

## IPC-MERCATOR POLICY BRIEF



# THE SYRIAC PROPERTY ISSUE IN TUR ABDIN

**Susanne Güsten\***



*Aynwardo. Credit: Markus Tozman*

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The interpretations and conclusions made in this article belong solely to the author and do not reflect IPC's official position.

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## Introduction

The 21<sup>st</sup> century has brought new hope to the non-Muslim peoples of Anatolia after a century of persecutions, pogroms, expulsions, disenfranchisement, and discrimination. For well over a decade now, the Turkish government has advocated – if not yet fully implemented – a policy of diversity, multiculturalism, inclusion, and equal rights for all citizens regardless of race and religion. Recep Tayyip Erdogan, formerly prime minister and now president, has framed the new approach by stating that “we consider diversity to be a wealth of our nation and everyone to be equal.”<sup>1</sup> Although implementation of this policy has been uneven and seen to be faltering lately, there is no doubt that much practical progress has been made in granting minorities their rights and freedoms.

Yet Turkey is today on the verge of losing a significant part of its cultural wealth as one of its most ancient indigenous peoples, the Syriacs, teeter on the brink of extinction in their own homeland. Driven out of Anatolia over the past century, this Christian minority is today struggling to maintain even a toehold in the area of Mesopotamia that has been its home for millennia. This crisis is amplified by the plight of their close cousins across the border in Iraq and Syria, who are being slaughtered and driven out of their homelands in scenes reminiscent of 1915. With the future of Syriac Christianity highly uncertain in these countries, only Turkey remains to safeguard the existence of one of the oldest Christian peoples in its ancient home.

Urgent action is hence required. But lasting solutions to most of the problems facing the Syriacs in Anatolia are largely tied up with either the process of working out a new and pluralistic constitution for Turkey or the peace process for an end to the armed Kurdish conflict – both of them lengthy and complicated processes unlikely to be

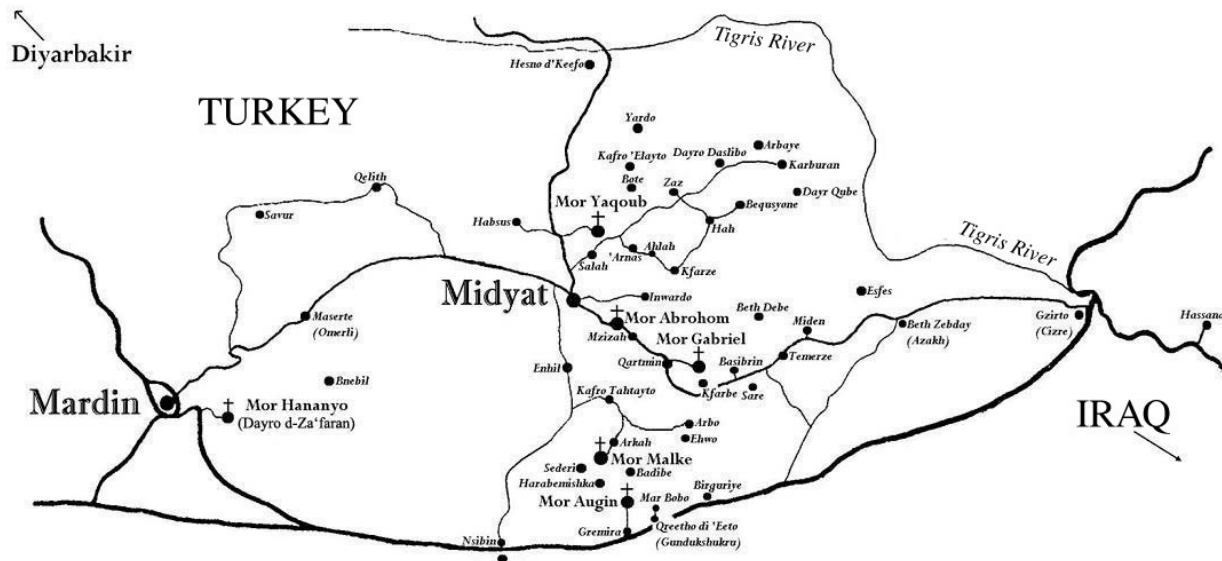
resolved soon enough for the Syriacs. Yet there is one single, practical, and relatively simple thing that Turkey could do immediately to stop the clock that is running out for the Syriacs: That is, to address the issue of minority land expropriations incurred from land registration works in Southeastern Anatolia in recent years.

