

FOUNDATION FOR MIDDLE EAST AND BALKAN STUDIES (OBİV)

&

Y.T.U. DEPARTMENT OF POLITICAL SCIENCE AND  
INTERNATIONAL RELATIONS



*Proceedings of the International Conference on*  
**TURKISH-GREEK RELATIONS**  
*issues, solutions, prospects*

March 9<sup>th</sup>, 2006

Istanbul

Edited By  
**Fuat AKSU**

# **ORTADOĞU VE BALKAN İNCELEMELERİ VAKFI OBİV**

İMTİYAZ SAHİBİ VE YAZI İŞLERİ MÜDÜRÜ:

Ortadoğu ve Balkan İncelemeleri Vakfı Adına  
Yön. Kur. Bşk. ve Direktör Em. Büyükelçi Güner Öztekin

(Not: Makalelerdeki görüşler tamamen yazarların düşüncelerini  
yansıtmaktadır.)

## **FOUNDATION FOR MIDDLE EAST AND BALKAN STUDIES**

EDITOR:

Retd. Ambassador Güner Öztekin  
Chairman of the Board and Director of the Foundation for  
Middle East and Balkan Studies

(Note: Views expressed in the articles are the views of the contributor)

# **Proceedings of the International Conference on the**

## **TURKISH-GREEK RELATIONS** ***issues, solutions, prospects***

March 9<sup>th</sup>, 2006

AUDITORIUM

YTU Auditorium / Yıldız Campus

Yıldız - Beşiktaş

**Edited by**

**Fuat AKSU**

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# **TURKISH-GREEK RELATIONS**

## *issues, solutions, prospects*

**March 9<sup>th</sup>, 2006**

### **Programme**

#### **Welcome Addresses and Opening Remarks**

10.00-10.10

*Prof. Dr. Fulya ATACAN*  
*(Head of DPSIR / YTU)*

10.10-10.20

*Prof.Dr. Durul ÖREN*  
*(Rector / YTU)*

10.20-10.30

*Ambassador (Rtd.) Güner Öztekin*  
*(Chairman of OBİV)*

### **I. SESSION**

#### **Chairperson**

*Assoc. Prof. Dr. Gencer Özcan*  
*(YTU / Turkey)*

10.30-12.50

12.00-12.15 *Coffee Break*

12.15-12.50 *Discussion*

### **II. SESSION**

#### **Chairperson**

*Ambassador (Rtd.) Turgut Tülümen*  
*(Turkey)*

14.30-17.00

16.00-16.15 *Coffee Break*

16.15-17.00 *Discussion*

## **I. SESSION**

10.30-13.00

### **Chairperson**

*Assoc. Prof. Dr. Gencer Özcan*  
(Yıldız Technical University / Turkey)

### **The Dynamics of Conflict and Cooperation in Greek-Turkish Relations: a Comparative Analysis**

*Assoc. Prof. Dr. S. Gülden Ayman*  
(Marmara University / Turkey)

### **Problems of and Prospects for Greece's 'Socialization Strategy' vis-à-vis Turkey**

*Assist. Prof. Dr. Panayotis Tsakonas*  
(University of the Aegean / Greece)

### **Rapprochement, Confidence Building and Cooperation: Main Difficulties of Turkish-Greek Relations**

*Assist. Prof. Dr. Fuat Aksu*  
(Yıldız Technical University / Turkey)

### **The Greater Eastern Mediterranean Region and the Political Economy of Turkish-Greek Relations**

*Assoc. Prof. Dr. Fatih Tayfur*  
(METU / Turkey)

## **II. SESSION**

14.30-17.00

### **Chairperson**

*Ambassador (Rtd.) Turgut Tülümen*  
(Turkey)

### **The Main Obstacles to a Greek-Turkish Rapprochement**

*Prof. Dr. Alexis Heraklides*  
(Panteion University / Greece)

### **The Nature of the Aegean Sea Disputes and Its Effect on a Possible Means of Settlement**

*Assist. Prof. Dr. Dolunay Özbek*  
(Istanbul Bilgi University / Turkey)

### **The Shariatic Courts of Greek Thrace and the 'Principle of Reciprocity' Regarding Minorities in Turkey and Greece**

*Assist. Prof. Dr. Konstantinos Tsitselikis*  
(University of Macedonia, Department of Balkan, Slavic & Oriental Studies / Greece)

### **The Main Problems of Greeks in Turkey and the EU Accession Process**

*Assist. Prof. Dr. Elçin Macar*  
(Yıldız Technical University / Turkey)

### **Cyprus Problem: Searching for a Comprehensive Solution**

*Dr. Philippos Savvides*  
(Institute for Strategic and Development Studies-ISTAME / Greece)



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## **PREFACE**

Upon the end of the Cold War, perceptions of threat had to be reshaped due to the newborn world order. This transformation gave all states a unique and historic chance to build a climate of peace and cooperation amongst themselves. In this context, collaborative effort and the goodwill of individuals from every level of society and institution was essential both for the solution of Turkey-Greece disputes and to find methods for reaching solutions.

When the disputes are considered in historic process, they have piled up over time and turned into security issues. In some cases, under conditions of competition or controversy, problems have been so wrongly interpreted that even technical issues were treated as security concerns. However, once it is possible to get rid of the dilemma on threat and security, over the level of perception and decision-making process, the road to the solution of disputes will be cleared to a great extent. Trusting this opinion, the question of what barriers hinder the solution of conflicts between Turkey and Greece and which route is to be followed for resolving the disputes equitably and fairly comes to the fore.

Here, in this conference, experts and academicians from both countries have got together to discuss how the post-Cold War conjecture can present opportunities for the solution of disputes. In spite of some tensions, this period has no doubt created rapprochement and paved the way for sustaining confidence-building measures between the sides. Still, the process leading to solid solutions could not be initiated yet. It is a fact that quite a few serious concerns regarding sovereignty interests and good intentions exist between them. Moreover, the method for resolution of conflicts and how equity is to be sustained are undetermined matters. A consensus on the final solution to be approved by both sides has not been reached yet, either.

Apparently, the opinions of experts and academicians that will be constructively put forth in this platform will enhance and contribute to the dialogue and empathy

between Turkey and Greece. The major expectation is that these academic discussions will contribute to the conflict-resolution process. In parallel to this, and I would like to extend my sincerest thanks to all experts and academicians who participated in the Conference and shared their remarkable views with us, as well as the members of the audience who directed questions to the speakers.

For the realization of this series of conferences, in collaboration with the Foundation for Middle East and Balkan Studies and Department of Political Sciences and International Relations of Yıldız Technical University, we also thank so many contributors from both institutions. These are Ambassador Güner Öztekin, Prof. Dr. Durul Ören, Prof. Dr. Aykut Polatoğlu, Prof. Dr. Fulya Atacan and Prof. Dr. Gencer Özcan, for their much appreciated assistance and institutional support. During the preparation of the Conferences, we received tremendous help from the Secretary of the Department, Hakime Soran, and, from OBİV, Fatoş İlter and Barış Kopdağ, also from the Research Assistants of the Department, and the members of International Relations Club of Yıldız Technical University, Public Relations Office and Auditorium personnel. Without their assistance, we would not have been able to manage at all. I would like to thank every one of them once more for their valuable contribution and cooperation.

**Fuat Aksu**

## **WELCOMING REMARKS**

**Fulya ATACAN\***

It gives me great pleasure to see you all here at Yıldız University today and I would like to welcome you all on behalf of the International Relations Club, Department and the Balkan Studies Foundation.

This meeting touches upon a very topical issue on Turkey's agenda. It is a very important item in Turkey's foreign relations. We share the same geography, the same cultural and historical background as Greece and relations between Turkey and Greece certainly constitute a major part in our foreign relations.

Of course, it is usual to see cooperation and conflict in foreign relations. However, conflicts and conflicts of interests should not translate into serious clashes because this causes problems not only for the two countries but for the whole region, and it can, potentially, create instabilities.

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\*Prof Dr.; Head of Department of Political Science and International Relations, Yıldız Technical University

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Relations between Turkey and Greece are quite a unique example. When the issues are taken up at different levels, there are similarities and dissimilarities. There are disagreements as much as there are areas of cooperation between the two countries. Furthermore, changes in the international system enable Turkey and Greece to solve their disagreements. Within such an environment, the development of relations and the resolution of conflicts between the two countries can only materialise through concrete steps.

The distinguished speakers in this conference will express their views on their own areas of specialisation. Relations between the two countries should take place in the vein of stability, peace and cooperation. This, of course, can be possible through the contributions of both the politicians and the scholars.

Before I end my words, I would like to thank one of the main organisers of this conference, Assistant Professor Fuat Aksu. He also came up with the idea of organising this conference. I would also like to thank Elif Bali and Hülya Alev, both research assistants; retired ambassador Güner Oztek, and the staff of OBIV, and the Club of Politics and International Relations for their voluntary support. I would also like to thank all the distinguished panellists for agreeing to share their views with us and I wish all of you success.

I will now invite Prof. Dr. Durul Ören, Rector of Yıldız Technical University, to speak.

\*  
\* \*

## **OPENING REMARKS**

**Güner ÖZTEK\***

Mr. Chairman,  
Distinguished Participants,  
Ladies and Gentlemen

It is a pleasure for me to welcome you all to the Conference on Turkish-Greek Relations, which is jointly organized by the Foundation for Middle East and Balkan Studies and Yıldız Technical University.

Today we shall discuss the issues, solutions and prospects concerning relations between these two neighbouring countries on the basis of first-hand information and valuable commentaries that our distinguished participants will provide.

After a long period of tension and mistrust, Turkish-Greek relations entered an

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\* Ambassador (Rtd.), Director of Foundation for Middle East and Balkan Studies - OBİV

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entirely new phase in July 1999; a date that marks the beginning of political dialogue on bilateral issues between the two countries. Back in June 1999, Turkey's former Foreign Minister, İsmail Cem, and Greece's former Foreign Minister, George Papandreou, instructed their respective Ministries to initiate a dialogue process and joint work on bilateral issues. Since then, Turkish-Greek relations have been improving steadily.

The devastating earthquakes that struck both countries in 1999 displayed the fact that Turkish and Greek people were eager and in favour of close cooperation. In the wake of these disasters, the people of both countries immediately extended their support to each other in a magnificent manner. On both shores of the Aegean, after decades of tensions, Turks and Greeks discovered that they care for each other to a greater extent than was commonly perceived. Accordingly, the dialogue process the governments triggered was supported by the grassroots of both countries.

In July 1999, Turkish and Greek Joint Committees within the framework of the dialogue process began talks in a spirit of cooperation and friendship, and these yielded positive results within a short period.

With the positive influence of resumption of dialogue, mutual contacts and visits between civil organizations and people have considerably increased. This, in turn, has led to a serious improvement in economic relations, social and cultural contacts and interaction at all levels.

The crucial issue is to build confidence and to maintain continuous channels for contacts between the two countries.

The contacts taking place behind close doors between the officials of both countries paved the way, for the first time after so many years, to the exchange of views on a whole range of Aegean issues and on the possible means of their peaceful settlement.



## OPENING REMARKS

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It must be underlined that the establishment of such outstanding mechanisms for the development of bilateral relations in a very short span of time is a great success. This also confirms the existence of political will on both sides to enhance bilateral relations, and to avoid tensions and crises. As one of the achievements of this new atmosphere, 29 bilateral agreements on promoting cooperation in the fields of trade, economy, health, tourism, justice, environment, culture, combating organized crime, drug trafficking, illegal immigration and terrorism, and regional cooperation were concluded during the exchange of official visits between the two countries. Thus, the legal basis upon which relations can further be built is almost completed.

The endorsement of Turkey's candidacy by the EU at the Helsinki Summit on 10 December 1999 and the EU's decision to start accession negotiations with Turkey on 3 October 2005 were other manifestations of the progress Turkey and Greece have achieved.

Relations in the field of trade, economy and tourism are also developing very rapidly. The volume reached to almost \$1.9 billion by the end of 2005. Trade figures are expected to rise even more in the future.

The Project for the establishment of a joint Turkish-Greek bank, namely Business Aegean Bank (BAB), constitutes another very encouraging incentive for the promotion of investments in Greece and Turkey.

Tourism is one of the major sectors in our economic relations. In 2005, 585,000 Greeks visited Turkey. More and more Turkish tourists visit Greece, preferably the Aegean islands for vacations, especially in holidays and during long weekends.

To draw an honest picture about our relations, I am compelled to touch upon the situation of the Turkish Muslim Minority of Western Thrace. This minority still faces grave problems regarding full enjoyment of their fundamental rights and freedoms despite slight amelioration in recent years. Among other important issues as

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education, interference in the religions affairs, the suffering of Turkish Minority members caused by the article 19 of the Greek Citizenship Law of 1955 continue to exist. The annulment of the said article in 1998 did not bring a retroactive effect, which means that the victims of the said article are not automatically entitled to Greek citizenship. This fact alters, no doubt, the demographic balance of the Western Thrace.

If I am not trying your patience, let me say a few words about Cyprus.

Turkey remains committed to efforts to achieve a comprehensive settlement of the Cyprus problem within the framework of the UN Secretary-General's mission of good offices and on the basis of the UNSG's settlement plan. Turkey believes that a just and lasting settlement will greatly contribute to peace, stability and harmonious relations in the region.

The principal requirement is a comprehensive settlement. The time has come to launch a process with a view to eliminating all restrictions that further hinder economic and social development and endanger the stability in and around the Island of Cyprus.

The new initiative of Turkey has a strong potential to bring about a transitional process that would facilitate economic development through practical arrangements, until a comprehensive settlement is found to the Cyprus problem.

Direct trade, direct travel, direct flights and increased contacts could be pillars of increased regional cooperation. The arrangements, if implemented in a genuine spirit of partnership, will greatly contribute to moving forward the UN process of settlement to its final phase.

It has become obvious that the current status quo works against the interests of all. So, priority should be given to find a comprehensive settlement which is lasting

## OPENING REMARKS

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and just. To this end, Turkey and Greece should lead the way for convening a high-level meeting under the auspices of the UN with the participation of both sides in Cyprus, and Turkey and Greece. Before I end, I would like to remind you all that Turkey and Greece share not only a common geography, but also a common history and cultural heritage. Both are neighbours and allies. It is expected that the improvement of bilateral relations between the two countries will significantly change the economic and political landscape of the entire region. Rapprochement between Turkey and Greece appears to constitute a cornerstone for security, stability and prosperity in the Balkans and the Mediterranean. To this end, friendly relations between Turkey and Greece based on mutual respect, understanding and trust, is of special importance. Additionally, positive developments related to Turkey's European Union membership will further enhance the spirit of cooperation between the two countries.

We should look forward to expanding the scope of our cooperation to cover all fields and overcoming bilateral differences through a result-oriented, comprehensive and constructive dialogue.

In short, I believe that a bright future awaits the two countries and their people. The political will is there. We can look to the future with hope and optimism.

I am certain that this day in Istanbul will bring forth fruitful discussions and will lead to concrete results.

With these thoughts in mind, I would like to wish you all every success in your deliberations.

Thank you for your attention.

\*  
\* \*

**THE DYNAMICS OF CONFLICT AND COOPERATION  
IN GREEK-TURKISH RELATIONS:  
A COMPARATIVE ANALYSIS**

**S. Gülden AYMAN \***

Understanding the peculiarities of Turkish-Greek relations requires a comparative analysis focusing on the similarities and differences in Turkey's relations with her neighbors versus her relations with Greece. This paper aims at answering the following questions: Why Turkish-Greek relations involve intractable issues? Secondly, in spite of this intractability how Turkish-Greek rapprochement was accomplished?

**Sources of Intractability in Turkish-Greek Conflict**

In spite of the fact that we witness a state of rapprochement between Turkey and Greece Turkish-Greek differences are still difficult to resolve because they entail sovereignty issues that are closely linked with identity problems.

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\* Assoc. Prof. Dr., Marmara University / Turkey.

## **Sovereignty issues**

Sovereignty issues which are usually stated as primary reasons for war or aggression between countries lie at the root of Turkish-Greek problems. They evolve around the question of "who owns what" and contain disputes over the ownership of a territory, sea or sharing water resources. In Turkish-Greek case, Aegean problems present us one of the clear examples of sovereignty problems.

As opposed to Greek-Turkish relations, absence of sovereignty issues has provided stability in Turkish-Iranian relations in spite of Iranian logistic support provided to the PKK and Iranian involvement in the terrorist activities waged by Islamic groups and organizations in Turkey. Until now Turkish-Iranian relations strained with persistent ups and downs and both countries still maintain some divergent views in regional and world affairs. However since the Kasr-ı Şirin Treaty<sup>1</sup> no question of borders exists. Therefore it could be asserted that Turkish-Iranian relations are less likely to result in violent interactions as in the case of Turkey and Greece unless dissolution of Iraq may lead to a serious confrontation because of a possible erosion of current borders as a result of a possible disintegration of Iraq.

International agreements reached by mutual consent express the only durable way to solve sovereignty issues between nation states. After having established adequate norms and rules we often expect peace to govern our relations. However this might not be the case especially if international agreements are not regarded as long-lasting solutions to our conflicting desires of sovereignty but considered as tempo-

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<sup>1</sup>In 1635, Sultan Murad IV invaded Revan, Erivan, and Baghdad. As Iran demanded peace, in Kasri Sirin a treaty was signed. According to the Treaty Baghdad, Bedre, Hassan, Hanikin, Mendeli, Derne, and Sermenel would be given to the Ottomans. Derbe, Azerbaijan, Revan were left to Iran. This treaty had been in valid until 1722 and after the war ended in 1747, it was begun to be used again.

<sup>2</sup> As Zartman argues, parties resolve their conflict only when they are ready to do so -- when alternative, usually unilateral, means of achieving a satisfactory result are blocked and the parties feel that they are in an uncomfortable and costly predicament. At that "ripe" moment, they seek or are amenable to proposals that offer a way out.

rary remedies to end unbearable violent conflict.<sup>2</sup> In this vein we see that 1923 The Lausanne Peace Treaty established a political balance between Greece and Turkey by harmonizing the vital interests of both countries including those in the Aegean Sea. Accordingly, coastal states are granted limited areas of maritime jurisdiction and the remaining parts of the Aegean were left to the common benefit of Turkey and Greece.

The fundamental source of friction between Turkey and Greece arises from the fact that the Aegean status quo established by the Lausanne Treaty is undermined by Greece. Greeks regard the entire Aegean as a Greek sea in total disregard of Turkey's rights and interests as one of the coastal states. In other words, whereas Turkish policy is based on respect for the status quo Greece has been trying to alter it in its favor.

Both in Turkish-Syrian and Turkish-Armenian relations the fundamental source of friction is again unsatisfied claims of sovereignty contrary to mutually accepted international treaties that draw borderlines between states of concern. Turkey's water problem with Iraq and Syria does also constitute issues of sovereignty. However, the water problem portrays us a different type of sovereignty problem. In that case we no longer deal with "who has the right to own?" but rather "how it should be shared?". While we are moving from the question of "who owns it?" to the question of "how parties benefit from it?" level of contention is also diminishing.

### **Territorialized Dimensions of Identity**

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See, I William Zartman and Maureen Berman, **The Practical Negotiator** (New Haven: Yale University Press, 1982), 66-78; I William Zartman, "The Strategy of Preventive Diplomacy in Third World Conflicts," in **Managing US-Soviet Rivalry**, ed. Alexander George Westview, 1983; Saadia Touval & I William Zartman, eds., **International Mediation in Theory and Practice**, Westview, 1985, II, 258-60; I William Zartman, **Ripe for Resolution**, New York: Oxford, 1985/1989.

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Today, in spite of the fact that Aegean Sea lies between Greece and Turkey, Greeks regard it as a "national lake" and try to extend their rights determined by international treaties. An eventual resolution of the problems related to the Aegean Sea will only be viable if it is built on the fundamental rights and legitimate interests of both countries. However it is rather difficult to achieve a mutually satisfactory agreement. One of the reasons behind this difficulty is the identity aspect of conflict which is shaping Greek perceptions and their interpretation of their rights. No matter how the Aegean as a closed Sea does lie between Turkey and Greece, Greeks consider it as an inseparable part of their identity hence claiming its full ownership. Naming of the "rocky islets" as "islands" by Greeks in an exaggerated way is only one example showing us how deep their psychological attachment is.

When we try to grasp how and under what conditions Aegean problems evolved we come across the fact that it was not the Aegean issues but the Cyprus problem which had spoiled Turkish-Greek relations and Aegean issues evolved only as a simple reflection of it.

Cyprus problem clearly shows that sovereignty issues are closely related with the issue of identity. Definition of a nation often relies on territories from which that nation generated from. In this respect the imaginations about territorial origins of a society gain more significance in shaping perceptions regarding the course of the conflict than the objective account of historical facts. Most Greek Cypriots assume an uninterrupted Greek presence on the island dating back four thousand years. They regard the Ottoman conquest of the island in 1571 as the start of Turkish presence on the island.<sup>3</sup> Starting in the early-nineteenth century the Greek Cypriots sought to bring about an end to almost 250 years of Ottoman rule over the island and unite Cyprus with Greece, a process called enosis.

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<sup>3</sup> According to this interpretation, Greek identity has survived numerous foreign occupations that brought repeated misfortunes on the homogeneous population of Cyprus. At various times it has been ruled by the Roman Empire, the Byzantine Empire and the Knights Templar. In 1192 it came under the rule of the Lusignans, who established the Kingdom of Cyprus, and 300 years later, in 1489, it was seized by the Republic of Venice.

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### **Asymmetric Power Relations**

When we deal with power asymmetry as a source of intractability of international conflicts, we may discuss two negative and interrelated impacts of power asymmetry in Turkish-Greek conflict. Firstly, power asymmetry often aggravates identity problems. Secondly, it is likely to block negotiated outcomes in conflicts especially where sovereignty issues play an important role.

