

# THE ECUMENICAL PATRIARCHATE

## MEMORANDUM

**DATE: 5 May 2006**

**SUBJECT: Problems Faced by the Ecumenical Patriarchate**

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### **Restrictions on the Election of the Ecumenical Patriarch**

In 1923 and 1970, the Governor of Istanbul issued illegal decrees imposing restrictions on the election of the Ecumenical Patriarch, and the Metropolitans who elect him. These decrees state that the Ecumenical Patriarch and the Hierarchs (Metropolitans and Archbishops) who vote for him must be Turkish citizens. The Canons of the Orthodox Church state that the Ecumenical Patriarch is to be elected from the entire pool of Hierarchs of the Ecumenical Patriarchate. Currently there are only 15 Hierarchs in Turkey with Turkish citizenship and 40 Hierarchs of the Ecumenical Patriarchate outside of Turkey. Additionally, there are only 2 deacons and 2 priests working at the Ecumenical Patriarchate as candidates to replace them in the future. Theoretically, according to Canon Law, if a vote were to take place, they all should be eligible to be elected Ecumenical Patriarch and to elect the Ecumenical Patriarch. The result of these restrictions is that in the not so distant future the Ecumenical Patriarchate may not be able to elect an Ecumenical Patriarch.

### **Non-Recognition of “Ecumenical” Status of Patriarch and Patriarchate**

The Turkish State still does not recognize the “Ecumenical” title and status of the Patriarch and Patriarchate. This title was given to the Ecumenical Patriarch of Constantinople by the undivided Christian Church in the 6<sup>th</sup> century, and is purely an ecclesiastical title. The mission and jurisdiction of the Ecumenical Patriarchate has always been and always will be purely spiritual. Unfortunately, this title has been the source of much debate by the Turkish State, even though it is recognized and used by the rest of the world. The majority of the faithful under the immediate jurisdiction of the Ecumenical Patriarchate is outside of Turkey and encircles the globe. The Ecumenical Patriarchate is also the First Church of the Orthodox Church world-wide, responsible for coordinating the Pan-Orthodox affairs of the Orthodox Church. It is the spiritual center of 250 million Orthodox Christians world-wide. The Turkish Authorities state that the Treaty of Lausanne prohibits this ecumenical status but in reality the Lausanne Treaty does not do so.

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## **Re-Opening of the Theological School of Halki**

This seminary was illegally closed in 1971 by a secret decision that prohibited private higher religious education. The operation of this Minority School is protected by the Lausanne Treaty of 1923. This school operated as a 3 year high school followed by 4 years of theological and priestly training. However, these 4 years were recognized as 1 year of vocational training and therefore could not have been considered a school of higher education. Since its closure, the Ecumenical Patriarchate has had to send the young men from its community desiring to enter the priesthood or study theology abroad, usually to one of the theological schools in Greece, and in many instances they do not return to Turkey after their studies. Since the closure of the school, the Ecumenical Patriarchate has also had difficulties in staffing the Ecumenical Patriarchate to carry out its many administrative responsibilities, and to fill positions to carry out its world-wide mission. Despite many promises made by the Turkish Government over the past few years that the school would reopen, there has been absolutely no progress towards this end. Prime Minister Erdoğan has stated that he would like the school to re-open but first a mosque needs to be built in Athens, Greece, which is now happening. Minister of Foreign Affairs Gül has said several times that the Government is working on a solution. The Minister of Education has said that if there is political will that the school could re-open in 24 hours. The Ecumenical Patriarchate has never been officially contacted by the Turkish Authorities about the re-opening of the school. The re-opening of the school is absolutely necessary for the future of the Ecumenical Patriarchate.

## **Non-Legal Status of the Ecumenical Patriarchate**

The Ecumenical Patriarchate still has no legal identity, or personality, in Turkey. This is particularly difficult to understand since the institution is 1700 years old. The Treaty of Lausanne, signed on 24 July 1923, established and defined the legal position and rights of the Minorities in Turkey. This is an internationally binding agreement and its articles cannot be altered or interfered with by the Turkish State. The EU-Turkey 2003 Accession Partnership instructs Turkey to conform to European standards with respect to religious freedom and the protection of minorities. The Turkish State continues to violate the Lausanne Treaty by not recognizing legally the Ecumenical Patriarchate, and it has not made any progress towards the EU-Turkey 2003 Accession Partnership. Not having a legal identity is a major source of many other problems of the Ecumenical Patriarchate in Turkey.

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## **No Work Permits for Foreigners**

Foreigners who work at the Ecumenical Patriarchate are not able to obtain work permits to work in Turkey at the Ecumenical Patriarchate. There are currently 10 clergymen from Greece, 1 layman from the United States and 1 layman from Great Britain that work at the Ecumenical Patriarchate illegally. These individuals must leave the country every three months to renew their tourist visas. This makes bringing individuals from abroad to work at the Ecumenical Patriarchate very difficult and also greatly disrupts the operation and productivity of the Ecumenical Patriarchate. Once, when a clergyman from France working at the Ecumenical Patriarchate applied for a work permit, two days later he was deported and banned from Turkey. At any moment the Turkish Authorities can order these foreigners to leave the country. This would immediately halt the functioning of the Ecumenical Patriarchate.

