

MINORITIES IN TURKEY

by

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I. THE EXISTENCE OF MINORITIES IN TURKEY

A minority may be defined as a distinct and different entity within a political community. It may be racial, religious or linguistic. Since the beginning of history there have been minorities in all political communities. There were always racial, religious and linguistic minorities in the Ottoman Empire. Their numbers varied according to the growth and decline of the Empire. During the rise of the Empire there were numerous minority groups, some quite large. Later, during the Empire's decline, these minority populations first gained semi-independence under tributary statehood and later full independence. Greeks, Bulgarians, Serbians, Albanians, Croats, Arabs, Kurds, Jews, Armenians, Melchites, Maronites, Syriacs, Latins, and Chaldeans were minorities in the Turkish Empire. The most prominent feature distinguishing minorities in the Turkish Empire was religious differences.

The juridical basis for every minority is established either exclusively by the municipal law of the state or by treaties. Treaties for the protection of minority may either regulate in detail the relationship of the minority and majority or they may establish general principles leaving the details to the state concerned.

II. PROTECTION OF MINORITIES IN TURKEY BY MUNICIPAL LAW.

Mehmet II was the first Turkish ruler to organize minorities in distinct units of the Turkish Empire. Before his time minorities

were not organized but left as they were, subject to their own customs and laws. Mehmet II organized the minorities on the basis of religious differences. Immediately after the conquest of Istanbul, Mehmet II gave full autonomy to the Greek, Armenian and Jewish communities of the city. Each community was left under the responsible control of the head of the community called *Millet Başı* (Head of Nation). Minorities in other parts of the Empire were attached to their respective religious leader in Istanbul. In this way the Turkish government was relieved of needless embarrassment and non-Muslim subjects were saved from continual interference and subjection. Later Sultans explicitly reaffirmed the unrestricted jurisdiction of these communities. "All adherents of the Greek patriarchate were classed as Greek, all followers of the Armenian patriarch as Armenian."¹ In 1870 the Bulgarians succeeded in establishing their own church distinct from the Greek patriarchate. The Armenian Catholic church detached itself from the Armenian patriarchate. "The tendency of these communities to maintain a national solidarity and political exclusiveness has been very marked."² The tolerance of the Turks towards minorities grew in a dangerous way. These minorities became veritable political organizations and their leaders were given the right to speak in the name of their nation.

"The question of compulsory military service and other questions concerning the right to vote and the alleged right of *national* representation in the Turkish Parliament, raised after the Revolution of the Young Turks in 1908, have all served to reveal the extraordinary pretensions of the Greek and Armenian Patriarchs, as well as of the heads of the other communities, to represent their 'nations' in a political capacity before the Sublime Porte. One of the chief embarrassments of the new constitutional regime in Turkey was the unwillingness of the various communities, particularly that of the Greeks, to subordinate their national sentiments to the broader and superior claims of Ottoman nationality. (The Young Turks perhaps committed an irretrievable blunder in treating with respective religious com-

1) William L. Langer, *The Diplomacy of Imperialism 1890-1902* (New York : Alfred A. Knopf), 1951, p. 305.

2) Philip Marshal Brown, *Foreigners in Turkey* (Princeton University Press), 1914, p. 19.

munities as distinct nations, and in determining representation in Parliament on the basis of nationalities rather than on a strictly Ottoman basis. Correspondence and diplomatic negotiations with the Greek Patriarch on the subjects of recruitment, electoral rights, etc., were carried on by the Grand Vizier as if the ambassador of an independent nation."³

In summary, Turkish treatment of minorities under Turkish municipal law was quite considerate. In time the degree of autonomy enjoyed by minority groups in Turkey (which were primarily religious in character) actually endangered the unity of the Turkish state.

