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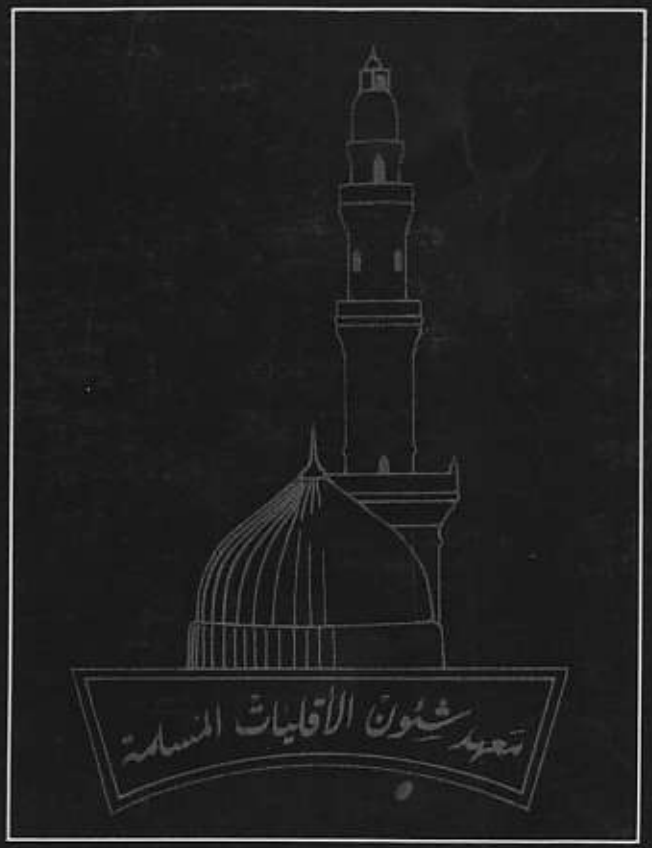

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The Inhanli Land Dispute and the Status of the Turks in Western Thrace

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Introduction

This article is a case study of the land problems of the Muslims in Western Thrace, a region in Greece contiguous to the Turkish frontier. This dispute first began in 1953 following a governmental expropriation attempt. It went through several legal phases until the Court of the First Instance in Iskece (Xanthy) ruled that the Muslim farmers were "unlawful interferents on state property". Subsequently, a higher court over-ruled this decision, but the lands in question were not returned to their owners. The Inhali Land Dispute thus continues to this day.

It should be noted that the Western Thrace villagers referred to in this study, apart from being "ordinary" Greek citizens, are members of a community with minority status, recognized and protected by various international treaties. This matter attains many-faceted international dimensions in view of the fact that this community, besides its distinct religious ties, has also racial and historical links with a kin-state.[1] Secondly, the Western Thrace Turks, who had already been complaining for quite some time of discriminative acts against them on account of their being a minority, believe that in this land dispute in particular they are confronted with a situation of flagrant injustice. This feeling culminated in a sit-in demonstration in March 1982 which aggravated the already precarious Turco-Greek relations.

The purpose of this study is to outline the stages through which the Inhali land dispute has passed, study the relevant documents consisting of international treaties, national laws, regulations and court rulings; determine the legal position, and then, through a comparison of this with the legal results obtained thus far, attempt to ascertain whether the picture emerging can be reconciled with the rule of law. Furthermore, to see whether a legal issue which relates to a minority can be dealt with legal impartiality or whether it is subject to the ebb and flow of Turko-Greek relations at the political level.

Western Thrace Region and its Historical Past

Western Thrace is a narrow strip of land with an area of 8578 sq. kilometers situated on the Greek border with Turkey. It stretches from the Maritza river in the east as far as the Mesta-Karasu river in the west. In the north, the region includes the Rhodope Mountains and in the south it ends at the Aegean Sea.

The name of the region is derived from the Thracs, a people who settled in the area around 2000 B.C. The Ottoman Turks occupied the eastern part of the region which was then part of the Eastern Roman (Byzantine) Empire in 1363; and its western part in 1394. Their sovereignty over the region remained

unchallenged till 1878. In that year, following the occupation of Eastern Thrace by the Russian armies, a period of unrest began which continued until 1924.

