From Bilateralization to Europeanization: Continuities and Changes in the Legal, Political and Social Status of the Muslim Minority in Greece and the Greek Orthodox Minority in Turkey

Greek–Turkish relations were quite problematic for most of the twentieth century. Stemming from a number of issues such as the Cyprus question and the continental shelf on the Aegean among others, bilateral relations between the two states were characterized by mistrust, tension and hostility to the extent that they have been defined as ‘a classic adversarial dyad’ and ‘enduring conflict’ between neighbours”, similar to the cases of Germany and France until 1945, Japan and China, the Serbs and the Albanians, Israel and the Palestinians or India and Pakistan, by an eminent scholar of Greek–Turkish bilateral relations.¹ Antagonistic bilateral relations severely affected the respective minorities of the two states; namely, the Muslim minority of Greece and the Greek Orthodox minority of Turkey. Except for the short-lived détente years in the early 1950s, they were subjected to discriminatory treatment. Their constitutional rights, emanating from being citizens of Greece and Turkey as well as the rights granted by an internationally sanctioned treaty which had arranged their rights, the Treaty of Lausanne (1923), and international conventions signed by the two states,² were frequently violated. Violations occurred in almost all aspects of life, such as identity, education, religious freedom and property rights.

² Both states, for example, are the signatories of the European Convention for Human Rights (1950) and parties in the Conference on Security and Cooperation (CSCE). Being among the countries in the CSCE, they signed, among others, the Helsinki Final Act (1975) and the Charter of Paris (1990), which involved resolutions for the protection of minorities.
In the last two decades, integration processes to the EU and loosening of antagonisms in the bilateral relations of the two states led to a revision of the long-standing policies based on negative reciprocity emanating from the security-based rather than the rights-based interpretation of the relevant clauses of the Treaty of Lausanne. Still, although ‘Europeanization’ attempts, first in Greece and later in Turkey, brought certain improvements in the situation of the respective minorities, they have fallen short in resolving some fundamental issues that had arisen in the previous periods. In the context of Greek–Turkish bilateral relations, this article analyzes the contemporary developments in the minority protection in relation to the legal and historical sources and practices of minority policies in the two countries. It exclusively deals with the cases of the respective minorities of the two states as defined in the Treaty of Lausanne.

I. Legal and Historical Sources of Minority Protection and Treatment in Greece and Turkey

Minority protection and treatment has three main sources in the cases of the Greek Orthodox minority of Turkey and the Muslim minority of Greece. The first and only legal source for minority protection is the bilateral agreement between Greece and Turkey, the Treaty of Lausanne, whereby the two communities were granted minority status and the rights connected to it. During the negotiations in Lausanne, Greece and Turkey signed a Convention for Exchange of Populations (30 January 1923) as a part of the solution for their bilateral questions. It entailed compulsory exchange of “Turkish nationals of the Greek Orthodox religion established in Turkish territory, and of Greek nationals of the Moslem religion established in Greek territory. The Greek inhabitants of Constantinople and the Moslem inhabitants of Western Thrace” were exempted from the exchange.³ As a result, more than a million Greeks had to migrate from Turkey, while approximately four hundred thousand Muslims had to leave Greece. The Greeks who were exempted from the exchange as well as other non-Muslim communities and the Muslims of Greece, an amalgam of Turks, Pomaks and Roma, were granted minority status. With this status, they were to be equal before the law with the majority populations and enjoy the same civil and political rights. They were also to enjoy religious, educational and linguistic freedom, settle questions of family law and personal status in accordance with their customs and be allowed to administer their pious communal properties established in foundations (vakıfs; Articles 38-44).⁴

³ Renée Hirschon (ed.), Crossing the Aegean An Appraisal of the 1923 Compulsory Population Exchange between Greece and Turkey (Berghahn Books, New York and Oxford, 2003), 282. In the Treaty of Lausanne, signed in July 1923, the Greeks of the Imbros and Tenedos islands were also exempted from the exchange of populations.
⁴ Alexis Alexandris, “Religion or Ethnicity: The Identity Issue of the Minorities in Greece and Turkey”, in Hirschon (ed.), op.cit. note 3, 117-132, at 117. For the Clauses