

## HUMAN AND MINORITY RIGHTS IN GREECE: THE INHANLI LAND DISPUTE FILE

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A land dispute case, important both legally and politically, is currently being heard in Western Thrace, a region in Greece contiguous to the Turkish frontier.<sup>1</sup>

This land dispute, which first began in 1953 as a result of an expropriation move by the Greek Government, has gone through the legal phases summarized below, and is presently at the stage of recourse to the Greek Court of Appeals, the appellants being the Western Thrace villagers who have been declared as "unlawful interferences" by the ruling of a Court of First Instance in Iskeçe (Xanthi).

There are certain reasons behind this case which give it dimensions surpassing those of an ordinary land dispute that one may always come across. Firstly, the Western Thrace villagers referred to, apart from being "ordinary" Greek citizens, are members of a Moslem community with minority status, recognized and protected by various international treaties. The matter attains many-faceted international dimensions in view of the fact that this community, besides its religious ties, has also racial and historical links with a Kin-State<sup>2</sup>.

Secondly, the Western Thrace Turks, who have already been complaining for quite a time now over discriminative acts against them on account of being a minority, believe that in this

1 This article, written at the beginning of June 1982, constitutes part of a wider study on Western Thrace. I would like to extend my gratitude to the Turkish Foreign Ministry, and to the authorities of its Greek Department in particular, for permitting me to make use of records in their archives.

2 For the "Kin-State" concept, see Inis L. Claude Jr., *National Minorities, an International Problem*, Harvard University Press, Cambridge, 1955, p. 5.

land dispute in particular they have been confronted with a situation of flagrant injustice. Considering this as the last straw, they started a passive resistance campaign in March 1982 which led to the development of the Western Thrace problem into a really problem-generating issue in the already tense Turco-Greek relations.

The object of this article is to outline the stages through which the said land case has passed so far; study the relevant documents made up 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, try to ascertain whether the picture emerging can be reconciled with the rule of law or not. Furthermore, the aim of the latter analysis is to see whether a legal issue can be treated lawfully when there is a minority element to it, i.e. to examine, by treating Western Thrace as a case-study within Turco-Greek relations, whether it is affected or not by the political ebb and flow in such relations.

#### **Western Thrace Region and Its Historical Past**

Western Thrace is a narrow region with an area of 8578 sq. kilometers on Greece's 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 Thrace is derived from Thracs, who came and settled there in 2000 B.C. The Ottoman Turks occupied the eastern part of the region in 1363 which was part of the Eastern Roman (Byzantine) Empire, and its western part in 1394. The Ottoman sovereignty over the region was until 1878 undisputed. In that year, following the occupation of Eastern Thrace by the Russian armies, a period of unrest in Western Thrace too began, continuing 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

abandoned Western Thrace to Bulgaria with the Treaty of Istanbul in 1913. The region went through a period of great political activity until it was occupied by Greece after the World War. Later, with the Treaty of Sèvres, the region was annexed by Greece on 10 August 1920. Section Three of the Turkish National Pact setting out the basic principles to be attained by the Turkish War of Liberation under the leadership of Mustafa Kemal Pasha in the face of Greece's move to occupy Western Anatolia in May 1919 provided for the holding of a referendum in Western Thrace but this, however, could not become a reality. Whereas Eastern Thrace was brought within the boundaries drawn by the Turkish War of Independence, which was crowned with success in 1922, the Western Thrace region was left to Greece with the Treaty of Lausanne of 24 July 1923.

With the signing in Lausanne of a "Treaty and Protocol on the Exchange of Greek and Turkish Populations" on 30 January 1923, Turkey and Greece decided on a compulsory exchange of all Greeks-Orthodox of Turkish nationality and Moslems 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 ("*établis*") in Istanbul, and the Moslems in Western Thrace. Thus, a 130.000 - strong Turkish community, who at the time outnumbered Greeks 4 to 1<sup>3</sup>, was left at the Turkish border of Greece.

The dispute to be examined in this article is the story of an extent of land of 1800 doenums belonging to this minority at the village of Inhanlı (Evlalon) in Iskeçe (Xanthi) District.

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Between 1878 and 1923 Western Thrace went through a rather turbulent period full of activity aimed at demonstrating its Turkish identity. Five governments were established, one after the other, in the region after 1913. However, after its annexation by Greece, Western Thrace has never created any problems for the Greek State, but 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 subse-

3 *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.

quent civil war. This could possibly be attributed, on the one hand, to the traditional passivity of a rural community which has lost hope of joining its kin-state, and also to its relatively orderly life style stemming from the minority rights brought about by international treaties.

