

AMERICAN UNIVERSITY OF ARMENIA

**TREATMENT OF NON-MUSLIM MINORITIES IN
TURKEY**

By

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CHAPTER 1: INTRODUCTION

BACKGROUND

In November 2011, His Holiness Aram I, Catholicos of the Great House of Cilicia, commended U.S. Secretary of State Hillary Clinton's statement of concern regarding Turkey's confiscation of religious properties and calling for the restoration of previously confiscated properties to religious minority communities (reported the Armenian National Committee of America). For the supreme Patriarch of the Holy See of Cilicia, the claim was for numerous churches, monasteries, hospitals, nursing homes, schools, orphanages, monuments, cemeteries, and other religious sites and properties across Turkey. The Catholicos affirms that these properties, as well as countless movable assets, including spiritual and cultural treasures, were illegally seized from the Armenian Church by the Ottoman Turkish Empire, starting in the 1890's and extending through 1915.¹

In August 2011, Turkey's confiscation of Christian churches became a central issue of contention in the confirmation process for U.S. Ambassador to Turkey, Francis Ricciardone. By the end of August, Turkey's Prime Minister Erdoğan, fearing mounting losses at the European Court of Human Rights and the implications of the recent progress of U.S. Congressional legislation, issued a decree which would, if implemented, return Christian and Jewish religious properties confiscated after 1936. The decision would affect less than one percent of religious properties confiscated by the Turkish government since the Armenian Genocide.

¹ Asbarez, "Aram I Welcomes Clinton Call for Turkey to Return Properties", November 10, 2011, accessed May 2, 2014, <http://asbarez.com/99299/aram-i-welcomes-clinton-call-for-turkey-to-return-properties/>

Additionally, in the section entitled Priority Recommendations, the 2012 report of the United States Commission on International Religious Freedom (USCIRF) advised the U.S. government to urge Turkey to comply with the Lausanne Treaty; to extend full legal recognition to its religious minorities; to allow clergy to be trained in Turkey; to reopen the Greek Orthodox Theological Seminary of Halki; and to return the Syrian Orthodox Mor Gabriel Monastery. The commission also recommended that the U.S. follow a similar policy in demanding full religious rights for non-Muslim Cypriots, and called for the “restoration” of their religious institutions and cemeteries, and an end to “the ongoing desecration of religious sites”.²

As referenced above, Armenians were not the only minority group to undergo such loss of property. Turkey’s illegal confiscation of non-muslim minority properties has been a matter of growing concern for the European Union, the European Court of Human Rights, and the U.S. Congress. Also, over the years, the leaders of non-muslim communities in Turkey have brought a series of cases before the European Courts, with the Turkish Government being compelled, in certain cases, to return selected properties.

UNDERSTANDING MINORITIES

According to the Treaty of Lausanne, religious minorities in Turkey fall into two categories: The first category comprises the Armenian Orthodox, Greek Orthodox, and Jewish communities (which are protected under the 1923 Lausanne Treaty), alongside the Syriac Orthodox, Chaldean, and Roman Catholic communities (which are not covered by the treaty; referred to as the “Lausanne Treaty plus three minorities”); and the second category includes

² United States Commission on International Religious Freedom; 2012 Annual Report, Washington D.C. (March 2012), p.199

religious minorities that are not bound by ethnicity, like the Jehovah's Witnesses, Protestants, and Baha'is. Those in the former category have limited legal rights. Furthermore, only the religious minorities covered by the Lausanne Treaty can call their religious institutions churches or synagogues; the other groups must refer to their houses of worship as cultural or community centers and even face threats of closure.

With respect to the non-Muslim minorities, the European Parliament has iterated the protection of religious minorities as stipulated in the Treaty of Lausanne. In various documents issued by the EU, one comes across similar concerns that the "Turkish state has not been able to overcome the segregation of non-Muslim minorities and to integrate them into the nation as citizens with equal rights". While the Muslim Turks have been the "we", the non-Muslim minorities have been categorized as "the other".³ Though otherness is still maintained in Turkey, there is changes within Turkey that have created more understanding and tolerance among society. Those changes are due to the Turkey's European Union Accession compliance, the Justice and Development Party (AKP)'s political ideology of tolerance toward minorities, and the changing domestic situation in Turkey.

How would one explain why Turkey treats non-Muslim minorities unfairly? Is there change in policies addressing the treatment of minorities and, if yes, what is that change? Given the current numbers, how could a minority of 65,000 Armenians be in competition with a 99 percent Muslim population? This issue warrants research both from the perspective of Turkey's political developments, as well as from the standpoint of the extent of reforms that Turkey will realize in the process of achieving its goal of joining the European Union. In that context, the

³Burcu Gültekin-Punsmann, et al., Religious Freedom in Turkey: Situation of Religious Minorities, (Brussels: European Parliament, 2008) p. i

European Commission's (EU) annual progress reports on Turkish membership will serve as important documents to assess whether or not Ankara has made improvements on issues related to non-muslim minority rights and the extent to which the EU has iterated that Turkey needs to speed up reforms to boost its chances of joining the bloc. It is appropriate to look into this issue and map out Turkey's reform agenda and actual accomplishments to depict those areas that need further attention.

Thus the hypothesis of the study and the research questions this study attempts to answer are:

HYPOTHESIS:

H₁: Turkey's policies toward non-muslim minorities are influenced by the conditionalities (or requirements) related to domestic policies for accession to the European Union.

H₀: Turkey's policies toward non-muslim minorities are not influenced by the conditionalities (or requirements) related to domestic policies for accession to the European Union.

RESEARCH QUESTIONS:

R₁: What are the EU conditionalities or issues related to Turkey's policies toward non-muslim minorities? Are there specific references / demands regarding policies on non-muslim minorities by the EU?

R₂: What are the Turkish government's current policies toward the Greek and Armenian minorities? Are they different from earlier policies? Is there positive change from historically tougher policies and how? What are the major hindrances in implementing changes?

R₃: How important is the restitution of property to non-muslim minorities in the reform agenda?

The research questions supporting the hypothesis were subsequently used to derive the classification descriptors. These are discussed in Chapters three and four.

CHAPTER 2: LITERATURE REVIEW

NON-MUSLIM MINORITIES IN TURKEY

Minorities in Turkey have been an issue that has been both on the margin and center of the state's policies. Minorities are in essence on the margins of most societies and are not paid much attention to, while in Turkey minorities that were once not so minor and included in international treaties (e.g., the Laussane) are now barely a fraction of one percent. The Turkish government has approached non-muslim minority communities with more importance over the past decade. Now, the government is pulling them away from the margins closer to the center than ever before. Many of the reforms toward non-muslim minorities that have taken place in Turkey have involved restitution of property along with other amendments to citizen rights and other laws that have somewhat eased the communities' daily existence. However, before getting into Turkey's recent state policies it is important to define what and who these minorities are.

While states focus their attention on the rights of their citizens, some citizen groups are treated differently than the rest of society. Those groups are sometimes considered minorities. Therefore, it is important to identify who they are and what is the basis for treating such groups as minorities. Minorities are based on a national or ethnic, cultural, religious or linguistic identity that differs from the majority population of the state.⁴ Minorities can be perceived in a variety of ways and in different contexts (considering that the same term has been used referring to different types of groups). In the modern example, migrants, i.e., people who live outside

⁴ OHCHR, *Minority Rights: International Standards and Guidance for Implementation*, (New York & Geneva: United Nations, 2010) p.4

their birth place or country of ancestry for over one year are often considered ethnic minorities. Though confusion may sprout from this naming approach, ethnic minorities are different than national minorities, who are more established in their relationship with the state.⁵

Rogers Brubaker places minorities in three categories; national, political, and social. National minorities are a numerically small non-dominant group that has the combined characteristics of *objective criteria*, like cultural traits, ethnicity, language, religion distinctive from the dominant population and *subjective criteria*, such as sense of community belonging. Those cultural traits often give the basis for national minorities to claim rights or autonomy and the term is often reserved for minorities that have a longer historical presence in the territory.⁶ The most important aspect of the national minority is its relationship vis-à-vis the dominant group in society. Though defining the term has been problematic for many international organizations due to conflicts that arise from certain definitions pertaining to minorities living in unitary states. Minorities have been defined in international treaties mostly with regard to their ethnic, linguistic and religious characteristics, without regard to economic or social characteristics.⁷

Rogers Brubaker presents a view that national minorities are constructed by a mobile array of stances. National minorities are not a fixed entity but instead differ extensively and/or hold competing positions that are led by movements, parties, and organizations that attempt to

⁵ Gwendolyn Sasse and Thieleman, Eiko. "A Research agenda for the study of Migrants and Minorities in Europe." *Journal of Common Market Studies* 43, no. 4 (2005), p. 655.

⁶ Rogers Brubaker. "National Minorities, Nationalizing States, and External National Homelands in the New Europe" *Daedalus (Journal of the American Academy of Arts and Sciences)* 124, no. 2 (1995), p. 112.

⁷ Florence Benoit-Rohmer, "The minority question in Europe: Texts and Commentary" Council of Europe Publishing (Germany, 1996), p. 14.

represent the group and obtain legitimacy within it.⁸ Understanding Brubaker allows us to further contextualize minorities in Turkey. Samim Akgönül introduces a view that defines minorities based on two simultaneous processes. One process is considered “quantitative” where a group is reduced by massacre, exile, population exchange, ethnic persecution or it flees due to economic and political conditions becoming a minority in the host country. The second is “qualitative” where the majority group declares itself as the legitimate ruler of the territory, thus marginalizing non-dominant groups. Technically speaking, a minority cannot be separated from the nation where it lives; hence a nation would not exist without the minority.⁹ These processes give us a better understanding of how Turkey’s non-muslim minorities were formed. Historically, Brubaker’s ideas of a national minority were more prevalent among the non-muslim minorities during the Ottoman Empire; while Akgönül’s quantitative process has reduced them to further marginalization from the dominant group. The national minorities of Turkey also have a long historical presence in that territory.

THE TREATY OF LAUSANNE

The 1923 Treaty of Lausanne defines the minorities that will be researched in this paper, the Greeks, Armenian, and Jews. The sizably concentrated Syriac communities were omitted from the treaty along with many other non-muslims like Georgians and Yezidis. Several authors (Akgönül, Toktas and Aras) discuss or imply that the Treaty of Lausanne and the remnant of the Ottoman millet system had potentially created a type of minority regime which was concerned

⁸ Brubaker, 1995, p 113.

⁹ Samim Akgönül, “Towards minority policies beyond reciprocity? The EU, Greece and Turkey” in *In the long shadow of Europe: Greeks and Turks in the era of Postnationalism*, edited by Othon Anastasakis Kalypso, Aude Nicolaidis, Kerem Oktem, (Leiden: Brill Publishers, 2009): pp.191-217.

particularly with non-muslims.¹⁰ Though section three of the Treaty, entitled “Protection of minorities” only uses the term ‘non-muslim’ denoting Greeks only in several articles.¹¹ Despite the use of non-Muslim or simply Greeks, Armenians and Jews also were among the protected minorities in that regime. Because of context, the Lausanne and the earlier anti-Ottoman Treaty of Sevres were viewed as Europe-imposed treaties for the protection of non-muslim minorities and an unjustifiable interference in Turkish affairs.¹²

As a result of the treaty and the new international boundaries of states created after World War I, a new paradigm was created regarding minorities. Though the role(s) of minorities vis-à-vis the state was discussed above, it must be clarified how the basis for adopting minority policies were established. Rogers Brubaker’s theory of nationalism gives a clearer understanding of who the non-muslims of Turkey are and how they can be viewed with respect to Turkish policy. The three linking forms of nationalism by Brubaker are *nationalizing nationalism*, *external homeland nationalism* and *national minority nationalism*. The *nationalizing nationalism* makes reference to the core nation or nationality, which sees itself as the legitimate owner of the state, which is perceived as *for* or *of* the core nation. The state adopts nationalization policies (promotion of culture, welfare, demographic dominance, economic and political hegemony etc.) in order to remedy the pre-independence discrimination against the

¹⁰ Samim Akgönül, “Sources of Reciprocity: Treaty of Lausanne,” in *Reciprocity: Greek and Turkish Minorities Law, Religion and Politics*, ed. Samim Akgönül, (Istanbul: Istanbul Bilgi University Press, 2008), pp.32-33, Sule Toktas & Aras, Bulent, “The EU and Minority Rights in Turkey,” *Political Science Quarterly* 124. No. 4 (2009-10), pp.697-699.

¹¹ Akgönül, pp.32-33: *The World War One Document Archive*. s.v. "Treaty of Peace with Turkey signed at Lausanne." accessed December 7, 2013, http://wwi.lib.byu.edu/index.php/Treaty_of_Lausanne

¹² Toktas & Aras, p.701.

nation.¹³ These policies became very evident since the establishment of Mustafa Kemal's Turkish Republic.

¹³ Brubaker (1995): pp.114-115.

