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Much for Peace, Little for Minorities: Restraining Effect of the Treaty of Lausanne for “Minority” Concept

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Much for Peace, Little for Minorities: Restraining Effect of the Treaty of Lausanne for “Minority” Concept

Signed in 1923, the Treaty of Lausanne was the legal document which included the establishment principles of sovereign and independent Republic of Turkey. Respectively, it has three striking significance for Turkey: It is a document which establishes equality principle for Turkey among the international powers, political independence and economic independence (Oran, 2001:222). It has always been sanctified as a significant success by the Turkish political elite during the Republican era. This sanctification even reached calling the Treaty as a “Holy Peace” by some writers (Dinamo, 1988). Turkey’s first president and General Commander of Turkish army during the War of Independence (1919-1922), Mustafa Kemal Atatürk describes the Treaty of Lausanne as such: “This Treaty is a political victory which overcomes every kind of plot had been prepared against Turkish nation since centuries.” (Öke, 1983: v). It becomes really important to carefully examine such perceptions about the Treaty to understand the approach developed for minority concept accepted by the Republic of Turkey.

This sanctification of the Lausanne Treaty has always been expressed by prominent scholars and writers during the Republican era. Rather than being a legal document which brought solutions for other issues beyond independence and sovereignty, praises for the Treaty have always prevailed the shortcomings about it. For almost all the authors wrote on this subject the Lausanne Treaty can be described as a document of independence and victory (Kolcuoğlu, 2006:12). From this point of view, the Lausanne Treaty has always been interpreted on the base of maps drawn by the Western powers to the detriment of Turkish state (Berber, 2006:42) and its importance for other subjects covered in the Treaty have been undermined.

However, treaty’s scope was not only limited with the issue of independence for Turkish State. This high value attributed to the Treaty in terms of victory and independence, has always caused in a misinterpretation of its provisions about the minority concept and protection of minorities. This paper seeks to find an accurate answer for one of the most striking questions which falls into the scope of the Lausanne Treaty: Protection of Minorities. As a treaty signed in 1920s, in accordance with the spirit of that time, Turkish Board representatives made a great endeavor to limit the scope of “minority” term in Turkey with the confidence of being the victorious side of Turkish Independence War. There were two

sides of the issue for the Turkish delegation compatible with the instructions they received from the Turkish Government: interchange of the population would be the principle (Şimşir, 1990: xiv) and the description of “minorities” would be based on the Ottoman Millet system which classifies minorities on the base of religion rather than ethnicity and language (Oran, 2001:222)

Consequently, the Treaty’s sub-section on minorities (art. 37-44) encapsulates only the non-Muslim citizens as minority groups. Concepts of “ethnic, linguistic and religious minorities” were replaced with the term “non-Muslim Turkish citizens” in the Treaty (Barış Andlaşması, 1923:9). Since there has always been a tendency among the Turkish elite for seeing minority concept as a “problem”, definition of concept during the Lausanne Talks was one of the hardest topics to deal with (Kaptan, 2002, 44). Minority issue was perceived as a security issue by Turkish delegation in Lausanne. Dr. Rıza Nur, one of the members of delegation who worked in “Sub Commission on Minorities”, stated that Turkish delegation tried really hard to prevent Western Powers defining minorities on the base of ethnicity and language beyond religion, and their aim with this was to crumble the integrity of Turkish State (Nur, 1999:83). Conversely to the Turkish stance on minority concept, the existence of “ethnic, linguistic and religious minorities” in prior legal texts shows us the shortcoming of the Lausanne Treaty on finding an acceptable definition for the concept. As ethnicity and language had been accepted as distinctive elements for human groups, it is possible to claim that the Lausanne Treaty was a retreat from the common standards about the issue.

Today, it has been 90 years after the Treaty of Lausanne was signed and paradigms, contexts and realm have significantly changed with respect to minority issues. International standards are rather higher compared to 1920s’ political atmosphere. Nevertheless, Turkey’s stance on minorities remains the same as it was in the Treaty of Lausanne and this leads a lag to catch up with the contemporary standards on definition of minorities and minority rights. In this paper, the restraining effect of the Lausanne Treaty for “minority” concept will be examined on the base of historical facts and contemporary necessities which requires a wider interpretation of the concept. Rights granted to citizens belong to minority groups are beyond of this paper’s scope. This work seeks to give a historical perspective on the definition of minority concept which was accepted by Republic of Turkey on Lausanne Treaty. This kind of examination would be beneficial to understand what motivated Turkish side to narrow the definition of minority concept and thus understand what Turkey needs to improve standards about the issue.