Notwithstanding this however, from the 1950's onwards, the peace and quiet of this Western Thrace minority began to deteriorate at a far greater pace than before. This situation, along with various difficulties put in the way of Turkish minority schools, community, pious foundations (wakfs), and individuals, reflected particularly on land matters, the most important factor for the existence of a rural community.

In such a context, the fact that Inhanlı land dispute started in 1953 bears a particular significance.

#### **Legal Stages of the Dispute**

As has already been stated, the land problem of Inhanlı village is presently (October 1982) at the stage of appeal. It has gone through the following stages since its start in 1953:

1) The Greek Ministry of Agriculture took a decision (no. E-7785, 3 June 1953) in 1953 and stated that 2300 doenums of land (1 doenum is approximately 1000 sq. meters) in Inhanlı (Evlalon) village area had been expropriated for distribution to landless farmers. The 1800 doenums of Turkish minority land, which has been the subject of present controversy and legal action, was included in the said figure.

2) Following objections made, The Expropriation Commission of Xanthi Province, to which Inhanlı village is administratively attached, declared the Ministry's decision invalid in 1956 (no. 403, 27 September 1956).

The Commission's decision stated that the expropriated land had belonged to Hatipoğlu Hüseyin and Idris Ağaoğlu 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 by way of inheritance, and that each fragment in the possession of heirs did not exceed 500 doe-

nums, the legal limit of expropriation; thus, the land in question, which was shown as 3200 doenums in the acquisition decision and as 2121, 250 doenums in the Ownership Register, ought not to be expropriated, the Commission concluded.

3) In the meantime, a document of Xanthi's Department of Agriculture (no.26999, 20 November 1964), bearing the signature of Xanthi's Governor, lifted the ban on the legal sale of pastures and meadows in Inhanlı area, permitting some Western Thrace Turks settled in Turkey to transfer their shares, by way of gift, to a certain Hüsnüoğlu Nuri of Inhanlı<sup>4</sup>.

Following objections raised by the Greek Treasury to the decision stated in para. no. 2 above, the Greek State Properties' Council in its observation (no.175, 12 June 1969) considered whether the State had rights over the 1800 doenums of land inherited by the heirs of Hatipoğlu Hüseyin Ağa and Idris Ağa-oğlu Molla Mustafa and reached the following decision:

According to Art. 2 /4 of Greek Law no.147 of 1914 regarding the validity of Art. 78 of the Ottoman Law of 7 Ramadan 1274 (Moslem year corresponding to 1858) in areas which had earlier been under the sovereignty of the Ottoman Empire, any person, who tills State land for a 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<sup>5</sup>. What is more, these persons were issued a registration certificate (no.103) in February 1872.

4 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".

5 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 à toute personne qui, pendant une période de dix années, aura possédé et cultivé sans conteste des terres miri ou mevkoufé, que cette personne ait ou non entre ses mains un titre légal ou juste; la terre ne peut dès lors être considérée comme vacante, et on doit lui délivrer, 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 also.

Although officials of Greek Finances have expressed doubts about this certificate, it is nevertheless clear that according to the Law of 1858 Hatipoğlu 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<sup>6</sup>. 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.

5) 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).

6) After it announced in 1969 that the expropriation of the lands of Inhanlı farmers was not legal, the State Properties' Council<sup>7</sup> suddenly changed its attitude in 1974 and unanimously adopted a completely adverse opinion (no. 103, 24 October 1974).

6 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 November 1929 mentioned above was issued with the purpose of turning this 1/5 part over to those who had received 4/5 parts earlier.

7 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.

It said in brief: Although the heirs of Hatipoğlu and Idris Mustafa, relying on the Imperial Ownership Registration (Title Deeds) (no. 103 of 1872) of their ancestors, are claiming possession rights, it is understood from the Xanthi 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.

7) This new opinion has been accepted by the State Properties' Directorate of the Ministry of Finance (no. D-6864/294, 13 January 1975), which has taken the decision to inform the parties concerned. Xanthi's Property Directorate has been preparing and serving eviction orders since June 1981. In the case of those not accepting them, these have been pasted to their doors.