Turkey is often evaluated as a country more powerful than Greece especially when size, strategic depth, population and armed forces of are taken in to the consideration. Among these tangible indicators of power the most disturbing is the Turkish military power for the Greeks which has long been perceived as an indicator of Turkish expansionist desires.

When hostility governs a relationship it is easy to associate military power with threat. However one should also not forget several historical cases where smaller countries resorted to aggression against bigger neighbors as a result of their revisionist policies. Besides, power asymmetry in military field is a factor that strengthens deterrence particularly where the strongest party does not seek to overthrow status quo by using coercive means which is the case in Turkish-Greek relations.

If we compare Turkish-Greek relations with Turkey's relations with Russia, the most important factor that reduces the likelihood of possible tensions emanating from power inequality is again absence of sovereignty issues. We see that regardless of certain Soviet pressure exerted on Turkey during the Cold War period, Turkey and Russia managed to maintain good relations and upgraded their ties to a strategic level afterwards very rapidly in the post Cold War era. Most important factor was the presence of NATO umbrella which empowered Turkey by providing a common front against Soviet threat.



### **Positive Expectations towards an Individual Solution**

In the negotiation literature it is often assumed that if one party has much more power than another in the outside world, an agreement is likely to mirror the outside power distribution of the parties. In such situations the smaller party could either postpone an agreement or refrain from negotiation process until better it acquires better conditions.

When we examine Turkish-Greek relations we see that though Turkey enjoys a more powerful status vis a vis Greece with respect to tangible elements of power, in terms of intangible elements of power like social solidarity, economic stability and coalition building capacity as a member of the EU, Greece also possesses certain advantages.

Though asymmetry concerning tangible elements of power aggravates identity problems and hostility between Turkey and Greece, Greece's reluctance to accept a negotiated agreement on the Aegean could not completely be understood by that factor. Equally important is the intersection between Greece's unsaturated identity and its positive expectations to obtain a more favorable power equation to impose an individual solution on Turkey through its EU membership. Besides, the absence of high intensity of violence in Turkish-Greek differences over the Aegean does not lead to a "mutually hurting stalemate" situation where costs of continuing the struggle exceed the benefits to be gained.

### **Evolution of Détente in Turkish-Greek Relations**

A real accommodation or a "positive peace"<sup>4</sup> hasn't been reached yet neverthe-

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<sup>4</sup> On "negative" and "positive peace" see Johan Galtung, "Violence, Peace, and Peace Research", *Journal of Peace Research*, Vol. 6, No. 3, 1969, pp. 167-191.

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less we witness an era of détente in Turkish-Greek relations. Several factors contributed to the creation of such an environment. Turkish-Greek détente is an outcome of a psychological breakthrough as well as being a product of realistic considerations related to bargaining processes between Turkey and Greece.

### **Threat of an Uncalculated War**

The conflict between Greece and Turkey revolves around disputed territorial claims in the Aegean Sea. The core of Greek-Turkish conflict over the Aegean Sea consists of four interrelated issues: sovereign rights over the Aegean continental shelf; territorial waters limits within the Aegean Sea claimed by each side; jurisdiction over airspace zones and the re-militarization of certain Greek islands against international treaties (Lausanne, 1923; Montreux, 1936; Paris, 1947).

The Imia/Kardak Crisis of 30 January 1996 brought another issue, sovereignty over certain or unspecified (gray areas) Aegean islands to the surface. The crisis which highlighted the sensitivity of territorial sovereignty by bringing the Greeks and Turks closer to hostilities than any incident since the late 1980s also showed clearly that unless Turkey and Greece reach a compromise on the Aegean issues events may trigger an uncalculated war between two countries. However de-escalation of the crisis was not a product of an accommodation reached between the two countries, it more an outcome of a strong pressure coming from the United States on parties to the conflict.

### **Implicit Bargaining for EU Membership**

The implicit bargaining process between two parties was affected by Öcalan Crisis which had a strong impact on the Turkish-Greek relations.

Turkey's drive to enter the EU and Greece's intention to achieve concrete steps to realize Cyprus' EU membership facilitated the beginning of such a bargaining

process. On 6 March 1995 Greece lifted its veto against the Turkey-EU Customs Union Agreement and the release of EU funds for Turkey provided for by the Fourth Additional Protocol on the condition that accession negotiations between Cyprus and the European Union would commence within six months after the end of the EU Intergovernmental Conference -in effect within 1998.

### **The Role of Öcalan Crisis**

Buckling under pressure and threats from Turkey, Syrian government which was willing to permit PKK terrorist organization to operate from its territory for many years decided to expel Abdullah Öcalan in October 1998. Öcalan's ill fated journey in Europe included Greece at a later stage. After he had brought to the Greek Island Corfu, Turkish government bluntly warned the Greeks against the possibility of aiding and harboring Öcalan. Then he brought to Nairobi where he was offered the possibility of refuge in a Greek embassy.

After Öcalan's capture by Turkish authorities Greece was accused of being engaging cooperation with terrorism. However though Turkish President Süleyman Demirel branded Greece an "outlaw state" and suggested that it be added to the list of countries that supports terrorism contrary to this sharp rhetoric, Turkey neither took concrete steps to punish Greece for its actions nor tried make it a legal issue against Greece.

Turkey's major foreign policy objective in that period was to achieve membership in the European Union. Since, Greece had blocked closer relations between the EU and Turkey for decades, Turkey wanted to use the crisis over Öcalan to advance this goal. In May 1999 the Greek and Turkish Foreign Ministers George Papandreou who was appointed to restore the international image of Greece and İsmail Cem initiated a dialogue initiative on low-profile bilateral issues, including trade, tourism and environmental protection.

While Greece succeeded in securing the progress of Cyprus' EU membership application in the EU Helsinki Summit of December 1999, Turkey was officially recognized as a candidate state for accession to the European Union at the expense of important conditions imposed only on Turkey with regard to Turkish-Greek relations and the Cyprus problem. Before the start of EU accession negotiations it was expected from Turkey to settle her disputes with Greece -or alternatively, agree on bringing the cases in front of the International Court of Justice, and achieve substantial progress for the Cyprus problem.

### **Reversal of Enemy Images**

Adversarial images often play an important role in both perpetuating and intensifying international conflicts. Turkish-Greek relations are not an exception in this regard. Since nations may have different kinds of others in term of their nature, it is also worth stressing that in the Turkish-Greek case the "other" implies vigorously a potential adversary in the field military security hence closely associated with source of threat and aggression.

What we observe in Turkish-Greek relations is that the mutual suffering during the earthquakes that hit Turkey and Greece in August and September 1999 respectively helped the creation of a more favorable climate for cooperation by partly healing the enemy images that governed the psyches of both sides.

The role of earthquakes as an accelerator of an image change between Turkey and Greece is also comparable with the newly shaped perceptions observable in Arab public opinion towards Turkey after her refusal to open her soil to American troops before the Iraqi war. Turkey which often condemned as a protector of Western interests in the Arab world was started to viewed from a friendlier angle and as a consequence of this more attention is devoted to understand her political attitudes.

## **The Role of EU**

EU didn't serve as a catalyst to resolve Turkish-Greek differences over the Aegean Sea and wasn't able to come up with mediation efforts. However it should also be admitted that EU regulated Turkish-Greek conflict by offering them a comprehensive framework and an agenda to enhance communication, dialogue and cooperation in areas of "low politics". While no solution was imposed on them both are expected to realize that the benefits of cooperation are greater than those of no cooperation.<sup>5</sup>

Since 1999, there have been a total of 28 low-level agreements between Greece and Turkey on non-contentious practical issues: the promotion of tourism, co-operation in environmental protection, enhancement of cultural co-operation, developing bilateral trade, agreeing on the issue of double taxation, strengthening co-operation in shipping, combating the refugee smuggle problem, stopping drug trafficking, the fight against terrorism. Cooperation was also accompanied by a doubling of bilateral trade.

The positive impact of the EU is more observable in the improvement of Turkish-Bulgarian relations than Turkish-Greek relations because of the absence of a clear territorial dimension. During the Cold War, relations between Ankara and Sofia were marked by considerable hostility, in particular because of Bulgaria's mistreatment of the Turkish minority, which constitutes nearly 10 percent of the Bulgarian population. Relations deteriorated dramatically in 1989 when Bulgaria forced nearly 300,000 ethnic Turks to emigrate and confiscated their property. However, relations have improved significantly since the collapse of the communist

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<sup>5</sup> Heinz-Jürgen Axt, "Europeanization on the Coastlines of the Aegean? Greek-Turkish Relations since 1999", **Conflict Settlement Through Europeanization? Greece and Its Neighbors Macedonia and Turkey**, Volkswagen Foundation, Duisburg, 22 August 2006.

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regime in Sofia in November 1989 and Bulgaria's EU prospect has definitely contributed to that process.

## CONCLUSION

The Turkish-Greek conflict involves complicated issues of sovereignty exacerbated by unsatisfied claims of identity. Since sovereignty issues overlap with the issue of identity in Turkish-Greek relations, reaching an agreement on Turkish-Greek differences on the Aegean is not sufficient to end conflict between the parties, a comprehensive peace process should be constructed which include a durable solution also to the Cyprus problem.

Today Turkish-Greek relations are neither prone to agreement nor likely to transform to a violent conflict. In spite of the fact that Turkish-Greek problems over the Aegean Sea persisted for a long time conditions are not ripe for an agreement yet.

Turkish-Greek differences are frozen but Greece and Turkey still continue with their massive militarization programs to strengthen their defense against each other.

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**PROBLEMS OF AND PROSPECTS FOR GREECE'S  
'SOCIALIZATION STRATEGY' VIS-À-VIS TURKEY**

**Panayotis TSAKONAS\***

Thank you very much Mr. Chairman,

First of all I would like to thank the Foundation for Middle East and Balkan Studies and the Department of Political Science and International Relations of Yıldız Technical University for extending this invitation to me to speak on such a timely issue.

The title of my presentation is the "Problems of and Prospects for Greece's 'Socialisation Strategy' vis-à-vis Turkey". Let me start with some clarifications regarding what I mean by referring to Greece's Socialisation Strategy. What the socialisation strategy is about? When speaking about Greece's socialisation strategy, I am referring to Greece's medium- and long-term policy and, therefore, to enmesh Turkey into the European integration system where European norms of behaviour

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\* Assist. Prof. Dr.; University of the Aegean / Greece.

and certain European-style rules of the game have to be followed by Turkey. By pushing Turkey deeper into the European integration process, Greece aimed at successfully linking Turkey's state interests to certain international ways of behaviour. So, socialisation from this perspective is the process of reconciling the state's individual aspirations with generally accepted standards.

In my presentation I will provide you with an overview of Greece's socialisation strategy vis-à-vis Turkey; its origins, goals, content and implementation from its beginning through to its change or refinement by the current Karamanlis government after it reached to power in March 2004. I will conclude with some remarks regarding the prospects of Greece's strategy in the months and years to come.

As it is widely known, the breakthrough in Greek-Turkish relations is linked to Greece's decision to lift its veto and grant Turkey candidate status at the EU summit in Helsinki back in December 1999. Most observers agree that Helsinki has been the upturn of Greece's u-turn in its relations with Turkey. It is worth noting however that Greece's u-turn was based on certain instrumental or strategic thinking that dates back to the mid-90s. At that time, the rise of Costas Simitis and his modernisers, faction or leadership of the Pan-Hellenic Socialist Movement in 1996 has brought certain changes to Greece's strategic priorities by placing Greece's quest for convergence with the EU economic prerequisites at the top of the agenda. Greek decision-makers have started putting the basic determinants of Greek-Turkish competition, namely the existing and intensifying arms race, into question.

Furthermore military expenditure constituted a heavy burden for the Greek economy, especially at the time when Greece was completing implementation of an economic austerity programme in order to enjoy the benefits of full membership in the European Monetary Union. So, two important goals were achieved by Greece in the mid-90s: a short-term one, referring to the need of reversing the imbalance of power, and a medium- or long-term one, referring to the Greece's ability to escape from the existing interminable arms race in a way that it would not deviate from a strategic



objective to fully integrate into the European Union.

So, Greece had to move towards a new position where credible deterrence could be coupled with sophisticated diplomatic manoeuvring and initiatives. With the election of the Simitis government in 1996, it was made evident that, unless a successful external balance through diplomatic means and manoeuvring could have saved the Turkish prospective military superiority, the only option for Greece would be to follow Turkey in a course of stabilising the arms race. To that end, the Greek decision, the Greek security policy started relying on internal and external balancing policies, especially external balancing policies involved the engagement of Turkey in a context where Greece had a comparative advantage, namely the European Union. At least in the minds of Greek decision makers the European Union was the best forum for setting conditions and placing requisites in accordance with certain European principles and standards on those countries that wish to become members. It was thus believed that strengthening Turkey's European orientation would engage her in a medium- and long-term process that would eventually lead to the adoption of less aggressive behaviour vis-à-vis a new member state.

This was in fact the rationale behind Greece's concession to granting candidate country status to Turkey. The EU summit in Helsinki in December 1999 would be seen by the Greek decision-makers as a windrow of opportunity to play the card of Greece's external balancing in a more sophisticated manner. Athens accepted the granting of EU candidate status to Turkey, attaching only two conditions - in addition, of course, to the Copenhagen Criteria that apply to all candidate countries: firstly Greek-Turkish difference had to be submitted to the International Court of Justice in The Hague by 2004 before other efforts failed and, secondly, the accession of Cyprus to the EU would not be conditional on the resolution of the Cyprus problem. So, according to the Helsinki decisions, both Greek-Turkish relations and the Cyprus issue have become integral to Turkey's European accession goal.

From a Greek perspective, the strategy adopted by Greece aimed not only to tran-

scend the bilateral context of Greek-Turkish differences into an EU-Turkish context, but also to create the necessary conditions that would allow for the resolution of the Greek-Turkish conflict. In addition, Greece, by insisting on a real instead of a virtual or *sui generis* general candidacy of Turkey aimed in fact at the engagement of Turkey in an accession partnership with the EU. This partnership would put Turkey under constant screening and the monitoring process of certain EU mechanisms and procedures. And it would lead to a Europeanization of Turkish policy and society which Greek decision-makers expected would eventually lead to the adoption of policies based more on international law and agreements.

It is interesting to note that Greece's decision did not take place in a systemic void. Moreover, it has been facilitated by two events at the international level. The first was the stance adopted by the newly elected government of Schroeder in 1998 in Germany. That called for the need for a close relationship between the European Union and Turkey.

And the second was the need for the promotion and strengthening of the ESDI, European Security Defence Identity, a need realised at the time by the EU countries and the United States for the development of a more functional and effective relations between the European Union and NATO. And, of course with the achievement of such a goal, the collaboration of Turkey was considered necessary.

Despite the earthquakes that have contributed substantially to the improvement in Greek-Turkish relations, Greece tried to establish a certain institution of framework for backing the pursuit of rapprochement in 1999. So apart from the new Euro-Turkish context that was set up by the Helsinki decisions, Greece has been developed and implemented on a bilateral level in accordance with three particular pillars.

The first pillar was the agreements on various 'low politics issues'. There has been more than a dozen agreements on low politics issues, as we know, which dealt with tourism, cultural environment, trade, commerce, multilateral cooperation, espe-

cially with regard to the Black Sea and Southeast European regions, organised crime, illegal immigration, drug trafficking, terrorism and so on and so forth.

The second pillar was the confidence- and security-building enterprise. By agreeing on a dialogue on confidence-building measures, Greece aimed to further strengthen the current status quo especially in the Aegean Sea and most importantly enmeshing Turkey... the Turkish side in a context based on certain rules and procedures. I will not make any political reference to the confidence-building enterprise. What one should mention is that although there has not been paramount achievement so far one can refer to some practical results based on the agreements signed so far by Greece and Turkey on confidence- and security-building measures. I think the most characteristic one is the event with regards the decision to make survey that took place by Piri Reis and the Greek vessel which have conducted surveys in 2001 in... somewhere in south eastern Mediterranean where it was considered by Greek and Cypriot governments as belonging to us as being continental shelf, the Greek and Cypriot one. That was a project which was cancelled actually by the two ministers of foreign affairs at the time, George Papandreou and Ismail Cem, after extensive consultation. And one should recall that back in 1997, another surveying vessel undertook a similar voyage towards the disputed continental shelf. At that time, a crisis erupted that brought Greece and Turkey to the brink of a war.

The third pillar is the setting up a joint task force for the realisation of Greek-Turkish cooperation on matters pertaining to the European acquis. Setting up that joint task force... the idea behind setting up that joint task force was to provide technical know-how to the Turkish side on various issues concerning the European acquis. The results the task force has achieved so far have contributed to an irreversible, I would say, strengthening of relations between the two countries and has considerably enhanced mutual understanding and trust between the two administrations.

Certain efforts have also been taken by the two parties to prepare the ground for a resolution of their disputes in accordance with the Helsinki decisions. And I am

here mainly referring to the so-called exploratory talks which were agreed in April 2003. The aim of those talks was for the two sides to sound out each other's intentions and positions on the so-called 'high politics issues'.

Moreover, Greece... Greek decision-makers have viewed the exploratory talks as the bridge to link progress achieved so far on low politics issues with the most demanding next step in Greek-Turkish relations that according to Helsinki decisions should soon follow these negotiations on the more sensitive high politics issues.

With a rise of the New Democracy Party to power... the rise of New Democracy Party to power resulted in a change in Greece's strategy vis-à-vis Turkey. Greece has now moved from a reasonable strategy with clear ends and means, what strategic analysis called real-life strategy, into an emerging strategy with much less clarity in ends and means whose main characteristic has been a reactive stance towards changing realities.

At the time of Costas Karamanlis's rise to power, the thorniest and most ambivalent issue he had to deal with was the rejection of the UN Secretary-general's plan, backed by the Turkish Cypriot community, in the referendum that took place in Cyprus in April 2004 regarding the unification of the island. Regardless of how good or bad the Annan Plan has been, the fact is that its rejection by Greek Cypriots with its simultaneous acceptance by Turkish Cypriots de-legitimised Greece's socialisation strategy.

Indeed Turkey's ability to secure EU membership is not hinged anymore on its stance on the Cyprus issue, which in turn meant that Greece has lost lots of its leverage to check the Turkish European path via its stance on Cyprus issue. In Greece's new Premier's words, "Greece would not consider the resolution of Cyprus issue to be a precondition for Turkish accession to the European Union." And, what's more, Greece would continue to support the Turkish-EU accession process, even if Greek-Turkish differences over the limitation of the continental shelf were not resolved by the end of 2004, failure to reach an agreement on this issue should not lead Greece

to shut out Turkey's European prospects.

In December 2004, the EU Council... In December 2004, the new Greek government considered abandoning the Helsinki timetable, urging the two countries to solve their bilateral differences or else agree by the 7 December 2004 to refer them to the International Court of Justice. In other words, the Karamanlis government decided to de-link both the Cyprus issue and the resolution of the Greek-Turkish dispute from Turkish accession to the EU.

I would call Karamanlis' refinement of Greece's socialisation strategy a stability-plus strategy. The first term, 'stability', refers to Greece's main goal, namely keeping the temperature in the Aegean at the lowest level possible; the second term, 'plus', refers to the expected results to be produced from the Turkish Europeanization process.

One should notice that compared with the strategy developed so far by the former PASOK government, Karamanlis has lowered the bar with regard the Greece's goals and expectations from a strategy aimed at conflict management, conflict transformation, conflict resolution to a strategy based solely on conflict management and conflict transformation. In particular, conflict transformation has been transferred to the soldiers, I would say, in the hands of the European Union who is expected to act as both trigger and anchor for reform, for Turkish reform.

Moreover, the basic rational in Greece's refined or changed socialisation strategy is that it could be to Greece's benefit to consider and promote resolution of the Greek-Turkish dispute at a later stage when Turkey's Europeanization process would have produced a much more favourable situation or climate to Greece's demands and interests. For the time being Greece has no good reason for keeping the resolution on the agenda.

Needless to say, the main opposition party, PASOK, has a good point: one claim-

ing that the withdrawal of the Helsinki timetable and especially its provision regarding the submission of two countries' dispute to the International Court of Justice has re-bilateralised the Greek-Turkish dispute, once the Helsinki decisions have managed to Europeanise them.

One should not forget that any resolution or settlement of the Greek-Turkish dispute, either on a bilateral basis or through the ICJ, will carry political risks domestically. Since any agreement between the two countries will require compromise, faced with a Greek public educated to the uncompromising position, that besides the limitation of the continental shelf, all other issues are considered as unilateral Turkish claims, it is hard to think of a Greek government willing to deal with the political costs entailed in any resolution agreement with Turkey.

Let me conclude with few words about the future of Greece's socialisation strategy. To the extent the stability in the Aegean remains top priority in Greece's refined socialisation strategy, one should expect a revitalisation of the confidence- and security-building enterprise between the two countries. Indeed, discussion on a new set of CBMs cannot only promote stability through the prevention of a crises inadvertently caused by miscalculations or accidents, it can moreover bring about the limited learning that is a necessary condition for conflict resolution while it is fully consistent with the EU principles regarding good neighbourliness and it can thus further enhance Turkey's European path. The same logic applies to another two procedures followed by the two countries on a bilateral level, namely the agreements on low politics issues in the functioning of the Joint Greek-Turkish Task Force.

As I have already mentioned in Greece's refined socialisation strategy conflict transformation has been transferred to the hands of the soldiers of the European Union who are expected to act as both trigger and anchor for Turkish reform. Fortunately, as many analysts have observed, a thorough adoption of the EU legislations, norms, rules and requirements takes place in Turkey with the participation of several political, social actors beyond those in government.