TREATMENT OF MINORITIES

External homeland nationalism takes the position that there is a shared nationhood across borders. Shared nationhood makes the state responsible for co-nationals that are citizens living outside its borders. This nationalism is a challenge to the *nationalizing nationalism*. The ‘homeland’ concept carries a more political meaning than being ethno-demographic even though legitimate ‘responsibility’ and protection by the national state can’t be carried out for non-citizens.¹⁴

Although national minority and nationalism were discussed earlier, it is important to underline that *national minority nationalism* tries to maintain a balance between the two opposing poles. *National minority* is defined as an ethno-cultural nationality demanding the core nation to recognize it as such, as well as demand specific rights within its state. They *resist actual or perceived policies or processes of assimilation or discrimination*.¹⁵ Brubaker sees the three *nationalisms*’ as a “triangular relational nexus” that consists of “reciprocal interfiled monitoring,” meaning that all actors in each field closely and continuously monitor relations and actions in the other two fields.¹⁶ This reciprocal relationship forms two triangular relationships among Greece (later also including Greek Cyprus), Turkey and the Greek national minority in

¹⁴ Ibid pp.117: Kamouzis, Dimitris, “Reciprocity or International Intervention? Greek and Turkish Minority Policy, 1923-1930,” in *Reciprocity: Greek and Turkish minorities, Law, Religion and Politics*, ed. Samim Akgönül, (Istanbul: Istanbul Bilgi University Press, 2008), 49 -67, p.51

¹⁵ Rogers Brubaker, *Nationalism Reframed: Nationhood and the national question in the New Europe*, (Cambridge University Press: United Kingdom, 2003), p.57

¹⁶ Brubaker (1995), p.118.

Turkey; and Greece, Turkey and the Turkish national minority in Western Thrace, Greece (later Turkish Cyprus).¹⁷

Samim Akgönül, an expert on minorities, has written extensively about ‘*reciprocity*’, which according to him is the key foundation of the Treaty of Lausanne and the current minority policies that Turkey carries out for or against the Greek minority and Greece’s policies toward its Turkish minority. Less is understood about the potential reciprocal policies toward Armenians. Renowned scholar in international relations, Robert Keohane (1986), defines reciprocity as an exchange of equivalent values between two actors in terms of acts of *good being returned with good and bad with bad*.¹⁸ Article 45 of the Treaty of Lausanne articulates “The rights conferred by the provisions of the ... Section on the non-Moslem minorities of Turkey will be similarly conferred by Greece on the Moslem minority in her territory.”¹⁹ This article allows both countries to intervene for the protection of their co-nationals or resort to reciprocal retaliations toward their host national minorities justified by their “national homeland policy.”²⁰

Reciprocity may be better suited for understanding Turkish policy toward the Greek minority in Turkey within the triangular relationships and less for the Armenian minority, despite instances during WWII and the terrorist activities of ASALA in 1970-1980s. Due to the treaties’ exclusion of the word Armenian and the subsequent Sovietization of Armenia, Turkey’s policies

¹⁷ Kamouzis, p.53.

¹⁸ Keohane, Robert, “Reciprocity in international Relations,” *International Organization* 40, no. 1, (1986), pp.8-10.

¹⁹ *The World War One Document Archive*. s.v. "Treaty of Peace with Turkey signed at Lausanne."

²⁰ Kamouzis, p.53.

have followed mostly along the Turkification policies of the economy, society, and political sphere.²¹

The foundations of Turkification policy could be considered to stem from the Ottoman Empire's Young Turk era. Ziya Gokalp, the father of Turkism, pioneered the Young Turk social engineering policies in 1913 by advocating the Turkification of the Ottoman Empire by imposing the Turkish language and culture on all citizens.²² The loss of the Balkans in 1912 consolidated the idea of forming a Turkish nation-state of what was left of the Ottoman Empire.

Historian Rifat Bali presents Mustafa Kemal Atatürk's definition on Turkification during the Republican period. His initial idea of non-muslim minorities was not negative but was inclusive only if those minorities would follow certain criteria; adopt Turkish as their mother tongue, and embrace Turkish culture, and the idea of Turkism. The turbulent nation building process brought forward many rebellions which made the state's desire to turkify society more fervent.²³ The revolution from top to bottom implemented by the elite military bureaucracy was intended to create a new state and society entirely in its own vision.²⁴ The 1934 surname law imposing a Turkish name on all minorities and those who had tribal or names associated with other nations was a major eradication of ethnic indicators. For example the Law of Associations banned associations that were perceived as having minority characteristics that led to regarding it

²¹ Instances of Turkish public blame on Armenians for siding with both Nazi Germany and naturally the Soviet Union led to difficulties for the Armenian community. Public shunning and hate speech resulted after ASALA assassinations against Turkish diplomats in order to bring light to the Armenian Genocide. The Nagorno-Karabakh conflict also led to anti-Armenian sentiment in the Turkish public and government's rhetoric. There is little research on these events and their connection to Turkish policy toward Armenians.

²² Ugur Umit Ungor, *The Making of Modern Turkey: Nation and State in Eastern Anatolia, 1913-1950*, (Oxford: Oxford University Press, 2011) p.35.

²³ Rifat N. Bali, "Politics of Turkification during the Single Party Period," In *Turkey beyond Nationalism: Towards Post-Nationalist Identities*, edited by Hans-Lukas Keiser, (London: I.B. Tauris, 2006), p.2.

²⁴ M. Hakan Yavuz, *Islamic Political Identity in Turkey*, (Oxford: Oxford University Press, 2003), p.48.

as ethno-linguistic or sectarian. Non-muslim minorities had to approach this law and its ethnic implications from a more religious perspective.²⁵

²⁵ Bali p.5.

THE TURKIFICATION PROCESS

The Turkification process or Minority Regime had many other characteristics that emphasized the Turkish ‘ethnic’ aspect ties to civic responsibility. Despite the fact that minorities had legal safeguards and were to be a part of the Turkish nation with the eventual objective of “melting” into it, in the words of the earlier Prime Minister Ismet İnönü. Much of the government’s own beliefs became policy, resulting in serious exclusionary policies of minorities from previous work and daily life. In 1923, the founder of the Republic Mustafa Kemal Atatürk would reply as follows to Adana artisans complaining about Armenians’ supremacy in crafts: “*Armenians have no rights in this prosperous country. ... The country has finally been returned to its rightful owners. ... These fertile places are the country of real Turks.*”²⁶ The law on Public Employment from 1926 indicated that “being Turkish” was a criterion for being employed, and not being a Turkish citizen alone excluded non-muslim citizens from working in the public sector. That same year, around 5,000 Greek employees were replaced by Muslim Turks. This law was amended in 1962 but, as a result, little has changed for non-muslims.²⁷

The economy was further turkified during WWII, when the Capital (Wealth) Tax (*Varlık Vergisi*) was enacted in 1942. The heavy tax on Greeks, Jews and especially Armenians eased the process of Turkification of the economy and leveled the playing field in commerce. Those who could not pay the tax were sent to forced labor camps in Anatolia to pay off their tax debts

²⁶ Ibid., 7; Alexis Alexandris, *The Greek Minority of Istanbul and Greek-Turkish Relations, 1918-1974*, (Athens: Centre for Asia Minor Studies, 1992), p.110 .

²⁷ Ahmet İcduygu & Soner, Ali B, “Turkish Minority Rights Regime,” *Middle Eastern Studies*, 42:3 (2006), pp.447-468, pp.458-459.

through work.²⁸ Historian Hakan Yavuz stresses that since the founding of the Kemalist military-bureaucracy, it has seen large parts of its own country to be a threat over foreign states.²⁹ At the time, foreign states or foreigners were part of non-muslim minority groups living in Turkey.³⁰ The implemented minority regime also hindered many Islamic and ethno-religious minorities, but the targeting and violations of rights of non-muslims led to an inegalitarian second class citizenry and demographic disparity. Since the 1927 census 2.8 percent non-muslims lived in Turkey, compared to the 1990 census with only 0.2 percent; these statistics reveal the level of disparity and homogenization that has occurred in Turkey.³¹

Despite Turkey's discriminatory policies, others can be considered (at least on the surface) to be more akin to integration of minorities into society. The term 'integration' has a wide array of implications toward minority citizens including, assimilation, absorption, acculturation, accommodation, incorporation, anti-discrimination, toleration, cohesion-building etc. It is a very technical social engineering approach and its visionary goal for a future society is difficult to counter with other terms like inclusion or participation. Integration is not always used practically, and the term is monopolized by 'nationally-rooted policy makers' whose ideas of integration are about measures of achieving it.³² The Turkish Republican authorities' integrative policy had the objective of destroying or weakening their Ottoman state and religious legacy. By 1926, Ataturk made radical changes by eradicating the Caliphate and the religious

²⁸ Ibid., p.459, Derya Bayır, *Negating Diversity: Minorities and Nationalism in Turkish Law*, (PhD Dissertation Queen Mary University of London, 2010) p.184.

²⁹ Yavuz, p.46.

³⁰ Bayır, p.163

³¹ Icduygu & Soner., p.461.

³² Adrian Favell, "Integration Nations: The Nation-State and Research on Immigrants in Western Europe," *Comparative Social Research* 22, pp.2- 3.

schools, by repealing wearing of the veil, and introducing western headgear and the Gregorian calendar.

A major intention of the government was to weaken the central minority institutions, which were the religious and former political representatives of the non-muslim communities. The Civil Code of 1926 promised equal rights for non-muslims under a secular code, which broke away from the millet system of a governance of non-muslim minorities. The formal implications were in deep contradiction to the *legal pluralism* promised by the Treaty of Lausanne, because family law and all related matters were now under the state and not under the protected canon laws of the religious institutions. The code cited the end of legal pluralism as a ‘necessity’ for national unity.³³

Under Article 42 of Lausanne, the communities were guaranteed to regulate family law and personal status within their communities, the new civil code took those rights away from the community institutions. Before the law was set to vote, the authorities pressured the minorities to formally renounce the first paragraph of article 42.³⁴ The Chief Rabbi of the Jewish community attempted to slow down the process through plebiscite but the authorities kept pressuring the minority communities. They created three committees for each community comprised of Turks and government appointed minority representatives. The Jewish committee signed and renounced article 42 within 5 months. The Armenians, who at the time had no Patriarchate (1922-1927), did so a few days later. The Greeks were the most difficult to come to

³³ Bayır, p.140.

³⁴ Samim Akgönül, “Reciprocity and Minority Religious Institutions in Greece and Turkey,” in *Reciprocity: Greek and Turkish minorities, Law, Religion and Politics*, ed. Samim Akgönül, (Istanbul: Istanbul Bilgi University Press, 2008) p.155; Kamouzis, p.55

compromise. The committee slowly inflated after deadlocks with pro-government individuals and some dissenters were arrested only after an agreement was signed.³⁵

The non-muslim communities lost sovereignty after enactment of the civil codes and the ensuing weakening process. The non-muslim communities are centered on their religious institutions, including churches and foundations, locally. According to the Civil Code, foundations formed before 1926 would be protected under the Treaty of Lausanne, while new ones would have to comply with the Code. Foundations would be restricted from opening under the Code if they aimed at reinforcing a certain race or *cemaat* (non-muslim community). This implied that new *cemaat* foundations could not be opened.³⁶

The Law on Secularism in 1928 further disconnected the religious institutions from their community by restricting religious attire outside of religious ceremonies.³⁷ Minorities were also banned from electing their own representatives to local and central governments. Alexandris uses the Princess Islands as an example where the overwhelming majority of the residents were Christians and the governor was a Turk.³⁸ Law after law consequently tried putting an end to the legal plurality that was promised under the Treaty of Lausanne, instead giving precedence to the integrative Turkification designed by the authorities.

Derya Bayır, discusses Turkification and “cultural nationalism” (*kültür milliyetçiligi*) promoted on the part of the state toward all its citizens.³⁹ Because of its references to language,

³⁵ Alexandris, pp.136-137, Toktas, p.398.

³⁶ Bayır, p.137.

³⁷ Toktas, p.399.

³⁸ Alexandris, p.141.

³⁹ Bayır, p.114, Cultural Nationalism is an officially promoted concept of the Turkish nation by the state. It is defined as an open identity referencing language, culture, history and common ideals providing a certain civic

culture, history, and common ideals, the state officially allowed any citizen to volunteer to this civic oriented nationalism, without referencing one's ethnic and religious origins.⁴⁰ Even the government elite of the time thought that this secular oriented cultural assimilation by the religious minorities would result in their being unnoticeable by the Muslim Turk.⁴¹ It was believed that minorities had to be turkified in order to reap the benefits of the Constitution, and the 1924 Constitution's Article 88 perpetuated this civic oriented and culturally imposed transformation of non-Muslim, by acknowledging that "the people of Turkey regardless of their religion or race are Turkish in terms of citizenship."⁴² The article consolidated the civic proponents of non-muslims but left room for cultural nationalism to enter non-Turks lives.