III. PROTECTION OF MINORITIES IN THE TURKISH EMPIRE AND REPUBLIC BY INTERNATIONAL LAW.

At an early date Turkey relied upon international law to protect Turkish subjects abroad. Protection was extended to Turkish minorities as well as to Turks. Turkish rulers refused to see their subjects, Moslems or non-Moslems, suffer at the hands of another power. During the reign of Sultan Suleyman the Magnificent, the Pope confiscated the properties of some Turkish Jews trading in Italy and imprisoned them. Sultan Suleyman immediately sent a letter, the equivalent of a modern diplomatic note, to the Pope asking their release and the restitution of their properties. The Pope satisfied the Sultan's request.⁴ Upon notice that Turkish Jews trading in Poland were having difficulties with the Polish authorities, Sultan Selim II wrote a letter to the Polish King requesting more favorable treatment of the Sultan's Jewish subjects in Poland.⁵ The Empress of Austria, Maria Theresa (1717-1780), under the influence of the Archbishop of Madrid, had decided to expel Jews from Austria, Turkish Jews included. The Turkish government on learning of this proposed step made a strong remonstrance. Austria

3) *Ibid.*, p. 20.

4) *Avram Galanti*, *Türkler ve Yahudiler*. (İstanbul : Tan Matbaası, 1947), p. 23, quoting Graetz, *Geschichte der Juden*, IX, not 5.

5) *Galanti*, *op. cit.* p. 23, quoting *Tarihi Encümeni Mecmuası*, adet 16. s. 991.

thereupon dropped the plan and Maria Theresa apologized to the Sultan.⁶

Turkey concluded many treaties in which there are numerous provisions relating to minorities in Turkey. The remarkable thing is that none of these provisions were mutual. Turks left outside of the narrowing frontiers as minority groups within the jurisdiction of powers which were enlarging their territories at the expense of Turkey, were not protected until very late in the nineteenth century by treaties between Turkey and the various states concerned.

Turkey was one of the first countries which accepted the protection of religious minorities by international treaty. In the sixteenth century France obtained the protection of all Catholics residing within the Turkish Empire. Later the protection of Christian was assured in treaties concluded with Poland, Austria and Russia.⁷ Article VII of the treaty of 1615 between Turkey and Austria illustrates the nature of these treaties.

“Ceux qui professent être le peuple de Jésus-Christ et qui obéissent au Pape, de quelque dénomination que ce soit, ecclésiastiques, moines ou Jésuites, auront le droit de construire les églises dans les États du sérénissime Empire des Turcs où ils pourront d’après leur usage, conformément au statut de leur ordre et d’après l’antique rite, lire l’évangile, se réunir en Assemblées et vaquer au service divin; ils seront traités avec bienveillance par le sérénissime empereur des Turcs et par ceux qui dépendent de lui.”⁸

6) Galanti, op. cit., quoting the newspaper “Louzero de la Paciencia” December 1885 and January, 1886 issues.

7) Antoine Hobza, “Questions de droit international concernant les religions,” *Recueil des Cours*, V, (1924), p. 408.

8) *Ibid.*, p. 409. Translation: “Those who profess to be the followers of Jesus-Christ and who obey the Pope whatever be their denominations, ecclesiastics, priests, or Jesuits will have the right to build churches in the states of the most serene Empire of the Turks where they will, according to their custom, in conformity with the status of their order and in accordance with ancient rites, read the Gospel, meet in Assemblies and attend divine service, they will be treated with benevolence by the most Serene Highness the Emperor of the Turks and by those who are his subjects.”

About six years before the beginning of the Thirty Years War, Turkey, with a perfect neutrality, gave the right of pilgrimage to protestants who were recognized under the general name of Lutherans. Article 54 of the Capitulation given to Holland by Turkey reads : " Les Hollandais pourraient aller à Jérusalem sans en être empêchés par les autres chrétiens sous prétexte qu'ils étaient des iuthériens. "9

Article VII of the Treaty of Carlowitz of 1699 expressly stated that Roman Catholic subjects of the Ottoman Empire would carry out their duties according to orders given by the Sublime Porte. This was in conformity with the sovereignty of the state, but the same article gave an international sanction to the protection of religious minorities by permitting the Polish Ambassador to present before the Imperial throne all demands made by or on behalf of religious minorities. Beside Poland, Austria, too, obtained a right of intervention in favour of Catholics in the Ottoman Empire. Article XIV of the Treaty of Carlowitz granted this right and it was confirmed by the Treaties of Passarowitz (1718), of Belgrade (1739) and of Sistow (1791).10

It is possible that Turkey gave the right of intervention to two other Catholic powers in order to break up the French monopoly of the right to protect Catholic subjects of the Empire. But the Turkish action led to the intervention by a larger number of states in the internal affairs of Turkey.