Moreover the normative and internalisation effects of the EU and Turkey, which takes place at the domestic institutions level, the elite level, the societal level, are continuously having an impact on the process and content of Turkish foreign policy towards a more rationalised and multilateralist stance, and the gradual re-definition of Turkey's national interest that is closer to European rules and norms of behaviour. Indeed, as recent history suggests, the rather pain-staking democratisation process Turkey entered after Helsinki, did not lead to the adoption of diversionary policies vis-à-vis Greece and Cyprus, but a more multilateralist policy instead.

However, who can convincingly argue that Turkey's accession negotiations will continue without obstacles in the years to come? Moreover, it is not clear how possible deteriorated relations between the European Union and Turkey will affect Greek-Turkish relations? The refinement of Greece's socialisation strategy since 2004 has led the re-bilateralisation of the Greek-Turkish dispute. It now seems necessary that the current state of relations between Greece and Turkey should not only strengthen the bi-lateral level by the revitalisation of certain measures and initiatives.\* More importantly, Greek-Turkish relations should return to the constructive framework of the European Union which constitutes the most secure context for the eventual resolution of the two states' dispute.

Thank you.

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\* It is possible to say that these measures and initiatives have been the integral parts of Greece's socialisation strategy so far, such as the CBMs enterprise, certain low politics agreements, and the functioning of the Joint Greek-Turkish Task Force.

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## **RAPPROCHEMENT, CONFIDENCE-BUILDING AND COOPERATION: THE MAIN DIFFICULTIES OF TURKISH-GREEK RELATIONS**

**Fuat AKSU\***

Recently, relations between Turkey and Greece have reemerged on the political agenda. Presently, in the course of Turkey's accession process to the EU, intensive effort is spent on the resolution of conflicts, as well as the lagged Cyprus issue. These efforts, while on the one hand serving as pre-contacts for bilateral dissertations between Turkey and Greece, on the other, seem likely to make a positive impact on relations between Turkey and the EU. However, while the mode to conflict resolution is still undetermined, the degree of progress reached during exploratory talks between the Parties is also obscure.<sup>1</sup> This gloominess or rather the confidential course of the talks, is no doubt vital, since it might as well serve as the

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<sup>1</sup> The 33rd "exploratory talks" between Turkey and Greece was held in Ankara, 22 February 2006. *"According to announcement made, Greek Ambassador to London, Anastase Skopelitis, will direct today's Session of the contacts. The meeting is held at the level Foreign Ministries' Undersecretaries. The contacts were started in May 2002, and Aegean issues were taken up."*

"Türkiye ile Yunanistan, Ege Sorununu Bugün Ankara'da Masaya Yatıracak",  
[http://www.dunyagazetesi.com.tr/news\\_display.asp?upsale\\_id=252002&dept\\_id=830](http://www.dunyagazetesi.com.tr/news_display.asp?upsale_id=252002&dept_id=830)



platform of dialogue between the Parties.

As far as made public, during the exploratory talks, controversial issues between the Parties are considered and the parties try to calm the atmosphere and thus create reasonable grounds for discussing conflict issues. Moreover, the Parties seem to be keen not to fully deliver their public, whatever they exactly discuss during the Talks. That is to say, while they proceed with the talks, they also try to warm and prepare their publics' opinions to the type of a probable solution. Surely, this is not an easy-going process due to numerous reasons. For instance, Greece had long claimed that they could discuss the continental shelf issue with Turkey only in the International Court of Justice. Plus, they had also conditioned their public's opinion along these lines over many years. However, today, during the said exploratory talks, it is so called that they are in a position to debate and compromise even on the 'grey areas' of the Aegean Sea. As for Turkey, she has also started to be more flexible on its years' long and deep-seated opinion, for not taking the Continental Shelf issue to The Hague. All these are coherent and promising steps but they are also potentially painful developments that could disturb their publics' opinions and it could be troublesome to get the approval of both the Turkish and Greek people on such u-turns given their decades-long habituation to certain political views.

In fact, within the last thirty years, in the general course of Turkish- Greek relations, it should be noted that the most significant progress has been made and no doubt this is not an exaggeration. Ever since the 1974 Cyprus Peace Operation, there have been quite a number of escalations that brought the Parties to the brink of hot war. Such conflicts occurred in some cases due to *de facto* situations created unilaterally by one of the Parties, or broke out unintentionally. In almost all times of crisis, they could only turn from the brink of war through the mediation of third parties. Similarly, upon the emergence of the continental shelf crisis in 1987 and the 1996 Kardak/Imia Rocks conflict, the two countries held back from hot confrontation upon the intervention of third parties.

Moreover, soon after almost all of these low points, confidence-building measures were repeatedly initiated by third parties. As a result of those, the Bern Declaration (1976), the Athens and Istanbul Declarations (1988), and the Madrid Declaration (1997) were concluded among the Parties.

The major common point in all these Declarations was that the parties were to avoid any unilateral move and attempt which could create tension between them and that they were invited to confer on peaceful means upon the occurrence of such further controversies, if any. Other than that, the Declarations referred to confidence-building efforts, so as to pave the way to an agreement process between the parties. For instance, the most noteworthy aspect of the Madrid Declaration is that it has brought commitment for Greece not to act unilaterally and it warned Turkey not to refer to the 'use of force' on every escalation. It also asked them to hold back from unilateral claims for rights.<sup>2</sup>

In this context, though the Declarations yielded some positive impact on bilateral relations they have not been that effective. This is because it was not possible to carry these Declarations to an agreement level. Moreover, negotiations and discussions to determine the major conflict issues could not yet be completed.<sup>3</sup>

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<sup>2</sup> With Madrid Declaration, dated 8 July 1997, the parties agreed on the points cited above.

*"-Mutual commitment to peace, security, and the continuing development of good neighbourly relations;*

*-Respect for each other's sovereignty;*

*-Respect for the principles of international law and international agreements;*

*- Respect for each other's legitimate, vital interests and concerns in the Aegean, which are of great importance for each country's security and sovereignty rights;*

*-Commitment to refrain from unilateral acts on the basis of mutual respect and willingness to avoid conflicts arising from misunderstanding; and*

*-Commitment to settle disputes by peaceful means based on mutual consent and without use of force or threat of force."*

<sup>3</sup> The Turkish Foreign Minister, İsmail Cem, made some suggestions about this issue on 12 February 1998. Co-determination of the main problems between the two countries, Madrid Declaration, to be converted to an agreement level, confidence-building measures to be sustained and brought to life, a group of wise men from both Sides to be invited to bring about suggestions to dissolve conflict issues. In case these offers were granted, officials from the Turkish and Greek Foreign Ministries were to be called to convene in Ankara or Athens within March 1998. However the formal reply from the Greek side, dated 24 February 1998, refused those suggestions.

Consequently, the duration of the created confidence ground, is not perceivable. Moreover, though the decision-makers of both parties try not to debate on the existing conflict issues publicly, it is a fact that different developments that inflame public anger can arise at any time. In this case, the grounds of confidence finally built between the parties can be damaged and threat perceptions regarding identity and intentions can re-emerge in the agenda. For instance, soon after the Madrid Declaration in 1998, the Öcalan/PKK crisis broke out, harming relations between Turkey and Greece. However, another progressive dialogue process was initiated between Foreign Affairs Minister Cem and his counterpart Papandreou.<sup>4</sup> In the aftermath of the 1999 Marmara Earthquake, this détente process was backed by remarkable solidarity extended by politicians, people and media in both Greece and Turkey.<sup>5</sup> However, controversial developments were witnessed too. In April 2005, a Turkish flag was denigrated at the Greek Land Forces Academy, and also in Aydın/Baltacı (Turkey), Greek spying attempts were (said to be) revealed. No doubt, such incidents raise questions in one's mind and we should not also turn a blind eye

<sup>4</sup> For the text of letter dated 24 May 1999 from the Turkish Foreign Minister, İsmail Cem, and the text of the letter dated 25 June 1999 from the Greek Foreign Minister, G. Papandreou, see [www.turkishgreek.org/mektupla.html](http://www.turkishgreek.org/mektupla.html).

<sup>5</sup> The article entitled "Whereas the Pain of the Enemy Made Us Cry", written by Anna Stergiou in the Eleftheropia, a national newspaper in Greece, is an interesting example which displays the common values of humanity and the fact that these values are far from fanaticism. *"Family, school and military service... We Greeks who pass through all these institutions have been persuaded through some historical and political examples that the Turks were our enemies and we nourished hatred. Then how is it that this feeling of hatred and enmity, which lasted for centuries, vanished in one day and the foe becomes a friend overnight?*

*'We have all been struggling with our feelings these days. We cried, were deeply moved and we suffered for them. Those feelings of hatred and enmity literally disappeared. It was as if we did not know that we possessed these humane feelings and we discovered them suddenly. We caught ourselves in tears when watching how the Turks were being rescued from the demolished buildings. Those same mothers who would shed tears in a probable Turkish-Greek war for their sons cried for the Turks. However, the god of the earthquake does not recognize difference of culture or nation.*

*When we heard the screams and moans of those who were struck by the earthquake we felt as if we had been punched on our stomach. There is no god of poverty and pain. For this reason we joined the lament of the Turks and we lamented as if they were our own people. Those billions that had been spent on armament all these years did not suffice nor serve to bring happiness nor did they prevent catastrophes from befalling. On the contrary, this lavish and futile expenditure leaves a queer, bitter aftertaste in our mouth when such natural disasters hit us."* Stelyo Berberakis, "Yunanlı Dost Gibi Ağlıyor", **Sabah**, 20 August, p. 17.

to similar concerns that might be claimed by the Greek side.

Taking into account all these odd factors, how should we approach an analysis of Turkish-Greek relations? Namely, under which framework should relations be taken up? While trying to resolve the conflict issues, on what ground should we build our constructive efforts in order to reach a coherent and durable solution? No doubt, numerous opinions can be put forth in this context. My suggestions would be:

The Lausanne Peace Treaty lies at the basis of the statutes and is the reference point for the solution of issues of conflict between Turkey and Greece. Some problems between the two sides have come up just because this Agreement has not been implemented effectively or simply been violated.

For instance, a problem like the Kardak/Imia Rocks conflict, would not have come up if the parties had mapped their national maritime borders in the Aegean after the conclusion of Lausanne Peace Treaty. This conflict was due to the yet undetermined national maritime borders between Turkey and Greece and the parties have not been able to focus upon this issue since the 1923 Lausanne Peace Treaty. In 1936, Greece unilaterally announced that it had extended its territorial waters from 3 miles to 6 miles and Turkey did the same in 1964. They could not reach an agreement on this issue even before and after that year too. Needless to say, both have marked their limits in line with their own interpretations and announced them unilaterally on their own maps. Another parallel example might be the violation of rights and/or arguments regarding Turkish and Greek minorities. The Articles in the Lausanne Treaty concerning minority issues are not fully complied with and/or implemented, instead, a ‘confusion’ policy was carried out, which led to an increase in the number of unfortunate incidents in both countries and such events were interpreted as violation of basic human rights.<sup>6</sup>

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<sup>6</sup> For the 2005 Progress Report, see “Turkey 2005 Progress Report {COM (2005) 561 final}”,

[http://ec.europa.eu/enlargement/archives/pdf/key\\_documents/2005/package/sec\\_1426\\_final\\_progress\\_report\\_tr\\_en.pdf](http://ec.europa.eu/enlargement/archives/pdf/key_documents/2005/package/sec_1426_final_progress_report_tr_en.pdf)

For the 2006 Progress Report, see “Commission Staff Working Document Turkey 2006 Progress Report {Com(2006) 649 Final}”, [http://ec.europa.eu/enlargement/pdf/key\\_documents/2006/nov/tr\\_sec\\_1390\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/tr_sec_1390_en.pdf).

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Another observation: the Lausanne Peace Treaty did not foresee provisions on some issues that we debate on today. However, since the 1920s, due to later developments, essential amendments occurred in International Law and particularly the Law of the Sea. Accordingly, it is indispensable that Turkey and Greece, being two coastal states of the Aegean Sea, should conclude a new agreement in line with the new recognition and the definition of rights forwarded by and in line with the Law of the Sea. The Parties have to discuss the continental shelf, territorial waters, exclusive economic zones, contiguous zones and other issues in the Aegean and conclude a new legal/political status for those items.

A third observation: the Aegean Sea is unique considering its geographical formation as well as the difficulties of sovereignty. Islands three miles from the Anatolian coast are left to Greece (as specified by Lausanne). Please note that here I do not say “all islands beyond 3 miles” because, according to Turkey’s view, the islands to be handed over to Greece with the Lausanne Peace Treaty have to be indicated by stating their names. The ones which cannot be named should belong to Turkey, in the framework of the successor’s principle. In a wider scope of interpretation, the sovereignty of such islands and islets would be determined latterly, through negotiations between the parties.<sup>7</sup> Going back to where we started, the unique status of the Aegean makes the sharing of jurisdiction and sovereignty over

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<sup>7</sup>According to the Lausanne Peace Treaty, Article 16, *“Turkey hereby renounces all rights and title whatsoever over or respecting the territories situated outside the frontiers laid down in the present Treaty and the islands other than those over which her sovereignty is recognised by the said Treaty, the future of these territories and islands being settled or to be settled by the parties concerned.*

*The provisions of the present Article do not prejudice any special arrangements arising from neighbourly relations which have been or may be concluded between Turkey and any limitrophe countries.”*

As a matter of fact the Decision of International Permanent Court of Arbitration, at the Case of Eritrea-Yemen, points exactly to this issue. The said Decision refers to Article 16 of the Lausanne Treaty and foresees that the statute of regions, the sovereignty of which were then undetermined, should be determined by the parties and declined every unilateral claims from both sides. For a further study of this case, see Sertaç Hami Başeren, Ali Kurumahmut, **Ege’de Egemenliği Devredilmemiş Adalar**, Ankara: SAEMK Yay., 2003. pp.117-118; and Ali Kurumahmut, Sertaç Hami Başeren, **The Twilight Zones in the Aegean [Un]Forgotten Turkish Islands**, Ankara: Türk Tarih Kurumu, 2004.

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it difficult and complicated. For instance, in the case of the inequitable and unilateral extension of territorial waters beyond six miles, Turkey would suffer an irreversible loss of rights.<sup>8</sup>

Fourth observation: it is related to the ‘asymmetrical balance of power’ between Turkey and Greece. Herewith, not only the military force balance, but also the formation of economic, political and strategy-building capacities and advantages are in question. That is to say, though Turkey is superior to Greece in military terms, Greece is relatively stronger in economic capacity, flexibility of constituting political alliances and in terms of the adequacy to develop strategy. In this context, Greece’s privileges like, the effective activities of the Greek diaspora and lobbies, pivoting of economic pressure and the interest groups, and being a full member of the EU, can be cited.

Well, how do all these factors effect bilateral relations? Briefly, this so-called asymmetrical status of power, rather than initiating a bilateral negotiations process, gives rise to a different process that is prone to intervention from third parties (like the EU, NATO and USA) for the resolution of conflict. In practice, their impositions usually focus on Turkey, impeding negotiation efforts on the one hand, while, on the other, clogging the road to a fair and equitable solution. Today the same trend is met in Turkey and EU negotiations. The EU approaches Turkey very “conditionally”. They openly articulate that Turkey cannot be a full member before the Cyprus issue

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<sup>8</sup> Consequently, regarding the sharing of territorial waters, different distances from different sources have to be studied. Yet in case, it is implemented as 6 or 12 miles, the Aegean Sea will exhibit such a status as below:

Territorial Sea Breadths, High Seas in the Aegean Sea %				
Breadth	Turkish (%)	Greek (%)	International (%)	Disputed Geographic Features
6 miles	7.47	43.68	48.85	~% 4.5
12 miles	8.76	71.53	19.71	
<b>Source:</b> Deniz Bölükbaşı, Turkey and Greece: The Aegean Disputes, London: Cavendish Pub., 2004, p. 125.				

is unravelled or unless border disputes are settled or the jurisdiction of the International Court of Justice is accepted!

At this point, I find it worthwhile to stress the EU's impact on Turkish-Greek relations because, I believe, ever since Turkey applied for full membership of the EU, Turkish-Greek relations have been considered integrated with and conditional to Turkey's EU accession process. That is to say, while it was essential and rational to explore durable solutions to the conflict issues through political contacts between the parties only, the wrong road was taken and Turkey's integration to the EU was purposely or incorrectly related with the conflict resolution process. This attitude eventually and accordingly made the EU one of parties in the conflicts between Turkey and Greece. In another sense, the EU, in line with its enlargement strategy, is reasonably keen and rightful that candidates do not import their border disputes into the Union; it is also a fact that this principle could be considered rather more flexibly, as in the case of candidates other than Turkey. For instance, during the accession of the Greek Cypriots to the EU, when they were made a full member, the provisions in the founding agreements of the Republic of Cyprus and the EU's enlargement principles, were disregarded.

When viewed from this angle, the answer to the question of how the Aegean disputes between Turkey and Greece are interpreted within the EU accession process lies in the EU Summit Conclusions.

### **The Resolution of the Aegean Disputes and the EU Accession Process**

For instance, in the EU Brussels Summit (16-17 December 2004), the road map for the solution of conflicts between Turkey and Greece during the Accession process was indicated. In Article 20 of the Summit Conclusions, two important implications towards Turkey should be noted.<sup>9</sup> First, *'the unconditional need to pur-*

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<sup>9</sup> "The European Council, while underlining the need for unequivocal commitment to good neighbourly relations welcomed the improvement in Turkey's relations with its neighbours and its readiness to continue to work with the

*sue principles of good neighborly relations*’ is clearly stressed and also in this context, Turkey “...*should be ready to work in collaboration with the concerned (relevant) member countries for the conclusion of the presently unsettled border issues, in accordance with the principles of resolution of arbitrations through peaceful means, in line with the UN Convention*” and is thusly forewarned.<sup>10</sup>

The second point is: (The Council acknowledges the view that) “... *in case of controversies during the accession negotiations, those disputes have to be taken to the International Court of Justice for reaching a consensus*’ and ‘*Council of the EU will be informed of the progress and developments henceforth and is free to consider those in the manner it chooses.*” Such a condition makes the discussion of the border disputes between the parties, a matter of the EU and Turkey, in her accession process. Although the term ‘in case of’ (or when) is included in the text, here, Turkey is forced to recognize the jurisdiction of the International Court of Justice. Moreover, as stipulated in the Article 6 of the Negotiating Framework for Turkey, while Turkey’s progress is watched, border dispute issues would be also considered. Accordingly, “*Turkey’s unconditional commitment to the good neighborly rela-*

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*concerned Member States towards resolution of outstanding border disputes in conformity with the principle of peaceful settlement of disputes in accordance with the United Nations Charter. In accordance with its previous conclusions, notably those of Helsinki on this matter, the European Council reviewed the situation relating to outstanding disputes and welcomed the exploratory contacts to this end. In this connection it reaffirmed its view that unresolved disputes having repercussions on the accession process, should if necessary be brought to the International Court of Justice for settlement. The European Council will be kept informed of progress achieved which it will review as appropriate.*” “Brussels European Council 16/17 December 2004 Presidency Conclusions”, <http://www.abhaber.com/rapor/conclusion.pdf>.

<sup>10</sup> The European Council welcomed the improvement in Turkey's relations with its neighbours, especially with Greece. Turkey reiterated many times in the past that the disputes between Greece have to be solved through bilateral talks and peaceful means. However, also declared that in case Greece de facto initiates a 12-mile maritime territorial limit, that move would be considered *casus belli*. Consequently, this determination would be in question under that condition. It is expected that this determination of Turkey will be a deterrent. As a matter of fact, considering this deterrence, it was sated in the Madrid Declaration that both parties should hold back from unilateral claims for rights and the parties were invited to solve disputes through peaceful means. When taken from this angle, Turkey is asked to give unequivocal commitments that comprise unilateral pressure on her and, eventually, that violates previous mutual understanding.

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tions” already exists and in this parallel and Turkey is obliged to accept the principle of solving the conflicts through peaceful means, as comprised in the United Nations Charter, plus the jurisdiction of the International Court of Justice for the solution of all unresolved and ongoing border disputes.<sup>11</sup>

In the scope of 2005 Progress Report of the EU, it is noted that confidence-building measures between the parties have been fruitful. However, it is also stressed that no solid result has yet been reached with regard to problem-solving. It is a fact that, present confidence-building efforts have not been firmly seated. Neither the economic nor the political cooperation between the parties has reached a level to be sufficiently effective on the decision makers. On the other hand, it is also a fact that Turkish-Greek relations are undergoing an unprecedented period. In Turkey, the military, media, politicians and public opinion all favour dissolving the disputes with Greece. A similar positive attitude is found in Greece too. Under these circumstances, what are the hindrances impeding rapprochement? In my opinion, the dead-lock lies in the far limits of both parties in their acquisitions. Both Parties go to extremes in their demands and conditions and thus reconciliation is delayed and resolutions remain unsolved. Both parties (but particularly Greece), inspired by the level of created conditionality, elevate their demands to the maximum degree. This handicap draws particularly Turkey to a dilemma. For instance, Turkey is so squeezed into the corner that it is either going to draw back from its Aegean and Cyprus policies or forget its EU membership expectations. However, under the pressure of this conditionality, any solutions to be reached will only satisfy one of the parties and will be inadequate to implement and sustain durable peace between Turkey and Greece. As a matter of fact, the history of their bilateral relations dis-

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<sup>11</sup> “Turkey’s unequivocal commitment to good neighbourly relations and its undertaking to resolve any outstanding border disputes in conformity with the principle of peaceful settlement of disputes in accordance with the United Nations Charter, including if necessary jurisdiction of the International Court of Justice.”