According to Soner Cagaptay, the Kemalist view of nationalism was open for all peoples, as long as they took on the Turkish language. This policy became increasingly evident with harsh policies adopted subsequently. One such example is the 1925 draft law to ban speaking non-Turkish languages presented to the National Assembly, which failed to pass. This was followed by different draft legislation, which instead tried to impose a fine or imprisonment for the use of non-Turkish languages: this too did not pass.⁴³

The most noteworthy move toward Turkification was the 1928 *Citizen, Speak Turkish!* (*Vatandaş, Türkçe Konuş!*) campaign that aimed to promote the Turkish language throughout the

element but in reality for the case of non-muslims, it requires Turkification or an acceptance of Turks in their culture.

⁴⁰ Bayır, p. 114.

⁴¹ Bali, p. 3.

⁴² Sule Toktas, "Citizenship and Minorities: A Historical Overview of Turkey's Jewish Minority," *Journal of Historical Sociology* 18, no. 4 (December 2005) p. 398; Alexandris, p. 139.

⁴³ Bayır, p. 120; Soner Cagaptay, "Race, Assimilation and Kemalism: Turkish Nationalism and the Minorities in the 1930s," *Middle Eastern Studies* 40, no. 3 (March 2004), p. 97

country.⁴⁴ This caused friction among many of the non-Turkish communities like the Armenians, Bosniaks, Caucasians, Kurds, Greeks, Jews etc. A select number of Jewish leaders tried to appease this policy which was perceived to be especially directed to the multi-lingual Jewish community. Jews spoke Ladino and French, and not their ‘mother tongue’ Hebrew, which would have been protected under Lausanne. Chief Rabbi Moshe Becerano stated that the Jewish community would need 10-15 years to adopt the Turkish language in order to relax expectations from the quick reform processes by the government. Munis Tekinalp (born Moiz Cohen) was a fervent supporter of the campaign and Turkification process. He published a book that same year (1928) titled Turkification, calling on all minorities to be Turkified in order to deserve the rights granted by the Constitution. He included a special chapter advising the Jewish community on how to Turkify. He was mostly alone in the Jewish community but his fervent involvement portrays the extent of the influence of Turkish nationalism on minorities.⁴⁵

NEO-OTTOMANISM TO EUROPEANIZATION: THE RISE OF POLITICAL ISLAM

Ideological inclinations toward legal pluralism, or more concretely Neo-Ottomanism, began to take shape with the breakdown of the Soviet Union and the armed Kurdish conflict with the PKK. Memories of the Ottoman past of ‘cosmopolitanism’ were invigorated among the intellectual and political classes that started discussing it more intensely. President Turgut Özal attempted to use the notion of neo-Ottomanism as a way of initiating a mix of liberal

⁴⁴ Bayır, p.120, Bali,

⁴⁵ Bali, pp.2-4. Though the Citizen! Speak Turkish campaign affected the whole non-Turcophone population; Greek and Armenian were protected by the Treaty of Lausanne because they were considered national languages, unlike Ladino, the language of the Jewish community.

multiculturalism and traditional Ottoman pluralism in order to pacify tensions while addressing new foreign policy challenges in the Balkans.⁴⁶

A solution to Turkey's issues with identity would be possible if an Ottoman view of cultural pluralism fostered by Islam were achievable. In essence, neo-Ottomanism rejected the mono-ethnic Turkish nationalism and tended to move toward a Turkish identity that is more multi-ethnic, multi-religious, and socially liberal.⁴⁷ In the 1990s, the influential writer for *Hurriyet*, Hadi Uluengin, while referring to the Balkans stated that Turkey has to reconcile with its Ottoman past, even by acknowledging its historical sins. Another writer, Cengiz Candar, who supported neo-Ottomanism as a solution to domestic stability and an approach to repair Turkey's damaged foreign policy, stressing the skill for absorbing cosmopolitanism.⁴⁸ The strong Kemalist factions of society resisted these new approaches and after Özal's death in 1993, neo-Ottomanism lost momentum but would eventually transform.⁴⁹

The continuation of Ottomanism was maintained in the religious right wing. The pro-Islamist Welfare Party (*Refah Partisi*) reintroduced a more Islam-toned neo-Ottomanism to the mainstream political stage when they won the majority in the 1995 elections. The Welfare Party rejected the idea of Turkish mono-culturalism and adopted the ideal of an Islam-modeled 'multi-judiciary order' to include various religious communities within Turkey.⁵⁰ While rejecting these ideas, the Kemalist authorities eventually intervened by February 28 — the day of the soft coup

⁴⁶ Yilmaz Colak, "Ottomanism vs. Kemalism: Collective Memory and Cultural Pluralism in 1990's Turkey," *Middle East Studies* 42, no. 4 (2006), pp.587-588.

⁴⁷ *Ibid.*, p.593.

⁴⁸ Ahmet Sozen, "A Paradigm Shift in Turkish Foreign Policy: Transition and Challenges, in *Islamization of Turkey under AKP rule*," ed. Birol Yesilada, Rubin, Barry. (Routledge, 2013), p.104.

⁴⁹ Colak, p. 59; Şaban Kardas, "Turkey under the Justice and Development Party: Between Transformation of 'Islamism' and Democratic Consolidation?," *Critique: Critical Middle Eastern Studies* 17 no. 2 (2012), p.179

⁵⁰ *Ibid.*, pp.595-597, Yavuz, p.232.

d'état that removed the Welfare Party, subsequently closing it down. The ECHR upheld the decision of the Welfare Party closure. This created an environment that encouraged the continuation of Islamic politics and gave way to potential distrust in Europe among voters, but more strongly oriented policies in favor of EU accession.⁵¹ The “reformist” branch of the Welfare Party and the other Islam-oriented Virtue Party created the Justice and Development Party (*Adalet ve Kalkınma Partisi* — AKP).⁵²

The AKP's merge to power in 2002 was the first pro-Islam party that held the majority of seats in parliaments. Their liberal and democratic orientation via EU accession was evident with their reform implementation right after coming to power. Stronger support for human rights, democracy, and religious values led the party to perceive modernity, human rights, democracy, and multiculturalism as universal values and not European supremacy. The party understood that there was a higher probability to achieve these universal values through the EU and not Turkey's Constitutional framework.⁵³ In result, AKP members drifted away from the Islam-oriented politics and became conservative pro-Euro politicians.⁵⁴ Their reforms will be discussed regarding non-muslim minorities in depth in the discussion (content analysis) section of this research.

⁵¹ Yavuz, p. 242, 248; Ioannis N. Grigoriadis, “AKP and the Paradox of Islamic Europhilia,” *Turkish Policy Quarterly*, (Spring 2004), p.4.

⁵² Beken Saatçioğlu, AKP's ‘Europeanization in Civilianization, Rule of Law and Fundamental Freedoms: The Primacy of Domestic Politics,’ *Journal of Balkans and Near Eastern Studies* 16, no. 1, (2014): p.89; Yavuz, p.250.

⁵³ Yavuz, pp. 248-249, Beken Saatçioğlu, Unpacking the Compliance Package: The Case of Turkey's AKP under EU Conditionality, KFG Working Paper Series, No. 14, (June 2010) , pp.5-6; Grigoriadis, p. 4; Ihsan Yilmaz, Influence of Pluralism and Electoral Participation on the Transformation of Turkish Islamism, *Journal of Economic and Social Research* 10, no.2 (2008), p.56

⁵⁴ Ali Rahigh-Aghsan, “Turkey's EU Quest and Political Cleavages under AKP,” *Review of European Studies* 3, no. 1; (June 2011): p 44; Bilal Sambur, “The Great Transformation of Political Islam in Turkey: The Case of Justice and Development Party and Erdogan,” *European Journal of Economic and Political Studies* 2, (2009): p.122.

It is emphasized also that the AKP's use of the EU based reforms is done purposefully to broaden their support base, positioning themselves in the political center in order to fight the Kemalist forces running the country.⁵⁵ Though at times, Euroscepticism is prevalent with the AKP, which sometimes resists with neo-Ottomanism or even nationalist rhetoric due East bound foreign policy or high stake reforms. The AKP fights against the Kemalist establishment and its contingent ideological base of democratic values has allowed marginalized sectors of Turkish civil society to reap some of the long overdue benefits of reforms. For example, the AKP's view of minorities is evident in this AKP meeting;

*In this country, the problems of my Kurdish and Romani sisters and brothers, of Albanian, Bosnian, Abkhazian, Georgian and my other sisters and brothers with different ethnic backgrounds were ignored and denied for years. The problems of my Sunni and Alevi sisters and brothers were denied. The problems of minorities and my non-Muslim citizens were denied.*⁵⁶

AKP's approach toward minorities falls in line with the parties' ideology where the emphasis on *Turkiyelilik* (being from Turkey) as a geographical view of identity in contrast to the nationalist ethnic and religious Muslim Turk identity.⁵⁷

To stress the relative openness of AKP toward non-muslim minorities it is important to discuss a 2014 statement. In an op-ed article in the English language weekly *Today's Zaman*, Armenian journalist Etyen Mahcupyan analyzed an Armenian Genocide statement made by the Prime Minister Erdoğan on April 23, 2014, one day before April 24, Armenian Genocide Commemoration day. The statement asked for dialogue among Armenians and Turks and sent

⁵⁵ Saatçioğlu, 2014 p.89; Tanja A. Börzel and Soyaltin, Diğdem, Europeanization in Turkey: Stretching a Concept to its Limits? , KFG Working Paper, no. 14(2012). p.14.

⁵⁶ Gozde Yilmaz, "Exploring the Implementation of Minority Protection Rules in the 'Worlds of Compliance': The Case of Turkey," *Perspectives on European Politics and Society* 13, no.4 (2012), pp.417-18. Cited as Speech at the AKP Political Group Meeting (2010a) 29 June.

⁵⁷ *Ibid.*, p.418.

out condolences to the grandchildren of the victimized Armenians without using the word Genocide. The statement was conciliatory and pioneering in Turkish political history. Mahcupyan believed that the AKP broke “a vital taboo of the old regime in the Armenian issue” and that he “stands by the multicultural social existence of the past.” He concludes that Erdoğan sees a joint-identity for Turkey where non-muslims are considered a part of.⁵⁸ These unprecedented steps though relatively unsatisfactory to many minorities like the Armenians are a step forward in regards to tolerance. Reactions from the two main opposition parties were not as accepting of the condolences given, especially the ultra-nationalist MHP.⁵⁹

MINORITY ISSUES

In a 1996 conference, Hrant Dink discusses the problems of minorities (Dink, 1996). The first problem, he states, is the application of laws; “All minority contacts with the state are always conducted through the mediation of the police.” Another problem is that the law on community foundations does not allow people who live outside the administrative region of a foundation to join the administration of that foundation. Another issue is that minority schools neither get nor ask for financial aid from the state, even though the Treaty of Lausanne guarantees those rights. They face financial difficulty due to a demographic decline and restrictions placed by the state on foundations. The last problem is the policies regarding foundations and property, which will be discussed in more detail and is an important topic of this

⁵⁸ Etyen Mahcupyan, “A different April 24” Today’s Zaman, April 24, 2014, accessed April 25, 2014, http://www.todayszaman.com/columnist/etyen-mahcupyan_346027_a-different-april-24.html

⁵⁹ Today’s Zaman, “PM’s statement on Armenian issue receives mixed reactions at home” April 24, 2014, accessed April 25, 2014, <http://www.todayszaman.com/news-346056-pms-statement-on-armenian-issue-receives-mixed-reactions-at-home.html>

paper.⁶⁰ Dink's fundamental solution to these issues is targeted toward the essence of the state and its laws. According to him, reforms, albeit important, would only solve administrative issues. The essential problem is that the "law is anti-democratic with an ulterior motive" and must be eradicated. That is what will make the problems "disappear at once."⁶¹

Baskin Oran claims that there are "three types" of violations based on the Treaty of Lausanne on non-muslim minorities. The first is restrictions in education which violates article 40 and 42.3. The second is restrictions in languages violating article 40. The third is the restrictions on religious foundation which violates article 42.3.⁶²

The most vocal and powerful non-muslim communities are the Armenians and Greeks. Almost all the communities, including the Jews have issues that are related but others are of a particular nature per community. Many educators believe the EU does not focus too much attention on non-muslim education. Despite the dwindling population of the community and problems that result from, there are other issues that are of concern. Students who hold citizenship from Armenia or Greece are not allowed to legally enroll in their community schools as degree students. Language textbooks are not allowed from abroad due to contradictions from the state's historical stances. Mandatory ethnic Turk vice-principals in every minority school created the aura of a foreigner toward minorities. Official history of the state advocates tension

⁶⁰ Hrant Dink, "The Taste of Being a Minority," *Cultural Studies and the Caucasus*, Ed. O. H. and Y. Sefa Ma, (A. : A. U. P., 1998). 439-441.

⁶¹ *Ib d.* p. 441.

⁶² Baskin Oran, Western Impact and Turkey. Seminar Series in Harvard Kennedy School of Government, at Baskinoran.com.

toward non-muslims, Armenians and Greeks. Financial difficulties are incurred by the community rather than being supported by the state.⁶³

The European Commission's Venice Commission released the "On the Legal Status of Religious Communities in Turkey and the right of the Orthodox Patriarchate of Istanbul to use the Adjective "Ecumenical." The 2010 document became a very important reference point for EU conditionalities regarding non-muslim minority rights. According to the Venice Commission, the basic problem is that non-muslim minority's lack of legal personality. There is no place for religious institutions in the legal system despite a lack of constitutional barriers, which force religious institutions to work through foundations or associations. Other religious institutions (e.g., mosques) also are officially without legal personality but are represented in the Presidency of Religious Affairs (DIYANET) which is responsible to the Prime Minister.⁶⁴ Non-muslim minorities have faced endless issues with their foundations which have become the focal point in reforming this area in the communities.

