



ORDER OF SAINT ANDREW THE APOSTLE
ARCHONS OF THE ECUMENICAL PATRIARCHATE IN AMERICA

Freedom of Thought, Conscience, Religion or Belief:

The Problems of the Ecumenical Patriarchate in Istanbul

The Organization for Security and Cooperation in Europe (OSCE)

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Introduction

1. We are present, again this year, at the 2011 OSCE Human Dimension Implementation Meeting, to represent the Order of Saint Andrew the Apostle, which is a United States-based organization of Orthodox Christian laymen, whose mission is to defend the rights and prerogatives of the Ecumenical Patriarchate of Constantinople and to preserve its important role in the spiritual life of Orthodox Christians and of persons of faith in the world. Our members can be found in all walks of life, including the U. S. Congress, executive government, the professions, business, and the arts. The Order of St. Andrew has participated at OSCE Meetings like the present one a number of years and will continue to do so as long as our intervention is needed.

2. We are pleased to acknowledge a number of important steps, including one on properties of non-Muslim Foundations that the current Government of Turkey has been taking over the past year since the last OSCE-Human Dimension Meeting in this city. We refer specifically to one step taken just one month ago, to correct egregious past injustices and discriminatory practices that have, over long years, injured the Ecumenical Patriarchate's health and well being and presented serious obstacles to its normal functioning in its spiritual role in the world.

3. This is not to say that the Order of St. Andrew is fully satisfied on all accounts and the current situation, even after the announced corrective measures are implemented, will be desirable from our point of view and, even more importantly, from the perspective of human rights standards, such as the Human Rights Convention, and standards for the freedom of religion of international bodies namely, the European Union, which Turkey is aspiring to join as a full member, the United States, and the United Nations. Just as we are cognizant and thankful for encouraging developments, to which we are prepared to assign full credit, we will insist on faithful implementation of good intentions and full compliance with international law and the principles of OSCE of which Turkey is a member.

The process for the election of a new Ecumenical Patriarch

4. There has been some progress in the process of electing a new Ecumenical Patriarch. The requirement of the Government of Turkey, that the candidate to the patriarchal throne and his electors be Turkish citizens at the time of election, combined with the dwindling numbers of candidates who fulfill this requirement, has been a dire threat to the very existence of the Ecumenical Patriarchate. Even before last year's OSCE-ODHIR review conference, we had noted that, in recent rulings, electors of the world-wide Patriarchal Synod, Metropolitans from geographic areas that fall within the jurisdiction of the Ecumenical Patriarchate, have been allowed to apply for Turkish citizenship. The latest information, as of this writing, is that 26 Metropolitans have applied for Turkish citizenship, 18 have been approved, and the remaining 8 are pending. We hope the approval process will continue apace and all eligible applicants will be approved. This recent ruling, once fully implemented, will add a considerable number of Orthodox prelates to the small pool of indigenous electors for the election of a new Ecumenical Patriarch.

5. While recognizing the positive steps taken for accommodation, we feel compelled to ask why any restrictions at all should apply and any interference be exerted to the internal proceedings of the Ecumenical Patriarchate or of any religious group for that matter, especially when the office in question is one of spiritual relevance and authority. The May 2011 Report of USCIRF stated its reservations in this manner:

"these ad hoc accommodations – while helpful –fail to ensure the level of institutional integrity and independence in intra-religious decisions contemplated by international human rights standards."

The "Ecumenical" title

6. The title "*Ecumenical*," that the entire world uses in addressing and referring to His All-Holiness, the Patriarch of Constantinople, is an issue of paramount importance to the Order of St. Andrew and to the entire world. The term means that the See of Constantinople pertains to the entire "inhabited world." We repeat here briefly the points we made last year: (a) the See was founded by the Apostle Andrew, the first-called Apostle of Jesus, in 37 A.D., in the town of Byzantium, later renamed Constantinople, and present-day Istanbul; (b) its position and prestige was formally elevated in the year 451 A. D., at the Fourth Ecumenical Council of the Christian Church; (c) the See has served, over the centuries, as the religious center for Orthodox Christians up to this day; (d) the term "Ecumenical Patriarchate" dates from the sixth century A.D. and reflects the stature in which the Bishop of Constantinople was held by the rest of Christendom. After Constantinople fell to the Ottoman Turks in 1453 and in succeeding centuries, the Ecumenical Patriarchate continued its existence in Istanbul, exercising its spiritual ministry over world-wide Orthodoxy.