Article VII of the Treaty of Kuchuk-Kainardji granted to Russian Ministers the right to make representations before the Sublime Porte in favour of the Orthodox Church. In the General Treaty of Paris this right was taken from Russia to be used collectively by all powers for the protection of all Christians in the Ottoman Empire.

IV. ANALYSIS OF TREATY PROVISIONS RELATING TO MINORITIES

A study of minorities treaties concluded just after the First

9) Neculai Dascovici, *La Question de Bosphore et des Dardanelles* (Genève, 1915) p. 81. Translation : " Dutchmen will be able to go to Jerusalem without being prevented by other Christians under the pretext that they were Lutheran. "

10) *Hobza*, op. cit., p. 409.

World War reveals that a person belonging to the minority had guarantees under his three qualifications thus as inhabitant of a country, as its national and as member of a minority. It is useful to study the provisions of the Lausanne Treaty, taking in consideration these three qualifications in the order given above.

1. Protection Given to a Person as an Inhabitant

The third section of the Treaty of Lausanne deals with the protection of minorities, Articles 38 and 39 contain the provisions guaranteeing the rights of minorities in Turkey as inhabitants of the country.

Art. 38. The Turkish Government undertakes to assure full and complete protection of life and liberty, to all inhabitants of Turkey without distinctions of birth, nationality, language, race or religion.

All inhabitants of Turkey shall be entitled to free exercise, whether in public or private, of any creed, religion or belief, the observance of which shall not be incompatible with public order and good morals.¹¹

Art. 39. Paragraph II.

All the inhabitants of Turkey, without distinction of religion, shall be equal before the law¹²

The guarantees given to the minorities as inhabitants of the country, then, were the full and complete protection of life and liberty and equality before the law.

2. Protection Given to a Person as a National

As nationals of their respective countries the minorities are guaranteed civil and political rights. Article 39 provides :

“ Turkish nationals belonging to non-Moslem minorities will enjoy the same civil and political rights as Moslems.... Differences of religion, creed or confession shall not prejudice any Tur-

11) Supplement to the American Journal of International Law, Official Documents, Vol. 18, p. 14.

12) Ibid.

kish national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions and honors, or the exercise of professions and industries."¹³

In all other minority treaties all nationals are given the right to enjoy equal civil and political rights; in the Lausanne Treaty these rights were given only to non-Moslem minorities. The minutes of the Conference show that this stipulation was due to the declaration of the Turkish delegation that Moslem minorities (i.e. Arabs, Kurds), were completely satisfied with their statutes in the Turkish system and were not demanding protection.

3. Protection Given to Persons as Members of a Minority

The rights of members of a minority are not identical with those of the majority as the minority was getting in its qualifications of inhabitant and national. The equality accorded to the members of a minority in this third case was a concession of analogical rights such as the right to worship in a manner different from the majority's or to use a language different from that of the majority. These rights have been grouped under the name of "*Rights for the Maintenance of Distinct Character*."¹⁴ They were :

1) Free use of language : The fourth and fifth paragraphs of Art. 39 guarantees this right as follows :

" No restrictions shall be imposed on the free use by any Turkish national of any language in private intercourse, in commerce, religion, in the press, or in publications of any kind or at public meetings.

Notwithstanding the existence of the official language, adequate facilities shall be given to Turkish nationals of non-Turkish speech for the oral use of their own language before the courts."¹⁵

13) Ibid.

