiyor. Şimdi burada kriz var çünkü. Sadece Batı Trakya Türkleri’ne uygulanan bir işsizlik değil şu anki. Bütün Yunanistanda kriz var. İskeçenin inşaat ustaları hep yurtdışında çalışıyor şimdi. Temelli göç yok, mevsimlik işçi var. Aileden tek bir birey gidiyor.

Her dönemde farklı sorunlar oluyor ama her dönemde aynı sorunların olduğu sorunlar var. Türk azınlık olarak kabul edilmiyoruz en başta. Biz çok iyi vatandaşız. Vergi veriyoruz. Kanunlara uyuyoruz. Askere gidiyoruz. Cinayet işlemiyoruz. Terör örgütü kurmuyoruz. Silah yok. 18 saat çalışıyoruz. Herkesten daha çok çalışıyoruz.

Yunanlılardan kıyaslanamayacak kadar farklı bir yerdeyiz. Temel sorun, konuştuğumuz dil, inandığımız din. Yunanistan Batı Trakya Türkleri’nin varlığını tehdit olarak algılıyor hala. Türkiye Kıbrıs’ı işgal etti, yarın öbür gün burayı da işgal edebilir. Bosna ve Kosova’da olan olaylar burada da olabilir diye düşünüyorlardı.

⁴⁷ 2001 krizinden bahsediyor.

Böyle bir ortamda yaşam mücadelesi vermek önemli. Türkiye medyası sansasyonel haber peşinde. Hiç ilgilenmiyor. X ajansı haber yapar. Biraz da X TV kanalı. Genelde yok. Bizim için son derece önemli olan şey, Türkiye için hiç önemli değil. Türkiye, çoğu zaman Batı Trakya'yı balkanlar olarak isimlendiriyor. Türkiye'nin bu politikası yanlış. Her devlete göre farklı politika oluşturmalı çünkü. Türkiye'deki bazı aydınlar ve iş dünyası, Yunanistan'ı Makedonya gibi Bulgaristan gibi görüyor. Alışveriş yapıyor. Atina'yla yapsa problem yok. Buradakiyle yapmaya kalkınca problem çıkıyor. Türkler buraya gelsin yatırım yapsın istiyoruz. Fabrika kursunlar, iş imkanı sağlasınlar istiyoruz. Onlar da yapmıyor. Yunanistan de izin vermiyor.

Biz bu topraklarda doğduk, yaşıyoruz ve öleceğiz. Buradan gitmeyeceğiz. Bunu herkesin bilmesi lazım. Para istemiyoruz, yardım istemiyoruz, iftar çadırı da istemiyoruz. Biz iş istiyoruz.

Almanyada 25-30 bin soydaşımız yaşıyor.

19. Yunanistan'da azınlık hakları konusunda eksiklikler neler? Nasıl giderilebilir sizce?

En büyük sorunumuz; eğitim ve milli kimlik.

Lozan antlaşması, karşılıklı protokoller var. Azınlık ilkokullarımız var. 157'den 90'a düştü. Birleştirmeler oldu. Türkçe ve Yunanca okutuluyor. 2011 yılı itibariyle Yunanistan 10 yıllık zorunlu eğitime geçti. 1 yıllık zorunlu anaokulu eğitimi de dahil edildi. Ama azınlık eğitim sistemine dahil edilmedi. Anaokulunda Yunanca eğitim görüyorsun. Sonra azınlık ilkokuluna gidip Türkçe görmeye başlıyorsun. Bizim talebimiz anaokullarının çift dilli olması.

Eğitim sistemi kaliteli değil. Yakın zamana kadar kitap ve malzeme sorunu vardı. 2004'te aşıldı bu sorun.