LEGAL FRAMEWORK OF FOUNDATIONS

Violations toward non-muslim minority rights were based mostly on the restrictive policies on foundations and property rights. In the formative years of the republic, foundations (*vakıf*) were already put in a difficult situation. Early issues for non-muslim foundations were due to their status during the Ottoman Empire; due to Islamic law the foundations were unable to receive a foundation charter (*vakfiyes*) instead they were given a Sultan's edict. According to

⁶³ Günay Göksu Özdoğan & Kiliçdagi, Ohannes, "Hearing Turkey's Armenians: Issues, demands and policy recommendations," (Istanbul: TESEV publication, 2012), pp.35-43

⁶⁴ Venice Commission, On the Legal Status of Religious Communities in Turkey and the right of the Orthodox Patriarchate of Istanbul to use the Adjective "Ecumenical" Adopted 82nd Plenary Session (Venice, 12-13 March 2010): p.10.

the Law of Foundations (1935), all foundations' board of trustees must submit a declaration of its activities like administration/trustee, assets (*hayrat, akar*) details, proof of foundation, income, spending, and etc which is known as the '1936 Declaration'.⁶⁵ Many donated immovable properties were registered during the Ottoman period under "revered religious figures" ex: Saint Mary or Christ due to restrictions in the law toward non-muslim minorities.⁶⁶

This practice worked to the detriment of foundations when in 1942 the Court of Appeals made a decision that in order for foundations to register these latter mentioned deeds, the original possessors of these deeds or their inheritors had to give permission for the property. Due to time, war, Genocide, population exchange and the administrative difficulty of names of saints, this proved to be very difficult for the foundations and led to the confiscation of many of these properties to the Treasury, Directorate General of Foundations, or back to certain donors. Confiscation endeavors became more common in Istanbul following this decision, while the properties in the rest of the country were much easier to confiscate because the non-muslim population had dramatically dwindled from Ottoman times and the foundations were considered 'defunct' for having no activities or anyone to administer them.⁶⁷

Non-muslim foundations were restricted from obtaining new (*akars*) income generating properties, but were allowed to sell them and use the proceeds for (*hayrats*) charitable services.

⁶⁵ Mehmet Polatel et al., "2012 Declaration: The Seized Properties of Armenian Foundations in Istanbul," Hrant Dink Foundation, Istanbul, (2012): pg. 49, 51, 53. Hayrat are charitable properties like schools, churches, and cemeteries which are meant for a pious intention. Akar is an income-generating property. Both categories can be received as donations from individuals. Though sometimes property deeds were signed saints' names, which further complicated registration.

⁶⁶ Ibid, p.35. The other method of registration is called "nam-ı mustear", where the name of the trustee was hidden but made under another's name. According to the Civil Code, all Muslim foundations were subject to the state except for the non-muslim foundations due to not violating the Treaty of Lausanne.

⁶⁷ Ibid, p.59.

Despite the laws and violations, many of the issues were related to the administrative implementation of the law, including the inability to obtain certain documents and the long waiting periods (often exceeding one or two years) for getting title deeds or registrations benefiting the Treasury or DGF.

The Hrant Dink Foundation report brings to light the issue of an Armenian foundation that made an application in 1950 to the DGF for getting a cadastre certificate for its property. The Ministry of Foreign Affairs investigated the issue and recommended that the property's ownership should be left blank until the investigation is complete. The reality is that non-muslim minorities are often seen by the state as foreigners, despite being *de-jure* equally protected citizens.⁶⁸ In the context of the Cyprus war, a 1974 Court of Appeals decision ruled that property obtained (purchase, donation, inheritance) after the 1936 declaration can be confiscated. Those properties were considered illegally obtained and were justified by using foreigner property rights, who had no right to buy property. Properties were either seized by the DGF or returned to original owners, like the Tuzla Armenia orphan camp which journalist Hrant Dink was raised in, later ran, and fought for its return.⁶⁹

This foreigner attitude by the state and the limitations set on the foundations began to change with the activities of the AKP. Further, other AKP's reforms regarding foundations took time until they delivered a level of tangible results. The first reform was in 2002, the "Law on Amendments to Certain Laws" (no. 4771). It allowed non-muslim foundations to acquire immovable property and generate income for its charitable services. It also overrules the 1936

⁶⁸ Polatel, p.63; Today's Zaman, "Interview with Laki Vingas", Today's Zaman, January 1, 2012, accessed on May 2, 2014, <http://www.todayszaman.com/news-267346-vingas-turkeys-non-muslims-government-getting-closer.html>

⁶⁹ Ibid., p.77, Mine Yilidrim & Otmar Oehring, TURKEY: What does Turkey's Restitution Decree mean? "Forum 18 News Service," October 6, 2011, accessed April 17, 2014, http://www.forum18.org/archive.php?article_id=1621

Declaration regarding documents required for property registration but requires permission from the Cabinet of Ministers for acquisition of property, which is a violation of the Treaty of Lausanne, Art.10 of the 1982 Constitution, and Art.14 of the ECHR. Baskin Oran posits that the law makes the acquisition of confiscated property more difficult because of new bureaucratic challenges dealing with the Cabinet of Ministers. The legal inclusion, by way of the Cabinet of Ministers, particularly the Minister of Interior that is responsible for the police and intelligence agencies and the Minister of Foreign Affairs that continues to perpetuate the *foreigner mentality* toward non-muslims. Oran continues by stressing that the implementation of the law is based on reciprocity and implies that inequality for the benefit of ethnic Turkish citizens is present.⁷⁰ New amendments to this law soon followed.

The Copenhagen Criteria was adopted in 2003, within the fourth EU Accession Criteria Package, which gave way to new minority rights reforms. A new law about non-muslim foundations was adopted called Law no.4778, it transferred the previous authority of granting permission for property acquisition and income generation by the Cabinet of Ministers onto the DGF. Furthermore, the latter authority in the document concludes that for specifically non-muslim foundations “the opinion of relevant ministries, public offices (police) and institutions” would have to be consulted to conclude the application of the law. A very short two month period was given for missing documents for title deed registration which was delayed for discussion based on a “confidential” note signed by the National Security Council. The NSC’s involvement again implies the attitude of foreigner or security threat towards non-muslims. The period was extended for 18 months in a latter legislation (no. 4928). During the preliminary

⁷⁰ Ibid, pp.71-73. Baskin Oran is cited in the book. My implication of Oran regarding inequality for the benefit of ethnic Turks is based on his quote “The Turkish state is attempting to hold its citizen hostage for the benefit of its kin.”

period, all 1,532 applications for return were rejected, while the second round 242 properties were registered by the names of the foundations. In total by 2004, 286 properties were registered out of the 1,532 applications.⁷¹

Due to the government's lack of dealing with restitution, foundations decided to continue their appeals for restitution via the ECtHR. The first positive verdict regarding foundation property was in 2007 by the Fener Greek Orthodox High school Foundation, which claimed that the state violated their property rights. The ECtHR required Turkey to return the property and pay a fine of € 900,000 within three months; the latter only paid the fine. As for the first property restitution case won, the Yedikule Surp Pırgiç Hospital Foundation's appeal for two properties ended in a friendly settlement, where the state turned down paying the € 2,000,000 compensation and instead returned the properties. This served as a wakeup call for the Turkish state and the process has continued.

After the insufficient registration of properties reflecting the lackluster fulfillment of meeting non-muslim foundation problems of confiscated properties, applications to the European Court of Human Rights (ECHR) increased considerably. In 2004, the government already began drafting a new law which took 4 years to enter force due to resistance from nationalist political parties like CHP and MHP, who later appealed the law to the Constitutional Court which was rejected in 2010.

The 2008 Law on Foundations (no. 5737) states that non-muslim foundations can use acquired property as they wish, collect donations and aid from domestic and international sources, establishing economic enterprises and companies (for-profit), and most importantly, the

⁷¹ Ibid., pp.73-75.

legal regulations in obtaining confiscated properties. This last provision contained vague expressions that legally complicated the process of restitution. A few months after the law was in force, the DGF published certain criteria (documents) for the registration applications which made the implementation of the law very difficult and unfair. The requested documents were in possession of various state bodies (local Land Cadastres) and continued to leave the burden to prove authenticity on the foundations despite the returns being a state initiative.⁷²

In attempted improvement of the previous, 2008, Law no. 5737, Decree Law no. 651 was in effect in 2011. The law only specified certain criteria of property that were confiscated within the framework of the 1936 Declaration that were eligible of return. The law also stated that compensation for confiscated properties that were originally either bought or donated will be decided by the market value and through a valuation commission of the Minister of Finance. According to Mine Yildirim, the use of independent evaluators would bring the costs of restitution in the high millions, even though it would be the correct step.⁷³ The temporary decree was considered a case of national importance and was bypassed by the National Assembly, likely because the AKP's image would be hurt by nationalist rhetoric against the legal move.⁷⁴

The implementation of property returns has been rather difficult for non-muslim foundation without the ECHR's rulings. According to an activist lawyer, Diran Bakar, when the Directorate General of Foundations requests the Land Registry to register a property under a foundation they may not do it. Though, an ECHR ruling would have the land registered within a 3 month period. As of July 24, 2013, the head of Minority Foundations, Laki Vingas, has stated

⁷² Ibid., p.77.

⁷³ Ibid., 81 Lawyer Setrak Davuthan, has done an analysis on the properties that would not be included in the Decree Law no. 651. The major grouping of properties that are likely the most in quantity are the defunct foundations. Mine Yildirim (2011).

⁷⁴ Yildirim (2011).

that among 160 foundations, 253 properties were returned out of the 542 property application accepted for evaluation. During the process, 829 applications were rejected from the onset and 18 properties sold to 3rd parties were compensated for.⁷⁵ This process continued when the Surp Prigic Armenian Hospital Foundation officially was returned a very large piece of property in January 2014.⁷⁶

The first positive verdict regarding foundation property was in 2007 by the Fener Greek Orthodox High school Foundation which claimed that the state violated their property rights. Turkey was sentenced to returning the property and paying a fine of € 900,000 in three months, they only paid back the fine. As for the first land restitution case won, was by the Yedikule Surp Pırgiç Hospital Foundation regarding two properties which ended in a friendly settlement, where the state turned down paying the € 2,000,000 compensation and instead returned the properties. Cases continued among the Greek and Armenian foundations with returns or compensations due to the special cases. The outcomes have consolidated the belief that the 1936 Declaration was handled and done illegally.

EU ACCESSION AND REFORMS

The recent relationship between Turkey and the European Union began in 1999 at the Helsinki Summit, where Turkey was a candidate for full membership into the Union. Reform packages were directed to the Turkish government on a yearly basis. Turkey's candidacy had prerequisites for EU accession. Significant positive constitutional amendments were made in

75 Today's Zaman, "Return of seized property to minority foundations remains at 16 percent" July 24, 2013, accessed May 1, 2014, <http://www.todayszaman.com/news-321719-return-of-seized-property-to-minority-foundations-remains-at-16-percent.html>

76 Massispost, "Seized Property Returned to Armenian Foundation" February 12, 2014, accessed May 2, 2014 <http://massispost.com/2014/02/seized-property-returned-to-armenian-foundation/>

2001 amending and/lifting some of the limitations on freedom of thought. After meeting certain EU criteria, accession negotiations began in 2005. Following entry into the government in 2002, AKP authored or initiated many of the reforms (compared to the earlier coalition government).

Minority rights occupied a central place or focus among the EU-required reforms. In 2002, the Copenhagen Criteria were put forth as a major pre-requisite for initiating accession talks. Minority rights became very important in EU's enlargement policy since the creation of the Copenhagen Criteria in 1993. The signing of international charters and agreements were also imperative to fulfill, i.e., the Council Directive 2000/43 and the Council of Europe Framework Convention for the Protection of National Minorities.

The key minority issues are the uplifting of the existing ban on broadcasting and education in non-Turkish languages; eliminating the limited interpretation of the Treaty of Lausanne; issues regarding non-muslim foundations and property rights; uplifting the ban on the training of clergy and reopening the Greek Halki Seminary; resolving issues in Southeastern Turkey in regards to the Kurdish issue and Internally Displaced Persons (IDPs); and resolving issues regarding the Alevi community. The Turkish government took steps attempting to resolve these issues through EU-led reforms and, more recently, by entirely state-driven efforts.

The Turkish Prime Minister and AKP party leader Tayyip Recep Erdoğan has, at least in rhetoric, internalized European values as those of Turkey or belonging to his own party. In a speech to the Azerbaijani Parliament in 2005, PM Erdoğan articulates those internalized European values as follows: "Turkey should be accepted into the European Union. If not, we'll change the name of the Copenhagen criteria to the Ankara criteria and continue with the

reforms.”⁷⁷ Erdoğan’s skepticism of not entering Europe and push for use of the Ankara criteria reveals a keen interest and rising standards with reforms.