## The Syriacs

The Syriacs are an ancient people from northern Mesopotamia who are thought to have been among the first civilizations in the world to adopt Christianity. The term today encompasses several population groups that have become divided over time by church schisms, geographical borders, and linguistic differentiation, and includes the followers of East Syrian Rite churches and speakers of Eastern Aramaic dialects in Iran, Iraq, and Syria. In a narrower sense, used for the purposes of this brief, the term denotes the Christian population of Tur Abdin, a region in Southeastern Turkey that is the ancient heartland of the Syriac Orthodox Church.

Located east of Mardin, Tur Abdin is bordered by the Tigris and the mountain ranges of Southeastern Anatolia to the north and east and by the Syrian plain to the south. Although it extended farther west until the decimation of the Christian population a century ago, the Syriac settlement area today consists of around three dozen villages nestled on a plateau around the market town of Midyat and in the mountains above the town of Nusaybin on the Syrian border.

## A Cradle of Aramean Christendom



Map of Tur Abdin. Credit: anonymous

Most Syriacs of Tur Abdin adhere to the Syriac Orthodox Church, the main West Syrian Rite Church, whose patriarchate resided here until tensions with the Turkish state pushed it to move to Syria in 1933. Minorities are Syriac Catholics and Syriac Protestants. The region is dotted with hundreds of ancient Syriac churches and monasteries. The best known of these is the monastery of Mor Gabriel, founded in the year 397, which still serves as the seat of the bishop of Tur Abdin and is one of the oldest active monasteries in the world.

Classical Aramaic is the Syriacs' shared language of liturgy and literature, but in daily life they are linguistically diverse. A majority speak Turoyo, an Aramaic dialect peculiar to the region; others speak a distinctive Arab dialect infused with Aramaic grammar, and others have adopted the Kurdish dialect of Kurmanci.<sup>2</sup> Many inhabitants of the region speak several of these languages, as well as Turkish,

but which of them is spoken as the mother tongue varies from one village to the next – a reflection of the tumultuous history of this multi ethnic region.

The Syriac settlements of Tur Abdin are interspersed with the villages of other population groups, including Sunni Kurds and Yazidis, who both speak Kurmanci, and the Mihallemi, who are Muslim and speak Arabic. Although some of these villages have passed from Christian to Muslim possession in recent decades, the region has been multi-ethnic – and accordingly volatile – for centuries.

## Flight of the Syriacs

A century ago, Syriacs numbered around 200,000 in the region. About half of this number was slaughtered in the massacres of Anatolian Christians that began in 1915.<sup>3</sup> Although those killings officially targeted Armenians, neither the Ottoman regional governor nor the local Kurds who carried out most of the killings in Tur Abdin made a distinction between the Christian peoples. Many Syriac villages put up a spirited defense, and several, like the town of Azakh (modern Idil), held out against besieging Kurdish tribes and Ottoman troops for months, but the majority were wiped out and massacred. The persecution also accelerated the emigration of Syriacs from the region, a trend that had begun after the Hamidian massacres of 1895 and was to reach its peak a hundred years later.

There were many pressures that continued to drive Syriacs out of Tur Abdin throughout the 20<sup>th</sup> century.<sup>4</sup> Among them were the Turkification policies of the Turkish Republic, under which their villages and families were renamed in Turkish, their language was suppressed, their freedom of religion curtailed, and their identity denied. Unlike Greeks, Armenians, and Jews, the Syriacs have never been recognized by the Turkish state as a non-Muslim minority under the Treaty of Lausanne. As a result, they were not granted even the limited minority rights accorded to those groups, such as schools and the right to safeguard their language and culture. The reason for this remains the subject of debate, but it does not change the fact that it constitutes a clear violation of both the letter and the spirit of the treaty by Turkey.

A major factor driving Syriacs from Tur Abdin was the pressure of Kurdish tribes migrating into the region from the Eastern provinces, a process that accelerated from the 1960s onwards. In a classic conflict between sedentary farmers and nomadic herdsmen, Syriacs were attacked in their fields and

vineyards by Kurdish aggressors acting largely with impunity in a region ruled by tribal force rather than the law. Forced to retreat to their villages, Christian farmers were left without their livelihood, leaving them little choice but to quit the region.

Anti-Christian sentiment during periods of Turkish nationalist hysteria contributed to the community's discomfort, such as when Syriacs were targeted by riots in Midyat and Idil during the Cyprus crisis of 1964. The terror felt by the community reached its peak in the 1980s and 1990s, when more than 50 Syriacs were killed in unsolved murders. The war between Kurdish rebels and the Turkish army from 1984 onwards drove out most of the remaining community, which found itself caught between the fronts and under pressure from all sides: the PKK, the Turkish army, and the Kurdish village guards, often hostile tribesmen now armed by the state. Some Syriac villages were cleared by the Turkish military, their inhabitants ordered to leave the land; others fled of their own accord.