8) In the face of this situation, the Western Thrace farmers filed in 127 cases of objection. On 1 April 1982, a Magisterial Court in Xanthi consolidated all the 127 cases of objection and took a decision which led to considerable reaction in the Turkish press, and to an abandonment by the villagers of Inhanlı of their passive attitude. They organized a sit-in demonstration that included womenfolk and children, which went on for days in the Clock Square of Xanthi.

The Xanthi Magisterial Court ruling said in brief: 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 that (pasture, place of common use and the like) judging by the 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 by a long chalk, their greater part has beco-

me 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**

The legal story of the land dispute between villagers of Turkish origin and the Greek authorities can be summarized thus on the basis of documents. At the moment of writing, the villagers of Inhanlı have an appeal pending before the Greek Court of Appeals. We shall now try to examine these documents as a whole and one by one, and interpret them, and endeavour, from a strictly legalistic point of view, to reach a conclusion as to what the outcome of this appeal should legally be.

I- The Greek authorities, at the outset of the dispute, have admitted in an indirect way, through the decision of the Ministry of Agriculture referred to in Para. no. 1 above, that the said land of 1800 doenums is in the possession of Inhanlı farmers; because of the fact that an expropriation order is tantamount to acknowledging that the land is under private ownership. As a matter of fact, the documents mentioned in paras. nos. 2, 3, 4, and 5 refer to this decision and acknowledge ownership.

Apart from the above, two other documents substantiate the ownership of Inhanlı 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 of them.

II- Until 1974, the situation followed the normal procedure involved in an expropriation, acknowledging the ownership of Inhanlı villagers over the said lands; but after this date, however, the Greek authorities suddenly altered their attitude. They began to argue that the Inhanlı villagers had no private ownership right over the said 1800 doenums and demanded the seizure of these "unlawfully interfered" State lands.

The contradiction between the Council opinion of 1969, which found the claims of the Inhanlı 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 Xanthi. When the lawyer of Inhanlı villagers 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 Xanthi Agricultural Department stating that it could not be handed to him because it was "confidential". The 1974 opinion, on the other hand mentioned in para. no. 6 above, refers to it by stating: "It is understood from the Xanthi Agricultural Department letter, no. 2 of 10 January 1973, that..." etc. and openly creates 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- But, in these documents, the matters which draw one's attention are not confined to this alone. When they are examined one by one, or are compared with each other, one comes across definite errors, inconsistencies and contradictions. In order to determine these correctly, it is necessary to look at the land registry record of the said land taken from Ottoman Land Registers<sup>8</sup>.

This Certificate of Registration is exactly as follows:

District: Gumuldjine-Yenidje Karasu

Village or Quarter: Inehallu

Locality: At the village of Inehallu,

Kind and type: Kishlak

Value: 30.000 Kurush [Piasters]

Donum: 1800

Border: On the one side of the Kishlak belonging to the Farm is the Oksuzlu Pasture, then Mukmul Spring, and the Beykoy border and then Beke Obası and pasture.

<sup>8</sup> Copy in latin characters issued and confirmed as authentic by the Directorate General of Land Registrar and Cadastre of Turkey, dated 31 October 1968, no. 12610.

Reason of Acquisition: Rendered necessary by a decision of right.

Owner: Hatipoglu Hussein Aga and Idris Agaoglu Molla Mustafa.

No. of Registration Issued: 103

Its Date: February 1288, control page and general No. 65/272.

Once in possession of the vital document of this land dispute, we can move on to a closer examination of the Greek documents.

The Council opinion of 1974 referred to in para. no. 6 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. I 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 Xanthi Court decision referred to in para. no. 8 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". In short, according to the Council opinion of 1974, the disputed land in the certificate of registration is "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, whether intentionally or not has been used by Greek authorities, without a full comprehens-

ion of its real meaning. What has to be done before anything else then, is to determine what meaning, or meanings, this Ottoman land term conveys.

For the description of "kishlak" one can refer to Young's book<sup>9</sup>: "Les kichlaks, pâturages d'hiver, sont des terrains qui par suite de la douceur du climat, de leur situation abritée et de l'abondance de l'herbe et de l'eau, conviennent particulièrement à faire séjourner et pâturer les troupeaux pendant l'hiver."