On the issue of minorities, Republic of Turkey was directly affected by the Ottoman heritage and regarded only non-Muslims as minority (Oran, 2009:144). Muslim citizens of the Republic, even though they were coming from different ethnic and linguistic backgrounds, were not regarded as minority (Oran, 1998:492). It should be kept in mind that this interpretation of the concept cannot be seen sufficient when compared to the widely accepted meaning of it which regards any numerically minor groups showing differences from the majority of the society on the base of ethnicity, linguistically and religiously. Religion, at a time when minority concept first emerged could be seen as the only distinctive element for groups of people, yet especially after the emergence of nation-states within the political arena, ethnicity and language elements came into the scene and led to a paradigm change in order to make a true definition of the concept. Whether Turkey accepts or not, these elements, today, are the ones which are used to define minority groups.

Today, Turkey is a country having ongoing accession negotiations with the European Union. This process requires some certain standards on wide-range political, economic and social topics. Turkey's approach to minority concept which was mainly shaped by the Lausanne Treaty also should be compatible with the European Union's approach to the issue. According to the European Union's definition, anybody who considers him/herself different than the majority and considers this difference as an inseparable part of his/her identity should be regarded as a minority (Oran, 2009:154). It is obviously seen that Turkey has a long way off from this definition with its own definition set by the Lausanne Treaty. The reason for this situation is not that implicit actually. According to a member of the current government, Minister for Culture Ömer Çelik, accepted definition and extent of the minority concept in Turkey is a pure reflection of the standardization aim which lies behind the constituent mind of the Turkish nation-state (Koptaş, 2013). Official stance towards the issue, with no doubt, should be changed if developed standards on democracy, human rights and the rule of law desired to be achieved.

Another Turkish politician decedent Adnan Kahveci made a report on the Kurdish issue and his finding about the narrow definition of minority was even more striking. Kahveci stated that understanding which regards only non-Muslims as minority should have been changed since the universally accepted definition was changed. Thus, neither France nor Spain regarded Basques as minorities in 1920S, yet they had to change their stance at the end of 1970s (Özgürel, 2007). This is another statement which propounds the necessity to adopt a wider interpretation of minority concept.

The Lausanne Treaty does not contain any definition of the minority concept within the text. Yet, it can be claimed that the approach regards only non-Muslims can be justified within the legal context of 1920s. In every bilateral agreements on protection of minorities signed between the Allies and the defeated parties of the World War I, the terms used for minorities was “ethnic, linguistic and religious”. These terms were replaced with non-Muslims in the Lausanne Treaty since the Turkish side was the victorious party of the agreement (Oran, 2009:155). Thus, the Turkish side put across its political volition to other parties of the Treaty. Yet, this situation should be evaluated with a historical perspective. This principal imposition, despite being accepted in 1920s political atmosphere, cannot be justified with political motivations today.

Yet again, there is a significant difference between the minority definition accepted by Turkey and the international standards. In Peter Alford Andrews’ book, 42 different ethnic groups were mentioned in Turkish context (Andrews, 1992:56). Although each of these groups cannot be regarded as minorities, there is still a big difference between the Turkish stance towards the subject and international standards. Official definition of minority concept in Turkey is a quite narrow one since it only takes non-Muslims into consideration on this matter. Muslim citizens are not regarded as minorities even though they have different ethnic or linguistic identities (Oran, 1998:490).

According to Oran, this narrow definition is a consequence of three different dimensions (Oran, 2005:49): Historically, Republic of Turkey was directly influenced by the Ottoman Millet System which mainly identifies human groups in terms of their religion rather than ethnic or linguistic identity. Politically, existence of non-Muslims had always perceived as a threat by the Ottoman Empire since they were seen as a mean on international interference to Empire’s internal affairs. Therefore, there had always been a tendency to identify them as minorities. And ideologically, collapse of the Empire caused in a trauma which was perceived as a consequence of minority groups’ existence within the Empire and this paved the way for an emphasis on Turkish character of the new Republic of Turkey.

However, if the general standard which is based on the triplet of ethnicity, language and religion; it should be accepted that there are other minority groups in Turkey beyond Greeks, Armenians and Jews. Turkish standard which was defined and accepted in the Lausanne Treaty is inadequate to achieve this international standard today. It has been 90 years after the Lausanne Treaty was signed and this triplet standard has become widely

accepted around the World. Besides, within the United Nations and Organization for Security and Co-operation in Europe systems, discretionary power to decide on the existence or the kind of any minority group is not left to states (Oran, 2005:65). Minority status given to certain religious groups by the Republic of Turkey could be defended under the legal order of 1920s. Yet, with all the developments took place in the area of human rights and democracy.