While early Syriac migration after the world wars headed south into French mandated Syria and Lebanon and a steady trickle of internal migration flowed to Istanbul throughout the 20<sup>th</sup> century, another escape route opened up when Germany established a labor recruitment agency in Mardin in the late 1950s. Throughout the 1960s, Syriacs flocked from Tur Abdin to Germany and other European countries as "guest" workers. The flow did not abate when labor recruitment was halted in the early 1970s. As pressure on the community in Tur Abdin mounted, increasing numbers of Syriacs were granted asylum in Germany and other Western countries, most notably Sweden, in the 1980s and 90s. Migration snowballed when priests and community leaders left Tur Abdin and entire villages followed them into exile.

- One example is the village of Mzizah, whose chroniclers counted over 200 Syriac families in the year 1970 but only 42 families a decade later, with six families remaining in 2006<sup>5</sup>; the author found eight Syriac households in the now dominantly Kurdish village in late 2014.
- Similarly, the village of Aynwardo was home to 300 Syriac families in the early 1960s, only half of which remained by 1985; by 2008 there were only ten Syriac families left among the Kurdish population that had moved into the village from the 1980s on.<sup>6</sup> In late 2014, the author found three families with children and a handful of elderly Syriacs there.
- The town of Azakh (Idil), which had an exclusively Syriac population of 3,500 in 1964, saw a steady decline in the 1970s and 1980s, with a final dramatic flight in 1994 when its former Syriac mayor was murdered in the street. The town now has a predominantly Kurdish population of 25,000, of whom no more than 20 are Syriacs.<sup>7</sup>

### Syriacs Today

Altogether, only 1,500 to 3,000 Syriacs remain in Tur Abdin today, while around 20,000 live in Istanbul and almost 300,000 in the West.

The world's largest population of Tur Abdin Syriacs today<sup>8</sup> resides in Germany (95,000 to 120,000), followed by Sweden (80,000). Other centers of Syriac life are the United States (50,000) and Holland (20,000), while smaller groups are also found in Switzerland (8,000), Belgium (8,000), and Austria (3,500), as well as Australia, Argentina, and Brazil (around 6,000 each).<sup>9</sup>

Within Germany, Syriacs are concentrated in the heart of North Rhine-Westphalia, the north of Baden-Württemberg, and the south of Hesse, with significant communities in Augsburg (Bavaria) and Delmenhorst near Bremen, as well as a smattering

in cities like Berlin. Their proportion is highest in the small town of Kirchartd in Baden-Württemberg, where one-third of the population of 5,500 is Syriac.

Tur Abdin village populations retain a strong cohesion across borders and continents in the diaspora. A telephone directory compiled by diaspora Syriacs from the village of Aynwardo, for example, lists 400 Aynwardo households now settled in Germany, 200 in Sweden, 100 in Holland, 85 in Belgium, 50 each in France, Switzerland and the United States, and 25 in Austria, as well as 20 in Istanbul and one in Diyarbakir.<sup>10</sup>

Besides these ties, the Syriac-Orthodox Church remains the focal point of the community. The church's first parish in Germany was established in Augsburg in 1971. Today, the Syriac-Orthodox archdiocese of Germany, housed in a monastery in the town of Warburg in North Rhine-Westphalia and led by a Swedish-born Syriac archbishop from a Tur Abdin family, oversees some 50 church parishes around the country.<sup>11</sup>

In addition, Syriacs in Germany are organized in a raft of local associations that are largely aligned with one of two rival Syriac federations, namely the Federal Association of Arameans in Germany (*Bundesverband der Aramäer in Deutschland*) and the Central Association of Assyrian Societies in Germany (*Zentralverband der Assyrischen Vereinigungen in Deutschland*). Both associations and their affiliates share roughly the same goals in terms of Syriac rights and representation but differ acrimoniously on whether Syriacs should identify themselves as Arameans or Assyrians - a debate that makes little sense to outsiders but is so bitterly contested within the community that it often precludes joint action for shared causes.

The controversy reflects the Syriacs' search for a modern identity beyond the religion-based Ottoman *millet* understanding of identity and for civil representation as a people beyond the



*The village of Kafro in 2003: Forsaken, but not forgotten. Credit: Michaela Güsten*

leadership of the church. But even as the debate rages, three elements remain central to the Syriac identity: the ancient faith and language, the ties to the land of Tur Abdin, and a deep sense of historical responsibility to safeguard them both.