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

"Art. 24: Les Pâturages d'hiver (kichlak) et les Pâturages d'été (yailak) à l'exception de ceux qui sont abandonnés à l'usage miri ordinaires, lorsqu'ils sont *ab antiquo* possédés par tapou, à titre particulier ou par indivis (sic: individus). Toutes les dispositions applicables aux terres miri le sont également à ces pâturages d'hiver et d'été. Les deux espèces de yailaks et de 'kichlaks' (c'est à dire ceux des communes et des particuliers) sont soumis aux droits sur les pâturages dits 'yailakié' et 'kichlakié' proportionnellement à leur rapport"

From the Imperial certificates of registration and from Art. 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)<sup>10</sup>. 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

<sup>9</sup> Young, *op.cit.*, vol. VI, p. 52, footnote 24.

<sup>10</sup> The French translation 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 "yaylaks" 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 Şerhi* (The Interpretation of Land Law), Istanbul, 1330 [1914], p. 102. I would like to thank Professor Gündüz Ökçün for bringing this book in arabic characters to my attention and for kindly reading it to me.

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 “kishlak”, term used in Greek official texts without any definition and in a contradictory way, all the same constitutes the crucial point in this very dispute, and is of two kind. *The first*, as has been stated in a very explicit manner by Atif Bey on page 103 of his book, entitled, “The Interpretation of Land Law”, 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 mezrua).

*The second* is the kind reserved to common use in villages and considered under the type of “allocated land” (arazi-i metruke). In the case of Inhanlı 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.

Anyway, since Greece has regarded as valid the provisions of the Code of 1858 concerning the acquisition of State lands, she 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 (Art. 16/2), the Athens Agreement of 1926 (Art. 9/1), the Ankara Convention of 10 June 1930 (Arts. 15, 17, and 29), and finally the Ankara Agreement of 1933 (Art. 12) guarantee the property rights of the Western Thrace Turks<sup>11</sup>. Anyone of these two po-

11 Convention Concerning the Exchange of Greek and Turkish Populations, 30 January 1923.

Art 16/2 : “Les Hautes Parties contractantes s’engagent mutuellement à ce qu’aucune pression directe ou indirecte ne soit exercée sur les populations qui doivent être échangées pour leur faire quitter leurs foyers ou se dessaisir de leurs biens avant la date fixée pour leur départ. Elles s’engagent également à ne soumettre les émigrants, ayant quitté ou qui doivent quitter le pays, à aucun impôt ou taxe extraordinaire. Aucune entrave ne sera apportée au libre exercice, par les habitants des régions exceptées de l’échange en vertu de l’Article 2, de leur droit d’y rester ou d’y rentrer et de jouir librement de leurs libertés et de leurs droits de propriété en Turquie et en Grèce. Cette

ints would suffice, in a legal state of affairs, to prevent the Inhanli villagers from being regarded as "unlawful interferents".

### Conclusion

Despite this legal position, the Greek authorities, being unable to expropriate the minority's lands because they were inferior to the expropriation limit (500 doenums) as a result of inheritance, resorted, this time, to the argument of "unlawful interference" and have chosen to subject the Western Thrace

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disposition ne sera pas invoquée comme motif pour empêcher la libre aliénation des biens appartenant aux habitants desdites régions exceptées de l'échange et le départ volontaire de ceux de ces habitants qui désirent quitter la Turquie ou la Grèce."

The Athens Agreement of 1 December 1926, Art. 9 / 1.

"Les propriétés rurales et urbaines restées en dehors de l'application de la mesure prévue dans l'article 1, de même que celles situées dans la région de Grèce exceptée de l'échange, seront restituées à leurs propriétaires, libres de toutes charges, dans un délai d'un mois à partir de la mise en vigueur du présent accord."

The Ankara Convention of 10 June 1930.

Art. 15: "Toutes les mesures qui ont entravé l'exercice des droits garantis aux établis par les Conventions et Accords conclus, notamment celles concernant le droit de contracter mariage, le droit d'acquérir et de vendre des propriétés, le droit de libre circulation ainsi que toutes autres restrictions ordonnées par les autorités helléniques à l'égard des personnes visées dans l'article précédent, seront levées dès la mise en vigueur de la présente Convention, sans attendre la distribution des certificats d'établis prévue dans le dernier alinéa de l'article précédent." Art. 17: "Sous réserve des dispositions contenues dans les alinéas 3 et 4 de l'article 16, le droit de propriété des établis Musulmans présents dans la zone de la Thrace Occidentale exceptée de l'échange, ainsi que des personnes bénéficiant du droit de retour, aux termes de l'article 14 de la présente Convention, sur leurs biens meubles et immeubles sis dans la zone de la Thrace Occidentale exceptée de l'échange, n'est, en aucun sens, affecté par les dispositions de la présente Convention. Tous saisies ou séquestres opérés sur les biens mentionnés dans l'alinéa précédent de cet article seront levés sans aucun retard, la réintégration du propriétaire ou de son représentant légal dans la libre et pleine possession et jouissance de ces biens ne pouvant être différée à aucun titre." Art. 29: "Sous réserve des dispositions du droit commun et de celles de l'article 25 de la présente Convention, il ne sera procédé à l'avenir à aucune saisie ou mesure restrictive quelconque à l'égard des biens dont la propriété n'aura pas été transférée à l'un des deux Gouvernements, en vertu de la présente Convention et leurs propriétaires seront libres de jouir, et disposer de leurs biens et de les administrer comme bon leur semble."