7. A large number of events can be cited to demonstrate that the "Ecumenical" title of the Patriarch has always and is actually accepted and routinely used by the Orthodox churches of the entire Christian world. A few facts can be cited to illustrate the point:

- A number of Popes of Rome, including the current occupant of the See of Rome, Pope Benedict XVI, have paid official visits to the Ecumenical Patriarchate;
- The Ecumenical Patriarch has exercised his recognized prerogatives as "*primus inter pares*," (first among equals) by convening a number of *synaxes* (gatherings just short of the status of a synod). The most recent *synaxis* was held in 2008;

- During visits by Archbishop of Canterbury, Dr. Rowen D. Williams, the Archbishop repeatedly referred to His All Holiness the Patriarch as the *Ecumenical Patriarch*.
- The visit to the Ecumenical Patriarchate by the current Patriarch Kyrill of Moscow and All Russia, July 4-6, 2009, offers clear testimony of this recognition.

8. The matter of the title “Ecumenical” has also been the subject of deliberation by the Venice Commission. At its 82nd Plenary Session, in Venice, 12-13 March 2010, the Commission expressed a formal opinion,¹ which was affirmed in an opinion issued in July 2011, stating, among other things:

“99. The Turkish authorities are under a clear obligation under Article 9 of the ECHR not to obstruct or in any way hinder the Patriarchate from using this title. However, it cannot be inferred from the ECHR that the Turkish authorities are obliged themselves to actively use this title when referring to the Patriarchate, nor to formally recognise it. If the authorities do not want to use the title, they are formally free under the ECHR not to do so, as long as they do not obstruct the use of it by others.

100. However, taking into account the fact that the word “Ecumenical” forms part of the title of the Patriarchate and has done so since the 6th century, and that this title is widely recognised and used globally, the Venice Commission fails to see any reason, factual or legal, for the authorities not to address the Ecumenical Patriarchate by its historical and generally recognised title.”

9. We regret to report to this conference that recognition of “Ecumenical,” as a legitimate and historical title, is still denied to the Patriarch of Constantinople by the Government of Turkey, which continues to view him as the Bishop of a flock of 2,500 Greek Orthodox faithful. It must be said that the Government of Turkey, on many occasions, including a recent one, when P.M. Erdoğan visited Athens, in May 2010, stated that it has no issue with the title “ecumenical.” However, in a conference organized in November 2010 by the Order of St. Andrew in Brussels, the Minister for European Affairs of Turkey stated that “the government would not recognize the Patriarch’s ecumenical status.” We feel that this attitude and denial of a historic and legitimate title is unacceptable; it diminishes the stature of the Ecumenical Patriarch, defies history, contradicts universal Christian practice, and works against Turkey’s ambitions to present itself as a reformed and modern country.

Denial of Legal Personality

10. Lack of recognition of its legal identity has been, for many years, and continues to be to this day, an instrument of deliberate attrition on the part of the Government of Turkey and a major impediment to the functioning of the Ecumenical Patriarchate as a normal institution in Turkish society, as it has also been the case for all other religious bodies in Turkey, hampering their normal existence and operations in every-day life. The many consequences of this deprivation include the inability to sue in court for redress of grievances and a “legal inability” to own property. The denial of legal personality to religious institutions has been condemned widely, most notably by the European Commission for Democracy Through Law, also known as

¹ The document was issued in Strasbourg, 15 March 2010, Opinion no. 535/2009, CDL-AD (2010)005 Or. Engl.

the Venice Commission, which reiterated this condemnation as late as in July 2011, in an opinion issued at the request of the Ministry of Justice of the Government of Turkey.