“Negotiating Framework (Luxembourg, 3 October 2005)”,

[http://ec.europa.eu/enlargement/pdf/turkey/st20002\\_05\\_tr\\_framedoc\\_en.pdf](http://ec.europa.eu/enlargement/pdf/turkey/st20002_05_tr_framedoc_en.pdf).

“AB Müzakere Çerçeve Belgesi - Gayri Resmi Tercüme”, [http://www.mfa.gov.tr/NR/rdonlyres/7FA78A66-EC3F-4D13-ADAE-5679210B1CE0/0/mcb\\_tr.pdf](http://www.mfa.gov.tr/NR/rdonlyres/7FA78A66-EC3F-4D13-ADAE-5679210B1CE0/0/mcb_tr.pdf) ; [10 October 2005].

plays numerous similar examples. If both parties are determined not to waste another 30 years, they should curb excessive demands and focus on enhancing their common interests and opportunities. On the other hand, it is worth noting here that the approving vote of Turkish public opinion towards the EU membership has started lose weight, particularly due to the lagged solution of the Cyprus issue. Even the Northern Cyprus Turkish community, who voted positively for the solution of the problem in the referendum, is disappointed at the EU's ignoring attitude and their bafflement climbs day by day. In parallel with that, Turkish public expectations of EU membership have been harmed for the same reason. Turkish people also feel that the interference of the EU drags out the Cyprus Issue. Moreover, having voted for the solution of the issue positively in the referendum, the disappointment of the Cyprus Turkish community keeps mounting.

Consequently, one should bare in mind that all these interruptions and the loss of eagerness might blemish and harm the atmosphere of rapprochement, confidence-building and cooperation, which was finally achieved between the parties after the 1990s.

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**THE GREATER EASTERN MEDITERRANEAN  
REGION AND THE POLITICAL ECONOMY OF  
TURKISH-GREEK RELATIONS**

**Fatih TAYFUR \***

Thank you very much Mr. Chairman. I would like to thank Yıldız Technical University and OBIV for inviting me to speak in this conference, and greetings to all of you.

What I am going to present today is some of my observations and I want to bring them to your attention as well.

The first observation I have is that the world and international relations have been passing through a period of large-scale historical change since the 1990s. This is a process in which established political, economic and military institutions, rules and regulations, and norms are being replaced with new ones. For instance, the sovereign equality of states has been questioned and the principal of multilateralism has been seriously damaged. This is clearly illustrated in American policy toward and in

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Iraq. Moreover, established duties, roles and functions of international institutions, such as the UN and NATO have been variously questioned, undermined or changed. Moreover, a new economic-financial-legal framework has been proposed and promoted for foreign investment (Multilateral Agreement on Investment) of multinational firms and international investors. Thus, in the 2000s we need to take this large-scale historical change into account for understanding and explaining Turkish-Greek relations. I think this will enable us to get more accurate results out of such an assessment.

If the world is undergoing such a large-scale change, this inevitably has repercussions in different regions of the world, including the region where Turkey and Greece are located. This new phenomenon changes the power positions of the regional actors and also affects the cooperation schemes that they may potentially have.

Second, in this process of change Turkey and Greece are the two important actors in a region that I have called the Greater Eastern Mediterranean region (GEMED). GEMED encompasses the Middle East, the Balkans, the Black Sea, the Caucasus, and part of Central Asia. GEMED is, in fact, a region of turbulence but, at the same time, it is full of opportunities to be exploited by the Turks and Greeks. Yet, the Turks and Greeks are at the same time the main regional rivals competing for the lion's share in the who-gets-what issue in the region in this period of change.

Thirdly, in fact, historically the GEMED region largely overlaps with the geography defined by the Greek "Megali Idea" in the late 19th and early 20th Century. This version of Megali Idea geographically refers to 'the two continents and five seas'. While Asia and Europe were the two continents, "the Eastern Mediterranean", "the Black Sea", "the Aegean Sea", "the Ionian Sea" and "the Sea of Marmara", were the five seas that made up the political, economic and cultural geography of the late 19th and early 20th century version of the Megali Idea. This was clearly a political-economic geography promising higher levels of political and economic welfare to

the Orthodox-Greek inhabitants of the region. At that time, free trade was an important constituent of the world-economy, and this area was an area where Greek-Orthodox tradesmen and Greek-Orthodox merchants established and controlled the commercial activities in the region.

Until the Asia Minor Catastrophe, the Greeks claimed economic, political and cultural hegemony, and were sworn to a civilising (modernising) mission in this region. However, with the defeat in Anatolia in 1922 and establishment of the Turkish Republic in 1923, this dream came to an end, and the Turks became the Greeks' most unwanted partner to share and compete for all kinds of resources in the region.

At this point, I have a dream, an illusion or, perhaps, a hallucination. I imagine Turkey and Greece reviving the Megali Idea together in this region (GEMED). This time, not only the Greeks but the Turks as well, hand in hand, using their comparative advantages and cooperating substantially in the GEMED region (and perhaps beyond) and reviving the Megali Idea in its new form as a common idea, a common strategy of the two countries.

In order to realise a "New Megali Idea", at the outset, very quickly and tentatively, I propose three spheres for cooperation: Security, Energy and Transportation. The first one is providing security in the GEMED region. The second is cooperation in energy issues in the GEMED. And the third, cooperating in the sphere of transportation of water, oil, gas and the movement of goods and capital. Here, provided each country supports and promotes the interests of the other in areas where the other has a comparative advantage these three spheres and others might motivate and enable Turkey and Greece to start to realise a "New Megali Idea" in a geography promising higher levels of political and economic welfare to both Turks and Greeks. (Examples of mutual support and promotion could include Turkey supporting Greece in sea transportation while Greeks do the same for the Turks in air transportation in GEMED, or Turkey providing all kinds of security in the region, and all

privileges to Greek/Greek Cypriot shipping companies in Turkish ports and territorial waters while Greeks support Turkey in becoming an energy transportation hub through pipelines in the region.)

Fourthly, if you let me return to and speak about the real world, in the ongoing large-scale historical change, Turkey and Greece see GEMED as a region for extending their respective spheres of influence and promoting their interests. Today, the Aegean Sea and the island of Cyprus, as the two most strategic geographical locations in the region, constitute the most important chapters of this historical rivalry. First, it is primarily because the wealth generated in the Balkans, the Black Sea and the Caucasus is transferred to world markets via the Aegean Sea. Second, the wealth generated in the Middle East and Central Asia is again transferred to the world markets via the Eastern Mediterranean where the Island of Cyprus is strategically located. In other words, both the Aegean Sea and that part of the Eastern Mediterranean, where Cyprus is located, are the two most important gateways opening to the wealth and also controlling the flow of wealth in both directions in the Eastern Mediterranean. And, thus, the disagreement between Greece and Turkey over the limits of their respective authorities in the region is one of the major questions in the Eastern Mediterranean.

The first focus of interest is the island of Cyprus. An important point here is that transportation, especially the transportation of energy through the Eastern Mediterranean needs security and a secure environment, and who provides that security and who transports the energy would become an important issue. Of course, the importance of the Eastern Mediterranean cannot be limited to transportation. In the near future, there will emerge, for instance, the issue of energy storage. Ports are not enough for the security of transporting large amounts of energy to world markets. So, you will need energy storage facilities. You will also need secure places for these storage facilities. And, when you think in very simple terms, these storage facilities must be located in places that are next or geographically close to energy ports. Accordingly, the north of Cyprus, and the Turkish Republic of Northern

Cyprus (TRNC), will have a strategic position for providing security to sea transportation and the storage of energy. And it is very likely that there will emerge a series of complementary wealth creating activities and jobs in conjunction with the transportation and storage of energy. Thus, Cyprus as a whole and the TRNC will become a very important area of focus in this region. The wealth generated in the Caucasus, the Middle East and Central Asia will increasingly be transferred to the world markets via the Eastern Mediterranean, where the island of Cyprus is located very strategically. In other words, Cyprus will become a very important land for the security of these goods and a check-point in the region and whoever is controlling Northern Cyprus politically will reap great benefits.

The second focus of interest in the Eastern Mediterranean region is the Aegean Sea. The Aegean Sea is the waterway through which the wealth generated in the Balkans and the Black Sea region pass through and reaches world markets, and it is also a gateway to the Black Sea, the Russia-Ukraine region and to the Caucasus. Thus, the Aegean Sea is a very strategic geography to establish controlling power over these regions. Not surprisingly, the Turks and Greeks have been competing over the control of the Aegean Sea for decades. The Aegean problems between Greece and Turkey, which consist of territorial waters, continental shelf, air space, militarization of the Greek islands, etc, are directly related with this main question. I think it now becomes clearer why Turks and Greeks have been competing so harshly over controlling the Aegean and Cyprus.

A fifth observation is that in the post-cold War period both countries are trying to expand their sphere of influence and controlling power in the region. Accordingly with the end of the Cold War:

- a. The Turks worked hard to make their country a major energy (oil and gas) terminal in the region. (Baku-Ceyhan Pipeline and the Gulf of Iskenderun)

**b.** They established a number of regional cooperation schemes in the economic and security fields in the GEMED region - the Black Sea Economic Cooperation Region, (BSEC); and the Black Sea Naval-Cooperation (BLACKSEAFOR); Economic Cooperation Region (ECO) among Central Asian States, Iran and Pakistan. Developing-8 (Turkey, Iran, Egypt, Pakistan, Bangladesh, Nigeria, Indonesia and Malaysia) - and they emphasised their European orientation and took important steps on the way to accession to the EU.

The Greeks became involved in the similar enterprises in this period in the region:

- a.** The Greeks became the major foreign investors in the Balkans
- b.** They attempted to make Greece a business, transportation and telecommunication hub; a financial, banking, and trading centre; and also an energy exporting centre in the GEMED
- c.** The Greeks managed to put the Cyprus issue at the top of the US and EU's foreign policy agenda through promoting the swift accession of Greek Cypriot state to the EU as the 'legal representative' of the whole Island. With the strong support of the US and the EU for this initiative, Cyprus was successfully admitted to the EU. This development provided the Greeks with structural superiority over the Turks since the Turkish intervention on the Island in 1974.
- d.** It seems that a similar initiative is being processed for the Aegean problems.

A fifth observation could be that, in this changing international environment, as I have already implied, the established rules and the norms of international law,

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international agreements, and the established patterns of international interaction are not respected as they were during the Cold War period. Of course, international agreements are the most important sources of international law, and violating or ignoring international agreements (in other words, international law) has become possible only in periods of large-scale historical and structural change. Thus, the world is changing. Its economic, political, and military structures are changing. Its institutions and norms and rules are changing. And, in this changing environment, if the existing international laws, rules, norms and institutions do not provide enough room for political manoeuvrings and serve the interests of the dominant powers, they could easily be ignored or violated, and are generally given a 'legitimate' form or appearance.

Accordingly, Cyprus became a member of the EU even though its constitution was violated and abolished in 1963, and has not been in force since 1963. This is, at least, a lack of concern, if nothing else, for international law and the international agreements that established the Republic of Cyprus with a limited sovereign capacity in 1960. The 1960 Constitution of Cyprus rules out the integration or political or economic union of the Republic of Cyprus with any state or international institution unless both Turkey and Greece are members of that very organization. Accordingly, since Turkey is not yet a member of the EU, the decision to make Greek Cyprus an EU member, again, disregards the international agreements. Moreover, it is argued that the EU's decision to enlarge with Cyprus contradicts the EU's principle of not accepting countries with political and border problems into the Union. In fact one can say that implementing such policies with little respect to existing international law and agreements can only be possible in times of large-scale historical and structural change, in which the building blocks of the existing system are removed from their seats and the actors exploit all the means available to establish and consolidate their interests in the incoming new order. In such an environment of change, where a new world order is in the making, Greece and Turkey are trying to face the obstacles and use the opportunities that this changing environment has provided for them in order to promote their interests vis-à-vis each other.

My sixth observation at this point is that the EU has taken an active role in the conflict of authority between Greece and Turkey in the GEMED, partly due to the membership of Greece in the Union. The EU's heavy involvement in the process of reshuffling the limits of authority between Greece and Turkey in the Eastern Mediterranean directly affected the power positions of the actors in the region. If the EU will follow a similar policy in the Aegean this would create another problem for Turkish interests and would further strengthen and consolidate the superiority of Greece over Turkey.

Moreover, the accession of Greek Cyprus in the EU and the EU's involvement in Turkish-Greek rivalry in the region at the same time involves the EU's own desire to become a strong and effective actor (beside the US) in the region and in the world. After the failures in Bosnia and Macedonia the EU wants to become an actor that could play a principle role in the solution of an important international problem. The EU has been trying to make itself a big power in the world since the end of the Cold War. The first opportunity for this challenge came in Yugoslavia and especially in the Bosnian War, and the EU took the problem-solving mediator role. However, the dramatic events of the war ended up with a big failure for the EU. That was a big trauma for Europe indeed. The second challenge and a new trauma came with the problem of the recognition of Macedonia. The EU here was unable to convince Greece to recognise Macedonia, and was unable to solve the problem. It was only in September 1995, after US involvement in the conflict, that an interim solution was found for the name problem. So, the EU once again failed, to become an effective political power in solving problems in its sphere of influence.

In this context, the Cyprus issue and Turkish-Greek problems and the Turks' strong desire to become members of the EU provide an invaluable opportunity for the EU to establish itself as the most important player in the solution of Turkish-Greek conflict over the island. This is another important reason for the EU to be involved in Turkish-Greek problems and in the Cyprus issue. The day that the EU

solves Turkish-Greek problems and settles the Cyprus issue will be a big and a long-desired achievement for the EU and, at the end of the day, the EU will present itself as an effective political power in the region.

This is all I want to say for the time being. Thank you.

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## THE MAIN OBSTACLES TO GREEK-TURKISH RAPPROCHEMENT

Alexis HERAKLIDES \*

In the last two years, it seems to me that the much-advertised Greek-Turkish *rapprochement* has run out of steam.

For a start, it worth stressing that it was never really a *rapprochement* or reconciliation, even at the best of times (the Papandreou-Cem *zeybek* dance notwithstanding) but a *détente*. This was the most or best we could arrive at in the last 50 years.

As matters stand today, I see at least three scenarios ahead, all three equally likely, in my mind at least:

- The optimistic scenario: *détente* holds and in fact moves ahead to become a true *rapprochement*: conflict resolution - peace and reconciliation
- *Détente* holds but it does not lead to actual *rapprochement*; it is thus by def-

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inition unstable, with periods of turbulence (as is the case today): Conflict - prevention, early warning

- Détente falters and we have a new Turkish-Greek cold war, though perhaps less tense than in the 1980s and mid-1990s: Crisis management, war avoidance.

In the last two years, we entered a critical phase in our relations, after to period 1999-2003, for a number of reasons:

- The Aegean dispute which remains unresolved and a potential source of irritation almost on a daily basis (dog-fights, fishing vessels, etc.)
- Due to Cyprus, equally unresolved with an intransigent G/C leader at the helm, here one sees the difficulty in implementing the idea of 'dual decoupling', i.e. the Cyprus conflict from the bilateral differences and the Cyprus conflict from Turkey's EU trajectory. And there is no point in trying to 'trap' Tassos Papadopoulos, so long as there are few signs that his negative posture is being questioned by the majority of Greek-Cypriots, which is not the case to date.
- The new backlash of the nationalists in each of our countries. May I draw your attention to the fact that even today 'the other' is still regarded as the primary enemy-threat as shown by opinion polls, second only to the Albanians and the Armenians, respectively. For both countries, it runs up to at least 70% and I suspect that it is now even higher than prior to the earthquakes of August-September 1999.
- And last but not least, one of the main catalysts of the switch in our relations, the EU prospect, is far from waterproof as regards Turkey. Fortunately, Greece has maintained its unflinching support for Turkey's EU entry. But

according to Eurobarometer almost 80% of Greeks and over 80% of the Greek-Cypriots are against Turkey's EU membership. Can Athens maintain its unflinching position if it is neither popular in Greece nor in the Republic of Cyprus?

The above can be regarded as tangible obstacles to *rapprochement*, but there are others, such as mutual mistrust and suspicion and concomitant misperceptions, which run deep and were not driven away by the 'seismic spirit' of 1999-2003. It is no secret that reconciliation is regarded by a large segment of Greeks as well as Turks as near to impossible.

Let us thus dwell on the rationale of a considerable number of analysts and 'experts' in foreign policy in Greece and Turkey be they hawks and nationalists or only realists (of the realist paradigm that is).

Their assumption that reconciliation is near to impossible is based on the premise that 'the other' is a threat (for the Greeks the great threat) and the historical enemy *par excellence*. For both countries, the threat is seen as coming exclusively from the other side. The two neighbours are 'destined to be enemies'. Put in less extreme terms, détente or reconciliation is extremely difficult to achieve; if or when it has come about, it is shaky and ephemeral; and bound to serve the evil designs of the enemy against us, risking our national interest and national security. What is to be done? One has little choice:

- The only realistic strategy is constant alertness
- A credible deterrence-containment strategy, as argued by many a foreign policy analyst, diplomat and politician in both countries
- Resolve and readiness to exploit any advantage on the horizon to inflict damage on the other side

- Militarization and counter-balancing alliances
- Willingness to fight if need be (and to be seen by the other as committed to this)
- And an offensive on all diplomatic fronts to 'enlighten' other governments and sensitise international public opinion about the ugly ways of our 'audacious', 'provocative' and 'unscrupulous' neighbour.

A telling Greek argument worth mentioning is that Turkey is after all the more powerful neighbour and can hardly feel threatened by Greece and by its smaller armed forces and military hardware. If this is indeed the case, why has Ankara been so reluctant to initiate gestures of goodwill over the years?

A predictable Turkish counter-argument is that Turkey has made repeated attempts over the years to open dialogue on all the outstanding matters (e.g. Turgut Özal) but no avail, particularly when Andreas Papandreou or Pangalos held sway. Far-fetched denunciations have also surfaced for decades, at least since the UN General Assembly of 1954, such as the famous accusation that Athens had once again embarked upon the *Megali Idea* project and that it is always on the alert for the opportunity 'to stab its neighbour and ally in the back' or assist Turkey's enemies (e.g. the PKK). The *Megali Idea* bogey may appear absurd, however if coupled with deeply ingrained distrust and the well-known Turkish 'Sevres syndrome', then it appears plausible, at least from the eyes of many a Turkish beholder.

Yet as some of us have argued in the last ten years or so, detente if not reconciliation is a realistic alternative, as seen with the period 1999-2003 or 2004 and, previously, in the 1930s, 1945-1954 and February 1959-October 1963.

And, more crucially, both parties have officially claimed, *again and again*, that they nurture *no territorial ambitions whatsoever* vis-à-vis the other side. And this

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seems to be a *sincere belief*, however disputed by the other side, which is not convincing in what continues to be all along a dialogue of the deaf

Therefore, let us see, in a nutshell, why a self-standing resolution of the Greek-Turkish conflict has more to offer, on pragmatic grounds at least.

- Under the antagonism, even in its milder form of mutual deterrence and 'no-war', armed conflict and the threat of force is in no way expunged (as is readily accepted even by the advocates of the 'no-war' approach). It remains a distinct possibility so long as the relationship is founded on threat perceptions, enemy images, arms races and adversarial posturing.
- It is more than clear that both countries have more to lose from the continuation of the antagonism on all fronts; and alternatively, that they have far more to gain from cooperating and burying the hatchet.
- The conflict has been a considerable drain on their economies, with arms procurement (the highest in Europe as to percentage of GNP, around 5%) not permitting social development and more adequate education.
- Probably the only tangible gain is the diversionary (scapegoat) tactic, which supposedly reinforces internal cohesion and national we-feeling vis-à-vis the enemy (along the lines of the well-known Simmel-Coser hypothesis). Cohesion of this kind is usually flimsy and is more likely to be extremely costly in the longer term. It reinforces the hand of the uncompromising hawks and nationalists who have a vested interest in the continuation of the Greek-Turkish cold war at all costs. This powerful lobby stands resolutely in the way of any attempt at reconciliation and is always on the alert to exploit any opportunity to mar reconciliation attempts, as seen for instance with the recent détente which is dubbed a 'sell out', caving in to 'international pressures (to 'imperialism' according to many in both countries).



- For several decades now the Greek-Turkish discord, though difficult, is hardly zero-sum (win-lose) as a whole or in its various parts. This is in sharp contrast to the state of play in the first decades of the 20<sup>th</sup> century.

I have argued for some time now, in fact, immediately after the Imia-Kardak crisis ten years ago, that what makes the Greek-Turkish conflict appear intractable is above all its subjective dimension, the awesome psychological barrier of years of antagonism and enmity: a total lack of mutual confidence, suspicion bordering on paranoia, demonization of the other, political cost (the fear of being seen as selling out) and, of course, the great influence of the nationalists in both countries.

As Richard Clogg pointed out two decades ago, Greece and Turkey, though neighbours have strikingly little knowledge or understanding of each other. Indeed, until the earthquakes of 1999, they had shown markedly little interest in each other.

The social-socialization dimension is the main obstacle to reconciliation, poisoning relations between the two peoples and their states. Within the ambit of this subjective dimension, the main stumbling bloc to a genuine rapprochement is arguably the Grand National Historical Narrative and the resultant national identity, an essential ingredient of which is the need to belittle and demonise 'the other'.

Of course, their national histories, as propagated by history schoolbooks, anniversaries and other commemorations, could hardly have been otherwise. After all, both "have shaped their 'nation-state' identities through struggle against and interaction with each other". Greece and Turkey became independent states by fighting each other, in what is portrayed - and in many respects was - a valiant struggle for cultural and physical survival as a nation and state, when 'we' - Greeks and Turks - were threatened with extinction by the other.