14) Jacques Fouques-Duparc, *La Protection des Minorités de race, de langue et de religion (Etude de droit des gens)* (Paris : Librairie Dalloz, 1922), pp. 34-36.

15) Official Documents, p. 14.

On the basis of these stipulations, many non-Turkish minorities have published and are publishing newspapers in their own language, and use their language in their churches and in private intercourse.

2) Establishment, management and control of charitable, religious and social institutions : These rights are guaranteed in Art. 40 and the third paragraph of the Art. 42 as follows :

Art. 40. Turkish nationals belonging to non-Moslem minorities shall enjoy the same treatment and security in law and in fact as other Turkish nationals. In particular, they shall have an equal right to establish, manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein.¹⁶

Art. 42, Paragraph 3 ; The Turkish Government undertakes to grant full protection to the churches, synagogues, cemeteries, and other religious establishments of the above-mentioned minorities. All facilities and authorization will be granted to the pious foundations, and to the religious and charitable institutions, any of the necessary facilities which are guaranteed to other private institutions of that nature¹⁷

3) The right to instruction and education : The first paragraph of Article 41 provides for public instruction to minorities in their own language in the primary schools. Private instruction is provided with the stipulations of Art. 40, The minorities in Turkey now have their own private primary, secondary and high schools. They have the same rights as the majority. The Universities are state institutions in Turkey. The minorities have no University ; they prefer to go to Turkish Universities.

Art. 41. As regards public instruction, the Turkish government will grant in those towns and districts, where a considerable proportion of non-Moslem nationals are resident, adequate facilities for ensuring that in the primary schools

16) Ibid.

17) Ibid., p. 15.

the instruction shall be given to the children of such Turkish nationals through the medium of their own language. The provision will not prevent the Turkish government from making the teaching of the Turkish language obligatory in the said schools.¹⁸

The last sentence is specially important in the light of historical events. Before the Republic the minority schools taught only their own language and in most cases the minorities did not know the language of the majority, which is Turkish, thus creating non-understanding and a kind of friction between majority and minorities.

4) The right for equitable share of public funds : The second and the third paragraphs of the Art. 41. give this right.

“ In towns and districts where there is a considerable proportion of Turkish national belonging to non-Moslem minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the state, municipal or other budgets for educational, religious or charitable purposes.

The sums in question shall be paid to the qualified representatives of the establishments and institutions concerned.”¹⁹

5) The right to settle matters concerning family law and personal status according to their own customs : this right is guaranteed by Art. 42 and its application is put under special commissions “ composed of representatives of the Turkish government and of representatives of each of the minorities concerned in equal number.”²⁰

Art. 42. The Turkish government undertakes to take, as regards non-Moslem minorities, in so far as concerns their family law or personal status, measures permitting the settlement of these questions in accordance with the customs of those minorities.²¹ The Turkish Civil Code was adopted on April 4, 1926. On this occasion the non-Moslem minorities asked to use this law. Their request was granted. Thus article 42 lost its pertinence.

18) Ibid., p. 14-15.

19) Ibid., p. 15.

20) Ibid.

21) Ibid.

6) Religious freedom : Freedom of conscience is guaranteed to non -Moslem minorities by Art. 43 which reads :

“ Turkish nationals belonging to non-Moslem minorities shall not be compeled to perform any act which constitutes a violation of their faith or religious observances and shall not be placed under any disability by reason of their refusal to attend courts of law or to perform any legal business on their weekly day of rest.”²²

The Lausanne Treaty was accepted before the adoption of the Constitution of the Turkish Republic. To impose a minority regime on a state which has accepted in its laws equality of all its nationals in all matters is to underestimate and offend this state juridically. The Turkish Republic adopted its first Constitution in 1924, and the equality of all citizens was accepted in this constitution but there was a provision declaring Islam as the religion of the State and creating a Ministry of Religious Affairs. In the 1935 Amendment these provisions were left out so we may claim that since that date the equality of all citizens legally and factually is established and the provisions of the Lausanne Treaty lost their pertinence.