When the more conservative literature on the issue is examined, the logic behind such a narrow definition of minority becomes more visible. According to Kaptan, Turkey prevented other parties from interfering in its internal affairs with the excuse of minorities by restraining the minority concept in the Lausanne Treaty (Kaptan, 2002:44). With this respect, Turkish delegation representatives in Lausanne put a special effort on this issue and insisted on the narrow definition of minority concept which regards only non-Muslims as minorities of Turkey (Kaptan, 2002: 62). Dr. Rıza Nur, a member of the Turkish delegation in Lausanne who worked in the Committee for Minority Rights, states this situation as follows: “French understands three things by minority concept: ethnicity, language and religions. This is a fatal thing for us, a big danger. These men think really well when the situation is against us... they intend to include Circassians, Bosnicaks and Kurds with the term of ethnicity. Thus, they will tear us apart. I put all my effort to put away these expressions and I hardly did.” (Nur, 1999:83).

As it can be seen, this narrow definition of minority concept in the Lausanne Treaty was mainly fed by the past experiences which led to “Sèvres Paranoia”. This situation is still observable in today’s Turkey and makes it easier to understand the context in which this inadequate definition of minority was adopted in the Lausanne Treaty. Even today, the word minority is enough to make some people’s hair stand on. As it was stated by Özcan Yeniçeri, any idea which could widen the official definition of Turkey on minority concept should be seen as an existential threat to Turkish State (Yeniçeri, 2004).

When looked at the development of the minority concept, it does not seem illogical for new Turkish state to adopt a narrow one on the base of religion. Since the concept emerged as a consequence of the clash between Catholics and Protestants, religion constituted a ground for minority definition (Preece, 2001:10). However, minority concept became wider by time with the developments in the political realm of Europe. Religious character of the definition gained a national aspect with emergence of the nation-state concept (Bilgin, 2007:33). Therefore, it would not be wrong to claim that narrow definition of the minority concept put

in the Lausanne Treaty does not seem inadequate to satisfy contemporary requirements only today, but it was also behind the times of 1920s. Because, distinctive qualitative features beyond religion was in use even in the times that the Treaty was signed.

It is possible to mention two different approaches when it comes to management of diversity within the societies. While *multiculturalist* approach provides a sphere for minorities to mobilize themselves on a cultural and ethnic basis; *Republicanist* approach has an assimilationist stance towards the subject (Kaya and Tarhanlı, 2006: 19). It is unquestionable that Republic of Turkey adopted the Republicanist approach with its narrow definition of minority concept in the Lausanne Treaty.

To understand the narrowness and shortcomings of the minority definition of Turkey which came into existence in the Lausanne Treaty, it would be beneficial to examine the widely accepted international definition of the concept. According to the popular wisdom, the definition made by special rapporteur of the sub-commission on prevention of discrimination and protection of minorities, Francesco Capotorti in consideration of the UN International Agreement of Civil and Political Rights article 27 which is about the protection of minorities, is the widely accepted definition of minority. According to this definition; “minority is a group, numerically inferior to the rest of the population of a State, in a non-dominant position, whose members – being nationals of the State – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language” (Ghanea, 2008:309).

Capotorti’s colleague, Jules Deschènes in addition to Capotorti, added the “purpose” element to this definition. According to his definition minority is a group whose purpose is also to obtain actual and legal equality compatible with the majority of the population of that state (Çavuşoğlu, 2001:36).

The Council of Europe is another international organization put a definition on the minority concept. There are two different studies on this matter. Firstly, a definition for minority concept ranked in Venice Commission’s proposal to the European Convention on Protection of Minorities in 1991. According to this proposal, a group which is numerically inferior compared to the population of a state, being citizen of that state, having different ethnic, religious and linguistic features than the rest of the citizens and has a will to protect these differences should be regarded as a minority (Çavuşoğlu, 2001:36). Second proposal for

a brief definition of minority concept is seen in the proposal to the additional protocol of the European Convention on Individuals Belonging to National Minorities in 1993. According to this definition a national minority is a group of people which:

- a) Is resided in a country and thus being a citizen of that state,
- b) Is sustaining historical ties with that state,
- c) shows distinguishing ethnic, cultural, religious or linguistic features,
- d) Is sufficiently represented within a certain territory of a state despite being numerically inferior,
- e) Contains a common concern to protect common elements of their identity including culture, customs, religion and language (Çavuşoğlu, 2001:38).

As it can be seen, the minority concept has always been a tough one to be limited within a common definition. Although, long debates have taken place to find a common definition for the concept, minority issues have always been approached on the base of minority rights rather than the definition of the concept. This unidentifiability is one of the most problematic sides of the issue since it gives states the right to make their own definition of minority concept in the head (Benoit-Rohmer, 1996:20). However, one can easily claim that the definition of the concept accepted by the international authorities is far beyond the one accepted by the Republic of Turkey in the Lausanne Treaty. Considering the fact that international approach to the issue has changed over the last years, it will be realistic to claim that Turkey strongly needs to reconsider its roles on this matter.