The essence of the Greek-Turkish conflict is the clash of historical narratives; it

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is these very narratives cum resultant collective identities that are irreconcilable as they stand today. Thus if attempts at *rapprochement* between the two countries are to make any real headway, a painful deconstruction of the historical record is in order by non-nationalist historians and other social scientists. Such interpretations of history will give us a very different and far more variable picture than the one peddled by the various ethnocentric and anachronistic versions of national history. This process is already under way among the academic community in Greece and Turkey and will, hopefully, be reflected in new school history textbooks in both countries.

However, any change in the realm of attitudes towards the past is fraught with difficulties, for clearly a friendlier, civilised and likeable 'other', worthy of respect, puts into question the cherished but insecure self-image and collective identity. Indeed, it could well be argued, as Hercules Millas or Halil Berktaş has claimed that it undermines the very legitimacy of the nation-state in question.

Ultimately, the trick is to be able to attain a sense of collective self-worth that is self-standing and far more self-confident and not dependent on belittling 'the other'. But some would argue that this is simply impossible. Perhaps realistically, the only thing that can be done is a slight change in the extreme we-other polarisation, via great knowledge and direct contact with the other.

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## THE NATURE OF THE AEGEAN SEA DISPUTES AND ITS EFFECT ON THE POSSIBLE MEANS OF SETTLEMENT

Dolunay ÖZBEK\*

I would like to begin by thanking the organizers of this Conference for giving me an opportunity to speak among this distinguished group of scholars and guests. My presentation is entitled “The Nature of the Aegean Sea Disputes and Its Effect on the Possible Means of Settlement”. I will approach the subject from a legal point of view, that is, what international law has to say about these issues. However, I will not be exploring the merits of the parties’ claims. Instead, I will submit that these disputes are all **legal** disputes; that their solution is inextricably linked to each other – meaning that the resolution of one is the prerequisite for the resolution of another or, the *de facto* solution of another or, will at least involve a discussion on another; and, finally, that the means of settlement must be suited to address such characteristics of the Aegean Sea disputes.

Greece and Turkey not only disagree as to the appropriate means of settlement, but also disagree on what the dispute or disputes are. Indeed, the disagreement as to

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what the dispute is determines their choice of means. In Greece's opinion, the delimitation of the continental shelf is the only existing dispute between Greece and Turkey. "Given the legal nature of this dispute Greece proposes ... its relegation to the International Court of Justice (ICJ)".<sup>1</sup> Turkey, on the other hand, puts forward the following as the outstanding disputes and while not categorically rejecting judicial settlement, favours diplomatic negotiations:

- That there are conflicting claims over some small islets and rocks whose sovereignty has not been settled by the Lausanne Convention
- The breadth of the territorial sea in the Aegean Sea
- That the demilitarized status of eastern Aegean Greek Islands (and Lemnos) has been breached<sup>2</sup>
- Delimitation of the continental shelf.

Another difference of view that I may add is Greece's declaration made upon the ratification of UNCLOS on the right of transit through the straits.<sup>3</sup> This is strongly opposed by Turkey.<sup>4</sup>

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<sup>1</sup> [www.mfa.gr/foreign/bilateral/relations.htm](http://www.mfa.gr/foreign/bilateral/relations.htm)

<sup>2</sup> Greece considers these to be "unilateral Turkish claims, which Ankara baptizes as 'differences'" (ibid).

<sup>3</sup> *"In areas where there are numerous spread-out islands that form a great number of alternative straits which serve in fact one and the same route of international navigation, it is the understanding of Greece that the coastal State concerned has the responsibility to designate the route or routes, in the said alternative straits, through which ships and aircraft of third countries could pass under transit passage regime, in such a way as on the one hand the requirements of international navigation and overflight are satisfied, and on the other hand the minimum security requirements of both the ships and aircraft in transit as well as those of the coastal State are fulfilled."* (UN Law of the Sea Bulletin, No. 29, 1995, p. 7)

<sup>4</sup> "... Greece is attempting to create a separate category of straits ... which is not envisaged in the Convention nor in international law. Thereby Greece wishes to retain the power to exclude some of the straits which link the Aegean Sea to the Mediterranean from the regime of transit passage. ... It seems that Greece, failing in the Conference in its efforts to ensure the application of the regime of archipelagic States to the islands of continental States, is now trying to circumvent the provisions of the Convention by a unilateral and arbitrary statement of understanding." (UN Law of the Sea Bulletin, No. 30, 1996, p. 9.)

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It is appropriate to start by examining whether this whole list is indeed comprised of ‘legal’ ‘disputes’: according to the long established jurisprudence of the ICJ, a legal dispute is “*a disagreement on a point of law or fact, a conflict of legal views or interests between parties.*”<sup>5</sup> In this sense, as the parties base their views on the interpretation of the Lausanne Treaty or the Montreux Convention or on customary law, all that I have mentioned are **legal** disputes. Again, to quote the ICJ, “Whether there exists an international dispute is a matter for objective determination”<sup>6</sup> and the criterion for this determination is that “It must be shown that the claim of one party is positively opposed by the other.”<sup>7</sup> Thus, for example, when Greece declared it to be its right to extend its territorial sea to 12 miles and Turkey opposed this on the grounds that this was not a rule of customary law and, even if it was, being a ‘persistent objector’<sup>8</sup> it’s not opposable to Turkey, a ‘legal’ ‘dispute’ has arisen.<sup>9</sup>

Turning now to their nature as ‘interrelated’ disputes: I will approach it by exploring whether it is in fact possible to isolate the continental shelf delimitation from the other mentioned disputes. The ICJ has repeatedly held that entitlement to maritime spaces is a function of the state’s sovereignty over its land territory.<sup>10</sup> This entitlement is realized, of course, through its coasts. Delimitation begins with the

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<sup>5</sup> “Case of Mavrommatis Palestine Concessions”, PCIJ, Series A, No. 2, 1924, p. 11; “Case Concerning the Land and Maritime Boundary Between Cameroon and Nigeria, Preliminary Objections”, **ICJ Reports 1998**, p. 275, para. 87 and references there.

<sup>6</sup> “Interpretation of Peace Treaties with Bulgaria, Hungary and Romania, First Phase, Advisory Opinion”, **ICJ Reports 1950**, p. 74; “Case Concerning the Land and Maritime Boundary Between Cameroon and Nigeria, Preliminary Objections”, **ICJ Reports 1998**, p. 275, para. 87 and references there.

<sup>7</sup> “South West Africa Cases (Ethiopia v. South Africa; Liberia v. South Africa), Preliminary Objections”, **ICJ Reports 1962**, p. 319, p. 328.

<sup>8</sup> A concept also endorsed by the ICJ (Fisheries Jurisdiction Case between UK and Norway), 1951.

<sup>9</sup> For a detailed legal assessment of these disputes and their relation to each other see, Sevin Toluner, “Some Reflections on the Interrelation of the Aegean Sea Disputes”, **Prof. Dr. Tahir Çağa'nın Anısına Armağan**, Istanbul: Beta Yay., 2000, pp. 545-587.

<sup>10</sup> “Fisheries Case (United Kingdom v. Norway)”, **ICJ Reports 1951**, p. 116, p. 133; Aegean Sea Case, 1978, para.86.

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determination of the coasts, and this is where the first relation is encountered: the resolution of the conflicting legal claims over the Kardak / Imia and the like is necessary to determine the parties' coasts. In fact, the baselines from which the breadth of the territorial sea is measured may, at some places, be uncertain.

Moreover, before beginning to tackle the delimitation of the continental shelf, one encounters the question of the breadth of the territorial sea: if the breadth of territorial sea is increased to 12 miles, the high seas decrease to roughly 19% from 48%. Due to the geographical position of the eastern Greek islands, this decrease would be mostly at the expense of the maritime spaces where Turkey may claim entitlement to continental shelf.<sup>11</sup> Thus, in fact, the extension of the breadth of the territorial sea would render the dispute of delimitation of the continental shelf moot.

Moreover, I must add that there is also the disputed air sovereignty of 10 miles on the part of Greece. Normally, air territory corresponds to the outer edge of the maritime territory, that is, the territorial sea. However, there is the difference of four miles claimed over the high seas in the Aegean. So, these two questions must be thought of in conjunction with each other, even if not with the continental shelf delimitation.

Turning now to the delimitation of the continental shelf itself: the applicable norm of delimitation which is the customary rule is formulated by the ICJ as "the application of equitable criteria and the use of practical methods capable of ensuring with regard to the geographical configuration of the area and other relevant circumstances, an equitable result."<sup>12</sup> Equitable principles are only guidelines and their effect is to be determined in the circumstances of each case.<sup>13</sup> Therefore as with any

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<sup>11</sup> In addition to this interrelation as the important characteristic of the Aegean Sea disputes, one may add that much is at stake for Turkey, especially in regard to the breadth of the territorial sea being extended to 12 naut. miles. In addition to losing out on high seas without much benefit of additional territorial sea breadth, Turkey's link with the high seas will be reduced to 11.9 km from 126.5 km.

<sup>12</sup> "Case Concerning Delimitation of the Maritime Boundary in the Gulf of Maine Area (Canada/United States of America)", **ICJ Reports 1984**, para. 112.

<sup>13</sup> "Case Concerning the Continental Shelf (Libyan Arab Jamahiriya/Malta)", **ICJ Reports 1985**, para. 46.

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delimitation, for the Aegean also, the decisive point is the determination of those relevant circumstances.

The presence of Greek islands close to the Turkish coast brings into play ‘security’ which is defined and taken into account as the avoidance of one of the parties “having to find itself faced with the exercise of rights in the immediate vicinity of its coast which might interfere with its right to development or put its security at risk.”<sup>14</sup> Of course, in the Aegean, what’s too close to Turkey would be equally close to Greece through its eastern islands. So comes into play the factor of ‘predominant interest’ employed by the Channel Arbitration between UK and France to enclave the British islands based on the predominant interest of France in the possible effects for the Cherbourg military submarine base and in the defence of its mainland coasts.<sup>15</sup> Now, the predominant interest in the Aegean will call into discussion the demilitarization clauses of the Lausanne Treaty.

Another relevant circumstance in the light of international case-law is the safeguarding of international shipping lanes and navigational rights from undue complications. This concern did play a part in the Eritrea-Yemen Arbitration<sup>16</sup> and was admitted to be a possible relevant circumstance in the Channel Arbitration<sup>17</sup>. In this context, there are two different considerations in the Aegean: one is of the international shipping along the north-south axis and the other is access to Turkish ports on the Aegean.<sup>18</sup>

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<sup>14</sup> “Eritrea-Yemen Arbitration of 17 December 1999, Phase II”, <http://www.pca-cpa.org/ERYE2TOC.htm>, para. 157 with reference to “Case Concerning the Delimitation of the Maritime Boundary Between Guinea and Guinea-Bissau”, **International Legal Materials**, Vol. 25 (1986), para. 124. **Circumstance and Maritime Delimitation**, Oxford: Clarendon Press, 1989, p. 182).

<sup>15</sup> “Delimitation of the Continental Shelf (United Kingdom of Great Britain and Northern Ireland and the French Republic)”, **International Law Reports**, Vol. 54, 1979, para. 163, 188.

<sup>16</sup> *supra* note 14, para. 125, 128.

<sup>17</sup> *supra* note 15, para. 188.

<sup>18</sup> Although the contentions of Guinea-Bissau regarding its access to its Buba port were not explicitly referred to in the decision, the delimitation line is notable for its attention to this access (Malcolm Evans, **Relevant Circumstance and Maritime Delimitation**, Oxford: Clarendon Press, 1989, p. 182).

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And it is here that the Greek declaration will be of relevance. One may ask why navigational rights should be infringed by continental shelf rights, which do not concern the superjacent waters. But, at this point I'd like to draw your attention to the right of coastal states to construct installations and structures for the exploration and exploitation of the continental shelf *and* establish safety zones around them of up to 500 metres. Five hundred metres each direction would be a significant number in certain parts of the Aegean, where there are very narrow distances between any two land territories, as you may imagine.

In addition to these, let me also add that there are further frictions relating to the differences over the FIR and SAR region. Granted, it is explicitly stated in relevant treaties of the Chicago Convention on International Civil Aviation (art. ) and Hamburg International Convention on Maritime Search and Rescue (Annex art. 2.1.7) that neither may prejudice claims on sovereignty and delimitation, concerns run deep in both parties about any possible ramifications, justified or not, the outcome of any other Aegean dispute may have on these issues as well.

I submit that a definite resolution, one which will provide a comprehensive solution, one which will not leave out an issue only to let it simmer on as a dispute and to threaten the viability of the settlement will need to be able to take into account all these related disputes. Thus, I will now turn to the means of settlement of disputes: One is direct diplomatic negotiations and the other is through the involvement of a third party, either still in a diplomatic capacity or through a judicial process.

Submission of a dispute to the ICJ (to arbitration or to any other third-party method as well) requires the consent of both parties. In 1978, the ICJ found that it lacked jurisdiction to hear the case submitted unilaterally by Greece.<sup>19</sup> To this end, Turkey and Greece will need first to conclude a special agreement (*compromise*). Moreover, the ICJ is bound to resolve *only* the question(s) presented to it (the *non*

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<sup>19</sup> Aegean Sea Continental Shelf Case, Judgment, ICJ Reports 1978, p. 3.



*ultra petita* rule<sup>20</sup>). Hence, submissions carefully formulate the matter to be relegated to the ICJ. Given that Greece and Turkey cannot even yet agree on defining the area of continental shelf to be delimited (Greece made its application to the ICJ in 1976 for the delimitation of the continental shelf between the easternmost Greek islands and Turkey; however Turkey claims that the delimitation area in issue is the Aegean Sea), one can only expect the negotiations for a *compromise* might not be too different from negotiations aimed to actually resolving the matters themselves.<sup>21</sup> Thus, no matter which means is preferred, extensive negotiations are inevitable so, it is reasonable that the parties would better put their effort into negotiating the substance of the disputes.

There would also be a very significant limitation on the ICJ or an arbitral tribunal unless these disputes are referred to it as a group: *any* delimitation line other than the strict equidistance between the nearest points of territory of the parties (i.e. between the easternmost Greek islands and the Turkish coasts) will have to touch upon the question of the maximum opposable breadth of the territorial sea. To the best of my knowledge two alternatives on continental shelf delimitation have been formulated so far: drawing an equidistance between mainlands and then establishing enclaves of continental shelves around the islands falling to the so-called ‘wrong side’ of this line;<sup>22</sup> and the ‘fingers’ approach formulated by Wilson which extends ‘fingers’ of Turkish continental shelf around the eastern Greek islands thereby limiting some of the eastern

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<sup>20</sup> The rule of non *ultra petita* which requires that an international court limits itself to settle only the submissions of the parties "does not confer jurisdiction on the Court or detract jurisdiction from it[, i]t limits the extent to which the Court may go in its decision" (Shabtai Rosenne, **The Law and Practice of the International Court, 1920-1996**, v. II, 3ed. ed., Boston: Nijhoff, 1997 p. 595, as referred to in "the Belgian Counter-Memorial, Objections to Jurisdiction and Admissibility, Case Concerning the Arrest Warrant of 11 April 2000", para. 2.75).

<sup>21</sup> Moreover, Greece, which made a declaration in 1993 accepting the compulsory jurisdiction of the ICJ in accordance with article 36(2) of the Statute of the Court, has excluded some matters which are of importance to Turkey, namely "any dispute relating to defensive military action taken by the Hellenic Republic for reasons of national defence", probably relating to the militarization of its eastern islands, an important concern to Turkey.

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islands only on their south and north facades.<sup>23</sup> A state cannot have territorial sea over the continental shelf of another and vice versa. So, if a court, not authorized by the parties on matters concerning the breadth of the territorial sea, decides on any solution other than the Greek proposal, it will either have to keep a radius of 12 miles for these enclaves or fingers so as not to prejudice an opinion on Greece's future right to extend its territorial sea, thereby implicitly deciding against Turkey's position on territorial sea anyway, or, it will limit these to 6 miles, this time implicitly deciding against Greece's position. Either way it will have exceeded its jurisdiction.

So far, I have tried to show that, given the strict procedural limitations of judicial process, invoking the ICJ's jurisdiction pursuant to a *compromis*, would call for as demanding negotiations as settling the matters themselves through substantive negotiations. However, as acknowledged in the United Nations Charter art. 33, the means of peaceful settlement of disputes is not restricted to a dichotomy of negotiations and judicial settlement. Of relevant interest for our subject are mediation and conciliation. Both these procedures would involve an objective third party while ultimately reserving to the parties themselves to accept the outcome in a treaty to finalize the solution offered by the mediator or conciliator in a legally binding manner. This would provide that a "compromise would encounter less opposition if it

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<sup>22</sup> I have also espoused this solution as being one that is in concordance with jurisprudence on delimitation. It is based on the idea that any delimitation starts with identification of the relevant coasts of the parties in the general geographic context of the delimitation area. This also calls for taking islands forming an inseparable part thereof for base points as well as the mainland itself for the drawing of the provisional equidistance line that is then subject to adjustments in the light of the relevant or special circumstances (see for example, Dolunay Özbek, "Komşu Devletler Arasında Deniz Alanlarının Sınırlandırılması Hukuku ve Ege Denizi Kıta Sahaneliği Uyuşmazlığı" (The Law of Maritime Delimitation and the Aegean Sea Continental Shelf Dispute) - unpublished Ph.D. Thesis, 2004; "Islands and Maritime Boundary Delimitation in the Semi-Enclosed Sea of the Aegean"-paper presented at the International Symposium on the Problems of Regional Seas, Istanbul, Turkey and published in **Proceedings of the International Symposium on the Problems of Regional Seas**, Turkish Marine Research Association, Istanbul, 2001).

<sup>23</sup> Andrew Wilson, "The Aegean Dispute", in Jonathan Alford (ed.), **Greece and Turkey: Adversity in Alliance**, Adelphi Library 12, 1984, p. 103.

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were handed down by an external body”<sup>24</sup> while still ensuring some flexibility in both the considerations that the mediator or conciliator may be directed (by the parties when submitting their dispute) to take into account and also in leaving the final step to the parties themselves<sup>25</sup> and, at the same time, remaining within the bounds of international law. In support of these alternatives, I may mention the *Jan Mayen Conciliation*<sup>26</sup> where Iceland and Norway established a Conciliation Commission and instructed it to “take into account Iceland’s strong economic interests in the area”. The Commission recommended for part of the disputed area that a joint hydrocarbon development area be established – something that goes beyond strict delimitation. Apparently, the parties were satisfied with the recommendation of the Commission as they adopted it in a bilateral treaty. I submit finally that if the parties wish for the involvement of a third party, such alternatives should be given serious consideration.

Thank you.

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<sup>24</sup> Quoted as a consideration by Greece, in Tozun Bahcheli, **Greek-Turkish Relations Since 1955**, Boulder, Colorado: Westview Press, 1990, pp. 139-40 and requoted in Ted L. McDorman, “Dispute Settlement and the Law of the Sea with Special Reference the Aegean Sea” in **The Aegean Sea after the Cold War** (Aldo Chircop, André Gerolymatos and John O. Iatrides, eds.), New York: St.Martin's Press, 2000, p. 230.

<sup>25</sup> This would also allow any possible “surprises” (see, for example, the description of the parties' reaction to the outcome of the St.Pierre and Miquelon delimitation in the Canada-France Maritime Boundary Arbitration as “puzzlement” in Louise de La Fayette, “The Award in the Canada-France Maritime Boundary Arbitration”, **International Journal of Marine and Coastal Law**, Vol. 8, 1993, p. 77) to be remedied by the parties.

<sup>26</sup> Reprinted in **International Boundary Cases: the Continental Shelf**, Vol. 1, Cambridge: Grotius Publications, 1992, p. 685.

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**THE SHARIATIC COURTS OF GREEK THRACE AND  
THE 'PRINCIPLE OF RECIPROCITY' REGARDING  
MINORITIES IN TURKEY AND GREECE**

**Konstantinos TSITSELIKIS \***

Thank you very much Mr. Chairman. I want also thank very much the organisers for the invitation and their generous hospitality.

What is a mufti in Greece? A mufti is a spiritual leader of Muslims of its district. Nowadays there are three: one in Komotini/Gümülcine, one in Xanthi/İskeçe, and one in Didymoteicho/Dimetoka. In the past, before the population exchange, there were far more mufti offices, about 42 all over Greece: Thessaly, Macedonia, Ipiros, Mitilini and Crete were districts of important Muslim population. According to the treaties signed between Greece and the Ottoman Empire in 1881 and 1913, the mufti was recognised not only as the religious leader of the Muslims of his district, but as a judge for disputes regarding mainly family and inheritance law. That means that from 1881 until now, in areas where there are Muslims of Greek citizenship, the mufti has a jurisdiction in parallel, in theory, with civil Greek law. In cases of

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divorce, emancipation of children, etc.

I am going to talk about the Shariatic courts in Greece in Western Thrace, and to discuss it through the principle of reciprocity that links both minorities in Greece and Turkey. So, the question of religious leadership of the Turkish Muslim minority of Greece has been closely interrelated to the political entrapment of the minority in the Greek-Turkish political antagonism over the control of the minority institutions. However, the position of the Mufti has a double significance, as the religious leadership is vested with jurisdiction. After the exchange of populations between Greece and Turkey (1923) and the establishment of the new minority protection regime through the Treaty of Lausanne, the religious/shariatic courts remained in force. Article 42 of the Treaty of Lausanne constitutes the legal basis for the application of Islamic law in personal matters, in accordance with the pre-established law. Although Greece and the minority community could renegotiate the application of Islamic Courts, in terms of art. 42, para. 2, under eventual international arbitration, the Greek government and the minority did not open such a discussion and they just continue to apply the already established institutions. On the contrary, in Turkey the minorities signed in 1925 after political pressure a declaration of non-use of article 42 of the Treaty of Lausanne. Thus, the Turkish Civil Code was applicable to all Turkish citizens with no distinction of religion denying the right to have parallel religious jurisdictions. The Greek government did not attempt to impose the same measure, as it was considered that the maintenance of the Islamic character of the minority society would be more susceptible to political involvement and control.