V. COMPARISON WITH PROTECTION OF MINORITIES IN WESTERN WORLD

The protection of minorities in Western World was established a long time after this protection had been granted in the Turkish Empire by municipal law. Wars over the question of the rights of religious minorities groups ravaged Europe for centuries. The last important religious war was the Thirty Years War which ended in 1648 with the Treaty of Westaphalia. This date is accepted by most international law publicists as the beginning of modern international law, so in a sense the problem of minorities has had an impact on the birth of the international law. Powers used international law to protect the minorities which had the same religion, same nationality and same language as the intervening Powers. Cromwell intervened in favor of the Waldenses in 1655. Russia, Prussia, Great Britain, Denmark and

22) Ibid.

Sweden intervened frequently during the eighteenth century in favor of the Protestants and Orthodox subjects of Poland.²³ Provisions for the protection of minorities were included in treaties among Western powers. However these stipulations were scattered in a number of treaties and complaints of minority persecution continued.

Until recent times the state was recognized as the absolute master in dealing with its subjects. Even those who believed in the modern principle of the interdependence of states were agreed on that position. The only exception to that rule was the right of international intervention in case of violation of the rights of humanity. However, this doctrine was not universally accepted by international lawyers. Pradier-Fodéré, Despagnet and Mamiani are among those who deny this right.²⁴ Their argument is based on the fifth preliminary article of Immanuel Kant for perpetual peace among states. "No state shall by force interfere with either the constitution or government of another state."²⁵ These publicists are for absolute non intervention. Other publicists contested his view. The Turkish government's position was that of absolute non intervention. So during the Greek rebellion the English Minister asked first from the Commanding General of the Turkish forces at Greece the truth of the rumor that Greeks were going to be expelled to Egypt and that Egyptians would be repatriated in Greece. The General refused to answer on the ground that this question concerned his government alone. Upon the insistence of the English Minister the Turkish Government replied: "We know that the Irish are in rebellion against the British government. Do we ask what measures you are taking? Would you answer us if we asked? What right do you

23) André Mandelstam, "La Protection des Minorités" *Recueil des Cours*, 1923, I, 472.

24) Pradier-Fodéré, *Traité de Droit International Public Européen et Américain suivant les Progrès de la Science et de la Pratique Contemporaines* (Paris: 1885), Tome I, p. 663, René Despagnet, *Cours de droit international public*, Paris, 1910, p. 250.

25) Immanuel Kant, *Perpetual Peace*, (U. S. Library Association, Inc. at Westwood Village, Los Angeles, California, 1922), p. 18.

have to interfere in our affairs ?"²⁶. But the weakness of the Ottoman Empire and the rivalry among the Great Powers to be the champion of "persecuted" Christians, to conceal their own inefficient government ended in a continual interference and intervention of European Powers in the internal affairs of Turkey. In the nineteenth century Turkey in good faith introduced many reforms, tried to establish a new and efficient government on western standards, to adopt modern laws and institutions, but unfortunately for this country reactionary forces, profiting from the continual disturbances among minorities provoked by intense nationalism, outside influence and help, and maladministration, obstructed all these new and good currents. The Great Powers far from helping the Turkish government to carry out these reforms, hampered it by their intervention. They were convinced that the Turkish Empire was doomed to death. After two centuries of struggle with reactionary forces inside of the country and with the Powers which were anxious to see the end of Turkey and divide the Empire, the Turks were finally able under the leadership of the genius Kemal Atatürk to establish a westernized Turkey.

The treatment of minorities in the Turkish Empire was quite fair, but to assert that no wrong was done them is not an objective statement. Sometimes they suffered from mistreatment by a corrupt government or from the actions of some officials. But the Turks as a nation were never ill-disposed toward any of their minorities.

In Europe, too, minorities were generally given adequate protection, but sometimes they were very badly persecuted. The years previous to Second World War are full of such persecutions, atrocities to redden the face of humanity.