To counteract the Russian threat, the Western Thrace Turks in 1878 formed a provisional Rhodope Government. The peace brought about by the Treaty of Berlin in 1878 came to an end with the Balkan Wars. As a result of these wars, the Ottoman Empire under the 1913 Treaty of Istanbul abandoned Western Thrace to Bulgaria. The region went through a period of great political activity until the post-World War I Allied occupation. In May 1919 in the face of the Greek attempt to occupy Western Anatolia, section three of the Turkish National Pact which set out the basic objectives of the Turkish War of Liberation led by Mustafa Kemal Pasha provided for the holding of popular referendum in Western Thrace. This however, could not materialize. Greece annexed the region on 10 August 1920 under the Treaty of Sevres. The Turkish War of Liberation succeeded in 1922 to incorporate Eastern Thrace, but the Treaty of Lausanne signed on 24 July 1923 ceded Western Thrace to the Greeks.

Under a protocol signed on 30 January 1923, Turkey and Greece decided on a compulsory exchange of all Greeks of Turkish nationality and Muslims of Greek nationality living in each other's country, as from 1 May 1923. There were, however, two exceptions to this arrangement, namely, the Greeks settled (*etablis*) in Istanbul, and the Muslims in Western Thrace. Thus, a 130,000-strong Turkish community, which at the time outnumbered Greeks 4 to 1 was left on the Turkish border of Greece.[2] The dispute to be examined in this article is the story of an area of land measuring 1800 doenums belonging to this minority at the village of Inhanli (Evlalon) in Iskece (Xanthy) District.

Thus between 1878 and 1923 Western Thrace went through a rather turbulent period full of activity aimed at demonstrating its Turkish identity. Four governments were established, one after the other, in the region after 1913. However, after its annexation by Greece, Western Thrace has manifested a sense of loyalty and stability that has withstood the test of various periods of crisis like the one witnessed during the Second World War and the subsequent civil war period. This could be attributed, on the one hand, to the traditional passivity of a rural community which has reconciled to its separation from its kin-state, and also to its relatively orderly life style stemming from the minority rights brought about by international treaties.

However, notwithstanding this, the Turks maintain that Greek policy has from the outset been one of hellenisation of the region. In the period between 1923 and 1950, the composition of the population as also the ratio of land ownership between Turks and Greeks have changed. This has been brought about by large scale settlement of emigre Greeks on Turkish lands and through a policy of sustained harassment of Turkish farmers leading to their eviction. Since 1950 to the policy of expropriation has been added incentives to Greeks to purchase property in the region through easy bank credits available to them to the exclusion of the indigenous Turks.

Legal Stages of the Inhali Dispute

Since its origin in the 1950s the land problem of the Inhali Muslim Turks has gone through the following stages:

1. On 3 June 1953 the Greek Ministry of Agriculture took a decision (No. E-

7785) stating that 2300 doenums of land (1 doenum is approximately 1000 sq. meters) in Inhanli (Evlalon) village area was to be expropriated for distribution to landless farmers. The 1800 doenums of Turkish minority land, which has been the subject of the present controversy and legal action, was included in the said figure.

2. In 1956 following objections made, the Expropriation Commission of Xanthy Province, to which Inhanli village is administratively attached, declared the Ministry's decision invalid (No. 403, 27 September 1956). The Commission's decision stated that the expropriated land had belonged to Hatipoglu Huseyin and Idris Agaoglu Molla Mustafa for over 85 years; that this was indicated in the Turkish Imperial Ownership Certificate, No. 103 of 1873; that the 27 heirs of the said two men were cultivating the land, which had already been fragmented through inheritance, and that each fragment in the possession of heirs did not exceed 500 doenums, the legal limit of expropriation; thus the Commission concluded, the land in question, which was shown as 3200 doenums in the acquisition decision and as 2121 doenums in the Ownership Register, ought not to be expropriated. In the meantime, a document of Xanthy's Department of Agriculture (No. 26999, 20 November 1974) bearing the signature of Xanthy's Governor, lifted the ban on the legal sale of pastures and meadows in Inhanli area, permitting some Western Thrace Turks settled in Turkey to transfer their shares, by way of gift, to a certain Husnuoglu Nuri of Inhanli. [3]

3. The Greek Treasury raised objections to the 1956 decision of the Expropriation Commission. Hence on 12 June 1969, the Greek State Properties Council re-opened consideration of the case (no 175) and reached the following decision:

According to Article 2/4 of Greek Law No.147 of 1914 regarding the validity of Article 78 of the Ottoman Law of 7 Ramadan, 1274 (Muslim year corresponding to 1858), in areas which had earlier been under sovereignty of the Ottoman Empire, any person, who tills State land for period of 10 years without any break and without any objections thereto, gains the right of possession of and definite settlement on such property until 20 May 1917 even if he is not in possession of a certificate of registration concerning such property.[(4)]In the matter under dispute, the person concerned were issued a registration certificate (No. 103) in February 1872.