The shariatic legal system applied by the three Muftis of Thrace should be considered as functioning in parallel to the Greek courts applying the civil code. Islamic jurisdiction is voluntary rather than mandatory in a way that the judicial competence of the Mufti is preferential and supplementary. Consequently, the Muslims should be free to choose between the civil court and the Islamic jurisdiction. However, until recently, Greek courts denied the right of Muslims to bring their cases in front of the

civil court. So, in practice, the Mufti's jurisdiction has become obligatory and, consequently, to a certain extent enhance a legally imposed segregation among the Greek citizens on the grounds of religion, creating a situation, which would contradict the Constitution, the ECHR and other relevant international instruments. Pertinent issues of rights' violations ensuing from these practices are the non-respect of gender equality, among others. In the application of minority rights, Muslim individuals, especially women, feel trapped by social dynamics: in case of recourse to the Greek civil court they would be seen as breaching loyalty towards the minority.

Applying Islamic law within the framework of a European legal order results in some incompatibilities. In some cases, there are contradictions between individual rights and principles of equality on the one hand and religious freedom on the other. As seen before, Muslim law includes discriminatory provisions for women, which contradict international and constitutional human rights and gender equality. In practice, the system incorporates a paradox, the violation of fundamental principles in a democratic legal system in the name of respect for the minority's religious specificity.

The interdependence of the *droit de regard* on their mutual minorities by Greece and Turkey ensued a series of problematic situations that did not comply with the legitimate content of the 'minority protection' prescribed by the Treaty of Lausanne and other relevant legal instruments at their historical consideration.

The story of taking measures by reciprocal maltreatment regarding the status of the two minorities by both states begun as soon as legal protection was set up. The issue of whether legal reciprocity could be applied at a normative level on the obligations regarding the reciprocal minorities by Greece vis-à-vis Turkey has to be considered under modern international law (Treaty of Vienna on the law of treaties, art. 60), which is clear on the prevalence of human (and therefore minority) rights over any clauses of reciprocity. Even if one could argue that in legal terms the clause of reciprocity could not be applied, the political practice evoking the very same

Treaty of Lausanne rendered all legal and moral arguments null and void since mistreatment of one minority resulted so far equal if not multiplied reprisals towards the other minority. Consequently, this politically applied reciprocity had in most of the cases only negative aspects. The “negative reciprocity” reflects the weakness of Greece and Turkey to accommodate by 'smooth' political and legal means religious and national difference. This weakness is mutually interrelated through an ideological and political competition, and expressed in both countries through a monolithic perception of the relation between nation and state.

The issues related to the status of the mufti in Thrace have been contextualised through the principle of reciprocity. A grammatical interpretation of article 45 of the Treaty has tantalised the minorities for the past eighty years.

Another problem is dealing with the mode of selection of the Mufti, selection by the government or election by the Muslims? Can a mufti be appointed by a state? As a judge he should be appointed by the state. As a religious leader, he should be selected by the members of the religious community. The issue became of major importance for the Turkish/Muslim minority of Thrace after the adoption of Act 1920/1991, which provides for the selection by the government. The election of two muftis in parallel, not recognised by Greece triggered a serious crisis lasting up to date. The cases *Agga v. Greece* and *Serif v. Greece* brought before the Court of Human Rights in Strasbourg are relevant to the problem. Of course the problem is not only religious, but of political nature. Appointment or election, became just a tool, an instrument to serve the political aspirations of both sides. And here we have the double paradox: the Turkish government appoints the muftis in Turkey but in Greece promotes the idea of direct elections. The Greek government allows the Greek Orthodox Church to administer its own internal affairs (regarding the selection of the metropolitans) but in Thrace insists in appointing the muftis.

This paradox should be seen in accordance with the complexity of the situation pertaining to Greece's Turkish-Muslim minority. The division of a legal order and

the attribution of jurisdiction on the basis of religion could be easily considered as an anachronism. What seems today as a paradigm of multiculturalism or a case of applied legal pluralism does not constitute but the distorted fruit of an early step for minority protection under the pressure of a close mutual Greco-Turkish deadlock. Consequently, the political reticence to amend and modernize the legal regulations by both Greece and Turkey kept alive a peculiar pattern based on an old-fashioned millet pattern entrapped within the 'reciprocity principle'. During the Greek-Turkish meeting of 1931, after the establishment of the friendship among the two rival countries, the Turkish government opened the discussion for an eventual abolishment of the shariatic courts in Thrace, maybe after recourse to a local referendum, but Venizelos himself answered that these courts are protected by international treaties and Greece could not alter their status by domestic law. Furthermore, he added, the government should take into consideration the reactions by the four Muslim deputies and a considerable part of the will of Thrace's population. Again, Turkey attempted to enhance its position about the abolishment of the jurisdiction of the Mufti, in 1959, in the framework of the negotiations, which resulted in 'the report of two'. The Turkish representative proposed a reform of the shariatic courts: *"for a reform to be complete and effective it should encompass all aspects of a society. So, it should deal with civil law and personal status. After all, Islamic law is in regression everywhere in the Muslim world. That is why we should consider the means to abolish the sharia law and replace it by civil law"*. This progressive stance has to be seen in the context of the Kemalistic approach and the attempt to influence the minority of Thrace. On the other side of the problem, the Greek authorities, taking advantage and fuelling the division of the minority between progressivists and Islamists remained reluctant to take a decision on any eventual reform. In the course of the negotiations of 1959, the Greek delegates expressed the conviction that the minority was satisfied by the status quo and they could not see by which legal rules the personal status of the Muslims would be replaced in case of abolishment of the shariat (sic). The proposal by the Turkish delegate to establish a right of option between the Greek civil code and the Koranic rules for the Muslims had been kept by the Greek delegation for consideration, apparently until today. In the 1960s, dur-



ing the worsening of Greek-Turkish political antagonism over the reciprocal minorities, the Coordination Council of Thrace proposed steadily abolishing the jurisdiction of the Mufti because the latter had become "a blind organ of Turkish propaganda". It seems that the authorities in Athens considered keeping the Mufti's jurisdiction more profitable to Greek interest.

After the worsening of Greek-Turkish relations through the Cyprus issue, the question of the Muftis of Thrace and their status remained a frozen question, untouchable for social dynamics, and prey to political manipulations.

In terms of modern international law, this outdated legal approach became a delicate bilateral issue between Greece and Turkey, as national ideology constitutes the core field of antagonism often encompassing religion brought before the courts, in Greece or in Strasbourg. Thus, the Mufti became a tool for enhancing political aspirations, whereas his jurisdiction plays a symbolic role for the consistency of the minority of Thrace, rather than a safeguard for religious minority rights. Greece and Turkey comfortably do not question, so far, an amendment of the present legal status, which would be unacceptable in their own legal orders at two levels. In Greece and in Turkey religious courts were abolished just after their mutual disconnection from the Ottoman state. The way of selection of the Mufti of Thrace became of major importance for real and symbolic political power over the minority from all interested parties. However, the proposed means are not compatible with mainstream and established patterns of selection of the religious leaders in their own legal orders. The Greek Orthodox Church has absolute autonomy in selection of the bishops and the archbishop, who are not elected by universal elections but by internal procedures of selection with no involvement of the state. In Turkey, the appointment of the Muftis is tied to the political choices of the government. The control exerted by the Turkish government over the list of candidates for the Patriarchic throne of Istanbul was perceived as a real or symbolic threat or involvement into the autonomy of the Patriarchate. It seems that, directly or indirectly, Greece uses reference to the millet-like position of the Mufti in Thrace as a field of eventual or real

application of reciprocity policies. Unfortunately, there are no signs among the Turkish-Muslim minority to controvert the present tricky status of their religious leadership, but just to claim elections as a means that would fulfil their rights. Nobody is questioning the content of this freedom in the context of any state and private institutions that in Greece and Turkey are deemed to be the outcome of long-term struggles seeking modernity and individual freedom.

The legal regulation of Muslims' personal status according to sharia law in Thrace transforms the old fashion millet into an enclave of post-modern religious society, creating in effect a “neo-millet”, in which Greek civil law applicable to all citizens has a secondary force. Egalitarians would subscribe to the abolition of the jurisdiction of the Mufti, whereas communitarians would insist in keeping in force the present status. What should be in consideration is the social balance between legal imposition of norms, which are alien to the minority society and avoidance of creating social ghettos. In effect, what determines the point of balance between the two opposite positions is the grade of real freedom for the minority members; first to choose the legal modalities of their national and religious identity; second to move socially within the broader Greek society with equal rights of access. To accommodate the Mufti's jurisdiction within the Greek legal system or to revise traditional practices would not infringe minority rights but rather would ensure minority members' individual rights: after all, what is at stake is to ensure tolerance between groups and, at the same time, to ensure tolerance of individual dissent within each group. What is more than certain is that 'reciprocity' would not facilitate the emancipation of the minority.

Thank you very much.

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## THE MAIN PROBLEMS OF GREEKS IN TURKEY AND THE EU ACCESSION PROCESS

**Elçin MACAR \***

Thank you, Mr. Chairman. The issue of minorities in both countries has become the subject of some research recently. And so we are able to get more details about the policies of both countries.

For example, there was a case with regard to the property ownership of an Armenian high school. There was a misplaced document in a file and we had found out then that there was a Subordinate Commission on Minorities in Turkey. And this Commission apparently is made up of some representatives of the ministers, and apparently this committee was constructing policies about minorities. And we have just found out about that by a misplaced document in one of the cases here.

And then we found out a few weeks ago that on the Greek side too there was a similar committee under the name of the Thrace Coordination Committee. So this was discovered too and it turned out that this was also a policymaking and practic-

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\* Assist. Prof. Dr.; Yıldız Technical University / Turkey.

ing body about the Muslim minority. This was more like a supra-ministerial committee, which apparently has developed policies with regard to the Turks living in Thrace.<sup>1</sup>

So, well, we are probably not surprised hearing of these things, but it seems that the principle of reciprocity is really at work, because we see, for example, the date of establishment of these are about the same, and then you also see that there is some détente at about the same time. So it is very interesting the parallelisms that are displayed here. After Lausanne there was some sort of a balance of power... a balance theory which was put in place with regard to minorities on both sides. And, as the previous speaker has mentioned, the principles of reciprocity in international law with regard to minorities was implemented by both countries since the Lausanne.

Now, I want to move on to my topic. The Greek minority in Turkey has, according to them, four urgent areas, problem areas they define. The first one is foundations, the second one is education, the third one is the Patriarch's Office, and the fourth is the school, the Halki School, the religious school.

The issue of foundations probably heads the list of the main issues with regard to discrimination against the minorities. Most of the non-Muslim foundations do not have a founding act that has established them. Usually they were established at the time of the Ottomans with a Firman, a decree of the Sultan, and they were taken over during the time of the Republic and the General Directorate of Foundations asked these foundations, non-Muslim foundations, to provide some sort of a declaration of their holdings. And these were turned in in 1936. There were no problems for many years and then in the 1970s, many years later in other words, from 1936 to 1970s these foundations were able to acquire real estate. And then, in the 1970s, with decisions of the Supreme Court and the Council of State, these declarations that were turned in in 1936 were interpreted to be part of the foundations. Certain decisions were taken at that time. And it was stated that, unless the foundations in these doc-

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<sup>1</sup> <http://www.radikal.com.tr/haber.php?haberno=181010>

uments stated that they can acquire real estates they could not. So, from 1936 to the 1970s there was real estate that these foundations could have acquired through purchasing them or they may have inherited, etc. or they may be won in a lottery. And it turned out that this real estate has either been returned to their original owner or they were transferred to the Treasury, in other words if the foundations acquired these real estates from 1936 on, they had to be returned.

And then, in later years, the Supreme Court dealt with an issue regarding the Balikli Hospital, the Greek hospital. And the General Assembly of the Supreme Court dated 1974 is very interesting, they made a decision.<sup>2</sup> It says that the acquisition of real estate by legal entities formed by non-Turks is prohibited. It says non-Turks, but these individuals are Turkish citizens. So the hospital objects saying that they are Turkish citizens, that they are not non-Turks. In 1975, the Supreme Court met again and reached a decision, and they said that despite the fact that the foundation was established by Turkish citizens, mentioning the laws prohibiting foreigners acquiring real estates in the previous decision was by mistake, anyway the objection of the hospital was denied.<sup>3</sup> In other words, the Supreme Court said sorry, you are Turkish citizens, but you cannot acquire property. In other words, those bans on, prohibitions on foreign citizens were reflected on the minorities as a result of this decision of the Supreme Court.

Another problem, let me sum up this section, there were two harmonisation laws (4771 and 4778), which were dated 2002 and 2003 that were passed by the Turkish Parliament. And these laws somewhat alleviated the problems that these foundations are experiencing vis-à-vis the other foundations with regard to acquiring real estates, but of course these foundations have requested to regain what they had to return in the previous years. Right now it is clearly stated in the law that they can acquire real estate, these foundations can acquire real estate. The government has also accepted the return of the real estate that were transferred to the Treasury, the

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<sup>2</sup> 1971/2-820 esas, 1974/505 karar sayılı ve 08.05.1974 tarihli karar

<sup>3</sup> 11.12.1975, E: 975/11168; K: 975/12352

bureaucracy is working on that but there has not been any Regulations determining what happens to the real estates which were returned to third parties, persons, not the government but the third parties.

Another problem that has to do with Greek foundations is that since 1990, based on reciprocity, in other words, as result of the policies in Thrace, to Turkish foundations. No election is allowed in the foundations in Turkey, in the Greek foundations. This has been going on since 1990. Of course, the [members of the] Board of Trustees have passed away or they have left the country, many things happen, and so these foundations do not have people at the helm. And when there are no administrators left this is used as a reason to change the status of these foundations, thereby transferring them into the management of the General Directorate of Foundations, citing the reason that there are no people to administer them. And of course the properties of those foundations then are put to the use of the General Directorate of Foundations.

An interesting thing about this is the Orphanage on Buyukada, on the island. This is one of the few single piece wooden historical buildings in the world, maybe the first in the world or second in Europe. It is an incredible building. It was bought by the Patriarch at the beginning of the 20th century with the decision of the Sultan. And it was registered with the Patriarch's Office. The Council of State had not recognised the legal entity of the Patriarch's Office when they wanted to appeal objecting the decision closing the school whereas there is a land registry record for the Patriarch's Office dated 1929. And this orphanage was then taken on by the General Directorate of Foundations. And the General Directorate of Foundations also filed a case to remove the land registry of the Patriarch's Office which was dated 1929. So the Patriarch's Office does not have a legal entity, because of what the Supreme Court said with regard to the religious school, but it turns out that the General Directorate of Foundations could file a case against what would be considered a non-legal entity. This case is still pending. The local court has accepted the General Directorate's decision or claim and the Council of State has approved of it,

but in June this decision was annulled. And I think that there will be a re-trial of this case. Or the case will be heard later.

On the issue of education, there are similar problems that are experienced in Western Thrace. For example, teachers coming from Greece to Greek schools. There are delays in the appointment of these teachers which causes classes not to be held, and this of course effects the education of the students graduated from these schools and impairing their success in the university entrance exams.

In the same way, the school books which are being sent from Greece are not approved in time. The children generally have to study in old books or use photocopies. For example, the most recent books to arrive came four, five weeks ago, and the ones before that in 91.

There are many Greek schools that cannot operate because of a lack of students. Article 14 of the Private Education Institutions' law states that if a school does not operate for two years in a row, they lose their working permit. But the Ministry of National Education is not officially closing down these schools. So these properties have not been utilised by the community.

Another complaint they have is the Turkish deputy headmasters in these schools. This Turkish deputy headmaster is mentioned in article 24 of the Private Education Institutions' law, where it says that school teaching in languages other than Turkish and in schools opened by foreigners, there must be a Turkish deputy headmaster, and that person must be of Turkish origin and must bear Turkish nationality. So it is not enough to be a Turkish citizen for this person must also have Turkish origin. And this article is being implemented for the minority schools as well. This Turkish deputy headmaster seems to have more authority than the headmaster. Sometimes the National Education administrators in the cities are said to have said to these deputy headmasters, they are the eyes and ears of the Turkish government in these schools. These have appeared in the Turkish media.

Teachers of schools, when schools are closed down, those teachers that are from that school are not transferred to other schools or the books and their approval process takes very long. Libraries in minority schools are full of old, antique books. Until 1968, it was easy for the children to be registered in these schools regardless of the origin of their parents. Since 1968, if the fathers are not Greek Orthodox, if they are Syrians, Catholics their children are sent away from these schools. There is some improvement in this area since 1999, if the mother is Greek Orthodox, and even if the father is not, the children are allowed to enrol in the Greek schools.

The last issue on schools. As a result of a lot of migration to Istanbul recently, there are families who speak Arabic coming from Antioch and their identity cards say that they are Greek Orthodox, and there are children of those families who register in these schools, and so the ratio of Greek children and the children coming from Antioch are almost fifty-fifty. So there is this kind of a change going on in the schools.

I said that they cannot do well in the university entrance examinations, whereas the Greek government has a special contingency for Greek students studying all over the world. They just take, do a small exam in addition to the high school diploma and take them to university. So for many students from the Greek schools here, if they cannot succeed in Turkish university entrance examination, they can easily migrate to Greece and go to university there. Whereas we can also say that, and I would like to remind you that the Greek government has recognised a contingency for the Turkish students from Western Thrace.

I do not have much time so I will skip to the Patriarch's issue. They have some complaints. I think there is actually a contradiction here. The Patriarch when there are demands or requests from abroad with regard to the Patriarch, the Turkish Foreign Ministry says that this is an internal affair. So they say that they do not accept any foreign intervention, but in 1965 there was a turning point here. At that date the Turkish Foreign Ministry spokesperson said that Turkish-Greek relations are based on the balance based on Lausanne, and the Greeks living in Istanbul, the Patriarch's



Office and the islands and Cyprus should all be considered within a general balance.<sup>4</sup> I suppose this means that we have a bargaining chip here in the form of the Patriarch office and the minority living here. So this is rather confused, not knowing whether this is an internal issue or an international issue. Of course, the Patriarch's Office sees the diminishing numbers of Greeks...And the Patriarch's Office has supported entry to the EU. And with regard to re-selection of the Patriarch, the Patriarch's Office said that this person should not have to be a Turkish citizen, because the Patriarch's Office oversees a lot of spiritual areas or places, so since the number of the community in Turkey is being reduced there are very few people of Turkish nationality that have remained so it is difficult to appoint someone who is of Turkish nationality.

Let me skip this part and I will go on to the religious school. The religious school in Halki was closed because of the cancellation by the Constitutional Court in 1971 of a law on private education institutions, which was inactive in 1965. At the time, there were some private universities, universities that gave night classes. At the time, there was Law 1472 which stated the address or the place where these closed universities would be attached to. But this was not done for this school, this religious school. Now does this mean that this school is not a higher educational institute? In 1951, this religious school was granted higher educational status. This was granted in 1951 and at the time it was not possible to start a private educational institution when expressing its arguments against the closure of the school.

There are other discussions. According to article 24 of the Constitution, military and religious education cannot be given in places other than state universities. This is also reflected on the Law of Private Education Institutions where the Lausanne Treaty says that the provisions of Lausanne are superseded any national legislation. So there is some discussion there as well.

And I will stop there and then sum up.

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<sup>2</sup> *Milliyet*, 17 April 1965

In 1996, the European Parliament made an appeal to Turkey. And took into consideration the importance of the Patriarch's Office in Istanbul and reminded the Turkish authorities of its responsibilities to protect the Ecumenical Patriarch and asked the Turkish authorities to take necessary measures to continue to do that. Since then we see that the Patriarch and the school has become part of the agenda of the EU.<sup>5</sup> Greek foreign policy has also mentioned the Patriarch issue and the school issue. They have taken it out of their foreign policy narrative generally, but they have transported it to Turkey's EU accession process.

So, this also became part of the Turkish-American relations as well. All of these have led Turkey to revisit its policy and within the framework of the Copenhagen Criteria and the international agreements that Turkey is a party to. Turkey is moving towards revisiting its policy and I think that it is important to leave aside the traditional policies based on religious discrimination, and to try to solve those problems with minorities in Ankara, not in Washington or Brussels. And it is important to show that it should be important to resolve these issues in an egalitarian way in Ankara rather than elsewhere.

Thank you very much.

[Chair's Remarks/ Ambassador (retd.) Turgut Tülümen (Turkey)]\*

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<sup>5</sup> [http://europa.eu.int/comm/enlargement/report\\_2004/pdf/rr\\_tr\\_2004\\_en.pdf](http://europa.eu.int/comm/enlargement/report_2004/pdf/rr_tr_2004_en.pdf), p. 44

\* Thank you very much Dr. Macar. And thank you because it is a very complicated issue and it was difficult to summarize in fifteen minutes. I sympathize with you. Thank you very much.

I do not want to say too much, but I just want to remind you something: The Heybeliada School in the 60s was educating foreign priests. This was forgotten, and in Athens, in Ankara I had followed this up many years; and I would like to say something here.

The basis of the problem is as follows: Either you abide by the legislation one hundred per cent or the legislation is not taken into consideration for this or that reason, there is a confusion over concepts, or there are political decisions that are being made, or the principle of reciprocity is all of a sudden more important, so while you do everything well and you see that the other side doing something differently, then you immediately resort to reciprocity.