Dozens of EU scholars and theorists have attempted to look into EU enlargement and Europeanization in other countries, like Turkey. Discussions have included new approaches toward democratization, EU conditionalities, EU membership enlargement, and justifications on country behavior vis-à-vis the EU and EU *aquis communautaire*. EU’s three-tier approach to democratization focuses on democratic pre-conditions that include empowering opposition parties and civil society, leveraging its power through conditionalities (attractive membership perks, external incentives, etc.), and through policies and third party cooperation.⁷⁸ In certain cases, conditionalities related to Turkey’s EU membership have had reduced leverage on Turkey partly because of EU’s decline in credibility.⁷⁹ Discussion about a privileged partnership began, not membership, and public support dropped to 50% in 2006 from 75% in 2002. Politically sensitive issues and EU member state behavior towards Turkey also increased Euro-skepticism in the country.⁸⁰

⁷⁷ The New Anatolian, “Erdogan: Copenhagen criteria would become Ankara criteria,” *Journal of Turkish Weekly*, July 1, 2005, accessed March 1, 2014 <http://www.turkishweekly.net/news/14088/erdogan-copenhagen-criteria>

⁷⁸ Sandra Lavenex & Frank Schimmelfennig, “EU democracy promotion in the neighbourhood: from leverage to governance?,” *Democratization* 18, no.4, (2011): p. 886; Frank Schimmelfennig & Ulrich Sedelmeier, “Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe,” *Journal of European Public Policy* 11, no. 4, (2004): p. 670.

⁷⁹ Gözde Yilmaz, “It Is Pull-and-Push that Matters for External Europeanization! Explaining Minority Policy Change in Turkey,” *Mediterranean Politics* (2013):p. 2; Beken Saatçioğlu, “AKP’s ‘Europeanization’ in Civilianization, Rule of Law and Fundamental Freedoms: The Primacy of Domestic Politics,” *Journal of Balkan and Near Eastern Studies* 16, no. 1, (2014): p.87.

Cengiz Aktar, “The Positive Agenda and Beyond: A New Beginning for the EU-Turkey Relations?” *Insight Turkey* 14, no.3, (2012): p.40.

⁸⁰ Gozde Yilmaz, “Exploring the Implementation of Minority Protection Rules in the ‘Worlds of Compliance’: The Case of Turkey,” *Perspectives on European Politics and Society* 13, no.4 (2012): pp.417.

The decline of EU credibility led to a different type of compliance by Turkey. Firstly, many European member states like France, Germany, etc. and the Cyprus issue strengthened Euro-skepticism in Turkey, which hurt the EU's influence over various spheres especially in minority reforms. Many on the nationalist camp, did not agree with minority rights reforms which entailed a threat to the Turkish unitary state. Despite resistance, the AKP party continued to show compliance on certain EU conditionalities toward minorities. According to the political costs hypothesis states *“if the political benefits associated with complying with a specific EU condition are higher than its political costs, then the political leadership is likely to comply”*⁸¹ Opposition and resistance to compliance would also increase if the EU threatened domestic power base, national security and integrity, and power preservation practices; though compliance can also help the ruling party.⁸²

Naz Masroff discusses the costs and benefits of minority reforms in relation to Turkish nationalists and Kurdish voter bases. The AKP's loses in regards to minority reforms is “politically extremely costly” and would be very difficult to reform. Though, the AKP's election interest in Turkey's south-east give major incentive to reform in the area of minority rights and experts interviewed by Masraff claim that the AKP would still follow through reform without EU conditionalities.⁸³ Gözde Yilmaz adds to the latter claim that clear EU conditionalities were the main thrust for legal adoption for minority rights but after 2008, when advocacy for minority issues increased, the reform process was heavily led by domestic factors.⁸⁴

⁸¹ Naz Masroff, “Why Keep Complying? Compliance with EU Conditionality under Diminished Credibility in Turkey” PhD dissertation, London School of Economics and Political Science, 2011. p. 237

⁸² Masroff, p.245

⁸³ Ibid., p. 249. Expert interviews conducted by Naz Masraff by AKP parliamentarians, EU and Ministry of Foreign Affairs high officials believe minority rights to be the hardest to reform.

⁸⁴ Gozde Yilmaz, “Exploring the Implementation ... (2012): pp.412-413.

As Tanja Borzel and Digidem Soyaltin⁸⁵ state, the ruling party (AKP) uses EU demands as a method of legitimizing its activities and though the reforms often meet EU criteria they are driven by domestic forces, implying a more “bottom-up” and not “top-down” approach (Alper, 2010). Beken Saatcioglu⁸⁶ claims that after 2005, in light of the decline in EU’s credibility and slowdown of reforms, the AKP did not curb *civilianization* reforms, rather used these reforms to fight Turkey’s Kemalist elite and to consolidate party power. Other reform initiatives, like rule of law or fundamental freedoms of minorities, were held back.

Ziya Onis (2013) explains another aspect of the declining nature of some reforms. The EU’s decline of soft power over Turkey has resulted in the loss of a powerful ally in liberal reformers who faced political pressure and national rhetoric domestically. Turkey’s policies have been selective regarding those dealing with minority rights, which have been among those policy areas that have slowed down after accession talks begun in 2005.⁸⁷ The biggest shift occurred in the 2007 national elections when the AKP lost votes in the south-east to the pro-Kurdish Democratic Society Party (DTP). This fueled the AKP to more strongly pursue minority issues.⁸⁸ Many issues regarding non-muslim minorities are affected by or are intertwined with the Kurdish issue.

This research focuses on reforms oriented toward non-muslim minorities. Despite the largest and most urgent minority related reforms directed toward the Kurds, non-muslim

⁸⁵ Tanja A. Börzel, & Soyaltin, Digidem, “Europeanization in Turkey. Stretching a Concept to its Limits?” KFG Working Paper Series, No. 36, (February 2012), Kolleg-Forschergruppe (KFG) “The Transformative Power of Europe” Freie Universität Berlin. p.14

⁸⁶ Saatçioğlu, (2014) p.96.

⁸⁷ Ziya Onis, “Sharing Power: Turkey’s Democratization Challenge in the Age of the AKP Hegemony,” *Insight Turkey* 15, no. 2, (2013) p.109, Yilmaz, Gözde, Is There a Puzzle? Compliance with Minority Rights in Turkey (1999-2010), KFG Working Paper Series, # 23, (2011) p. 19; Saatçioğlu, p.96;

⁸⁸ Yilmaz, (2012), p.419.

minority reforms have been difficult and sensitive in spite of the fact that they only consist of less than one percent of the population. According to EU Commission reports, initially non-muslim problems were ranging from legal personality and property rights of foundations, clergy, minority school management, exercise of cultural rights, and broadcasting issues. Non-muslims are referenced in nearly all EU Commission Progress and Regular Reports. Initially the EU strategy focused more on solving the Kurdish issue but over time it became more directive and encompassing, delineating a comprehensive approach for the improvement of all minorities. After 2008, an EU roadmap was given for improving minority rights, emphasizing mainly on implementation problems and the legal protection of minorities.⁸⁹

According to Gözde Yılmaz,⁹⁰ the AKP has a two-tiered approach in minority rights: they first identify the problem, and then focus on solutions to long-term problems. She discusses both non-muslims and Kurds as examples of AKP's approach toward minorities, which disregards reciprocity as a policy option. One major reform that maintains a foundation of reciprocity was the law allowing new places of worship and the restructuring/renaming of the Minority Sub-Committee that would regulate non-muslim religious activities. The latter, renamed as the Board to Assess Problems of Minorities was commissioned to assist rather than to patrol minorities, though its board members still consisted of officers from the Ministry of Interior, the Ministry of Foreign Affairs, and others.⁹¹ There is a continued sense that non-muslim minorities are a national security threat or are foreigners.

⁸⁹ Yılmaz, 2011 pp.9-10.

⁹⁰ Ibid. p.19.

⁹¹ İlhan Yildiz, "Minority Rights in Turkey," *Birmingham Young Law Review*, (2007), p.804. The original Committee had members of the military. Their exclusion points to the 'civilianization' reform categories Beken Saatcioglu discusses.

Turkey is still in EU accession talks and continuing reforms on their own pace. Important changes in regards to non-muslims have occurred in recent years, like a Democratization Package, gradual return of properties, and more conciliatory approaches toward the Armenian Genocide issue. It seems that these changes will continue, but EU accession seems to have stalled. Following a scandalous corruption case beginning from late 2013, consequent judiciary reforms, state purges, state-sensitive leaks, and closures of the websites Twitter and YouTube up to important local elections took place; leaving the EU with a more difficult situation to posit itself in regards to Turkish accession. While the EU criticizes Turkey for its violations against fundamental rights, the AKP, victorious from the elections, is demanding for the EU accession process to continue.⁹² While rhetoric reveals willingness for compliance and the reality shows numerous violations after a major corruption case, non-muslim minority reforms or changes are continuing often with the initiative of the ruling AKP government.

⁹² Today's Zaman, "Gov't says 'saddened, perplexed' by EU criticism on rights" May 9, 2014, accessed on May 12, 2014, <http://www.todayszaman.com/newsDetail.action?newsId=347417> ; Turkey is demanding for Chapters 23 and 24 to open up. Ironically, they refer to judiciary reforms and fundamental freedoms, both issues that Turkey has been heavily criticized especially since the December 2013 government corruption scandal.

CHAPTER 3: METHODOLOGY

RESEARCH METHODOLOGY

The methodology used in this research is qualitative. This qualitative research consists of content analysis of documents and notes from expert interviews. In order to understand European Union conditionalities and issues related to non-muslim reforms, EU Progress Reports were analyzed. Content analysis was performed of 12 EU Commission Progress Reports on Turkey, years 2002 through 2013. The means of the frequency and intensity of each descriptor were calculated and analyzed in. This process was repeated to analyze each of the documents to reveal trends and patterns of actual change realized in reform efforts by the Turkish government and to answer the research questions and test the hypothesis.

Expert interviews were also carried out via email and one interview was conducted in person and recorded in Yerevan. The Interview questionnaire was translated into Turkish and was sent out to the appropriate interviewee. Two interview transcripts were translated from Turkish to English. All experts are respected scholars or professionals in their own fields and share expertise in regards to non-muslim minority issues. Five experts were interviewed, while nine additional experts were contacted without success. The Hrant Dink Foundation assisted in obtaining certain contacts that were difficult to connect via Internet.

EXPERTS INTERVIEWED:

EI. Academic, professor specializing in Turkey's non-muslim minorities

E2. Academic, historian specializing in Turkey's non-muslim minorities

E3. Head of non-muslim foundations and head of the Greek Foundation network

E4. Lawyer specializing in foundations

E5. Journalist, expert on issues related to Turkey and Turkish Armenians

The experts were interviewed using a semi-structured questionnaire that attempted to answer the research questions and to increase the validity of findings from the document content analysis.

LIMITATIONS OF THE STUDY:

Limitations regarding interviews included the researcher's inability to travel to Turkey to conduct face-to-face interviews. Other limitations were the inability to obtain EU sensitive documents regarding Turkey that are usually unpublished. The lack of time was another limitation. The target for expert interviews was 10-15 persons. As mentioned earlier, only five interviews were conducted successfully, while there were no positive results regarding nine experts who were contacted with requests for interviews via email. One of the nine from Armenia rejected a face-to-face interview citing the local government's position as the principal barrier. Other attempts were unsuccessful because of either no-response to requests or follow-up emails, being too busy, or accepting the request but not filling out the interview questionnaire. Another limitation was the lack of sufficient Turkish language skills in order to more freely converse with certain individuals and translate interview transcripts myself.

CHAPTER 4: RESEARCH FINDINGS

CONTENT ANALYSIS:

Content analysis was conducted of the European Union Progress/Regular Reports (2002-2013) on Turkey. The classification/coding of documents reviewed followed descriptors that were derived from the research questions dealing with non-muslim minority issues and the importance attached to the issue by the EU. The *frequency* of reference to each descriptor was measured by the number of times the descriptor was mentioned in each document reviewed. Certain descriptors that are more conceptual and not concrete phrases or concepts were measured differently (either broadened or narrowed according to research needs) and have been noted in corresponding explanations and discussion. The mean frequency was subsequently calculated and reported on the corresponding descriptor line. The *intensity* of statements/references on the issue was measured on a scale of 1 to 10, one being intense controls by state authorities and 10 being lax regulations that give more authority to foundations. The tables were organized into categories pertaining to issues related non-muslim minorities, which the EU has considered relevant, as follows.

Table 1 — Foundation issues

<i>Descriptor</i>	<i>Frequency</i>	<i>Intensity</i>
1. Administrative authority over foundations (DGF)	2.1	4.1
2. Elections of foundations	1	2.7

Descriptor 1: *Administrative authority of foundations* is about the level of discretionary power of the Directorate General of Foundations (DGF) over religious foundations or the

authority of other state bodies that have authority on foundations. High intensity scores imply more lax control by state authorities and more autonomy of foundations. The EU stated that the power of the DGF was quite powerful with the ability of dismissing the board of trustees of a foundation. The 2004 EU progress report stated that the DGF meddles in the decisions of foundations; more specifically, the report refers to a regulation that was issued stating that foundations are required to send an application to state authorities before participating in internationally funded projects.