When evaluated from the European Union accession process, Turkey still lacks to achieve certain standards in terms of adopting a wider concept for minorities. At the present time, there are two core legal documents issued by the Council of Europe and also adopted by the European Union on minority rights: the European Charter for Regional and Minority Languages (1992) and the Framework Convention for the Protection of National Minorities (1995). Both documents made observable change in paradigms concerning the minorities and minority rights in Europe, yet neither of both documents was signed by Turkey though Turkey is a member of the Council of Europe (Saraçlı, 2012). The European Union also emphasizes on minority rights in the Copenhagen Criteria.

European Charter for Regional and Minority Languages is an important document which strengthened the linguistic aspect of the minority concept in the contemporary World.

Today, language is a quite distinctive element to regard any group of people as minorities. According to the Charter a minority or a regional language is described as follows: "...languages that are traditionally used within a given territory of a state by nationals of that state who from a group numerically smaller than the rest of the state's population and different from the official language(s) of that state."(CoE, 1992). With this definition, the Charter does not particularly set a standard about the qualifications of a minority group but it is obvious that language is a significant element of minority definition. Turkey, however, is not a signatory part of this Charter along with its narrow definition of minority concept which is only based of religious orientation.

The Framework Convention for the Protection of National Minorities which was adopted in 1995. Provisions of this convention are not partaking of directly applicable rules it only includes explanatory and pragmatic provisions which states declare to accept applying. (Çavuşoğlu, 2001:130). Although this convention does not include a definition for national minorities and the extent of minority is not accurate in the document, it brings provisions on protection and improvement of cultural, linguistic and religious rights of groups of people (CoE, 1995). It can be inferred again, this convention shows one that minority definition and extent which was accepted by the Republic of Turkey in Lausanne Treaty is short-coming compared to contemporary international approach to the subject. Turkey and France, as they share a common stance on the existence of minority groups within their territories, did not sign this convention (Bilgin, 2007:151).

It is possible to claim that, both legal documents mentioned above does not bring a common definition of minority concept and thus gives states a space to determine for which minority groups these documents will be applicable (Oran, 2009:135). However, this situation does not necessarily create an order in which the definition of minority concept can be limited only with one of the distinctive elements such as religion, ethnicity or language. All the legal documents which have been issued on an international level, takes these three elements as a whole when they mention the minority concept. This is another situation which shows Turkey's incompatibility with the contemporary approaches and tendencies to the issue.

It should be kept in mind that minority concept does not only include political and legal meanings, but also a sociological one (Oran, 2009:67). It is possible to conclude that if a person considers him/herself disadvantaged than the majority on the base of political, social, cultural, economic and civil rights he/she can be included in the minority concept (Kaya and Tarhanlı, 2006:17). This approach begins us to the question of certain ethnic groups of people

in Turkey to be included by the minority concept. In the progress reports made by the European Union on Turkey in the following term that Turkey gained candidacy status, Alevis and Kurds were considered as minorities and this situation ignited harsh debates in Turkey (Kaya and Tarhanlı, 2006:17). Realistically, when the definitions made by international authorities on the concept of minority, it would not be wrong to claim so. Both groups, though they contain the certain elements of being regarded as minorities, have not been considered as minority groups within the Turkish context. Unfortunately, this situation has always put Turkey under international pressure in terms of minority rights and protection. As it has been stated persistently, the most important shortcoming of the Lausanne Treaty is its exclusionist nature in terms of definition of minority concept. Although, Alevis and Kurds have always been treated as minority groups sociologically, there is no legal basis for this situation (Göçek, 2006:66). Republic has always denied these groups to be included in minority concept, yet an endeavor to assimilate these groups has always been observed.

Ultimately, the definitions, rights and paradigms set by the Treaty of Lausanne on minorities fail to satisfy Turkey's need for change on this matter. Reconsidering the narrow definition of minority concept would be beneficial for Turkey in terms of political, social and even economic realms of the country. A transition from narrow (legal) meaning of minorities to wide (sociological) meaning of minorities is strongly needed for Turkey to achieve certain, contemporary standards in this area. This is not only a requirement for the EU membership, but also for the social reconciliation within the Republic of Turkey.

80-year-long Republican history of Turkey has shown us that assimilationist and standardizing policies of the state by denying any cultural, ethnic or linguistic differences has gone on a bankrupt. A wider perspective which embraces whole differences within the same territory would definitely reinforce the perception of democracy, rule of law and human rights in Turkey. Besides, a successful management of diversities within the territories of the Republic of Turkey cannot be grounded on a legal text which perfectly reflects the political competition of 1920s.

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