**Elçin Macar's note:** I have to remind you that the Halki School had a appendix to its regulation on foreign students, recognized by the Ministry of National Education dated 10 September 1952 (no:3-105830)

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## **CYPRUS PROBLEM: SEARCHING FOR A COMPREHENSIVE SOLUTION**

**Philippos SAVVIDES \***

Thank you very much Mr. Chairman. I am really the last speaker; not an illusion.

I would like first of all to thank the organisers for this invitation, especially Ambassador Oztek for giving us the opportunity to share with you some ideas and have this interesting and important dialogue which I think is critical to every effort to reach agreements and solutions in such difficult and complicated issues.

I am one of those Greek Cypriots that Alexis Heraklides referred to who want a solution. And I want a comprehensive solution and I will explain why this notion of a comprehensive solution is extremely important today, because it seems to me that we are at a critical stage on the Cyprus issue, where we see divergence from this goal in both Turkish and Greek policies. And, therefore, I would like to stress as the ambassador did this morning about the importance of this comprehensive solution. I was born with the Cyprus issue and I was defined by it as a student and then a person etc. And I assure you I do not want to die with the Cyprus problem.

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In December 1999, as you know, at the European summit in Helsinki the Greek government finally gave the green light so that Turkey could become a candidate for European Union membership. At the same time, the EU decided to open accession negotiations with the Republic of Cyprus without the previous resolution of the political problem being a prerequisite. This decision was, I would argue, a watershed for Europe, and for Greek foreign policy as well. The transformation of Greek policy on this issue was the result of Europeanization, as we said, of Greece's foreign policy in general and Prof. Tsakonas and Prof. Heraklides talked about that on different occasions.

More than that, it was the result of a new approach adopted by the Simitis-Papandreou government that we... that I call... some analysts call the policy of Helsinki. It had three pillars. The first one was to anchor Turkey and Europe, so that they became a more cooperative and reliable neighbour, ready to seriously discuss resolution of the outstanding problems between Greece and Turkey, and lead Turkey to radical domestic democratic transformation. That was the first pillar.

The second pillar was Europeanizing the issues of Cyprus and Greek-Turkish relations, so that this process could become a catalyst in order to arrive at a solution to these problems.

And the third pillar was through their resolution to create a triangle of stability in the Eastern Mediterranean between Greece, Turkey and Cyprus.

I want to stress that the third pillar as one especially important. It underlines the fact that resolving the Cyprus problem and normalising Greek-Turkish relations is necessary, a prerequisite in order to create conditions that will lead to development of a peace and stability in the Eastern Mediterranean. And I will come back to that at the end of my presentation.

June 2003 to December 2004 was a very critical period for the Cyprus issue. As

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you know, during this period the efforts to resolve the political problems mounted. Two separate but simultaneous referenda that were held 24 April 2004 were the culmination of this process, which, unfortunately, ended up with rejection of the Annan Plan by the Greek Cypriot community. Hence the failure in April of 2004 of a broadly comprehensive solution to the Cyprus problem has complicated the effort to construct a triangle of stability in the Eastern Mediterranean as well as to create a momentum in order to resolve the outstanding Greek-Turkish problems.

Since 2004, even before but since 2004, we have witnessed some disturbing developments on the ground in Cyprus. There are important changes on the ground as I said. Whoever visited Northern Cyprus can witness the construction boom that is taking place in the north part of the island. Specifically the Kyrenia district has been characterised by Turkish Cypriots as a huge construction site. According to latest data collected, the construction development in Kyrenia is up to 62 per cent compared to other areas of the island that are under the Turkish control. Turkish Cypriot estimations such as, and that is of 2005, so I guess it is much more today. Turkish Cypriots estimation... estimate that in the last few months the Greek Cypriot land, in other words land belonging to Greek Cypriots that was sold is worth more than \$2 billion. And today there are plans for building and construction in the Morphou area, which until today, has been no construction because of the supposition that Morphou would be returned to the Greek Cypriots.

This construction boom has created a new demand for labour. Hence, increasingly new labourers are being brought to the island in order to cover the needs. This new wave of settlement is sharpening the demographic alteration of the island, complicated even more the prospects for final arrangements on the complicated issue of the settlers on the one hand, and the complicated issue of property on the other hand.

Moreover according to the latest estimate there are about 12,000 Turkish Cypriots working in the areas controlled by the Republic, of the government of the Republic of Cyprus. At the same time, a growing number of Greek Cypriots are

establishing business cooperation on several sectors, especially on tourism with Turkish Cypriots. The problem though is this is done under an unclear political and legal base which undermines the prospects of further cooperation. In other words, it is done in a way that we do not know if it can be sustained.

Now, this underlines the fact that these developments on the ground are changing the dynamics on the island, creating more complications in terms of reaching agreements, mutual agreements on issues like the property which is important, and the issue of settlers. And, it undermines, underlines also the fact that time is not working in favour of unification.

On the contrary, I would say, the passage of time without any real efforts for solution is cementing the partition of the island to the detriment of both Greek Cypriots and Turkish Cypriots alike. What is needed, therefore, are initiatives to prepare the ground so that a new effort for a comprehensive solution can be successfully undertaken.

The current challenge is two-fold, in my opinion. First is to create the conditions within the Greek Cypriot community to approve bi-zonal, bi-communal federation as a solution to the Cyprus problem, and at the same time, the second challenge is to avoid disillusionment of the Turkish Cypriot community and present the Turkish Cypriot volition for a solution. This is not an easy task, as the two processes must be undertaken in parallel without undermining each other.

What kind of initiatives must be undertaken? I would have argued that first it is generally accepted that the Annan Plan remains the basis for a solution to the Cyprus problem. At the same time, however, it needs to be adjusted in order to reflect the new realities created by the accession of Cyprus into the EU as well as the new dimensions introduced in the framework of the European Constitution, which is under discussion.

Specifically, one needs to use new timetables for the return of land and properties, and for the withdrawal of troops, as well as some additional guarantees by the UN and UN Security Council, providing for the implementation of the solution and introduced by mutual agreement between the leaders of the two communities. Also, during negotiations the two communities could agree mutually beneficial changes to the Plan and the word here, the critical word, is "mutually" beneficial changes.

Also the Turkish Cypriot leadership should put a break on the uncontrollable construction boom on Greek Cypriot properties in the Kyrenia district and as well as the new wave of settlers. This is important in order to prevent the Greek Cypriot community from becoming totally alienated.

And also, at the same time, the economic, social and political development of the Turkish Cypriot community is vitally important. The EU has taken the necessary steps towards this end. More can be done to facilitate domestic and foreign trade of Turkish Cypriot products. However, it will prove counterproductive for all efforts to reach a comprehensive solution, if any measures introduced lead to a situation where the status quo is cemented. In other words, the creation of a Taiwan in the Eastern Mediterranean will undermine the prospects for unification and peaceful co-existence.

But these kind of initiatives are not enough by themselves. As I said, the task should be to reach a comprehensive solution. That is why, I consider the recent plan of action introduced by Foreign Minister Gül for Cyprus, as well as the latest agreement in Paris between President Papadopoulos and Kofi Annan as not taking, not going far enough. In other words, both of these initiatives are short of vision of a comprehensive solution. They introduced what we can call a piecemeal approach to resolving the Cyprus issue, which I think at this time is not helpful, in fact is in danger of solidifying the status quo.

In other words, we do not need measures to manage division. We need initiatives

to end division. And I think the measures introduced, on the other hand like direct trade, on the other hand like technical committees in order to discuss issues of everyday life are good enough only if they are put within a framework of finding a comprehensive solution soon. Otherwise, by themselves, they just create a sense of adjusting to the status quo, adjusting to the division and accepting what is the current situation today.

I would say, therefore, that in order to avoid solidifying partition, we need to move away from this notion of managing partition, because that is in effect what is proposed here is to manage everyday relationship between the Greek Cypriots and Turkish Cypriots in a way that is not necessarily lead to a comprehensive solution.

Why, in my opinion, a comprehensive solution is important? For several reasons: First, it is better for Turkish Cypriots and Greek Cypriots alike. For Greek Cypriots, it provides security, in other words a comprehensive solution will lead inevitably to the withdrawal of Turkish troops, which from a Greek Cypriot perspective is the main threat to its survival on the island. On the other hand, for the Turkish Cypriots a comprehensive solution will provide security on the one hand, and also will extend the EU benefits to all Turkish Cypriot citizens. And in that sense, it will help, what I said earlier, what I talked about earlier, which is to create this triangle of stability in the Eastern Mediterranean.

It is better for Turkish strategic interests as well, and I do not agree with the notion that Cyprus is a strategic... that Cyprus is so strategically important for Turkey anymore. Things have changed, we moved from the Cold War, we are in 2006. I think Turkey has much more important geo-strategic interests in the area of the Middle East, in Northern Iraq than..., rather than Cyprus. Cyprus is important, but not strategically.

And it is important to reach a comprehensive solution in order to shot Turkey with its main goal, which is membership of the European Union, because - let us not



kid ourselves - without resolving the Cyprus problem comprehensively, there is no way that Turkey could become a member of the EU. Even if Greece and Cyprus were forced to accept Turkey as a... say yes to the Turkey's membership without a solution, which is impossible, but even if we consider they could say yes, then there are other countries in the union that you all know, that are sceptical of Turkish candidacy, that they will use the Cyprus issue as an excuse to stop Turkey's membership of the EU. And Turkey does not want that, Greek Cypriots and Turkish Cypriots should not want that. And certainly Greece does not want that.

Therefore it is important to find a comprehensive solution as a way to enhance Turkey's chances to become a full member of the European Union. A comprehensive solution to the Cyprus problem also creates a momentum to resolve Greek-Turkish relations. If we had, I could make a hypothesis, I cannot prove unfortunately. I think that if we had a solution to the Cyprus problem in April 2004, we might have reached a solution to the Greek-Turkish outstanding problems within a year, if there was a real political will from both sides. We have been talking about problems all day today; but if a momentum can be created by a solution to the Cyprus problem, we can really lead to resolving the outstanding Greek-Turkish problems as well. Because the root or the heart of the Greek-Turkish antagonism and rivalry has been taken out at least from the Cyprus problem.

Also, as I said, it is good for the region as a whole to resolve the Cyprus issue, because it creates stability and security. It also provides a good example today where we live under this whole debate about the clash of civilisations, that Greeks and Turks of Cyprus could reach an agreement, could live together, could co-exists, could manage their affairs together, Muslims and Christians together, could be a model for the region of the Middle East in... at a time where the possibility of co-existence between different religions is questioned. And I think it will be... it could have been an answer to this whole debate, to this whole argument about the clash of civilisations.

Especially within the European Union, having for the first time a Muslim minority being officially members of the European... participating in the affairs of European Union, and providing a debate that would have been good for Turkey as well.

I want to end with the following: the way to do it for me is basically simple in the sense, that if we want a solution, we can reach a solution. We have to move in parallel with these technical comments that are introduced, and they have been agreed, we have to open direct and substantial negotiations as soon as possible. And when I say direct, substantial, I mean on the hard core issues of the Cyprus issue.

And there have to be specific timetables. I am not one of those who believes that we can reach a solution without timetables. We need timetables. A timetable for preparatory talks and a timetable for final negotiations. And I think that the timetable should be within 2006, should be by the end of this year. You can tell me that I am very optimistic. I am not saying that this is going to happen. I think, if we miss the opportunity of the next fall, it will be extremely difficult later on, because of the domestic developments in Turkey, in Cyprus and possibly in Greece with elections coming up. I think we have a window of opportunity for this year. If we miss it, I think it will be extremely difficult in the future.

We stop here and we can discuss these issues later in the discussions.

Thank you very much.

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## **DISCUSSIONS**

### **Questions & Answers of the Morning Session**

**Chairperson: Assoc. Prof. Dr. Gencer Özcan (Yıldız Technical University / Turkey)**

#### **[Chair's opening remarks**

I want to read you a telegram that we have received. Prime Minister Recep Tayyip Erdoğan has sent a message. It says that I would like to thank you for your invitation to the Conference on Turkish Greek Relations and I wish you success in your deliberations and I send my greetings to all participants. This was the message.

I would now like to move on to questions and answers. And my request for the... to the speakers, to the person who will ask the question is to introduce themselves and to tell us where they come from, if they come from an institution. Yes please.

**Question:** My name is Övgü Kalkan, I come from the Foreign Policy Forum. My

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question is to Mr. Tsakonas. First of all, thank you very much for your participation to the conference and I immediately ask the question.

In your speech, you spoke of the Annan Plan and its rejection, and that it cast a shadow over the legitimacy of the socialisation program or strategy. But international relations are based on interests and the Greek Cypriots had no... nothing to lose. And when we think of the loss on the Turkish side for... from an economic point of view, we see that the socialisation strategy... it may not be legitimate but it has been successful. So under the principle of socialisation, even if the strategy is successful wouldn't you say that the credibility of the principle of socialisation is at stake, because of the results of what has happened so far?

**Dr. Tsakonas:** To Ms Kalkan, I do not really see any disagreement with your point. This is exactly what I said, that Greece's, not Greek Cypriot, socialisation strategy has faced a number of problems with regard to especially its legitimisation advantages. Actually, I agree with you.

Well, actually the socialisation strategy is not right with regard to these issues. Socialisation strategy, or engagement strategy if you like, on the part of Greece presupposed that the Annan Plan has... would have been, not would... it would not have been rejected, quite the contrary, it would have been accepted, and being an integral part of this strategy advanced by Greece with the concession [consent?] of the Greek Cypriot. That was the main point.

**Question:** Selahattin Yıldız; Question to Dr. Fatih Tayfur. Megali Idea was determined is something Greece cannot give up.

**[Chair's interjection]**

Would you introduce yourself, please?

My name is Selahattin Yıldız, I am a retired journalist. So would Greece work with Turkey for a new idea? Would they accept such an effort in effect? And Greece

is the only country a member of the EU in our region. And Greece in the Balkans and in the Aegean, and in the Middle East has the claim to be a leading country. And do you think that Greece would act in collaboration with Turkey in these areas?

**Dr. Fatih Tayfur:** Thank you for the questions. Of course as academics we sometimes do have dreams. One cannot really do anything if he or she does not have dreams. I agree with what you said but I think that there may be some opportunities in the future, and if we work on these opportunities, if we analyse them well through a cost-benefit analysis, we can take some steps. On the other hand, Greece is a member of the EU and, of course, the EU is a regional actor, a regional power. Now, geographically speaking, Greece is small country. Thus, the Greek Cypriots' accession into the EU is very important for Greece in that it brings Greece closer to the Eastern Mediterranean and to the Middle East. This is very important because mainland Greece is on the western border of the Eastern Mediterranean. Accordingly, it is not easy for Greece to establish its control over the Eastern Mediterranean. Turkey and the Turkish Republic of Northern Cyprus together effectively control this area. Without Turkey, and the northern coastline of the Island of Cyprus no one can establish effective control, and provide effective security in the Eastern Mediterranean. Even together with the Greek Cypriot state, it is not possible for EU member Greece to establish its control in this region. That is why I am proposing a strong cooperation between the Turks and Hellenes in the GEMED region in the framework of a new of Megali Idea.

Moreover, Greece is not one of the core countries of the EU. Yes, it is the tenth member of the EU, but it is not one of the core members of the EU, which means that Greece does not have an enough economic and political power to become the regional power. The only superiority Greece has in the Eastern Mediterranean is in the sphere of sea transportation. Together with the Greek Cypriots, the Greeks own the strongest sea transportation fleet in the region indeed. In fact, the Hellenic fleet is one of the strongest fleets not only in the region, but in the world as well. However, other than that, in the sphere of security, finance, or in the sphere of

knowledge and information or in any other area, Greece is not a significant power. Moreover, in order to become a regional power Greece must provide and distribute wealth in the region, but this is not the case.

So what I am trying to say is that Greece does not distribute wealth and so long as you are not able to distribute wealth, it is quite difficult to establish hegemonies or to become a regional power. Thank you

**Question:** My name is Dr. Erol Kaşifoğlu from Western Thrace Solidarity Association. I am the President of that Association. My question is to Prof. Tsakonas.

Now, in Turkish Greek relations this new socialisation strategy as he explained that was implemented by Greece. And within that strategy Greece expect certainly to fulfil the EU criteria, the combined criteria, etc. Now are these norms implemented in your country where we were born as well? Or is there an unconditional retrospective implementation for the victims of article 19 which was enforced until 1980?

And, on the other hand, there are still limitations on freedom of expression in Greece and tens of people have been barred from entering Greece because they have only expressed some views. Are these in line with the EU norms?

And is not this somewhat depart from sincerity in bilateral relations not taking these into consideration?

**Question:** My name is Evren İşgüden; I am a MA student in international relations. I have a question to Dr. Tsakonas again.

This competition on security and the arms race between Turkey and Greece. What is the economic cost of this to the citizens of the two countries? Would you be able to give us an idea about that?

**Dr. Tsakonas: [Dr Tsakonas' Reply after Evren İşgüden's Question/Also refers Dr. Erol Kaşifoğlu's question]**

With regard the first question [Dr. Erol Kaşifoğlu's question], I think for Greece as well, yes I think Greece has still in the Europeanization process. You are right with that. There have been some changes, I think, with regard to our policy in Thrace, yet I think the most important thing with regard to Greece's Europeanization, is its stance towards certain foreign policy issues. For example, I think decision makers and academics in Greece alike agree that at least with regard to Macedonian issue for example one should not... could not refer to a success story with regard to Greece's Europeanization process. So there is still much to be done with regard to how Greece's internal structures or foreign policy structures can be Europeanized in the future. This is not a project that has ended. It is still in process.

As for the economic costs of the arms race between Greece and Turkey, what the idea, I mean I can provide you with a general idea but how costly was that for both Greek and Turkish people by saying that the Greek-Turkish arms race has been the highest among NATO countries. It had been kept at extremely high levels. By all means it had gone against the average European and NATO trends of falling defence spending which has not allowed the two countries to have what it has been quoted the peace dividend at the end of the Cold War. To be more precise on that, the only data have been in mind is about [illegible] 1985 to 1998. The percentage of the average defence expenditure as a percentage of the GNP for all NATO member states, it was about 3 per cent, while for the EU member states - they were fifteen at the time - was about 2.6 per cent. Well for Greece and Turkey it was about 4.5 per cent. Also in ten years period between 1989 and 1999 there has been about thirty per cent increase in Greece's defence spending and a hundred and ten increase in Turkish defence spending.

**Question:** My name is Ömer Ak, I am a senior student in Bosphorus University, Department of International Relations, and I am also the President of the Executive

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Board of the EU Studies Department in Bosporus University. I would like to thank Yıldız Technical University, Department of International Relations and to the OBIV for organising this Conference. I would also like to thank the speakers for having expressed some very clear observations on what is a very difficult topic. I have two questions.

The first one is to Fuat Aksu. He spoke of many parties including the military supporting a solution and he said that there was a lot of expectations however on both sides. And would you make that observation specifically on the Cyprus issue, taking into consideration the initiative which was announced by Turkish Foreign Minister Gül a month ago? So is your observation pertinent to the period after that announcement or before?

And on the point of Cyprus, you said that both sides, Turkey and Greece, have high expectations. Where, in your opinion, should we be bringing those expectations too especially from the point of view of Turkey?

My second question is to Fatih Tayfur on Megali Idea. You spoke of energy, security and transportation, three areas where cooperation would be important. And there are interests of the Americans, Russians and EU. And I was going to ask you to re-evaluate this observation based on the interests of other powers.

And I was going to ask the same to Dr. Tsakonas. I was going to actually apologise for mispronounce your last name, and would you also like to make the same observation from the other end of Aegean? Thank you.

**Dr. Fuat Aksu:** Thank you very much for asking very crucial question in terms of Turkey's relations with Greece. How far can Turkey sacrifice from its policies for a compromise? Actually it is debateable as to how realistic this compromise may be.

We should perhaps remember our policy about the Kardak conflict. You will

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remember that this was a territory about whose ownership there was no definitive agreement on. And we said, we can negotiate and identify which of these rocks and islands belong to whom. And after Mr. Bulent Arinc came back, he also came up with the idea that the Turkish Parliament actually can or may revise the 1995 Decision of the Turkish Parliament and the *casus belli* declaration (1976).

So Turkey has been acting quite flexibly. But there are no borders to this of course. You can be flexible and flexible and how well this will serve in solving our problems? Actually I am a little pessimistic regarding this.

We saw an example of this in Cyprus. If we are saying that within the EU we can exert more pressure, and I mean it is quite normal that you are hesitating, because you are running as far as possible, but there is no going back. So I think there is a question of credibility and I think the party to do that is either Greece or the EU.

In terms of our relations with the EU, again there is the problem of territorial waters, and, OK, the Greek policy is about expanding it from six to twelve miles, and Greece saw it in the past as a right. But now it is also acting more flexibly. It says you can keep it as six or eight in certain areas and it can be up to twelve in some others. So I think in terms of international law the continental shelf or the airspace... Greece now says the airspace does not have to be ten miles, so there are signs in terms of flexibility in this area.

But I think that this credibility problem continues within the EU as well. Our European friends were told that the policy they were pursuing is mistaken, because they are giving a certain status to a member country that it does not quite deserve. That is giving a power that it cannot really afford. Giving it the right to veto, thus excluding Turkey from the process does not really serve any purpose. So we have twenty-five countries saying yes to Turkey individually, but you look at the summit, you may have decisions that are completely on the contrary. So there are problems of credibility there and Turkey is the party that will have to be convinced. And

Greece will have to... or the European Union will have to feel responsible for convincing Turkey. And in terms of bilateral relations, Greece will have to feel responsible for convincing Turkey.

So there are lots of responsibilities that this brings on political power, on the government. We have seen this with Simitis, the foreign policy pursued by the 57th government and 58th and 59th governments have been quite different in terms of Turkish-Greek relations.