The same document states that the DGF is “*able to dissolve foundations, seize their properties, dismiss their trustees without a judicial decision and intervene in the management of their assets and accountancy.*” The Büyükada Greek Orphanage foundation case between the Greek orthodox patriarch and the DGF is a significant case demonstrating state authority over foundations. In 2004, the DGF attempted to confiscate the orphanage, which was no longer used for its purpose since 1997 and considered the foundation defunct. The foundation appealed the confiscation and semi-favorably resulting in a fused management of the property between the foundation and the DGF. In 2010, a European Court of Human Rights case sided in favor of the foundation, ruling the property’s title deed to be returned and financial compensation.

The 2008 Law on Foundations changed the nature of DGF’s authority over foundations. The intensity has measurably changed after the passing and implementation of the Law on Foundations and a significant level of independence in foundation management have gone to the foundations. A Foundations Council has been set up, consisting of the foundations themselves, serving as the highest decision making body for foundations.⁹³ Subsequent EU progress reports

⁹³ The Foundations Council unanimously decided to return the title deed of the Büyükada Greek Orphanage to the Ecumenical Patriarch.

have become increasingly more positive in regards to the issue. The *intensity* increases after the 2008 Law on Foundations averaging seven, three points higher than the overall average. A transfer of power towards foundations allows properties to be transferred to other community foundations and an ease in the process for renting or lending. The Foundations Council have also allowed for the return of properties.

Descriptor 2 (see Table 1) *Elections of foundations* is a less commonly mentioned issue, which was only mentioned in three of the documents reviewed. Both *frequency* and *intensity* measures are low. The low intensity is due to the critical nature of the EU progress reports on this issue. The EU mentions how in the event that elections don't take place, foundation property may be seized and/or the foundation is considered defunct. The issue is based on the territorial span and size of the community encompassed by the foundation. This was reformed in 2004, when size was increased but was seen as contingent upon the municipality. Implementation was seen as an issue. In the 2005 report, the implementation of the new regulation had not occurred. (It is important to note here that the 2014 resignation of Laki Vingas was in protest due to the lack of action by the DGF to facilitate elections.)⁹⁴

Table 2 — Foundation Property issues

<i>Descriptor</i>	<i>Frequency</i>	<i>Intensity</i>
3. Registration of foundation property	3.2	5.7
4. Confiscated Property	8.3	2.8
5. Restitution	8.1	4.4

⁹⁴ Ioanna Zikakou, “Turkey: Resignation for the violation of minority rights” Greek Reporter, March 26, 2014, accessed May 2, 2014, <http://eu.greekreporter.com/2014/03/26/turkey-resignation-for-the-violation-of-minority-rights/>

Descriptor 3 (Table 2) **Registration of foundation property** looks into the registration of property and issues related to registration. The frequency is 3.2 and intensity 5.7. This is discussed in every document except for the EU Progress Report of 2007, most probably due to the anticipation of the pending Law on Foundations. In 2002, the initial reformed Law on Foundations specified that all foundations must register their properties within a short 6 month time frame. However, the implementation of the law had many issues such as not knowing which administrative bodies to send applications to. The Ministry of Interior was responsible for the acquisition and disposal of properties but the Law lacked procedural regulations. The six-month period was extended to 18 months; the EU believed that the six-month period may “jeopardize” the law’s objective. By 2005, out of 2,285 applicants 341 were accepted in total, while approximately 1,500 applicants were inadmissible for various reasons. While the Law seemed fruitless for non-muslim minorities, the EU turned to other issues related to registration.

EU reports began discussing how Syrians and Greeks have difficulties in registering and obtaining property because of their citizenship, mainly pertaining to Greek nationals. Issues pertaining to registration were discussed much less due to EU’s enthusiasm regarding the upcoming 2008 Law on Foundations. After the passing of the Law, 1,410 applications were submitted, 150 positive decisions were made without the Foundations Council deciding on the matter. The registration or applications for return of properties was conducted through legislative amendments to the 2008 Law, which extended the deadline until 2012, thus helping Foundations put together the documentation needed for obtaining lost property.

Descriptor 4, (see Table 2) **Confiscated Property** is one of the major issues that non-muslim minorities have tried to solve and the EU pays relevant attention to the matter; here the frequency is 8.1 in every EU Progress Report analyzed. Until the 2008 Law on Foundations, EU

reports mentioned the issue of confiscation with a frequency of 11.8 per document and an intensity of 1.2. The variables linked to the descriptor have been marked by discourse first, and then by position on issues related to confiscation, both positive and negative. The positive results are interconnected with descriptor 3, Restitution. The issue of confiscation dates back to the crumbling of the Ottoman Empire and Turkification policies of the Turkish Republic. EU reports discuss how the 2002 amendment to Law on Foundations does not include the return of confiscated property. The EU considered confiscation to be a threat to non-muslim minority properties.

In 2004, the Directorate General of Foundations began an attempt to sell or bid for sale of previously confiscated properties to third parties, which would mean more complexities and difficulties in recovering the property. The case of the Büyükada Greek Orphanage Foundation surfaced when the DGF attempted to confiscate the property because it was no longer used for its original purpose. The EU strongly criticized these measures of confiscation and sale to third parties. In 2008, the ECtHR decided that the Büyükada Greek Orphanage was deprived of its property without being provided appropriate compensation, and that a violation of the ECHR had occurred. The property had a fused management by both the foundation and DGF. This led to a second ECtHR case, at the end of which it was ruled that the property was to be re-registered in the name of the Foundations thus saving it from confiscation.

Safe measures to inhibit future confiscation were taken by the 2008 legislation. It revised the properties such that properties obtained through donations could no longer be seized and those that were no longer in use could be transferred to other foundations. The EU's main criticism with the Law was about the properties seized by the DGF and those transferred to third

parties. Other religious minorities, such as the Catholic Church, Greeks, and Syriacs continued to have issues with confiscation.

Descriptor 5, (see Table 2) **Restitution** is about the positive of returning properties that were once confiscated and lost. Restitution was an important issue for the EU, with a mean of 8.1 in eleven documents analyzed. The intensity was 4.4 (on a scale of 10), which implies that restitution was nearly neutral. The 2002 amendment to foundations did not deal with restitution; rather it continued with a policy that would favor confiscation when it was legally appropriate. The EU did not discuss restitution until two landmark decisions by ECtHR in 2007. The Fener Boys School was awarded financial compensation for their confiscated property but not a return of property due to Turkey's lack of will to do so. The Surp Pırgıç Armenian Hospital Foundation was returned two of its previously confiscated properties, which signified the first case of restitution for non-muslim minorities in Turkey.

Discussion began about restitution in EU progress reports after those two landmark cases and because of the new Law on Foundations, which was an attempt to address restitution and later confiscation issues. The *frequency* of restitution from 2007 to 2013 is 12.1 and *intensity* is 7.1. A major turn toward better treatment occurred in regards to non-muslim minority foundations' central issue. At first many procedural issues were slowing down the restitution process but were later attempted to be resolved. Deadlines for registration were extended and many properties were returned without Foundation Council approval. By 2013, 253 properties were approved and 18 were compensated for, however 878 were not considered eligible.

Separate examples were discussed where, for example, properties were returned by a court case in Mersin to the Latin Catholic Church and a popular Democratization Package (2013)

solved and returned the Syriac Mor Gabriel Monastery back to its foundation. A ECtHR decision also decided that Greek citizens who have issues with obtaining properties in the case of inheritance should have entitlement to do so or be financially compensated in the event of a violation of the ECHR article 1, protocol 1 (peaceful enjoyment of possessions).⁹⁵

Some issues with implementation set the restitution process back. The 2013 EU report claimed that during the implementation of the 2011 amended law, reports about local title deeds and cadastre offices not cooperating with foundations or the occurrence of disputes regarding the valuation of properties for compensation. Properties that have been seized or transferred to third parties are still not dealt with. Restitution is the most important issue pertaining to non-muslim minorities and seems to have led to relative success, though with many drawbacks like legislation limiting the restitution of other properties. These limitations likely exist because of the difficulty of returning properties transferred to third parties and the political costs that restitution already entails for the ruling AKP government.

Table 3 — Religious institutions

<i>Descriptor</i>	<i>Frequency</i>	<i>Intensity</i>
6. Restrictions on training clergy (belonging to non-muslim minorities)	5.1	0.9
7. Restrictions on foreign clergy (belonging to non-muslim minorities)	2	1.9

Descriptor 6 (see Table 3) *Restrictions on training clergy (belonging to non-muslim minorities)* is an issue which is discussed in all EU progress reports analyzed. Any mention of higher education or training of non-muslim clergy has been taken into account in the frequency.

⁹⁵ ECHR article 1, protocol 1 (peaceful enjoyment of possessions) is the primary violation cited by the ECtHR regarding non-muslim minority property issues.

There have been major restrictions on training of clergy due to reasons of incongruence with the education system and property issues. Early EU progress reports mention the negative outcomes of the restrictions on training of clergy, such as communities being worried or the inability for minorities to sustain themselves. In 2002, the Armenian Patriarch asked for a university department specializing in Christian education to open in Istanbul, which was agreed to by the state but required that Muslims teach the courses in the curriculum. The Patriarch rejected the counter-proposal. Since then, the proposal has been pending. There have been discussions on the reopening of the Greek Orthodox Halki seminary, which will be discussed in more detail in Table 4.

Descriptor 7 (see Table 3) *Restrictions on foreign clergy (belonging to non-muslim minorities)* is discussed less, with a frequency of 2. Foreign clergy are hired by various non-muslim churches in order to fill identified deficiencies in their community. Many foreign clergy experience issues with obtaining work permits and visas. In 2007, a significant change was noted by the EU when 122 foreign clergy were issued work permits. Although issues persisted, positive developments have also occurred in easing the ability to work in Turkey for foreign clergy. The EU reports mention that some procedures have been cumbersome and that in 2013 there has been two cases where working and living permits have been denied without any explanation. The EU stated that clear criteria must be formulated for renewing or issuing work permits or allowing residency status to foreign clergy.

Table 4 — Religious Institutions

<i>Descriptor</i>	<i>Frequency</i>	<i>Intensity</i>
8. Greek Orthodox Halki Seminary status	1.1	1.4
9. Ecumenical Patriarch status	2.2	3.1
10. Meeting religious community requests	2.3	2.1

11. Restrictions on elections of religious leaders	1.7	2.3
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Descriptor 8 (see Table 4) ***Greek Orthodox Halki Seminary Status*** is discussed in every EU report reviewed scoring an average *frequency* of 1.1. Since 2002, there have been spontaneous attempts or discussions to reopen the seminary, but none have been fruitful. The seminary was closed in 1971 due to issues with the legal amendments to the education system. The request to reopen the seminary by Patriarch Bartholomew has been pending since 1996. In 2005, the Education Minister disagreed with the continued closure of the seminary. Discussions on the reopening began in 2009 and are still continuing to no avail. Many of the issues around its reopening pertain to reciprocity with Greece and statements made by state officials demanding Greece to first allow for mosques to reopen in Greece. The Halki Seminary is still closed, while new discussions of reopening it are expected.

Descriptor 9 (see Table 4) ***Ecumenical Patriarch Status*** regards the status of the Greek Patriarch as being ‘Ecumenical’. The *frequency* is 2.2 with an *intensity* of 3.1 within all but the 2002 EU report. Ecumenical is still a restricted status/term for the Greek Patriarch but discussions about the status have taken many folds. The first mention was in 2003 when state officials did not attend an event because of the use of ‘ecumenical’. A 2007 Court of Cassation decision stated that the Patriarchate cannot use the term because it does not have ‘legal person’ status. Prime Minister Erdoğan responded by saying that the state should not have a say in the matter. The Venice Commission saw the restriction on the term as interfering with Article 9 of ECHR.⁹⁶ By 2012, the usage of ‘Ecumenical’ was *de facto* accepted by the authorities without any formal reference. It is still a restricted term by law. Following the 2007 Court of Cassation decision, more discussion has taken place about the ‘Ecumenical’ status.

⁹⁶ Article 9’s basic content is right to freedom of thought, conscience and religion

Descriptor 10 (see Table 4) ***Meeting religious community requests*** is a broad concept which notes religious community requests to the government and the response by the government. It is limited to the Armenians, Greeks, Syriacs, and Jews (though very little is mentioned of Jews throughout all EU reports). The requests are in response to institutional issues or to more immediate issues relating to minorities. As shown in Table 3, descriptor 1, the Armenian Patriarch requested a university department specializing in teaching Christianity which was later not agreed on. In 2004, the four major Christian groups demanded that their problems be solved, in which a dialogue was initiated but did not bear any fruit. The Halki Seminary's reopening and Armenian university proposal have been pending since.