11. The occasion of official return of the Orphanage of Büyükada to the Ecumenical Patriarchate, in late November 2010, was thought to provide a *de facto* legal recognition to the institution of the Ecumenical Patriarchate, since the deed was registered in the name of “Rum Patrikhanesi”². This hope was dashed when, in January 2011, Deputy Prime Minister Bülent Arinc stated publically that “the institution represented by Greek Orthodox Patriarch Bartholomew does not have a legal personality under current Turkish law.” He further stated that the Government of Turkey was “seeking to find an arrangement that recognizes the existence of the patriarchate but does not offer a legal personality to it, in line with the [1923] Lausanne Treaty and our laws.” So this issue remains largely unresolved.

Restriction on Free Religious Education

12. The Theological School at Halki (Heybeliada) was closed in 1971, thus seriously depriving the Ecumenical Patriarchate of its ability to educate its clergy and lay theologians and to be, by its ecumenical role, a center of Orthodox learning, research, and scholarship. Over the past few decades, the opening of Halki has become a thorny and recalcitrant issue over which much diplomatic energy has been expended. In addition, The Ecumenical Patriarchate has severe visa restrictions placed by the Turkish government on students, priests and other staff who wish to visit it in order to study and serve there. The Ecumenical Patriarchate is not permitted to have its own printing facility, publish religious journals, treatises and books; a serious hindrance to its theological and pastoral function.

13. The references, entreaties, requests and exhortations toward the opening of this School have been legion over the years, as was narrated in much detail in our last year’s presentation. Many authoritative and weighty voices, including those made by Presidents of the U.S., high officials of the European Union, and many organizations, including the Order of St. Andrew, have lined up in one direction, namely toward convincing the Government of Turkey that, in addition to serving the needs of the Ecumenical Patriarchate, the opening of Halki would also serve the interests of Turkey, especially at this juncture of trying to join the E.U.; but to no avail, to this minute -- we regret to say. In addition to those quoted in last year’s presentation, we mention here, only briefly, the following recent voices of support:

- The U.S. Commission on International Religious Freedom (USCIRF), in its 2010 Annual Report, gave a critical assessment on the status of religious freedom in Turkey and, specifically on the continuing closure of the Theological School of Halki. We quote: *“Freedom of religion and expression lead to a strong and vibrant civil society that only strengthens the state, which is why steps like reopening Halki Seminary will send such an important signal inside Turkey and beyond.”*
- In the most recent USCIRF Report (May 2011), the commission states: *“In 1971, the government’s nationalization of higher education institutions included the Greek Orthodox Theological School of Halki on the island of Heybeli, thereby depriving the Greek Orthodox community of its only educational institution for its religious leadership in Turkey. Furthermore, in November 1998, the school’s Board of*

² This is the official name for the Patriarchate used by the Government of Turkey, referring to its origins in the Roman Empire.

Trustees was dismissed by the General Authority for Public Institutions. The Halki seminary remains closed. USCIRF was told by various Turkish officials in February 2011 that they are actively exploring with the Patriarchate the reopening of the Halki seminary. The USCIRF delegation also discussed with the Ecumenical Patriarch the potential benefits of forming a technical committee, comprised of representatives from the Ecumenical Patriarchate and the Turkish government, to collectively review all details relevant to an expeditious reopening of the Halki seminary."

- Guido Westerwelle, Minister of Foreign Affairs of Germany, in a trip to Turkey, visited the Halki School, on 2 July 2011, and made pointed remarks, reported in the press as follows:

"My visit here is very important to me. The School of Halki is a place for civilization and, therefore, an inseparable part of European civilization. I wish my presence here would give courage and hope and would exemplify my support for the prospect of the reopening of the School."

- On July 15-18 of this year, U.S. Secretary of State Hillary Rodham Clinton visited Greece and Turkey. While in Turkey, she paid a visit to His All Holiness Bartholomew I at the Ecumenical Patriarchate and in her public remarks with Turkish Foreign Minister Davutoglu she said:

"I hope that sometime soon we can see the reopening of the Halki Seminary that highlights Turkey's strength on democracy and its leadership in a changing world."

14. It would not be an exaggeration to state that the lack of any progress in the matter despite repeated efforts and entreaties has become the source of frustration to the Ecumenical Patriarchate, the U.S. Government, the E.U., the U.S., and countless organizations of the world in the political, cultural, and religious arena, and certainly to the Order of St. Andrew. It is implausible for us to accept that a state like Turkey with its enormous size and strength, flourishing economy, and influence on the global scene finds it difficult to find a suitable way to allow the reopening of a School of Theology that is essential to the Christian community and a fundamental right by all civilized standards. Recent steps toward decisive reforms may yet afford a basis for hope that the Government of Turkey will look, seriously this time, into the resolution of this problem without further delay.