So even policies that the people say let us give it away and get rid of it, does not give us really the results that we want. So we have to do different things now, other things to get the real results.

**Dr. Fatih Tayfur:** Of course, GEMED Region in which Turkey and Greece are the principal actors also attracts the extra-regional powers, namely the US and the EU. Russia, also, is very much interested in this region. Great powers are interested in any region where there is considerable potential for generating wealth. Yet, they have to cooperate with the regional actors as well in order to benefit from the opportunities existing in the region. Accordingly, the GEMED region provides both Turkey and Greece with important opportunities to exploit, and the amount of these benefits would definitely increase in parallel to the increasing degree of cooperation between the two countries. For instance, in the field of security, it seems that for a long time Greece was considered a county generating insecurity in the region. Starting from the 1950s, the Greek demands on Cyprus (enosis) and the Greek and Greek Cypriot initiatives to change the 1960 status-quo (The Constitution of the Republic of Cyprus) through violence as early as 1963 created serious problems of insecurity the Eastern Mediterranean. Since that time, the issue of Cyprus has remained at the top of the agenda of the region. Turks and Greeks have always been on the threshold of war. The Greek coup and the subsequent Turkish intervention on the island in 1974 further complicated things. However, the Karamanlis period (1974-1980) in Greece reduced the security problems in the region to a certain

degree due to Karamanlis's moderate statesmanship. But the following Andreas Papandreou periods throughout the 1980s (1981-1989) and in the first half of the 1990s (1993-1996) was indeed a nightmare for the West regarding security in the Eastern Mediterranean. The tension and insecurity increased dramatically in the region. There was this Papandreou's constant opposition to the EU, against the US, and against Turkey. Especially in the context of the Eastern Mediterranean, Greece increasingly became a country generating insecurity until the capture of PKK leader Öcalan at the Greek Embassy in Kenya in 1999.

In fact, Greece is not in a position to produce and export security whereas Turkey is generating security in the region. The Turks have been producing and exporting hard and soft security in the international relations of the GEMED region. Thus, security is an important field where Turkey contributes to the stability in the region-wide while Greece's contribution in this field is really minimal. So if Greece cooperates and collaborates with Turkey and lets the Turks provide security for both Turks and Greeks this would be a major contribution to the peace in the region. And at the end of the day, in terms of sharing the wealth of this region, it can really produce important gains for every one.

We can say many more things, but I do not want to take up more of your time

### **[Dr Tsakonas' Reply to Ömer Ak's Question]**

On the issue of the Megali Idea, the way I understood it is as a new joint project between Greece and Turkey working along particularly problematic areas such as energy. The old Megali Idea... It is a finished project. It was something that which probably comes up from time to time from certain politicians in Greece, but politicians who are on the fringe of the political spectrum. So the idea, the way it was proposed by Prof. Tayfur, I think it is a good idea, but it is rather a romantic one. I mean to the extent I would see as a collaboration between Greece and Turkey to a certain problematic areas, such as energy, that I can hardly see a joint project between

Greece and Turkey in the Greater Middle East area or the Mediterranean without a resolution of Greek-Turkish conflict. So it seems to me in the current state of affairs can be characterised as a stagnation, I would say, or a freezing as Prof. Ayman has mentioned. I think the best the two countries can do for the time being is to change this stagnation situation into a more productive or more constructive stagnation situation, that is, they may come up with certain measures or initiatives in the area of confidence and security-building measures. They might come up with some forthcoming proposals on energy issues for example, but I think this is going to be the end of the road for the time being.

**Question:** Alexis Heraclides from Pantheon University. I am beginning to enjoy this frank exchange of view, after the initial niceties in the first session. Now we come forward with the real problem, the misperceptions. Clearly, we have work to do on the mutual misperceptions. As for the Megali Idea fixation of many Turks, the one percent of Greeks who do believe Megali Idea is around will feel very happy that our Turkish friends feel that way. They would feel exulted and their self-esteem would rise. Now if I could move at a level of abstraction, at a more theoretical level, my question is to Gülden Ayman, a good old friend and a specialist on Greek-Turkish relations. Now Gülden, you mentioned in passing the question of asymmetry. And I know that you have given some thought to the issue of military asymmetry and power in general with regard to the two countries, and as it has been discussed again and again in strategy and in strategic theory and so on, and in conflict analysis, when two parties are asymmetric, i.e. one is more powerful militarily and otherwise, there is an expectations for the more powerful party to come forward first with a gesture. I have - and I will conclude here Mr. Chairman - a couple of answers from this very useful exchange that we had, for example Fuat Aksu mentioned that Greece might not be powerful militarily, but it has have a certain leeway when it comes, not so much in economics, but due to being in the European Union and due to its various links internationally, and I have read literature by Turkish authors speaking of a very powerful Greek diaspora, which is omnipresent, always ready to do harm to Turkey. I wonder if I could have an answer to that. And, of course, if the

Megali Idea was alive as the journalists who spoke said (and Fatih Tayfur apparently replied to that), and as I said it is not alive (as pointed out by Dr. Tsakonas), the very perception that the Megali Idea is alive is one more reason that makes the asymmetry as less of an asymmetry. Greece is threatening, so it is a symmetric conflict. Could I have comments on this? Thank you very much.

**Gülden Ayman:** Thank you very much. I think when we discuss power in terms of... I mean, we have to distinguish between the discourse of power from the tangible, or the concrete power. The emphasis we place on power, and protecting ourselves through the power of discourse eliminates constructive, or may eliminate constructive dialogue between Turkey and Greece. The conceptions about power can change from time to time.

In the past, Greece regarded itself relatively weak when compared to Turkey. And this reflected on the negotiations about the Aegean, because let alone, discussing certain proposals quietly, we were not even able to gather around a table. And even we could not accept the proposal of holding negotiations. This would because [unintelligible] making sacrifices, making compromises.

But I would like to say that I do not want to say that this has to do with the EU membership one hundred per cent. Because Greece undertook an important democratic transformation and became much more prosperous economically and these developments also changed the Greek self perceptions. And they became more optimistic.

But Turkey is a country that still in the phase of EU accession, it is not full member. And, therefore, face with the fact that Greece is a full member. Turkey feels weaker. So let me go back to what I said in the beginning. This discourse on power, one or the other of the parties, when that party feel stronger, actually this feeling of strength should be used to take the initiative. And sometimes we have also seen that Turkey in terms of the classical factors maybe the stronger country.

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But there is another fact the we often oversee or overlook, our relations are not confined to our problems with Greece. In terms of our relations in the region, we do feel surrounded by a chain of insecurity. And this insecurity causes us to react in different ways and we keep speaking about our power and strength, so we resort to this discourse of power. And this has to do with the fact that we are trying to protect us. But this is not a constructive discourse. We keep speaking about military strength, capacity of our population. On the contrary this threatens the others around us and people feel intimidated. But in the past history politicians, Turkish politicians have had the other type of approach, and we have paid dearly for this feeling of insecurity. So we look confident but we feel very unconfident. The part that feels strong, OK, we do say that it should come up with more initiatives or gestures.

Let me add something here. It may be in the field of Turkish-Greek relations, in terms of the general aspects of our relations with our neighbours, whenever there is a window of opportunities in our relations, when we feel truly strong, when the other party sees us strong, the other party will also be convinced that the gestures that we are doing are not done because we have to, we are doing them because we feel strong. We should add another psychological dimension to this. When we look at the social and psychological studies we see that both hate and excessive love are... will have the same origin. Especially at the end of 1960s social psychologists did a series of surveys, and they showed that feeling threaten or feeling hate is concentrating attention on one party. And you can transform that intensity of feelings into a positive feeling. When there is lack of attention, and this attention can be from fear or hate, you have more chances of transforming these feelings into positive feelings. And these excessive feelings, these intense feelings, if they are managed well, they can offer us a window of opportunities.

And in terms of gestures, we should not feel that we have to make a gesture. This can concern Turkey or Greece. None of the parties should feel that this has been done, because it was being forced on us.

There is something I wanted to raise in my presentation, but I had to skip it later on. We can add it here, I think. It has to do with the idea of civilian society. Making reciprocal gestures and not only gestures, well, there are gestures by Turkey and by Greece and when there are these gestures, it becomes easier to develop relations in different layers of the society and the civilian society, non governmental organisations are there.

Even though we have closer relations with Syria, how many of us plan to have a vacation in Syria? We just do not go to Greece, because the Greek islands are nice. We are interested in Greece, we share a common lifestyle, but not for the same for Syria. How many of us would like to send their children or brothers to a summer camp in Iran? So these are serious impediments. But with Greece we do not have these impediments.

When gestures are made in the right direction, if they are backed up by NGOs provided that there are confidence building measures, we can sustain a peaceful environment.

Thank you.

**Dr. Fatih Tayfur:** Let me say something about Megali Idea. Megali Idea, as it is known in its 19th and early 20th century form is definitely a dead idea. That is for sure. What I am proposing here is a Megali Idea that can be perceived as a project of wealth and prosperity for both Turkey and Greece, for both the Turks and Hellenes in the Eastern Mediterranean. My reading of Venizelos' Megali Idea did not contain only a territorial expansion. It was just a part of it. In fact, it was a wisely drawn and projected political and economic project for the Orthodox Greek population of the GEMED region. It promised to the Greek Orthodox population in the region prosperity and power through controlling the wealth in and around its geographical boundaries. Moreover, it aimed at the dissemination of the 19th century civilization to the region. In other words, it was at the same time a civilisational

project. Now, I am thinking in the early 21st century and saying that Turkey and Greece can realise the Megali Idea together and hand in hand. This is not the old Megali Idea, but it is a new Megali Idea. And, indeed it is a Megali Idea that is based on sharing. Thank you.

**Chair's Remarks:** While this discussion is becoming more and more interesting, very searing, more and more interesting questions, but unfortunately we have to stick our schedule. We have to break for lunch now. And come back here at two thirty. As the final question, I will get a question from Nurşin Güney. And I would like to apologise from Mehmet. Thank you.

**Nurşin Güney:** My question is to Dr. Güliden Ayman. A short question. At the end of your presentation, you said that many fundamental problems between Turkey and Greece have more or less frozen and in time let us hope that these will be forgotten, and the relations will improve, you said. How about the deadlock in Cyprus today? Do you think this also is a frozen problem? Despite the international pressure and proposals for solution from the international community, do you think this is a frozen problem at its current state?

**Güliden Ayman:** The current stalemate in Cyprus is not frozen, because there are serious diplomatic struggles by both parties. And I think that this does not include violence. This struggle is being waged on the diplomatic front. In terms of Turkey or the Turkish Republic of Northern Cyprus, we have certain disadvantages. But this is a struggle that is carried out on the diplomatic platform. And I do not believe that this would lead to a violent conflict in the near future.

Of course, when I speak about freezing of problems, I am not saying we should leave these to one side and forget them altogether.

Panayotis Tsakonas also mentioned something here. Confidence-building measures are needed at least in order to protect status quo, and these will be sustained.



The competition between Turkey and Greece over Cyprus will continue, but this will continue at the political and diplomatic struggle. That is my opinion. Turkey and Greece are members of international organisations, not only the EU, and these memberships will gain more weight in the future.

This rapprochement, this irresistible interest from both parties will not lead to an elimination of competition altogether. Competition is good, and diplomatic competition will continue. This can be a competition with predetermined rules, but the use of force, violent threats etc. these have to be excluded. This is like two students in the same classroom. They are trying to get better marks. And this will actually encourage both parties to perform better. Competition will continue. Rivalry will continue. It is not good to have a very tranquil environment of peace at all times. What we need to idealise here is that the diplomatic, political and economic competition should be there and Turkey and Greece will have their rules to play and they will not always have conflicting interest, but also share some of the interests. As Fatih Tayfur mentioned, there will be many opportunities for them to cooperate. So there will not always be a rivalry, but rivalry will always be there.

**Chair's Remarks:** I would like to thank all participants and all those who asked questions. I would like to thank all of them for their contributions. And the freezing of the problems seems very fit for a very cold day in Istanbul. And in terms of Turkish-Greek relations certain initiatives to solve problems in the past have actually resulted in the other direction. So perhaps freezing those problems is not a bad idea altogether. So to get a general result from this panel both Turkey and Greece will have to learn to live with their problems. So, instead of working with proposals of solutions that will not work, we need to create new opportunities and new proposals for future. So we have to remain hopeful. Thank you.

**Questions & Answers of the Afternoon Session**

**Chairperson: R. Ambassador Turgut Tülümen (Turkey)**

So, I would like to thank everyone, thank all the speakers, thank you for the panel. Our time is very limited, so I am very sorry that time is limited. I would like to express my thanks to my colleague, my friend Ambassador Güner Öztekin. I am a member of OBIV as well. He is the youngest among us, but he is the most industrious one, because he is doing all this work.

So I think we can continue with the questions and answers until they kick us out. We do not have more than fifteen minutes frankly.

I just want your names first. Anybody else? Two more... Now I have taken down five names. Very short questions please. And I ask the answers to be brief too. Otherwise, we won't be able to continue.

**Emre Ökten:** I can defer if there is not enough time. I want to make two contributions. First of all, with regard to reciprocity, there is one thing that is usually ignored. And Elçin Macar has mentioned this. Reciprocity principles cannot be implemented towards your own nationals. I think what has been disregarded here is that if you look at the first pages of any treaty on human rights you would see that there is no reciprocity on human rights whatsoever. So this is a rule of the agreements.

**[Chair's interjection?]** What is the question?

**[E.O. continues]** I just wanted to make a contribution not a question. Second point - and this will be in way of sharing some news - with regard to the legal entity of the Patriarch's Office there have been legal discussions. I believe there is... we now face a new situation. In the very short period of time the Patriarch's Office made applications to the Court of Human Rights. None of them have been resolved yet,

but there is an admissibility decision which has been given over some of the applications made by the Patriarch's Office to the European Court of Human Rights, which could be interpreted as having overcome the issue of legal entity. And this is of course in line with the case law of the Court. And the problem, rather the problem is just beginning, because saying that the Patriarch's Office has a legal entity does not mean anything. There must be some sort of a title for it. Is it a cooperative, is it a foundation, is it a company, limited company, what is it? That problem has not been resolved. But this is the beginning of a new legal argument. I just want to share this information with you.

**Chair:** Thank you, I think there is no need to answer that.

I will ask a question and I would like to have an answer. Why, do you know why it is said not to have a legal entity? I am not going to ask for an answer. Second person please.

**Question:** Burhanettin Hakgüder, I would like to welcome all our guests, first of all, all of our speakers from Greece. I had the same nationality with them until the age of thirty. I was a Greek national, but they expelled me from Greek citizenship because of my ethnic origin. And at a time when it was said in the faculty although that no body could be made heimatlos without his or her consent. There was some discussion about the mufti earlier, and I think time was limited. There were two things that the Speaker missed.

First in the secular Turkish Republic it is quite difficult to explain religious rules and how they govern a community, but when we explain that Greece is a theocratic society, then it is easier to understand why the muftis have the kinds of authority that they have.

And Dr. Tsitselikis only referred to the Lausanne Treaty about the mandate of muftis, whereas the Athens Agreement of 1913 and Sevres are still valid for Greece.

And the mufti is...

**[Chair's Interjection]:** What is your question?

[B.H. continues] The muftis are governed by these agreements. Now I am the Devil's Advocate: If we go, follow Dr. Tsitselikis' arguments, are the muftis elected in Turkey and is that ... or would that be the reason for the election of muftis? If we follow this logic, then I have the following question: How could we argue... create an argument for the Patriarch being a civil servant? I suppose I made myself clear I hope.

**Chair:** You would answer?

**Dr. Tsitselikis:** Yes, very briefly. This goes with my argument, first of all. I wanted to stress the paradox, and answer to question regarding election or appointment of the muftis. I would say in a sentence, after all, that the issue became political and first of all we have to depoliticise it, put it out of bilateral state antagonisms. Second, to let the community decide on the rules regarding the selection of the person as a religious leader, so I would suggest not to use again the principle of reciprocity. I thank my friend Emre because he stressed the point about the illegality of the principle of reciprocity. We have to give up these ideas. Thank you.

**Chair:** You can talk later on if you would like, because we do not have time, so we have to

**[Third question (or second question continues?)]**

**[First speaker/Selahattin Yıldız?]**

Is not there a confusion, is not there, is there not a confusion here? Because Turkey is secular and Greece is not, when we say that, are we saying that Greece is a country of Sharia? We are not saying that. It is not so because the church is

autonomous, but with regard to persons, for example the church cannot make the decisions that the mufti makes. The church can marry people, but those who do not want to marry in Church they can go to the municipalities.

[Interjection/Who?] So it is true for the minorities as well. You are experts in this. I am a legal expert, but I come from the real life of it. Either we implement the international agreements or we will re-write them. Because, on the one hand, we talk of EU criteria, because those are fine with me, but, on the other hand, I may opt to do something else. This is not possible. There are sixty thousand people who have been expelled from Greek citizenship, because they are not of that ethnic origin. I have re-listed for example. I was able to go to Greece, I was for five years the President of Turks in Thrace, and I have real estate there through inheritance, my family is there and I expressed my thoughts as the president of that association, then they do not let me enter Greece now. Now let us take this out of the political context. If we are talking about human rights, I am in need of human rights here. So I think we have to be sincere. And let me say that there is something that is lacking here. I think that we have people who suggest only a certain line of thinking. Perhaps if there were people who could make serious counter arguments I would have never had to take floor.

**Chair:** Let me say something encouraging to you. This is my personal opinion. We have many presenters here. The object here is not hold a grand negotiation. The topic or object was to explain the issues. The Lausanne Agreement is in force and I have personally observed over the time that there used to be certain agreements between Turkey and Greece about how to implement the Lausanne Treaty. That channel is somewhat closed for sometime. So I give you a message, especially to you, I think it is time that if the two countries get closer together, they can overcome practically many of these problems. Thank you.

Now we move to the fourth person.

### **[Fourth question/Ahmet Küçükbaş?]**

Now, in the good relations, we are always as people from Western Thrace, we are for good relations between Turkey and Greece, but previously when the speaker was talking about Sharia, we have to explain that the Sharia they have is not the kind of Sharia we understand. There is a new game that has been played here. And this has to do with the closing down of the muftis offices by Greece.

According to the Agreements in 1913 and 1920, there was to be a Chief Mufti's Office in Athens. And 85 years have gone by and Chief Mufti's Offices has not been established. This was going to be the counterpart of the Patriarch here, but it was not established.

Elçin Macar explained about the schools here. I wonder you know that books dated back 1940s are being still used by the minorities in Greece. Do you know that they have, they do not have any new facilities like photocopies, so if we are to discuss all these, we have to do it under the right and equal conditions.

**Chair:** As I said this was not a discussion session. You are just expressing your sentiments.

**[Fourth question continues]** I want to add something here. I came to Turkey in 1941 and for sixty-seven years I did not go back to my village. Since 1971, I am banned, and I am refused twenty four times. Is this human rights? So they can reply to my questions, anyone can reply this. To this, if we are talking about human rights, if it is right to dominate my rights, if I cannot go and visit the grave of my ancestors, is not that a violation of my rights? And if Iakovas [Demetrios A. Coucouzis] who was expelled from Turkish citizenship can come to Turkey and visit his grandfather's grave and I cannot do that, I wonder if this is human rights? And who is going to protect my rights according to Greek Constitution? Thank you.

**Chair:** Thank you. I got your question. I will turn to you if you would like to

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answer. You can answer to the extent that you can, and of course what you cannot answer, we will ask you to convey the messages. Who would like to answer?

**Dr Tsitselikis:** I have said and written it many times: the loss of citizenship on the ground of origin is pure violation of human rights. It is simple. What happened was very bad. And the non-retrospective application of the abrogation of article 19 is still problematic. I fully agree. So we have to find legal means to gain citizenship back.

**Chair:** Yes. You had a question? Let us take that. And then we will have to close because we have to leave this room. And you can of course continue your discussions outside.

**Question:** Ahmet Özcan. I am senior student in this Department of International Relations here. I have a question to Dr. Heraklides. The relations between two neighbouring peoples have been affected by the somewhat fluctuating relations between the two countries, but we should not leave it to the policies of the governments. I think friendship between peoples is very important. And I read the book by Dr. Heraklides the threat by this quote unquote; I think that the biggest problem in bringing people together, is the artificial problems, for example, the education. Both nation states have some national discourse which depicts the other side as the enemy, or showed them as others, which makes the people be very hostile to each other. So I wonder how you would interpret these artificially created problems.

**Chair:** Who was the question directed to? Dr. Heraklides.

**Dr. Heraclides:** I do not know if your comment came well in the translation-interpretation. Anyway I got the codeword "artificiality", that the issues are fabricated artificially. Is that what you were saying? Could you nod? OK, thanks.

I would put it somewhat differently. If you have read, as you have said, my book, you would note that I place great emphasis on the clash of narratives, identities, and

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so on, which you also mentioned. However, this creates a particular kind of a situation, a whirlpool, which is fertile ground for creating many artificial, semi-artificial fabricated conflicts, which will all blossom, and they are not flowers but thorns.

However, for the parties involved and for legal scholars in particular in both our countries, these are not artificial issues. In fact, they are very difficult issues, and they are, according to legal experts - who are not real experts in the sense of being detached academics trying to solve the problem - and diplomats in the respective countries almost intractable with the other side to blame. There conflict is being seen in zero-sum terms, the aim being to gain at the other side's expense.

**Chair:** Yes. We have to end the conference here. I have just received the word that we have to close.

I would like to thank the Yıldız Technical University organisers, all the participants who have travelled long distances to be here with us, and the audience, especially the young people, for their patience and participation.

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## **ABOUT OBIV**

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