Although officials of the Greek Treasury have expressed doubts about this certificate, it is nevertheless clear that according to the Law of 1858, Hatipoglu and Idris Mustafa had, at least for 10 years, occupied and possessed the said land. Even if the registration certificate were to be taken as unreliable, what is important is that the State lands were occupied and tilled by the present owners or their ancestors with the intention of possessing them, for 10 years without any objection and break before 20 May 1917 and up to 12 November 1929 when the Presidential Decree concerning the administration of State lands was put into effect. [5] As none of the present owners possess over 500 doenums, the State must avoid expropriating the said lands. If, however, in an effort to disprove this line of reasoning, the departments concerned were to put forward and prove a serious and sound argument, i.e. that the present owners, or their heirs, had not, within the critical dates stated, tilled the land in dispute, either

as a whole or in fragments, with the intention and purpose of possessing it and without objections, then a reconsideration of the matter before the Council will again become possible.

4. This opinion of the Council was accepted by the Directorate of State Properties of the Ministry of Finance (Decision No. D-8669/3065, 13 October 1969), and was communicated to the heirs concerned in return for a receipt (No. 8747, 10 November 1969).

5. However, after the passage of five years, the Council suddenly reversed itself.[6] On 24 October, 1974 (No. 103) in a unanimous decision it stated that although the heirs of Hatipoglu and Idris Mustafa, relying on the Imperial Ownership Registeration (Title Deeds No. 103 of 1872) of their ancestors, are claiming possession rights, it is understood from the Xanthy Agricultural Department letter, (No. 2 of 10 January 1973), that the land, forming the subject matter of this case, consists of pastures and of public property (settlement places, cemeteries, roads, and the like) and that those making claims have never owned it. Consequently the land in question belongs to the Treasury.

6. This reversed opinion was accepted by the State Properties Directorate of the Ministry of Finance (No. D-6864/294, 13 January 1975), and it decided to inform the parties concerned. Consequently, since June 1981 Xanthy's Property Directorate has prepared and served eviction orders. Those not accepting them, have had them pasted on their doors.

7. On 1 April 1982 Western Thrace farmers filed 127 cases of objection to this ruling. A Xanthy court consolidated all these cases and ruled that: although the lands, won by tilling them for 10 years according to the law of 1858, have been transferred to those working on them with full registered ownership rights in line with the Presidential Decree of 1929, this practice relates only to lands that can be cultivated, and is not valid in the case of different category of lands i.e. winter and summer pastures, roads, threshing places, squares and other common places. It is probable that the categories of these lands in 1872 were like those of (pasture, place of common use and the like) judging by Certificate No. 103 of 1872. The land is referred to as winter pasture and for this reason serious doubts arise as to the legality of the certificate of registration. Of course, the present condition of occupied properties is different from that at the outset, because as a result of the effects of natural forces and the intervention of technical forces and of human beings their greater part has become cultivable. But this cannot have a bearing on the case, because the critical point is the category in 1872. Therefore, the land belongs to the Treasury as the successor of the Ottoman Empire.

Analysis of the Documents

In the light of what has been stated above, the following points need consideration:

i - Because of the fact that an expropriation order is tantamount to acknowledgement of occupation, it was admitted, albeit indirectly, in the initial decision (referred to in no 1 above) of the Ministry of Agriculture that the said land of 1800 doenums was in fact in the possession of the Inhanli farmers. Documents referred to in nos 2,3,4 and 5 make further reference to this decision and acknowledge ownership. Furthermore, two other documents substantiate the

ownership of Inhanli villagers over their 1800 doenums of land. One of these documents is a topographic map issued with the approval of the Greek Ministry of Agriculture, indicating that the said land is properly numbered as property belonging to the Turks (No. T/6217 of 5 June 1961). The other is a property register similarly indicating the names of the Turks as the proprietors, giving at the same time precise information as to the area possessed by each one of them.

ii - Until 1974, the situation remained thus. But after this date the official attitude suddenly changed. From then on it came to be argued that the Inhanli villagers had no private ownership right over the said 1800 doenums and a demand was made of seizure of these "unlawfully interfered" State lands.

