

# RECIPROCAL INSINCERITY: CURRENT TRENDS IN THE TREATMENT OF MINORITIES IN GREECE AND TURKEY

*Reciprocity, a principle that should never be used by a state on its own citizens, has nonetheless been applied by the Greek government to legitimize policies limiting or violating the rights of Turkish-Muslims in Greece, and by the Turkish government to do the same for the Greek-Orthodox in Turkey. Fortunately, the approach of both governments toward reciprocity has recently shown signs of change. Minorities are now considered in a more positive light. Yet, the governments of the two countries appear unwilling to fully abandon reciprocity and take steps to address the demands of minorities. Their rhetoric is insincere and a way to hide this mutual unwillingness.*

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**T**he visit of Turkey's Prime Minister Erdoğan to Athens, on 14-15 May 2010, and the 21 agreements signed during this visit, marked an important step toward further cooperation between Greece and Turkey.<sup>1</sup> Be that as it may, the governments of the two countries were once again unable to take any decisions that would directly meet the demands of the minorities. These demands have to do with the rights and freedoms they are entitled to according to the Lausanne Treaty and several other international and European agreements on human and minority rights. The Greek government appears reluctant at this stage to take any substantial initiatives regarding the demands of the Turkish-Muslim minority in Greece, and so does, although arguably less so, the Turkish government regarding the Greek-Orthodox Minority in Turkey.

The Greek government cloaks its own reluctance with a rejection of the “reciprocity” principle, whereas the Turkish government tries to justify its own reluctance by invoking –not directly but implicitly– that very same principle. Therefore, both governments are disingenuous about reciprocity. We are witnessing two different –though parallel and reciprocal– insincere approaches, each of which I will attempt to examine in this article.

Before I embark on the analysis of each government's approach, however, it is necessary to provide some basic information on the reciprocity principle in international law. It is also necessary to demonstrate how it is inappropriate and illegitimate to apply this principle in the case of the rights and freedoms of these two particular minorities – and in minority rights, in general.

In international relations and treaties, the principle of reciprocity states that benefits, favors, or penalties that are granted by one state to the citizens or legal entities of another should be returned in kind. For example, reciprocity has been used in the reduction of tariffs, the granting of copyrights to foreign authors, the mutual recognition and enforcement of court judgments, the relaxation or tightening of travel restrictions and visa requirements, and in extradition of criminals.<sup>2</sup>

As mentioned above, reciprocity is a measure that concerns citizens and legal entities of *another state*. Within the framework of international law, it is not considered legitimate for a government to use reciprocity in matters that directly affect the rights, freedoms, and well-being of citizens of its own state, even when these citizens have ethnic and/or religious ties with another nation. Moreover, the 1969 Vienna Convention of the Law of the Treaties, which sets the framework for interpreting all international treaties (and has long been ratified by Greece and Turkey),

<sup>1</sup> “Yunanistan'la tarihi işbirliği!” [Historic Cooperation with Greece], *Sabah*, 14 May 2010, [http://www.sabah.com.tr/Gundem/2010/05/14/yunanistanla\\_tarihi\\_anlasma](http://www.sabah.com.tr/Gundem/2010/05/14/yunanistanla_tarihi_anlasma)

<sup>2</sup> For a concise analysis of the principle of reciprocity, see: Robert O. Keohane, “Reciprocity in International Relations”, *International Organisation*, Vol. 40 No. 1 (1986), pp. 1-28.

emphasizes in Article 60 (paragraph 5) that reciprocity does “not apply to provisions relating to the protection of the human person contained in treaties of a humanitarian character”, thus “prohibiting any form of reprisals against persons protected by such treaties.”<sup>3</sup>