The Ministry of National Education suspended the discriminatory *Sari Gelin* documentary film in schools due to the demand by Armenians for being anti-Armenian. However, the documentary was still allowed to be shown at the school's will. A major act in 2013 was the Syriac Orthodox Church's construction of a new church which was allowed by the Istanbul municipality. Syriacs can also open schools, which they previously were restricted from doing because of the Turkish interpretation of the Treaty of Lausanne. The intensity has increased slowly after 2009 after the death of Hrant Dink and during the gradual disintegration of the military elite and AKP's attempt to show itself as more democratic and inclusive toward minorities.

Descriptor 11 (see Table 4) ***Restrictions on elections of religious leaders*** is about the bureaucratic and legal restrictions placed upon elections for religious minorities of Turkey. Descriptor 4 is found in eight of the EU documents looked into with a *frequency* of 1.7 and *intensity* of 2.3. The EU stated that strict restrictions were put on elections of religious leaders. A 2007 Court of Cassation case decided that those who are involved in elections must be Turkish

citizens and be employed in Turkey. This would potentially create difficulties for non-muslims in the future in exercising their rights under the ECHR. According to the EU, foreign and Turkish nationals should be treated similarly; otherwise it would contradict European standards. The regulation on elections stands as is and the Armenian community still does not have a permanent Patriarch since 2008 due Patriarch Mesrob Mutafyan’s Alzheimer’s disease, who has been in recluse since.

Table 5 — Education: Outside Minority schools

<i>Descriptor</i>	<i>Frequency</i>	<i>Intensity</i>
12. Mandatory religious class for Non-Sunni students	2.3	2.4
13. Negative presentation of Christians in religious textbooks	1.4	7.1
14. Discrimination in History textbooks	1.6	4.3

Descriptor 12 (see Table 5) *Mandatory religious class for Non-Sunni students* is pertaining to non-Sunni students (including Christian, Jewish, Alevi, etc...) and the mandatory classes on religion and ethics. It was an issue that was mentioned in every EU document with a *frequency* of 2.3 and an *intensity* of 2.4. The intensity score rose positively after Turkey’s EU accession in 2005.

Students were forced to attend a mandatory religious course in public schools, which received many complaints from Alevi parents, with further complaints that Sunnism is treated exceptionally by Presidency of Religious Affairs (DIYANET). The following year in 2005, the Ministry of Education indicated that Christianity, Judaism, and Alevism will also be included in the course in the following year, 2006. An ECtHR case about the course stated that the course was teaching the basics of Islam and requested that Turkey amend their laws to align with ECHR

Article 2 of Protocol 1.⁹⁷ The classes remained mandatory until 2013, which allowed for non-muslim students to request not to attend the class. Classes on Christianity are in the process of being developed as well.

Descriptor 13 (see Table 5) ***Negative presentation of Christians in religious textbook*** is found in only seven documents. Issues that relate to religious textbooks and the presentation of Christians have appeared with a *frequency* of 1.4 and with an *intensity* of 7.1. The Ministry of Education asked non-muslim minorities to submit revised entries to the textbooks in 2002. Minorities believed that many portrayals of minorities were *subjective* and *inaccurate*. The following year it was mentioned that non-approved or imported religious textbooks were banned and confiscated. By 2004, books had been redrafted in order to appease Christian minorities. However, the issue of discrimination remained in textbooks in regards to missionaries and minorities and in 2013 religious textbooks were redrafted to be more inclusive which received an average *intensity* of 9.

Descriptor 14 (see Table 5) ***Discrimination in History textbooks*** was mentioned in seven EU documents. The *frequency* of the descriptor is 1.6 and *intensity* 4.3. Complaints against history books stirring up antagonism toward minorities were noted by the EU. The Ministry of Education required schools to organize conferences and essay contest about controversial topics related to minorities in Turkey. In 2009, attempts to remove discriminatory language from textbooks were in process. The Syriac community demanded that a tenth grade history textbook be amended because of discriminatory language against them. Nationalist sentiment among and

⁹⁷ ECHR Article 2 of Protocol 1, is the Right to education and states “teaching in conformity with their own religious and philosophical convictions”

institutionalized Kemalism creates difficulties for Turkey to change issues of discrimination due to the importance of the enemy in nation-state building.

Table 6 — Non-Muslim Minority Schools

<i>Descriptor</i>	<i>Frequency</i>	<i>Intensity</i>
15. Vice-principal (school independence)	1.2	1.4
16. Restriction on non-muslim minority schools	3.7	2.6

Descriptor 15 (see Table 6) *Vice-principal (school independence)* is regarding the issue of vice (deputy) principals in non-muslim minority schools required to be Muslim and a representative of the Ministry of Education. This issue has been discussed with a *frequency* of 1.2 in 11 of the documents, with an *intensity* of 1.4. The deputy principal or ‘head’ has more authority than the minority school principal. The intensity was measured by the nature and tone of the EU reports regarding this issue. When it was discussed very briefly it was scored higher, meaning the issue of authority was not so important. No change has taken place on this issue.

Descriptor 16 (see Table 6) *Restriction on non-muslim minority schools* is a broad issue that encompasses government restrictions on minority schools that are evolving and not singular. The descriptor has a frequency of 3.7 and an intensity of 2.6 in nine documents. Early issues were the restrictions of recruiting teachers and approval of textbooks for Greek schools which inhibited the ability to teach Greek. Clergymen are not allowed to teach in minority schools; this continues until today. Members of other religious groups are not allowed to enroll in other schools, i.e., Syriac is not allowed to attend an Armenian school. A policy was decided on in 2004 that a student’s maternal line has to be of the same group of the school. EU reports mentions that textbook approval is an issue. A positive step occurred 2010, when science books were translated into Armenian and were passed out for free.

A few issues were mostly solved after 2010. For example, the opening of a Greek school on the Greek island of Imvros (Gökçeada) had issues regarding property. In 2013, the school was finally opened to local Greek students. The largest issue for the sustainability of the schools was the enrollment of non-Turkish citizens. In 2010, Armenian nationals were able to enroll as ‘guest’ students at Armenian schools. The following year Greek and Jewish non-citizen students were able to enroll into their respective minority schools. Restrictions on schools are still high and many issues have been resolved in the last few years, leaving the pre-2010 period as relatively unfruitful.

Table 7 – Government led initiatives toward non-muslims

<i>Descriptor</i>	<i>Frequency</i>	<i>Intensity</i>
17. Government initiatives of inclusiveness toward non-muslim minorities	4.4	7.3

Descriptor 17 (see table 7) *Government initiatives of inclusiveness toward non-muslim minorities* is a general statement which encompasses actions led by the government that creates a feeling of inclusiveness among marginalized non-muslim communities. These initiatives are in nature positive and supposed to have a higher intensity. The variables are marked in the frequency by the criteria of a government initiative that is not described directly by the EU. Though statements such as “*effective participation in public life for all citizens irrespective of their background or origin, in accordance with European standards, have yet to be fully achieved*”⁹⁸ is broad and encompassing of many aspects and all initiatives discussed. The frequency (4.4) reveals how often the government took on such inclusive initiatives and the intensity level of those initiatives.

⁹⁸ 2007 EU Progress Report.

From 2002 to 2005 (EU Accession) the frequency is 2.5 and from 2002 to 2009, the frequency is 2.8. The most significant change happened after AKP increase its power in government in the 2009 local elections and entrance of the Ergenekon cases. From 2010-2013, during the time of weak EU conditionality, the frequency increased to 7. Symbolic acts as of opening historic churches for worship and the Prime Minister sending out circulars to municipalities in order to pay closer attention to non-muslim minority issues were conducted. The latter mentioned circular was discussed by the EU as having few tangible results. Though in 2011, a high-state official visited the Greek Patriarchate for the first time in 50 years. In 2013, a deputy Prime Minister and Minister of Culture stated that minorities that left earlier were due to Turkey's errors of the past and to return. There is a gradual increase of attention from the AKP government toward minorities and it is evident after 2010 with the increase benevolent acts or statements regarding non-muslim minorities.

Table 8 – Cultural Expression

<i>Descriptors</i>	<i>Frequency</i>	<i>Intensity</i>
18. Broadcasting in other languages	11.8	7
19. Language Freedom in public services and political party activity	5.8	3.3
20. Restriction on ethnically (non-muslim)-inclined expression	7	4.5

The above *descriptors* and means of their *frequency* and *intensity* in Table 8 were accounted for through measuring the relevant concepts and variables connected to the concept.

Descriptor 18 (see Table 8) ***Broadcasting in other languages*** describes legislative reform about broadcast (Television, radio, etc...) in languages other than Turkish. In 2002, a law was passed allowing the use of broadcasts in languages and dialects other than Turkish. The main

beneficiary of the new law would be Muslim minorities like Kurds, Circassians, and Arabs but it also benefits to non-muslim minorities. The frequency scored by each time the law and variables related to the law were discussed, excluding specific references to issues related to or changes among Muslim beneficiary groups. The *intensity* was often related to the extent of the reform and its outcome and the author's positive/negative tone in regards to the law. The final results of the analysis show average *frequency* of 11.8 and *intensity* of 7 in twelve documents reviewed.

Leading to Turkey's 2005 EU accession, the frequency of the descriptor had been quite high in each EU Progress Report. The frequency very slowly decreased while the intensity gradually increased all the way to 2013, with *intensity* levels as high as 9 and 10. EU progress reports have raised many issues with this reform, particularly with implementation delays ensuing legal setbacks within broadcasting institutions. Other issues have been due to the slow rates of improvement regarding broadcasts. In 2009, a public radio network began broadcasting in Armenian. In 2013, the EU stated that broadcasts are continuing without any restrictions.

Descriptor 19 (Table 8) ***Language Freedom in public services and political party activity*** were less of an issue for non-muslims compared to other minorities. The Greek, Armenian, and Jewish communities were nominally safeguarded under the 1923 Lausanne Treaty. Issues regarding politics and public services were an issue for most minorities. In 2004, the Constitution was amended, lifting the ban on the use of languages other than Turkish. Political parties were faced with difficulties like prison sentences and fines when using non-Turkish languages, mainly Kurdish. While a gradual de facto acceptance was obtained as well as legislative measures easing the use of other languages, in 2013 a Democratization Package allowed for the use of other languages and dialects other than Turkish in political activity. The legislative success led to a score of 7. The EU's 2013 Progress Report also mentions the pending

formalization of a Council of Europe's Congress of Local and Regional Authorities is still pending.

Language freedoms were scored very low in *intensity* until 2010, likely due to the lack of political will of the government, nationalist sentiments, and the political situation in South East Turkey. The PKK incursions after 2004 recreated a tense environment towards the Kurdish minority. In 2005, a Kurdish politician was sentenced to prison for greeting his party in Kurdish. A 2010 approval of using languages other than Turkish in election campaigns came after the AKP consolidated its power in the 2009 local elections, also losing significant votes to the Democratic Society Party (DTP) in the recent elections, ready for the 2011 general elections with plans to ease tensions with Kurdish demands.

Descriptor 29 (see table 8) ***Restriction on ethnically (non-muslim)-inclined expression*** (*Freq. 7, Intensity 4.5*) describes the level of openness when discussing certain issues relating to non-muslims. The *frequency* is 7 and *intensity* 4.5 discussed in eight documents. This issue relates mainly to Article 301 and openness to previously taboo subjects such as Armenian, Kurdish, and military related issues. Article 301 became an issue in 2005 when novelist Orhan Pamuk, journalist Hrant Dink, and publisher Ragıp Zarakolu were tried for 'insulting Turkishness' under Article 301. All three were linked to statements or works related to Armenians. By 2007, cases relating to Article 301 doubled which got an *intensity* score of 0. The Constitutional article was heavily criticized by the EU, which led to an amendment of the law and a significant decline in cases accepted by the Justice Minister. It can also be stated that the assassination of Hrant Dink, who was tried under the article, could have played a significant role. Following his death Turkish society was more sensitive toward issues related to minorities

and the government had begun to marginalize the military establishment through major cases and became more engaged with Kurdish minorities to establish peace and get votes.

After the relative openness of expression in legislation, society became much more vocal. EU reports indicate that after amending Article 301 in 2009, Turkish society became more vocal in regards to Armenian and Kurdish related topics, which have continued until the present day. Despite the general openness, some setbacks have been noted, such as Orhan Pamuk being fined in 2011 for his 2005 statements.

EXPERT INTERVIEW ANALYSIS:

All interviewees are with experts in Turkey who have dealt with issues directly related to non-muslim minorities in various fields (scholarly, legal, and media). E1 and E2 are professors and authors of numerous books dealing with non-muslim minorities in Turkey. E3 is a representative of non-muslim foundations in the Directorate General of Foundations and is the head of the network of Greek Foundations in Istanbul. E4 is a lawyer who deals with non-muslim minority foundation issues. E5 is a PhD in Political Science and a journalist who focuses on Armenian-Turkish relations and related issues.