The contradiction between the Council opinion of 1969, which found the claims of the Inhanli villagers justified, and that of the same Council in 1974, which said they were unjustified, is explained by the presence of a "secret" letter, dated 10 January 1973 and received by this body from the Agricultural Department of Xanthy. When the Inhanli villagers' lawyers asked to see this letter by submitting a formal application on 28 January 1982, he received a reply (No. 47296, 29 January 1982) from the Director of Xanthy Agricultural Department stating that it could not be handed to him because it was "confidential". The 1974 opinion, (mentioned in No. 6 above) refers to it by stating: "It is understood from the Xanthy Agricultural Department letter, No. 2 of 10 January 1973, that ...." etc. and communicates the impression that the substance of the letter does not go beyond arguing that the disputed land is a land belonging to the public.

iii - There are further errors, inconsistencies and contradictions in these documents. In order to determine these it is necessary to look at the land registry record of the said land taken from Ottoman Land Registers.[7]

In the Ottoman Land Register the Certificate of Registration records as follows:

> District: Gumuldjine-Yenidje Karasu
> Village or Quarter: Inehallu (Inhanli)
> Locality: At the village of Inehallu
> Kind and type: Kishlak
> Value: 30,000 Kurush (Piasters)
> Doenum: 1800
> Border: One the one side of the Kishlak belonging to the Farm is the Oksuzlu Pasture, then Mukmul Spring, and the Beykoy border and then Beke Obasi and pasture.
> Reason of Acquisition: Rendered necessary by a decision of right.
> Owner: Hatipoglu Hussein Aga and Idris Agaoglu Molla Mustafa.
> No. of Registration Issued: 103
> Date: February 1288, control page and general No. 65/272.

With this vital document as reference we can move to a closer examination of the recent official pronouncements.

The Council opinion of 1974 (see no. 6 above) states that the 1800 doenums of land, are "pasture and land belonging to the public" whereas, says the opinion, the certificate of registration talks only of "cultivable lands" and not of

"pasture or lands in the service of the public."

First of all, the certificate of registration talks of "Kishlak belonging to the Farm" and not of cultivable land. We shall, in a while, dwell upon this term "Kishlak" in particular.

Secondly, this opinion of the Council is definitely in contradiction with the interpretation of "Kishlak" mentioned in the Xanthy Court decision referred to in No. 7 above. This last decision interprets the term "Kishlak" in the certificate of registration as "pasture" by saying it is probable that the categories of these lands in 1872 were pasture and place of common use, judging by the certificate of registration, and it goes on to state that this pasture has presently been turned into "cultivable land"; and today it is "land belonging to the public". On the other hand, according to the Court ruling of 1982, the same land is just the opposite: in the certificate of registration it is "common pasture", and presently (due to the effect of various factors) it is "cultivated land".

The following is the outcome of contradiction between the two official documents: The term "Kishlak", which forms the crucial point of this legal problem, has been used by the authorities, without a full comprehension of its real meaning. What needs to be done before anything else then, is to determine the meaning, or meanings, this Ottoman land-term conveys.

George Young in his authoritative study, *Corps de Droit Ottoman*, defines "Kishlak" as follows:

> Les kichlaks, paturages d'hiver, sont des terrains quipar suite de la douceur du climat, de leur situation abritee et de l'abondance de l'herbe et de l'eau, conviennent particulierement a faire sejourner et paturer les troupeaux l'hiver .[8]

The same source also reproduces Article 24 of the Ottoman Land Code mentioning this term, at the top of the same page, under "Acquisition des Terres Miri":

> Art. 24: Les Paturages d'hiver (kichlak) et les Paturages d'ete (yailak) a l'exception de ceux qui sont ab antiquo possedes par tapou, a titre particulier ou par indivis ([redacted]). Toutes les dispositions applicables aux terres miri le sont egalement a ces paturages d'hiver et d'ete. Les deux especes de yailaks et de 'kichlaks' (c'est a dire ceux des communes et des particuliers) sont soumis aux droits sur les paturages dits 'yailakie et 'kichlakie' proportionnellement a leur rapport.