Özel okul yok. 2 ortaokul ve lise var. Gümölcine Celal Bayar Lisesi, kralın verdiği kanunla kurulmuştur. Devlet lisesidir. İskeçe'de Muzaffer Salihoğlu Ortaokulu ve Lisesi vardır. Özel statüsündedir. O da kral kanunuyla açılmıştır. Toplam 1000 öğrenci eğitim görmektedir. Rekor sayıdır. İki dilli eğitim veilmektedir. Başarı oranı da

kötü değildir. Batı Trakyalı, çocuklarını bu okula göndermek istiyor. Mekan sorunu vardır. Özellikle İskeçe'dekinde. Yer olmayınca Yunan okuluna gitmek zorunda kalıyorlar. Ya da Türkiye'ye. İskeçe'de 37 ortaokul ve devlet lisesine karşın 1 ortaokul-lise. Rodop'ta da durum aynı. 2000 öğrenci kapasiteli bir okul lazım Muzaffer Salihoğlu'na ek bina şart. Şapçı bölgesinde de bir ortaokul ve lise açılması istendi yıllarca devletten.

2007'de kurulan Batı Trakya azınlığı kültür ve eğitim şirketi var. Geçen sene başkanıydım. Özel okullar kanununa dayanarak 2011'de azınlık eğitim sistemine katkıda bulunmak amacıyla 2 dilekçe sunduk. Rodop'ta bir lise, İskeçe'de bir anaokulu kurmak için. Hala bekliyor devlette. Vatandaşın avukatına başvurduk. Bekliyoruz. AİHM'ye başvurmak için. Yunanistan'da eğitim alanında bir yatırım yapmak istiyoruz ama engel koyuyorlar. Hak ihlali. İnsan hakları ve hukuk mücadelesine dönüşüyor.

Özel anaokulu, ortaokul, lise ve üniversite kurma hakkımız var kanuna göre. Daha üniversite talebimiz yok. Üniversite ihtiyacımız Yunan, Türk ve Avrupa üniversiteleriyle karşılanıyor. Önemli olan üniversite mezunun buraya geri dönmesi, çalışması, para kazanmaları, burada yaşaması için uğraşmalıyız. Yüzlerce üniversite mezunu işsiz var burada. Bilim adamı, tarlada çalışıyor, tarımla uğraşılıyor. Ticaretle uğraşılıyor. Kendi işini yapamıyor. Psikoloji okuyup garson olarak çalışıyorsa onu çok etkiliyor. Mesleğini icra etmeli.

Sonuç olarak, Yunanistan, Batı Trakya Müslüman Türk azınlığının varlığını bir tehdit unsuru olarak görmemelidir. 1924ten günümüze kadar olan bu süreç içerisinde Batı Trakya Müslüman Türkleri bir tehdit olmadıklarını her yönüyle ispatlamıştır. Dünyanın en uysal azınlığıdır. Bayrağını sever, ülkesini sever, toprağını sever, devletin tüm kurallarına uyar, devletin kalkınması için mücadele eden, çalışan, savaşan bir toplumdur. Eşit vatandaşlık haklarının yanında azınlık haklarının da sağlanması Yunanistan' zarar değil yarar sağlayacaktır. Bu tür önyargılardan kurtulmanın zamanı gelmiştir diye düşünüyorum.

Eskiden yasak olan şeyleri cebimizde taşıyoruz 2014'te. 80'lerde Türk gazetesi girmesi yasaktı. Şimdi istediğin yerden takip ediyoruz gazeteyi. Kimse bunun önüne

geçemiyor. Sınırlar özgürlükler anlamında da kalktı. Sınırlar eğitimde de ticaretle de her şeyde kalktı. Birlikte yaşamak zorundayız. Türk-Yunan ilişkileri de iyi olmalıdır. Dost iki ülke olmalıdırlar. Böyle olduğu takdirde her iki ülkenin ekonomik ve milli çıkarları iyi olur. Balkanlardaki dengelerin sabit olması durumunda da Türk-Yunan ilişkilerin iyi olması önemlidir. Dolayısıyla Yunanistan'da barış ve huzur içersinde yaşamak istiyoruz. Yunan vatandaşı Müslüman Türk olarak yaşamak istiyoruz.

Kimseye bir rahatsızlığımız yok, bizi de kimsenin rahatsız etmesini istemiyoruz.

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