Despite these facts, governments in both Greece and Turkey have used Article 45 of the Lausanne Treaty as the justification of applying the principle of reciprocity. The article states that “the rights conferred...on the non-Muslim minorities of Turkey will be similarly conferred by Greece on the Muslim minority in her territory.”<sup>4</sup> This often takes

the form of reprisals to limit or violate the rights of minorities in their own respective countries. The basic argument used by both states has been that they should allow a minority to exercise their rights only to the extent that the other state allows the other minority to exercise the same rights. Therefore, if one state took measures violating minority rights that were clearly stated in the Lausanne Treaty (Articles 14 and 37-44), the other state was justified to do the same, i.e., to take similar or proportional measures against the minority in its own country. Such an argument can in no sensible way be derived from or be based on Article 45. This argument was also accompanied by another one, of tactical nature, intended to make this cruel tit-for-tat morally somewhat more justifiable to the majority citizens in both countries: Each government argued that by subjecting the minority in their country to such measures in retaliation to the measures taken by the other government against the other minority, they were forcing that government to rethink the measures taken and to rescind them. Not surprisingly, very rarely did a government rescind a measure because its counterpart also took a similar measure. This accompanying argument proved to be a lie; it was told to make anti-minority policies palatable to the public opinion. The real objective of such anti-minority measures and policies was not to protect the other minority, but to gradually get rid of the minority subjected to said measures.<sup>5</sup>

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<sup>3</sup> Vienna Convention on the Law of Treaties (1969). <http://fletcher.tufts.edu/multi/texts/BH538.txt>

<sup>4</sup> Lausanne Peace Treaty (1923), the web site of the Ministry of Foreign Affairs of the Republic of Turkey. [http://www.mfa.gov.tr/lausanne-peace-treaty-part-i\\_-\\_political-clauses.en.mfa](http://www.mfa.gov.tr/lausanne-peace-treaty-part-i_-_political-clauses.en.mfa)

<sup>5</sup> For a detailed analysis of how the principle of reciprocity has been interpreted by the governments of Greece and Turkey and how this principle has been applied with regard to minorities in both countries, see: Samim Akgönül (ed.), *Reciprocity: Greek and Turkish Minorities, Law, Religion and Politics*. (Istanbul: Istanbul Bilgi University Press, 2008).

Thankfully, in the last decade or so, together with the improvement of Greek-Turkish relations and pressures from international actors to improve the conditions of minorities, we have observed a tendency in both governments to abandon the perverse reciprocity-based approach, and witnessed an increased interest in complying with international law. While this approach is yet to be discarded, at least the rhetoric of both governments with regard to minorities has now become fully adjusted to internationally acceptable standards.

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With all this information in mind, we can now proceed to analyze the current approach of each government with regard to minority rights and demands. Let us first start with the Greek government:

The Greek Foreign Minister, Dimitris Droutsas, recently stated in an interview that his government was not "going to allow anyone to put the Muslim minority to the mill of a negatively meant reciprocity."<sup>6</sup> That was not the first time Mr Droutsas made an anti-reciprocity statement.<sup>7</sup> The same view was also expressed by the Greek Prime Minister, George Papandreou, in a reply letter sent to the Turkish Prime Minister.<sup>8</sup>

Yet, the Foreign and Prime Ministers, while rejecting reciprocity rhetorically, have neither responded positively to demands of the Turkish-Muslim minor-

ity, nor have they talked about any changes in minority education, where reciprocity is still being implemented by law (and rather strictly in many cases).

<sup>6</sup> "Συνέντευξη ANYΠΕΞ κ. Δ. Δρούτσα στην εφημερίδα «ΙΣΟΤΙΜΙΑ» και στη δημοσιογράφο Α. Σπανού" [Interview of journalist A. Spanou with Alt. Foreign Minister D. Droutsas published in the "ISOTIMIA" newspaper], 22 May 2010. [http://www.mfa.gr/www.mfa.gr/Articles/el-GR/220510\\_F1433.htm](http://www.mfa.gr/www.mfa.gr/Articles/el-GR/220510_F1433.htm). See also: "Dimitris Droutsas: 'Batı Trakya'yı mütakabiliyet değirmenine koymayacağız'" [Dimitris Droutsas: We won't put Western Thrace into the Mill of Reciprocity], *Azinlikça*, 23 May 2010, <http://www.azinlikca.net/index.php>