Interviewees were asked if Turkish policy has changed toward non-muslim minorities since 2002. All experts interviewed were in relative agreement on most issues. E2 stated that EU conditionalities have brought about legislative changes and generally, a more positive approach has been taken toward non-muslim minorities. The positive approach has also resulted from a “new cultural and political atmosphere” which requires political correctness toward minorities. E3 also posits that conditionalities by the EU, as well as EU and Venice Commission

reports that raise issues and give recommendations are taken into account in formulating policy. Interviewee E1 stated that non-muslim minorities are better off than in the past due to the Harmonization Packages influenced by the EU.

As a cynical response to changes in policies, E2 believes that non-muslim minorities are also being used as ‘puppets’ in order to propagate a view of ‘multi-culturalism’ that Turkey wants demonstrate to the world. E5 believes that the main areas of policy change are in restitution and the reconstruction of historic churches. According to E5, restitution would not be considered a reform if all properties are not to be returned and that church construction is not a minority reform but more of an improvement of local tourism. These two changes would be hard to conclude that policy has changed toward non-muslims, citing institutionalized nationalism in government as the major barrier. E1 stated that the AKP sees non-muslim minorities as a ‘danger’ to the AKP;⁹⁹ however, ‘normalizing’ relations with non-muslims would be to AKP’s benefit in regards to Turkish intellectuals and Europe.

E4 discusses the lack of legal personality among the religious institutions (Patriarchates and Rabbinate) but states that the government de facto acknowledges them and considers them as counterparts even during even hard times. Furthermore, holding official meetings with religious leaders is an old practice dating back to the Ottoman Empire and is not something new. This discredits the resurgence of such meetings compared to earlier; for example, in 2011 the Deputy Prime Minister visited the Greek Patriarchate which was the first Turkish high official visit to the Greek Patriarchate since the 1950’s. A resurgence of meeting or invitations of religious leaders by the state reveals at the least a pretense of government accountability and openness. E1

⁹⁹ ‘Danger’ is not clearly understood, but it may mean a danger because of the enormity that Armenian and Greek issues entail for Turkey. It is less likely to mean that they are in a danger of disappearing because of their size.

believes that the changing politics has changed the nature of such meetings in general. Policies have changed toward non-muslim minorities, mainly due to EU conditionalities and the political outlook and ideology of the AKP.

Interviewees were asked if changes in policies toward non-muslim minorities are contingent to EU accession or are AKP ideology already in line with EU requirements. E1 claimed that the first two terms of the AKP's time in office had a very democratic influence and that non-muslims also benefited from that. Despite, the crucial role of the EU during that period, the AKP's attitude was also very democratic. This was semi-reaffirmed by E5, who said that it first seemed that the AKP was aligned with complying to EU conditionalities but thinks the AKP changed its approach after accession in 2005. E1 also believes that AKP policy toward the EU has also been drastically different after accession, without elaborating on the issue. E5 cites the attempted closure of the AKP in 2008 and the assassination of Hrant Dink as a sign that the AKP was to halt going forward with EU reforms. Other reasons that led to changes in policy toward the EU are the decline of EU credibility after 2005 and the continuing consolidation of power with the appeal to nationalistic sectors of society. Though, overall minority reforms did increase after 2008, likely because of the attempt to regain Kurdish votes lost in the 2009 local elections and election itself.

E1 and E5 both believe that the AKP policy toward non-muslim minorities is different from other parties and in comparison to before. E1 cites the AKP's detachment from nationalism/Kemalism that strikes them as different and that before the AKP, "the situation of non-muslims were so bad, that whatever the AKP does looks like a reform." E3 states that reforms by the AKP are due to the AKP's ideology, as well as, the world order. E4 believes that some reforms required by the EU have been in force while others are still pending, like priests

receiving salaries from the state like imams. Similar to the conclusion on the first question, changes to policy are based on both the EU and the AKP. Reforms are selective and are driven by a 'bottom-up' approach, as Tanja Borzel and Digdem Soyaltin indicate. Selecting certain reforms are also based on political costs and benefits.¹⁰⁰

Issues pertaining to the changing role of the state in implementing policies toward non-muslim minorities with regards to the Ministry of Interior, which was a powerful institution regarding non-muslims were discussed. E1 believes that policy implementation is not so much of an issue because the AKP is a powerful government and state institutions follow policies in one way or another. E3, who is the minority representative in Directorate General of Foundations, believes that his own position is of pivotal importance because it is the first time non-muslims have a representative on the state level in order to claim their rights and demand "actions against injustices." E5 does not believe that any institutional change has occurred toward non-muslims citing state institutionalized nationalism as the main hindrance. The example given by E5 of the Ministry of Interior attending anti-Armenian rallies is an example of the lack of change toward non-muslims. While the AKP government power is able to create changes of inclusiveness, such as the DGF minority position, there is still nationalist ideals that conflict progress in regards to minority issues.

Experts gave complimentary opinions in regards to the hindrances (including ECtHR decisions) for the return of confiscated property of non-muslim foundations and the state's role. Both E3 and E4 both believe that the provisional Article 11 of the Law on Foundations' bound to the restitution process is the major hindrance. The Article fails to provide a satisfactory solution

¹⁰⁰ Masroff, p.237.

to the “existing injustices.”¹⁰¹ According to E1, the biggest obstacle is that properties are sold or transferred to third parties. He believes that their return is not possible and that only financial reparations can be given back. Furthermore, he states that “the more AKP loses power, the more nationalistic it becomes” attempting to appeal to nationalist sentiments. E5 adds another element, stating that despite legal issues, psychological issues hinder restitution with possibilities of public retaliation. Due to this fear, changes are eased and EU conditionalities are used to convince and justify for keeping a balance between societal misgivings and the reforms. E1 thinks that ECtHR decisions for restitution are attempts to tell the nationalist Turkish public from the government that “there is nothing we can do, it is a court decision.”

Continuing with challenges of reform implementation, E3 and E4 believe that the conflict is between administrative agencies and court rulings. For example, Title Deed Directorates ask for court decisions as required by their mandate but the procedures detailed in the Law on Foundations must also be performed. Title Deed Directorates are known to have low compliance regarding the issue of restitution; they sometimes do not cooperate with transferring deeds to foundations. According to E5, restitution starts with relatively small properties and certain neighborhoods may be off limits, concerning more conservative Turkish populated neighborhoods. Armenian populated neighborhoods would be easier for the authorities. Regarding to overall hindrances, E5 believes that there are no legal or financial issues in restitution and that it is contingent on political will and psychological social issues. It may be added that it is also contingent on the national political openness to the issue which is an issue.

¹⁰¹ E3 does not say what the issue of Article 11 is. Article 11 is a 2011 decree by the AKP government which broadens the types of properties able for return, but leaves out 'fused' managed properties and properties transferred to 3rd parties. Instead compensation is discussion, appraised by a state body.

The main opposition party, CHP, appealed to the constitutional court to remove several articles from the 2008 Law on Foundations.

The issue of non-muslim minority policy toward Armenians and Jews was asked in light of the concept of Greek-Turkish reciprocity. None of the respondents saw any connections to Greek-Turkish reciprocity and strongly condemned reciprocity. Further, E3 posits that Greek minorities' victimization under the reciprocity rule has also affected other non-muslim communities. Also, when Turkey has issues with Armenia, Israel, or Greece, all eyes are turned toward the Armenians, Jews, and Greeks living in Turkey, making them feel fear and very insecure. Most respondents reassert that non-muslim minorities are equal citizens and must be treated that way. All minorities had fallen victim to heavy Turkification policies in the early Republican period and today violations toward the Treaty of Lausanne imply that this policy may still be relevant.

Experts were asked if other political parties would continue reforms toward non-muslim minority issues after the AKP loses power. E2 believes that other political parties would continue such reforms except for the Nationalist Action Party (MHP) and the Felicity Party (SP). E3 and E4 believe that Turkey is bound to the international conventions it is a signatory to and that it would continue regardless of party changes. E1 states that oppressing non-muslim minorities as was done in the past is no longer possible, mentioning the assassination of Hrant Dink, which made Turkish society become very sensitive on the issue. E5 boldly states that the 100 year experience of other parties reveals that they cannot conduct such reforms. Nationalism is always an issue for other political parties, as the AKP is unfortunately the only party that tolerates minorities. E5 continued by saying that the AKP has a view of pluralism similar to the Ottoman millet system and propagates religious tolerance among their already religious voter

base. Most respondents believe that nationalist parties are least likely to continue such reforms. The issue of Turkey's and the EU's willingness for Turkey to become an EU member would strengthen Turkey's accountability toward compliance with conditionalities and international conventions.

CHAPTER 5: CONCLUSION

SUMMARY OF FINDINGS:

Findings from the content analysis together with the findings from the twelve European Union Commission Progress Reports (2002-2013) reveal that Turkish policies toward non-muslim minorities have improved, though selectively. Early EU pre-accession talks reveal a strong influence by the EU toward positive change, though some changes were not essentially dealing with the issue at hand, e.g., property rights. Non-muslim minority reforms have been gradual, though after entering accession in 2005, reforms slowed down and some minority issues increased, e.g., confiscation, Article 301. The most important non-muslim minority issues are property issues, related mostly to property confiscation, and restitution. Other reforms have been either slow to improve or have been at a standstill due to the lack of political will or issues or reciprocity.

Findings from expert interviews reveal that EU influence has been an important factor to change, along with the AKP political ideology on implementing reforms in non-muslim minority policy. No major overhaul has taken place in regards to policy, though EU compliance has been used as a sort of template for reform and used as justification for reforms. Restitution is an important issue, but is reliant on political will, societal views toward the issue, and especially broader encompassing legislation. Implementation is also a problem for the return of properties. Experts also claim that the AKP's political ideology of pluralism is more reliable to carry out reforms compared to other parties, who are more nationalistic.

The hypothesis is partially-accepted. Turkish policies toward non-muslim minorities are influenced by both EU conditionalities and domestically driven policies. Those policies set the climate for overall political change within the country, which facilitates movement toward realizing change. Aside from that, however, the most important aspect within the domestic sphere is the AKP's political ideology and political will, with respect to the prevailing political situation. The EU imposes a long list of conditionalities for accession from property rights to religious and cultural rights. Turkey is selective in its reforms and has successfully implemented certain reforms, albeit very gradually.

According to EU conditionalities and among actual changes implemented, restitution of property has been the most important reform area. Non-muslim minority foundations legally represent minority communities and require the return of confiscated property in order to sustain their communities. Major changes have occurred since 2002 in regards to restitution with over 250 properties have been returned and approximately 20 have been financially compensated for. Legislation still limits the scope of property returns and implementation and political will hinders the return of several hundred more properties. Without EU influence and the AKP government's approach toward non-muslim minorities such policies would likely not be implemented.

SUGGESTIONS FOR FUTURE RESEARCH:

During the formulation of the literature review it became evident that research toward Turkish policy directed toward Armenians was lacking. Looking into trends and/or policy through various theories like reciprocity would be very useful in the future in understanding the political situation of Turkish Armenians. Additionally, research directly associated with the restitution process and its peculiarities would be very useful to better understand issues of

political will and implementation shortcomings. Continuing within the scope of restitution, further research on the legal precedents regarding defunct foundations and confiscated property and its return would result in a major study benefiting the issues of reparations for the Armenian Genocide and potentially, the population exchange of 1923.

Other suggestions would be looking into AKP rhetoric and their actual policy toward non-muslim minorities since 2002, in order to see various changes toward both rhetoric and policy and correlations with other political changes that may be interrelated. The same could be done for the main opposition party, the Republican People's Party (CHP) to see if they have shifted on this issue and been influenced by new political situations and standards. This would be done in order to understand if other parties other the AKP would have a favorable view toward implementing non-muslim minority reform.

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APPENDICES

Expert Interview Questionnaire:

This research is in partial fulfillment of the requirements for the degree of Master of Arts in Political Science and International Affairs, American University of Armenia. The aim of my research is to understand Turkish policy toward non-muslim minorities and the implementation of reforms with a focus on property issues. I greatly appreciate your time and energy for filling out these questions. You can choose to be anonymous, your anonymity is guaranteed.

1. Looking at the past decade, 2002-present, is Turkish policy toward non-muslim minorities changing? Do inclusionary policies/measures, such as state invitations to religious leaders to various state-level meetings have any impact on the nature of policies?
2. Are changes (including reforms) toward non-muslim communities contingent upon EU accession conditionalities or is the AKP's ideology in line with some of those EU requirements?
3. Has there been a change in the AKP's view of the EU since 2005? What is the role of non-muslim minority reforms in the AKP's political agenda?
4. How has the role of the state changed in the implementation of policies concerning non-muslim minorities? For example, the role of the Ministry of Interior and General Directorate of Foundations.
5. What are the major hindrances for the state to return confiscated property of non-muslim foundations? In your opinion, what does the Turkish state think about the return of those properties?
6. What are the major hindrances to property return in situations such as ECHR final decisions?
7. Are there challenges/problems related to the implementation of various reforms?
8. Much like to reciprocity exercised between Turkey and Greece with respect to Greek and Turkish minorities, respectively, does Turkey exercise similar reciprocity with Armenian and Jewish minorities?
9. Is there any likelihood that political parties other than the AKP would continue non-muslim minority reforms?