From the Imperial certificates of registration and from Article 24 of the 1858 Ottoman Land Code which is the source of these certificates, both recognized by Greece, we understand that "kishlaks" and "yaylaks" are of two kinds. The first category are those with registration certificates and subject to private ownership (which is regulated by Art. 24).[9] The second kind, are those left in the possession of one, or more than one village as joint property (regulated in Art. 101).

The certificate of registration issued in 1872 has, as a matter of fact, made this difference clear by its description ("Kishlak belonging to the Farm") and at the same time indicated that the "kishlak" in the certificate of registration is of the first kind.

To sum up: The term "kishlak" used in Greek official texts without definition and in a contradictory way and which constitutes a crucial point in this dispute, is of two kinds. The first, (for an explicit statement of this see Atif Bey, *Interpretation of Land Law*, p 103) is the kind placed in private charge by title deeds; and because of this, it is in "no way different" from "land used for farming" *(arazi-i metruke)*.

The second is the kind reserved for common use in villages and considered under the type of "allocated land" *(arazi-i mezrua)*. In the case of Inhanli farmers, judging by the certificate of registration of 1872 in their possession, their land can only be classified in the first category, and their 1800 doenums of land is property subject to private ownership, irrespective of its past or present state of cultivation.

Since the Greek government has regarded as valid the provisions of the Code of 1858 concerning the acquisition of State lands, it must take actions in accordance with the Code and recognize the registration certificate delivered on the basis of that Code. Besides, the Convention and Protocol of 30 January 1923 concerning the Exchange of Turkish and Greek Populations (Article 16/2), the Athens Agreement of 1926 (Article 9/1), the Ankara Convention of 10 June 1930 (Articles 15, 17 and 29), and finally the Ankara Agreement of 1933 (Article 12) guarantee the property rights of the Western Thrace Turks [10]. Any one of these two points would suffice, in a legal state of affairs, to prevent the Inhanli villagers from being regarded as "unlawful interferents".

Some Recent Developments

Upon the decision of the Court of the First Instance, the Turks staged their first democratic resistance in sixty years. They organized first on March 17, then again on March 22 and lastly on April 2, 1982 several sit-ins with their tractors, wives and children in the Clock Square of Xanthy. The demonstrators remained in the Square for many days and nights and expressed their resolve to defend their 110 year old possession rights. They also had recourse to the Court of Appeals.

This appeal was filed on 15 May 1982. The proceedings started on June 15 but the case was deferred until 2 November 1982. The hearings were held on 2 November, but the ruling of the Court was announced only four and a half months later.

When the decision finally came on 18 March 1983 (No. 139 and 45/1983) it stated that the eviction protocols were not valid because: "....nothing is specified in them except the registration number and the surface area of the said territories and therefore it is impossible to investigate and determine the rights of the parties involved in the dispute". Consequently, "since the Court has some doubts as far as the outcome of the case is concerned, the court costs will be equally divided between the parties".

The question of ownership rights was thus left pending. The wording of the decision and the overall stand of the Court leads one to think that the above-mentioned decision was the result of a difficult compromise. On the one hand, there has been a well-established national policy to hellenize the region under which thousands of Turks have lost their arable lands. On the other hand, there was, for the first time in sixty years, a unified resistance and legal action sup-

ported by explicit lawful grounds. So, the "neither peace nor war" decision of the Court of Appeals was understandable.

The Inhanli Land Dispute file was, however, not closed yet. On 20 November 1983, nine Turks from the village of Inhanli were arrested. These were the same villagers who were able to retain their lands thanks to the Court of Appeals decision nine months earlier. Realizing that their properties had been ploughed and sowed by Greek villagers during the previous night, they had ploughed and sowed their lands once again the next day. The gendarmerie officers came and arrested them. The proceedings took place on 1 December. Although the Inhanli mayor maintained in Court that the lands in question belonged to the villagers and that the state had no property rights on them whatsoever, the Court sentenced (by 2 votes to 1) the eight Turks to a one year prison term and 150,000 drahmas fine each for illegal occupation of state property.