<sup>7</sup> "Azinlık konusunu önceki hükümet gibi yabancı ülkelerle görüşmüyoruz" [Unlike the previous government, we are not negotiating on the Minority issue with foreign countries], *Azinlikça*, 25 November 2009. [http://www.azinlikca.net/index.php?option=com\\_content&view=article&id=766:azinlik-konusunda-mevcut-huekuemet-yabanc-uelkelerle-goeruememektedir&catid=50:bat-trakya-haber&Itemid=29](http://www.azinlikca.net/index.php?option=com_content&view=article&id=766:azinlik-konusunda-mevcut-huekuemet-yabanc-uelkelerle-goeruememektedir&catid=50:bat-trakya-haber&Itemid=29)

<sup>8</sup> "Papandreou response to Erdoğan covers gamut of Greece-Turkey ties, eyes framework for solutions," *SAE (World Council of Hellenes Abroad)*, 26 January 2010, <http://en.sae.gr/?id=18656&o=3&tag=Papandreou%20response%20to%20Erdoğan%20covers%20gamut%20of%20Greece-Turkey%20ties,%20eyes%20framework%20for%20solutions>

Law 694/1977, the main law regulating minority education in Thrace, expressly states that “inter-state reciprocity” shall be a criterion in the provision of this education, especially in its Turkish-language portion. The Turkish-Greek Protocol on Education and Culture of 1968 fully depends on inter-state reciprocity.<sup>9</sup> This rule is rigorously being applied to such issues as the teachers sent by Turkey to Greece, Turkish textbooks, and the opening of new minority schools. The Turkish government uses the exact same criterion with regard to the Greek-Orthodox minority education in Istanbul. Reciprocity constitutes a major obstacle to reforms and modernization in minority education in both countries. It discourages both governments from taking new steps or from approving minority-based new initiatives because they are reluctant to give such rights to the other government or the other minority to do the same. Thus, neither the Turkish state, whose stance is in an indirect way in favor of reciprocity, nor the Greek state, which uses rhetoric against the reciprocity principle, are currently willing to completely abandon reciprocity in minority education.

The Ministry of Education in Greece, having long realized the limiting nature of reciprocity in the education of the Turkish-Muslim minority, has been trying to circumvent it through some partial measures since the mid-1990s. In fact, the Ministry, in all the steps it took to improve the quality of education received by minority children –steps that make it easier for them to learn Greek and to be accepted to Greek universities, and to integrate into the mainstream society– opted to cleverly ignore the criterion of reciprocity. For instance, had the Ministry insisted on reciprocity, there would have been no Program for the Education of Muslim Children (an EU-funded program to improve minority education),<sup>10</sup> and no quota of 0.5 percent for minority students in Greek universities. In all legal documents regarding these measures there is no mention of Law 694/1977 that imposes reciprocity. When it comes to the Turkish-language portion of minority education, however, the Greek government in general, and the Ministry of Education in particular, still deems it necessary to use reciprocity. That makes any attempt to bring this second part of minority education up to date very difficult.

What would be an indication that the Greek government is sincere when it says that it wants to liberate the minority from the constraints of reciprocity? Such an indication would include the government giving more weight to European agreements on minority rights and showing more respect to judgments of the European Court of Human Rights (ECHR) pertaining to minority issues. Sadly, we do not see specific steps taken toward this direction. For example, the Greek courts are still refusing to recognize the Turkish Union of Xanthi [İskeçe], the Association of Turkish Women of Rhodope, and the Minority Youth Association of Evros, despite the judgments of ECHR condemning Greece for not recognizing them. While it is

<sup>9</sup> Turkish-Greek Protocol on Education and Culture (1968). [http://www.pekem.org/userfiles/1968\\_Kultur\\_Protokolu.pdf](http://www.pekem.org/userfiles/1968_Kultur_Protokolu.pdf)

<sup>10</sup> Detailed information about this Program is provided on its web-site: <http://www.museduc.gr/en/index.php?>

true that the executive branch should not interfere with the judicial, it is also disappointing to notice that the Greek government does not even express its displeasure for the courts' resistance to recognize these associations. Furthermore, the Greek government has no intention to push the parliament to ratify the Framework Convention for the Protection of National Minorities,<sup>11</sup> a Council of Europe treaty signed by the Greek government in 1997. Through the ratification of this treaty, the protection of the rights of the Turkish-Muslim minority could be transformed from a Greek-Turkish matter into a European matter.