Property Confiscations

15. Property confiscations have been among the top grievances of Patriarchal institutions and other civil bodies of the Greek Orthodox minority associated with the Ecumenical Patriarchate, to a great extent because it deprived them of means of sustenance and growth. The Order of St. Andrew will have the opportunity to elaborate on this critical issue in a companion paper to be presented at the session of this Meeting that is devoted to minority rights.

16. In this paper, we wish to mention, with deep satisfaction, the return to the Ecumenical Patriarchate of the Orphanage on the island of Prinkipos (Büyükada), following much litigation, including, at the end, before the European Court of Human Rights (ECHR). The Ecumenical Patriarchate obtained a favorable ruling on 7 July 2008, followed by an additional ruling, on June 15, 2010, that ordered the Government of Turkey to return the Orphanage to the Ecumenical Patriarchate. This order was implemented, in late November 2010, through a deed in the name of "Rum Patrikhanesi" (see footnote 1).

17. Just as this paper was being drafted, a very important step, was made, on Sunday, 28-August-2011, by means of a Decree, announced at a meeting of P.M. Erdoğan with

representatives of religious minorities that the Government of Turkey has decided (by adding a new transitional article, no 11, to the 2008 Foundation Law), to return properties confiscated from religious minorities' foundations since 1936 and pay fair compensation for seized assets that have since been sold by the Turkish state to third parties. Although those who have lost their properties maintain serious doubts, shared to a large extent by the Order of St. Andrew, as to the real intentions of the Government of Turkey, the number of properties that will, in fact, be returned, the timing and procedures of submission of needed documentation, and other details, the move must be recognized as a radical break with a long-standing policy, opening new ground and offering important possibilities for better relations between the Government of Turkey and religious minorities. This initiative will enable P.M. Erdoğan to appear in European capitals with renewed credibility and confidence in his leadership role in Turkey; the Order of St. Andrew, assuming that the political will to fully implement the Decree is there, wishes him complete success.

Liturgy at the Soumela Monastery

18. On the positive side, for the second year in a row, following 88 years of closure, the Ecumenical Patriarch was given permission to officiate liturgy on August 15th, the day of the Dormition of the Theotokos, at the historic monastery of Soumela, near Trabzon on the Black Sea.³ A large contingent of visitors was also granted permission to attend including Archbishop Demetrios of America, a bishop representing Patriarch Kyrill of Moscow and all Russia, laymen from Greece, Russia, Turkey, Georgia, Ukraine, Bulgaria, the United States, Australia, and other countries as well as many clerics – each participant had to be pre-approved by the Turkish authorities. The event prompted the Ecumenical Patriarch Bartholomew to express his gratitude to the Government of Turkey, to which we join him in expressing similar sentiment. However, we cannot refrain from raising an uncomfortable question: why should the granted permission be recognized as an earth-shaking event of reform when for most civilized persons and countries, it should be a normal, almost routine expression of religious faith, especially when taking place at a religious site that has been used for such religious rites for centuries? As columnist Orhan Kemal Cengiz of the Turkish newspaper Zaman put it (16-Aug-11):

“For someone in a concentration camp, for example, anything that resembles ordinary life would feel like a great privilege.The prior conditions of minority groups, including the situation of the Patriarchate were so bad, that these new conditions would appear as a huge improvement for everyone.”

19. We look forward to the day when the practice of religious faith and the use of religious shrines, which are abundant in today's Turkey because Christianity thrived in Asia Minor for almost two millennia, will be viewed as a normal expression of faith and will be a daily event requiring no official permit whatsoever. We hope that the Government of Turkey, in its current reformist mind, will decide to allow the use of religious shrines of all faiths by their rightful

³ The historic Monastery of Panagia Soumela in Trabzon stands at the foot of a cliff -- partially constructed in the rock -- facing the Altindere Valley in the Macka region of Trabzon Province, Turkey. The monastery was founded in the year 386 AD during the reign of the Emperor Theodosius the Great. It gained wide prominence and imperial protection in the 13th-14th centuries. Over the centuries, the monastery fell into ruin several times, was restored by various Emperors and seized by the Russian Empire during the occupation of Trabzon in the years 1916-1918. The site was destroyed by the Neo-Turks in 1922, abandoned the following year during the forced exchange of populations after the Treaty of Lausanne, and finally converted into a museum and tourist attraction.

owners completely unimpeded and free of direct or indirect interference by state or para-statal organizations.