Again, on 24 November 1983, five Turks from the town of Mustafcova (Xanthy) were arrested by the gendarmes for "tilling the state land" which was actually owned by virtue of title deeds and tilled by them for decades. The public prosecutor, linking this incident with the one in Inhanli claimed that a systematic assault was started in the province of Xanthy against state property and asked the judge to take exemplary legal action. The five villagers were sentenced to a 2 year prison term and a fine of 500 drahmas each.

Summary and Conclusion

The Inhanli land case started in the 1950s. In the early period government authorities were unable to expropriate Inhanli lands because due to fragmentation caused by inheritance the lots were smaller than 500 doenums, the expropriation limit. So they resorted to the argument of "unlawful interference". This despite the fact that the present occupants were holders of Ottoman title deeds which were previously recognized by Greek law. The Court of the First Instance issued eviction orders based on a "secret document". These orders were however ruled out by a higher court. But the ambiguous wording of the latter decision, instead of affirming the ownership rights of the minority, opened up avenues of further legal complications in the future.

To an objective observer there are certain disturbing parallels between the origin and development of the Inhanli land dispute and developments at another level of Turko-Greek relationship [11]

It is interesting to note that the beginning of the Inhanli land dispute coincided with the start of Greek agitation in Cyprus aimed at uniting the Island with Greece. This development reached its climax in 1964 when the Turkish government intervened to protect the Turkish community on the Island. Simultaneously, pressures began to be stepped up on the Western Thrace Turkish Community [12]. Several instances of this may be cited: teacher appointments to minority schools were stopped after 1964. The authorities also began to interfere with communal elections. It is not without interest that the opinion given in favour of the Treasury by the Greek State Properties Council in complete disregard of its earlier opinion, bears the date of October 1974; while Turkey's troop landings on Cyprus as an implementation of the Guarantee Agreement of 1959[13] took place in July-August 1974.

The fact that in the Inhanli dispute case, official decisions prior to 1974 observed the rule of law, whereas after this date the official position took on a veneer of ambiguity leads one to suspect that the ebb and flow of Turco-Greek relations has its repercussions on the status of the Western Thrace Turkish minority.

Recently there has occurred a further deterioration in Turko-Greek relations due to the Aegean question. This issue covers such grave problems as offshore oil exploration, delimitation of continental shelf and territorial waters, the expansion of Greek air space, the militarization of the islands,[14] all of which are of a nature to upset the political balance in the Balkans and the Eastern Mediterranean.

One serious consequence of the Western Thrace question goes beyond the human rights situation of the region's Turkish minority. It is likely to generate similar repercussions on the Turkish side. As a matter of fact, a Bill was introduced in the Turkish Consultative Assembly in 1982, emphasizing the reciprocity principle. The Bill became void with the general elections held in November 1983.

Of course, the application of the reciprocity principle in the case of violations of human and civil rights can in no way be considered a remedy for the sufferings of people who, on either side of the borders live as peaceful and loyal citizens. The only remedy for this age-old problem lies in considering minorities as a *human bridge* joining—rather than separating—the two countries and in formulating national policies accordingly.

Notes

1. For the "Kin-State" concept, see Inis L. Claude Jr., *National Minorities, an International Problem*, Harvard Univeristy Press, Cambridge, 1955, p. 5.
2. *Official Minutes of the Lausanne Conference*, First Series, vol. 1, pp. 42-49. The Greek official figures were not much different: 114.810 Turks against 44.686 Greeks.
3. The purchase and sale of immovable property in Western Thrace is subject to permission as a general principle because it is regarded as a frontier region. See *Greek Official Gazette*, 7 September 1938, vol 1, no. 310: "Law Based on Need no. 1366/1938, concerning the Prohibition of the Use of the Right of Purchase and Sale of Property in Border and Coastal Areas".
4. In the Ottoman Empire the conversion of State Land into Property (Private) was regulated by the Land Code of 1858. The part of Art. 78 of the said Code is as follows: "Le droit de permanence sera acquis a toute personne qui, pendant une periode de dix annees, aura possede et cultive sans conteste des terres miri ou mevkoufe, que cette personne ait ou non entre ses mains un titre legal ou juste; la terre ne peut des lors etre consideree comme vacante, et on doit lui delivrer, sans frais, un nouveau tapou". For the text in French of the Land Code of 1858 See, George Young, *Corps de Droit Ottoman*, volume VI, Oxford, 1906. This "Droit de Permanence" (possession right) passes on to heirs.
5. When the Law of 1914 recognized the validity of 1858 Land Code, it only granted 4/5 of the property rights, keeping 1/5 as State property. The Presidential Decree no. 11, dated 12 Novemnber 1929 mentioned above was issued with the purpose of turning this 1/5 part over to those who had received the 4/5 parts earlier.
   The name of this official establishment is given as the "State Properties' Consideration Commission" in the Court decision to be mentioned below.
   The documents used in support of the present article are the Turkish translations of Greek official documents kept in the archives of the Turkish Foreign Ministry. The terms used in the translations are reproduced here as they are. The likelihood of translation mistakes should, therefore, be kept in view. Mistakes in dates and proper names in particular are frequent.