In short, the anti-reciprocity rhetoric of the Greek government is actually hiding an unwillingness to take any new steps toward resolving the problems of the minority. Let us now take a look at the approach of the Turkish Government:

In the last few years, the Turkish government has adopted the following rhetoric: "it is not appropriate to apply the reciprocity principle to minority rights, but..."<sup>12</sup> However, the same government then raises demands that can only be derived from the logic of reciprocity.

For instance, during a press conference in Athens, Prime Minister Erdoğan responded to a question regarding the possible re-opening of the Heybeliada (Halki) Greek-Orthodox Theological Seminary by reminding the issue of non-recognition of the elected muftis in Thrace by the Greek government<sup>13</sup> (As is well known, in Thrace there is the problem of "dual muftis": most members of the Turkish-Muslim community recognize as the legitimate muftis those elected through some sort of elections conducted a few years ago in mosques. Turkey also recognizes them as the only legitimate muftis. The Greek government, on the other hand, recognizes only the muftis it appoints on the basis of the Law 1920/1991 that is in effect. Thus, in two prefectures in Thrace we see a conflicting coexistence of the official/appointed mufti with the elected mufti). In other words, Mr Erdoğan sent the message that "if Greece wanted the reopening of the Theological Seminary, the elected muftis should be recognized in return" (I should admit, however, that Mr Erdoğan's statement in the same press conference –that he was not bothered by the title "ecumenical" used by the Patriarchate– was a meaningful and very positive gesture). Actually, the approach of the Turkish government in the issue of the Theological Seminary can be described as one of inaction and delays, combined with vague promises. The AKP government has announced many times since 2003 that it was working on some legal formula that would enable the

<sup>11</sup> Details about this convention and how it is implemented in many European countries can be found in a special section on the Council of Europe web-site: Framework Convention for the Protection of National Minorities (FCNM) [http://www.coe.int/t/dghl/monitoring/minorities/default\\_en.asp](http://www.coe.int/t/dghl/monitoring/minorities/default_en.asp)

<sup>12</sup> "Bağış: Ruhban okulu mütekabiliyet konusu değil" [The Theological Seminary is not Subject to Reciprocity], *Euractiv*, 15 December 2009, <http://www.euractiv.com.tr/ab-ve-turkiye/article/bagis-ruhban-okulu-mutekabiliyet-konusu-degil-008109>

<sup>13</sup> "Erdoğan: Ruhban Okulu konusunda olumlu yaklaşım içindeyiz" [Erdoğan: We Have a Positive Approach regarding the Theological Seminary], *T24*, 15 May 2010. <http://www.t24.com.tr/haberdetay/77730.aspx>

reopening of the school, but has not yet taken, or was not able to take, any concrete step in that direction.<sup>14</sup>

Even if we accept the logic of reciprocity (which we should not), raising the issue of the elected muftis as an equivalent to the issue of the Theological Seminary and the Patriarchate shows a strange and distorted understanding of this principle. First of all, the Greek-Orthodox Patriarch of Istanbul is not a government employee or a civil servant, unlike the official (not the elected) muftis in Thrace, who are considered civil servants and receive their salary from the Greek state. The state also pays for the expenses of the muftis' offices and for their employees. In addition, since 1926, the Patriarch has had no adjudicatory powers for his own community in matters of family law. In contrast, the official muftis in Thrace do have such powers and act as *kadıns* (judges who adjudicate on the basis of the Islamic sharia law). In other words, what Mr Erdoğan demands is for the official muftis to be replaced by the elected muftis, without any change in the legal framework defining the functions of the official mufti. The current elected muftis, however, are persons whom the Greek government views with deep distrust, suspicion, and dislike, due to their dependence on Turkey, their insulting statements against Greeks and Greece, and some of their activities within and outside Greece.