## **No Property Rights**

The Turkish Authorities do not allow the Ecumenical Patriarchate to have any property rights in Turkey and therefore it cannot own any property. None of the churches under the jurisdiction of the Ecumenical Patriarchate in Turkey are owned by the Ecumenical Patriarchate. Rather, they are owned by a Minority Foundations which are administered independently of the Ecumenical Patriarchate. Even the newly issued title to the Patriarchal House, the Ecumenical Patriarchate's main building, is written to the foundation of the Patriarchal Cathedral of St. George, but not to the Ecumenical Patriarchate itself. The Ecumenical Patriarchate is also prohibited from purchasing any type of property.

## **Loss of Properties**

Through various methods, the Turkish Authorities have confiscated thousands of properties (homes, apartment buildings, schools, land) from the Ecumenical Patriarchate and its community over the years. One method was when it was illegal for churches to own property, properties were placed in the names of private individuals. These properties were then confiscated by the State, and have either been sold or are rented by the State, who now collects the rental income from these properties. The Authorities have also confiscated school buildings, and the General Directorate of Foundations has classified 18 church and monastery foundations of the Ecumenical Patriarchate as "mazbut". This means that the properties belonging to these foundations have been confiscated and only the Church building has been left to be used by the Ecumenical Patriarchate. However, in some instances, even the church building is now in the name of the General Directorate of Foundations. The Turkish Authorities have also taken 36 cemeteries of the Ecumenical

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Patriarchate, which are protected by the Lausanne Treaty, and have registered them to the various municipalities of Istanbul.

## **Confiscation of the Boys Orphanage Building of Büyükkada**

On 20 March 2006, the name of the Ecumenical Patriarchate was erased as the owner of the only building in Turkey that it possesses the title of, and replaced with the name of the Foundation of the building. However, this Foundation was seized by the Turkish Authorities in 1997. Therefore this building is now owned by the Turkish State. This is the largest wooden building in Europe and has tremendous historical value. The Ecumenical Patriarchate appealed to the European Courts of Human Rights on 9 April 2005 about the ownership of this building, but the Turkish State still proceeded with this above-mentioned action while this case is in process.

## **Confiscation of the Monasteries on the Princes Islands**

The Ecumenical Patriarchate has recently learned that out of its 11 monasteries on the Princes Islands of Istanbul, 3 monasteries and the property of 1 monastery are registered in the name of the General Directorate of Foundations, 6 are listed as having no owner and 1 is not listed at all. Even though this transfer of ownership occurred in 1976 and 1977, the Ecumenical Patriarchate was never notified by the Turkish Authorities about this, and still has not been. So while the Ecumenical Patriarchate has been using and maintaining these churches for the past 30 years, it has just learned that it no longer owns these monastery churches. This is most disturbing because this is the first time the Ecumenical Patriarchate is aware of the fact that an actual church building has been taken from it and given to the General Directorate of Foundations.

## **Draft Law on Minority Foundations**

The Turkish State has been preparing a new Law concerning Minority Foundations property rights in Turkey for over 2 years now. The Minority communities submitted their opinions to the State about this Law over 2 years ago, but there has never been a response or any notification about this new Law. Not only is the State taking an excessive amount of time to produce the new Law, but it is doing so in a very secretive way. The Minority communities are very nervous about how this new law will be written, as thousands of their properties have been confiscated from them by the Turkish State over the years. The current law gives the power to the General Directorate of Welfare Foundations to classify minority properties as “mazbut” and therefore confiscate them. The new law must eradicate this power and practice, and correct the numerous problems the Minority Communities face in

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the administration of their properties because if it doesn't, the life of the Ecumenical Patriarchate and its Rum\* community will be increasingly threatened.

## **The Administration of Churches**

The ownership of many of the churches of the Ecumenical Patriarchate is also now in jeopardy because of a lack of faithful living in their districts. The Governor of Istanbul recently sent a letter to the Ecumenical Patriarchate instructing its churches to perform elections for the Administrative Boards of its churches' foundations. Because of a lack of faithful living in the districts of many of the churches, the required number of 12 individuals cannot be elected to many the administrative boards. Therefore, if elections are held, the State may classify many of these churches as "mazbut" and confiscate them and their properties.

## **The Islands of Imvros and Tenedos**

On what were once islands inhabited only by the Rum population, there are now only 170 Rum individuals living on Imvros and 14 on Tenedos. On these islands, the majority of the private and church property of the Rum Minority has been taken and at present is being sold, rented or distributed by the Turkish Authorities to Turkish Emigrants from Anatolia. A law was passed on the island of Imvros on 24 July 2004 that no minorities are allowed to own private property on the island any more. This means that the properties the minorities own can be taken away from them. The Turkish Assembly also agreed that all properties on the islands of Imvros and Tenedos are now National Heritage sites and therefore belong to the State.