Conclusions and Recommendations

20. The criticisms of the status of religious freedom and human rights contained in this paper are based on the principles of the Helsinki Final Act and the Vienna and Copenhagen Concluding Documents. They represent the views of the Order of St. Andrew the Apostle on the plight of the Ecumenical Patriarchate of Constantinople, the need for improvement by the Government of Turkey, but also reflect the hope for the life ahead. The OSCE participating states have strongly affirmed Religious freedom, as a fundamental human right, is a mainstay of the OSCE principles and all its members are expected to uphold it. We claim that these rights are inherent to the Ecumenical Patriarchate and must be respected and defended by the public authorities of Turkey not only for the sake of the Ecumenical Patriarchate itself but also for other Christian denominations and other faiths in the country as well.

21. Our report takes a dual tack. On one hand it highlights the Government of Turkey's failures to live up to these principles, notwithstanding the fact that it is a signatory to the OSCE. On the other hand, it welcomes with hope and optimism recent actions and announcements by the government and is watching to see actual implementation and real change in government thinking and action.

22. Particularly for the Ecumenical Patriarchate, we wish to emphasize that the Government of Turkey must recognize its paramount role as a bridge between Christians and Muslims and as a living testament to their peaceful coexistence, difficult as this coexistence may have been at times. We are respectfully submitting our request that this body should reaffirm its strong commitment to the preservation of the Ecumenical Patriarchate as well as to the freedom of religious expression of all religious communities in Turkey. We recognize the drastic change of the political and social climate in Turkey that is currently taking place and the readiness of the Government of Turkey to adhere, observe, and apply the principles of OSCE through bold reforms. Nevertheless, in view of past experience, we ask that OSCE and its Committees vigorously approach the Government of Turkey and try to persuade it of the need to faithfully adhere to the above principles and to follow up good intentions with concrete actions. Specifically, the Government of Turkey must:

- Continue the reforms in connection with the election of a new Ecumenical Patriarch with the goal of completely withdrawing from any interference with the Ecumenical Patriarchate's internal procedures.
- Officially allow the use of the title "Ecumenical" and cease and desist from any interference with its use; any penalties related to its use need to be deleted from existing law, regulation, or practice.
- Accord recognition of the Ecumenical Patriarchate and other religious denominations and faiths in Turkey as legal entities with all attributes, rights, and prerogatives attendant to their legal personality, including the right to own, build, repair, and acquire property.
- Allow the opening and normal operation of the Theological School in Halki and remove all impediments to its effective functioning as a center of theological education, research and scholarship.

- Follow up with deeds the Government Decree to return the seized (*mazbut*) properties of non-Muslim Foundations and churches to their legitimate owners, or provide reasonable and fair compensation, according to the recent courageous decision, via a Decree, of the Government of Turkey, as announced by P.M. Erdoğan on 28-August-2011.

23. Introducing fuller reforms in the area of religious freedom, and implementing them with concrete actions, without arbitrary or distorted interpretation, bureaucratic obfuscation, and dilatory tactics, will provide strong proof that Turkey is ready, willing, and able to establish fair conditions and unobstructed justice for all its citizens but also to strengthen its credibility among nations in the international arena and become a paradigm for emulation in the entire world. We close with the words of Mr. Erdoğan at the aforementioned dinner (iftar), on the 28th of August 2011, as reported by the semiofficial Anatolian News Agency:

"Like everyone else, we also do know about the injustices that different religious groups have been subjected to because of their differences, ...Times that a citizen of ours would be oppressed due to his religion, ethnic origin or different way of life are over."

We hope that the Prime Minister means what he says and that we will soon see real action on his announcement and Government Decree.