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It is totally unrealistic and unreasonable to expect that the Greek state will pay such persons a salary and recognize them as official muftis. To resolve the problem of "dual muftis" in Thrace, it is essential to pass new legislation changing the status of the Mufti and its office. The mufti should no longer be a government functionary and a judge, but strictly a spiritual/religious leader. The Greek government has indicated no intention to change the law regarding the muftis. Yet, even if it did attempt to change that law, it would not be surprising to see negative reactions from Turkey and many members of the minority. In this issue, the Turkish government wants to have its cake and eat it too.

<sup>14</sup> "Ruhban Okulu'na karşılık Batı Trakya'nın gündeme getirilmesi değil, Patriğin açıklamaları yeni" [Raising the Issue of Theological Seminary in Juxtaposition to Western Thrace is not new. What is new is the Statements of the Patriarch], *Azınlıkça*, 5 January 2010, [http://www.azinlikca.net/index.php?option=com\\_content&view=article&id=878:ruhban-okuluna-karlik-bat-trakyann-guendeme-getirilmesi-yeni-deil&catid=50:bat-trakya-haber&Itemid=29](http://www.azinlikca.net/index.php?option=com_content&view=article&id=878:ruhban-okuluna-karlik-bat-trakyann-guendeme-getirilmesi-yeni-deil&catid=50:bat-trakya-haber&Itemid=29)

What is more, the assertion Mr Erdoğan made in the same press conference that the Turkish state does not interfere with the election of the Patriarchs is not exactly true. Since the establishment of the Turkish Republic, prior to every Patriarchal election, the list of names of the candidates has been submitted to the prefect of Istanbul. The prefect can, for any reason and without providing any explanation, reject the names of the candidates he deems unacceptable – and many were rejected by him in the past. It is impossible for the prime minister not to be aware of this fact.

Therefore, we need to read between the lines of Mr Erdoğan's demand: currently, the prime minister may not be willing to take a radical step to solve the problems of the Patriarchate, and may be masking his unwillingness through this reciprocity-related demand. He may be linking issues related to the Patriarchate to issues related to the muftis, knowing that this linkage would be rejected by Greece, thereby giving himself a justification not to take any further step. It is, therefore, very difficult to accept that his position and rhetoric are sincere.

Even so, it would be unfair not to acknowledge some symbolic moves by the Turkish government in the last few months. That the Patriarch was allowed to conduct a mass at the Sumela Virgin Mary Monastery in Trabzon attended by a large number of Greek Orthodox Christians, mainly of Pontic origin, was a very welcome gesture. That the government gave Turkish citizenship to the foreign bishops of the Holy Synod, thus legitimizing their membership in this council was also positive. To such moves one could also add the return of the Greek Orthodox Orphanage of Büyükada to its rightful owner, the Patriarchate, – but it should also be kept in mind that by doing so, the government was, at the same time, simply abiding by the judgment of ECHR. It could have resisted taking such a step, though, as Greece has so far done with regard to the recognition of Turkish associations in Thrace.

These moves notwithstanding, the Turkish government has not radically changed its reciprocity-based approach to minority-related issues: it still indirectly demands reciprocity regarding the Theological Seminary and minority education. It also insists that minority issues should be resolved through Turkish-Greek inter-governmental negotiations – through the give-and-take between governments.

Reciprocity, as the Greek-Orthodox and Turkish-Muslim minority members know all too well, has been used in the last 80 years as one of the main pretexts by the governments to legitimize the violations of their rights and the refusal to implement policies that would solve the problems of their communities. Today reciprocity is still the most serious obstacle to further improvement for both minorities, despite some signs that it is gradually falling out of favor.