The protection of minorities on a world level was undertaken just after the First World War. During this war President Wilson enunciated his principles and among them self determination of all nations to choose their own institutions. In his "Statement to Russia" he clearly said that "No people must be forced under a so-

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26) Mahmut Esat Bozkurt, Devletler Arası Hak, Seri II, sayı 19. Ankara : Ankara Hukuk Fakültesi Neşriyatı, 1940, p. 284.

enunciated his principles and among them self determination of all nations to chose their own institutions. In his "Statement to Russia " he clearly said that no people must be forced under sovereignty under which it does not wish to live."²⁷ In his famous " Terms of Peace " speech President Wilson enunciated his fourteen points. Points ten, eleven, twelve and thirteen dealt with the problem of minorities. The contents of these points were : free opportunity for autonomous development to the peoples of Austria-Hungary, evacuation of Rumania, Serbia and Montenegro and free access to the sea for Serbia. Point twelve deals with minorities in Turkey :

" The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development,"²⁸

The thirteenth point called for an independent Poland. The absolute character of the principle of self determination was modified in a later speech by Wilson. In fact in his speech of January 22, 1917 he asked for a minimum of right for each nationality instead of self determination.

" . . . inviolable security of life, of worship and of industrial and social development should be guaranteed to all peoples who have lived hitherto under the power of governments devoted to a faith and purpose hostile to their own."²⁹

This minimum of guarantee would be determined in the following manner :

" First that each part of the final settlement must be based upon the essential justice of that particular case and upon such adjustments as are most likely to bring a peace that will be permanent ;

27) Woodrow Wilson, In Our First Year of War, (New York : Harper and Brothers Publishers), p. 62.

28) Ibid., p. 159.

29) Text of President's Address to the Senate, New York Times, January 23, 1917, p. 1.

“ That all well defined national aspirations shall be accorded the utmost satisfaction that can be accorded them without introducing new or perpetuating old elements of discord and antagonism that would be likely in time to break the peace of Europe and consequently of the World.”³⁰

In conformity with its general theory President Wilson wrote in his first draft of the covenant of the League of Nations an article (III) which guaranteed the political independence and the territorial integrity of the contracting parties. The same article authorised in accordance the principle of self determination territorial readjustments in cases become necessary following the changes in the conditions and aspirations of race or in the social or political conditions.³¹ The last part of the Article clearly indicates Wilson's views: The high contracting parties accept without reserve the principle that the world's peace is more important than any question of political jurisdiction or of frontiers. In this first draft of Wilson's there was another article consecrated specially to the minorities :

“ La Société des Nations demandera à tous les nouveaux Etats, comme condition préalable à leur reconnaissance comme Etats indépendants ou autonomes, de s'engager à accorder à toutes les minorités de race ou de nationalité, dans leurs juridictions respectives, exactement le même traitement et sécurité qu'ils accordent à la majorité de race ou de nationalité de leur peuple.”³²

Before the opposition, the President Wilson renounced to the express wording of territorial adjustment on the principle of self determination. The right of minority was included in the following form in the first redaction of the Pact in Art. 21.

30) Presidential Message of February 11, 1918. Congressional Record, LVI, 1937.

31) **Robert Lansing**, *The Peace Negotiations* (Boston : Houghton Mifflin Co., 1921), p. 55. “ The Contracting Powers unite in guaranteeing to each other political independence and territorial integrity ; but it is understood between them that such territorial.

32) **Mandelstam**, *op. cit.*, p. 399. Translation : League of Nations will ask all new states as a previous condition to their recognition as independent or autonomous states to engage itself to concede to all minorities of race or nationality of their people.