## **The Churches of Galata**

There are 3 churches in the area of Galata that properly belong to the Ecumenical Patriarchate but were taken by the Turkish State and given to the so-called "Turkish Orthodox Patriarchate". One church was taken in 1924 and 3 were taken in 1965, but one of the latter was given back shortly after. This so-called church was started by the Turkish State in 1924 solely in order to create problems for the Ecumenical Patriarchate. It has no priests and no faithful. It rents one of these churches to the Syrian Catholic community in Istanbul. Additionally, it collects the rental income from the properties owned by these 3 churches, which is a considerable income. These churches must be given back to the Ecumenical Patriarchate.

\* Rum- The Greek Orthodox Community of Constantinople who are the cultural heirs of the Byzantine Civilization and the Roman Empire

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## **Problems in Education**

Currently there are many qualified primary school teachers from the local Rum Minority community that are denied teaching positions in the Rum Minority primary schools. The reason is that the Turkish State insists on employing a predetermined number of teachers from Greece every year to teach in the Rum schools here in Istanbul. As a result, sometimes qualified teachers from the local Rum community are not employed because of the desire to fill the “quota” of teachers from Greece. However, the teachers from Greece should only be used to fill positions when they cannot be filled by the local Rum teachers.

The Rum Community also has many empty school buildings that cannot be used for a purpose other than education. Therefore, the community is losing much rental income to help finance its other schools that are open.

The libraries of Rum Minority Schools are very inadequate because of the current 6 year process of getting books “approved” by the Turkish Authorities to be placed in the library. As a result, the students suffer from not having up-to-date books at their disposal for their education.

## **No Dialogue**

One of the most difficult things the Ecumenical Patriarchate must endure is the fact that there is no dialogue with the Turkish Authorities about the issues of the Ecumenical Patriarchate, in order to find solutions to the problems. In the past several years, there have been very few meetings between the Ecumenical Patriarchate and the Turkish Authorities. Additionally, the Ecumenical Patriarchate has written and sent over 30 letters to the Prime Minister, other Ministers and Authorities in Ankara about the problems of the Ecumenical Patriarchate and its community, but there has never been even one reply to any of these letters.

On 30 October 2003, His All Holiness Ecumenical Patriarch Bartholomew had a meeting with Prime Minister Erdoğan in Ankara. At this meeting the Ecumenical Patriarch gave the Prime Minister a letter containing all of the problems of the Ecumenical Patriarchate. The Prime Minister said that he wants to do something to help the situation of the Ecumenical Patriarchate and its Rum community but he said that in order for this to happen that Greece must do something about the situation of the Muslim’s living in Eastern Thrace, Greece. However, there are 100,000 Turkish Muslim populations living in Western Thrace under much better conditions than the 2,500 Rum people living in Istanbul under much more difficult circumstances. The Prime Minister also said that in order for the Theological

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School to open, first a mosque must be built in Athens, which is now happening. In response the Ecumenical Patriarch explained that there is a big difference between the Muslims in Greece and the Rum Community in Turkey because the Rum community are Turkish citizens. Although the Prime Minister said that he would respond to Ecumenical Patriarch Bartholomew's letter within a week, there has never been a reply to the His All Holiness' letter.

In October 2003, the Ecumenical Patriarch also met with Minister of Foreign Affairs Gül and the Minister of Education Çelic. Both Ministers said that they wanted to find a solution for the re-opening of Halki but there has never been any follow-up by either of them.

In January 2004 another meeting took place at the Governor of Istanbul's home. His All Holiness Ecumenical Patriarch Bartholomew and Metropolitan Meliton of Philadelphia were present and 3 Ambassadors from Ankara, the Chief of Police of Minorities in Istanbul, and two lawyers from the Ministries of Internal and External Affairs. The issues of the Theological School of Halki, the election of the Ecumenical Patriarch and Minority property rights were discussed.

On 17 April 2006, a meeting took place at the Ecumenical Patriarchate with representatives of the Minority Communities and representatives of the Ministries of Internal and Foreign Affairs and Education, and a representative of the General Directorate of Foundations. At this meeting all of the problems of the Minorities were raised but there were no suggestions given by any of the representatives from the Ministries or Directorate of Foundations about how these problems may be solved. In fact, the only collective response by the representatives was that once Turkey enters the European Union then most of these problems will be solved.

This meeting was of course most disappointing for the Minority communities and especially for the Ecumenical Patriarchate. It appears that there is still no interest by Turkey in solving any of the problems of the Minorities in Turkey, even though it has been instructed by the EU-Turkey 2003 Accession Partnership to conform to European standards with respect to religious freedom and the protection of minorities. Without the resolution of many of these problems, Turkey will not be demonstrating the religious freedom necessary to enter the European Union.