7. Copy in latin characters issued and confirmed as authentic by the Directorate General of Land Registar and Cadastre of Turkey, dated 31 October 1968, no. 12610.
8. Young, *op.cit.*, vol. VI, p. 52, footnote 4.
9. The French translaton of Art. 24 quoted above is a little different than its original text in Ottoman Turkish and is liable to cause confusion in a similar proportion; because in the original text it is stated that "kishlaks" and "yailaks" with certificates of registration are no different from the "arazi-i mezrua" (cultivated land), instead of from "miri arazi" (State land). For text, See Atif Bey's *Arazi Kanunu Serhi* (The Interpretation of Land Law), Istanbul, 1330 [1914], p. 102. I would like to thank Professor Gunduz Okcun for bringing this book in arabic characters to my attention and for kindly reading it to me.
10. Convention Concerning the Exchange of Greek and Turkish Populations, 30 January 1923.
Art 16/2: "Les Hautes Parties contractantes s'engagent mutuellement a ce qu'aucune pression directe ou indirecte ne soit exercee sur les populations qui doivent etre echangees pour leur faire quitter leurs foyers ou se dessaisir de leurs biens avant la date fixee pour leur depart. Elles s'engagent egalement a ne soumettre les emigrants, ayant quitte ou qui doivent quitter le pays, a aucun impot ou taxe extraordinaire. Aucune entrave ne sera apportee au libre exercice, par les habitants des regions exceptees de l'echange en vertu de l'Article 2, de leur droit d'y rester ou d'y rentrer et de jouir librement de leurs libertes et de leurs droits de propriete en Turquie et en Grece. Cette disposition ne sera pas invoquee comme motif pour empecher la libre alienation des biens appartenant aux habitants desdites regions exceptees de l'echange et le depart volontaire de ceux de ces habitants qui desirent quitter la Turquie ou la Grece."
The Athens Agreement of 1 Decemnber 1926, Art. 9/1.
"Less proprietes rurales et urbaines restees en dehors de l'application de la mesure prevue dans l'article 1, de meme que celles situees dans la region de Grece exceptee de l'echange, seront restituees a leurs proprietaires, libres de toutes charges, dans un delai d'un mois a partir de la mise en vigeur du present accord."
The Ankara Convention of 10 June 1930.
Art. 15: "Toutes les mesures qui ont entrave l'exercice des droits garantis aux etablis par les Conventions et Accords conclus, notamment celles concernant le droit de contracter mariage, le droit d'acquerir et de vendre des prorpietes, le droit de libre circulation ainsi que toutes autres restrictions ordonnees par les autorites helleniques a l'egarddes personnes visees dans l'article precedent, seront levees des la mise en vigueur de la presente Convention, sans attendre la distribution des certificats d'etablis prevue dans le dernier alinea de l'article precedent." Art. 17: "Sous reserve des dispositions contenues dans les alineas 3 et 4 de l'article 16, le droit de propriete des etablis Musulmans presents dans la zone de la Thrace Occidentale exceptee de l'echange, ainsi que des personnes beneficiant dudroit de retour, aux termes de l'article 14 de la presente Convention, sur leurs biens meubles et immeubles sis dans la zone de la Thrace Occidentale exceptee de l'echange, n'est, en aucun sens, affecte par les dispositions de la presente Convention. Tous saisies ou sequestres operes sur les biens mentionnes dans l'alinea precedent de cet article seront leves sans aucun retard, la reintegration du proprietaire ou de son representant legal dans la libre et pleine possession et jouissance de ces biens ne pouvant etre differee a aucun titre." Art. 29: "Sous reserve des dispositions du droit commun et de celles de l'article 25 de la presente Convention, il ne sera procede a l'avenir a aucune saisie ou mesure restrictive quelconque a l'egard des biens dont la propriete a'aura pas ete transferee a l'un des deux Gouvernements, en vertu de la presente Convention et leurs proprietaires seront libres de jouir, et disposer de leurs biens et de les administrer comme bon leur semble."
11. See the confession by the Greek Minister of Agriculture Mr. Bakkalbashi quoted in Haluk Bayulken, "Turkish Minorities in Greece", *Turkish Yearbook of International Relations for 1963*, Ankara, 1965, pp. 160-161.
12. In 1964 the Turkish Government abrogated, using Art. 36, the Treaty on Settlement, Trade and Navigation of 30 October 1930 between the two countries. As a result, Greek nationals working in Turkey were forced to return to their country. This, in turn, had an indirect diminishing effect on the Greek Orthodox minority in Istanbul. Those married with the Greek nationals and those whose business suffered from the rising tension chose to go and settle in Greece. The majority of these have retained their Turkish nationality to this day. At present there are about 60 to 70 thousand Greeks of Turkish nationality living in Greece, mostly around Athens.
The Greek pressures on the Western Thrace community, compared with the ones faced by the Istanbul Greeks when the Turkish Government decided to reciprocate the same way, have been so far, much heavier and more effective. In Istanbul, a metroplitan area with