“ Les Hautes Parties contractantes sont d'accord pour déclarer qu'aucune entrave n'interviendra dans le libre exercice de toute croyance, religion ou opinion dont la pratique n'est pas inconciliable avec l'ordre public et les bonnes mœurs, et que, dans leur juridiction respective, nul ne sera troublé dans sa vie, sa liberté ou sa poursuite au bonheur, en raison de son adhésion à telle croyance ou opinion. ”³³

This Article was not accepted and there was no article on the protection of minorities in the Pact. The reason for this is summarized in the following words of baron Adelswaerd, president of interparliamentary Council :

“ Toutes les grandes Puissances avaient à régler pour leur propre compte des questions particulièrement délicates de nationalités et aucune d'elles n'était disposée à en subordonner la solution à quelques décisions générales de principe. ”³⁴

It is interesting to remark that in Wilson's article on minorities there was no reference to religious minority and the minority protection included in Article 21 of the first draft was only a protection of religion, there was no reference to race or nationality.

The protection of minorities was sought in the treaties concluded with the new states and the Central Powers and Poland, Czechoslovakia, the Serbian-Croat-Slovene State, Roumania, Greece and Armenia. Many stipulations on minorities were enclosed in the peace treaties of Saint Germain, of Trianon, of Neuilly,

33) Ibid, p. 400. Translation : The High Contracting Parties are in agreement to declare that no hindrance would intervene in the free exercise of any belief, religion or opinion whose practice is not incompatible with the public order and morality, and that in their respective jurisdiction nobody will be disturbed in his life, his liberty or his pursuit of happiness, because of his adhesion to such a belief or opinion.

34) Ibid., quoting Adelswaert, *Les Droits des minorités nationales* (Rapport à la 20 e Conférence interparlementaire) p. 7. Translation: All the Great Powers had to regulate for their own count the questions particularly delicate questions of nationality and none of them was disposed to subordinate their solution to some general decisions of principle.

of Sevres with Austria, Hungary, Bulgaria and Turkey. The Council of the League of Nations with different resolutions accepted the guarantee of these clauses except those of the Treaty with Armenia.³⁵

Many other Conventions were concluded between states on the protection of minorities, but there was no universal declaration of rights of minorities. The United Nations Charter did not provide for such a declaration. Only in its preamble is there determination "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small."³⁶ This paragraph can be broadly interpreted as a protection of minorities. The real protection of minorities came with the Universal declaration of Human rights which was adopted and proclaimed by the General Assembly of the United Nations on the tenth day of December, 1948. Article 2 of this declaration reads as follows :

"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty."³⁷

VI. CONCLUSION

Some general rules on the rights of minorities have been established during the evolution of this problem. Among them are the following : (1) The minority is subordinate to the sovereignty of the state and it must respect the juridical order on which its

35) Mandelstam, *op. cit.*, p. 402.

36) Charter of the United Nations and Statute of the International Court of Justice - Published by the United Nations, Department of Public Information, New York, p. 1.

37) Universal Declaration of Human Rights, United Nations Department of Public Information, August, 1950.

rights depend, (2) Minority groups should not have more rights than the majority. (3) The minority enjoys better protection if it is recognized as a corporate body, the best protection of a minority is autonomy. Now let us apply these principles to the minorities in Turkey. Until the nineteenth century the minorities were subordinate to the sovereignty of the state, after this date they tried to break this sovereignty and become independent, most of them succeeded with outside help and pressure on the Turkish government. So this principle was not fully applied after the end of the eighteenth century.

The minorities did not have more rights than the majority during the Empire and the Republic.

The minorities had autonomy under the Turkish Empire, the best kind of protection possible. Under the Republic they are not autonomous units, they are not a state within a state, but all Turks, Moslem and non-Moslem, born in Turkey or naturalized citizens, talking a different language or belonging to a different race are elements of one nation, all have equal rights before the law and they are obliged to respect the law. Special privilege is abolished for everybody. Impartial and equitable Turkish Courts redress all wrong done to anybody. The decision of the Administration which endangers the rights of individuals can be brought and sued before the Administrative Court. The life, property, honor and home of each and all are inviolable. No one may be molested on account of his religion, sect, ritual or philosophy. Inviolability of person and freedom of conscience, thought speech, press, assembly, association, travel, labor, private property, contract, and corporation are among the natural rights of citizens guaranteed by the Turkish Republic's Constitution.