villagers to illegal action. It is hard to avoid reaching this conclusion when one compares the results of the documents referred to above with the existing *de facto* situation.

The Turkish villagers of Inhanlı have been faced since 1974 with the danger of being dispossessed of their lands; and judging by the course of the case, which I have tried to summarize in this article, such dispossession seems imminent. There is talk, in the meantime, that the land is to be allocated to a private construction company, the "Ektenepci".

Since what has been stated above can in no way be attributed to any illegal attitude by the Western Thrace Turkish minority towards their own State, it can be argued that the situation emanates from two sources: *one*, from the old desire of the Greek Government to Hellenize the region, which was put to practice as soon as the Lausanne Peace Treaty was signed<sup>12</sup>, and *two*, from the state of Turco-Greek relations. The latter point seems to be as important as the former especially since the 1950's.

As a matter of fact, the beginning of the Inhanlı land dispute coincides with the start of Greek agitations in Cyprus aimed at uniting the Island with Greece, the last example of Greek Irredentism. Furthermore, when the bloody incidents reached a climax in 1964 and began to threaten the very existence of the Turkish Community on the Island, a countermeasure of the Turkish Government has been one of the causes behind the stepping up of the pressure on the Western Thrace Turkish minority<sup>13</sup>. For instance, teacher appointments to the minority's

12 See the confession by the Greek Minister of Agriculture Mr. Bakkalbashi quoted in Haluk Bayülken, "Turkish Minorities in Greece", *Turkish Yearbook of International Relations for 1963*, Ankara, 1965, pp. 160-161.

13 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

schools were stopped after 1964. The authorities also began to interfere with the communal elections. It is not without interest to remember that the opinion given in favour of the Treasury by the Greek State Properties' Council in a complete disregard of its earlier opinion, bears the date of October 1974; while Turkey's troop landings on Cyprus as an implementation of

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reciprocate the same way, have been by far, much heavier and more effective. In Istanbul, a metropolitan 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-à-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 Moslem 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 fastidiousness of Turkey and on the state of bilateral relations.

the Guarantee Agreement of 1959<sup>14</sup> have taken place in July-August 1974.

The fact that in this land dispute case, the Greek decisions prior to 1974 observed the rule of law, whereas after this date human rights violations were stepped up radically by using law as a tool for the purpose, clearly proves that the fate of the Turkish minority of Western Thrace is determined by the ebb and flow of the Turco-Greek relations.

The recent increase of pressure and violations of human rights in this region can no doubt be explained by the also recent deterioration of Turco-Greek relations because of the Aegean question. This new problem-generating issue covers such major and serious problems as off-shore oil exploration, delimitation of continental shelf and territorial waters, the expansion of Greek air space, the militarization of the islands<sup>15</sup>, all of which are of a nature to upset the political balance in the Balkans and the Eastern Mediterranean.

The Turkish side gives the impression that it has been applying the principle of reciprocity for about a year now. The Bill recently submitted to the Consultative Assembly provides for the implementation of the principle of reciprocity to act against the pressure being applied to Turkish minorities abroad. It is reported that this measure has already begun to yield some results. As a matter of fact, Western Thrace Turkish sources report that tractor driving licences and permits for house repairs are becoming obtainable since the last two months.

14 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.

15 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 unlawfully remilitarized now by Greece.

Of course, the application of the principle of reciprocity in the field of human and minority rights violations should be considered no remedy for the sufferings of people who, on either side of the frontiers, live as peaceful and loyal citizens. The ideal remedy for this age-old problem remains in considering the reciprocal minorities a real *human bridge* joining –rather than separating– the two countries, and in formulating the national policies accordingly.