some 4 million habitants enjoying incomparable educational, social, economic etc. advantages compared to the mediocre rural area that is the Western Thrace, the Greek minority was able to send its children to French, British or American schools or to re-start a more prosperous business in Athens by transforming the old center in Istanbul into a branch. There was definitely more opportunities in a Greece now integrated to Europe, for an Istanbul Greek who derived his economic power from trade business; while the Western Thrace Turk who depended completely on his land and who, as a result, had no such horizontal mobility, had no choice but suffer pressure or else leave everything behind to go and "exile" himself in Turkey, with no land to till or business to start. However, it is estimated that since 1923 approximately 250,000 members of this minority had to migrate to Turkey.

On the other hand, the fact that the Community's population has remained almost the same over the years due to a very high birth rate (3%) and attachment to land, causes a great deal of disturbance to the Greek authorities who regard this nature of the Turkish minority as a factor upsetting the balance vis-a-vis the drop in the numerical strength of Greeks in Istanbul and who are stepping up their pressure in connection with land matters particularly. Turks in Western Thrace can purchase no immovable property nor repair the old ones without a special permit in virtue of the law mentioned in footnote 4 above; but the Greek banks have standing instructions to provide Christian Greeks with the necessary loans if a Turk decided to sell his land.

The pressure on land issues goes beyond the administrative measures. As a matter of fact, the Law on Moslem Wakfs no. 1091 passed in November 1980 in open violation of the Lausanne Treaty and other agreements already mentioned, is the most concrete example of this behaviour, since it provides the authorities with a real opportunity to deprive the Muslim community of its most important religious and economic backbone.

As it was also stated by foreign diplomatic observers in Western Thrace, the Greek authorities, fearing that the matter may be brought to an international platform by the Minority, and in particular fearing the likelihood of complaints being made to the UN and/or the European Human Rights Commission, to the Islamic Conference and to the signatories of the Lausanne Treaty, have announced that they are not "for the time being" considering to issue the necessary decrees for the implementation of Arts. 5-19 of the said Law. But all will of course depend on the fastiduousness of Turkey and on the state of bilateral relations.

13. Treaty of Guarantee, Art. 4: "In the event of a breach of the provisions of the present Treaty, Greece, Turkey and the United Kingdom undertake to consult together with respect to the representations or measures necessary to ensure observance of those provisions. In so far as common or concerted action may not prove possible, each of the three guaranteeing Powers reserves the right to take action with the sole aim of re-establishing the state of affairs created by the present Treaty."

As is known, upon a Greek *coup* aiming at overthrowing President Makarios and at uniting the Island to Greece (Enosis) Turkish Premier Ecevit, after consultations with London that yielded no result for common action, used this article and sent Turkish troops to the Island to counter the *coup* that endangered the very existence of the Turkish Cypriotes.

14. Greek islands very close to Turkish shores, namely Mitylenos, Chios, Samos, and Nicaria are demilitarized by virtue of Art. 13 of Lausanne Treaty. These islands are now remilitarized by Greece.