### **Return to the Homeland**

Until the year 2000, most diaspora Syriacs thought they would never see their homeland again. Only a few intrepid pioneers dared to travel back to the region that was still under emergency rule. But on June 12, 2001, Turkey's Prime Minister Bülent Ecevit issued a government circular that reverberated around the Syriac diaspora like a thunderbolt.

"It has been alleged that citizens of Syriac origin who left the country due to the PKK terror or other reasons have been confronted with certain problems when returning to their villages," Ecevit wrote in his decree 2001/33. "It is thought that these allegations could become the subject of new human rights violations complaints against Turkey by international circles. In order to prevent this turning into a campaign against Turkey, the

Ministry of the Interior will carry out the necessary measures to permit those citizens of Syriac origin who have sought asylum or settled in European countries to return to their villages if they so wish."<sup>12</sup>

Despite its less than warmly inviting tone, the decree was heard by the diaspora as a clarion call to return to Tur Abdin. "We can go home!" Syriacs told each other in excited telephone calls all over Europe. Return associations sprang up in many cities as Syriacs made plans for visits, resettlement, and more. With emergency rule still in force in parts of Tur Abdin, a pioneering group of Syriacs from Germany and Switzerland travelled to the ruins of their village, Kafro Tahtayto, which had been evacuated by the Turkish army in 1995, and applied for permission to resettle it. Construction in Kafro began in 2004, and removal trucks rolled across Europe and Anatolia in 2006, bringing the first Syriac households back from Augsburg, Göppingen, Trüllikon, and Zurich to Tur Abdin.<sup>13</sup>

It was a time of tangible hope in Tur Abdin. Turkey's bid for accession to the European Union gathered steam, democratic reforms were adopted and implemented, Ecevit's reluctant invitation found

more enthusiastic champions in the Justice and Development Party (AKP) government, and the future seemed full of promise for a new beginning in the ancient land. Diaspora Syrians flocked to the region in their hundreds and later thousands to inspect their homes, visit relatives, and pray in their old churches. Savings from decades of working in the factories and service industries of Europe poured into Tur Abdin as Syrians rebuilt and restored their ancestral homes and churches. Handsome houses featuring a blend of Syriac style and European comfort went up around the region, and the monasteries were filled to capacity at Easter for the first time in decades.

But then the wind in Turkey changed again. The reform drive fizzled out, Europe turned a cold shoulder, nationalism resurged, several Christians were killed in hate crimes<sup>14</sup> around the country, fighting in the Southeast flared up again,<sup>15</sup> and Syriac hope began to flicker. Today, most of the lovingly restored houses stand empty, shuttered and boarded, while their Syriac owners remain in Europe, waiting and watching to see which way Turkey will go.

Nevertheless, Syriac resurrection in Tur Abdin has continued to progress in some ways. Several abandoned monasteries, such as Mor Augin and Mor Yakup, have been reopened in the past couple of years and staffed with young monks returned from the diaspora. Other monasteries like Mor Gabriel and Mor Malke have been renovated, as have many ancient village churches. Returning Syrians have opened a factory producing wine in the biblical tradition in Midyat (no mean feat in a now conservatively Muslim town).<sup>16</sup> One returnee has started a Syriac monthly paper which is now in its fourth year - the first newspaper to be published in Aramaic in the history of the Republic.<sup>17</sup> Others have founded Syriac associations or run for office on the local level.



*The village of Kafro in 2013: Villagers admire the first baby born in Kafro since their return from the diaspora. Credit: Susanne Güsten*

The pioneer village of Kafro has grown to encompass two dozen villas, a restored chapel, restaurant, Internet café, and sports facilities. Its settlers have seen the first babies born in their rebuilt village and the first teenagers graduate from local Turkish schools and go on to universities or work in the region.

However, most of these advances have been achieved by a small and determined vanguard of Syrians, some of them attached to a more radical diaspora faction that is impatient with the perceived inertia of the majority. Some of these activists have left their families behind in Europe, while others have had to give up and go back for the sake of their children. The fact remains that a strong sense of mission, a good measure of courage, and a spirit of sacrifice are still requisite for a Syriac returning to Tur Abdin.

Meanwhile, the majority of Syrians interested in a return remain in limbo. Many now shuttle back and forth between their diaspora lives and their rebuilt village homes, spending Easter and the summer months in Tur Abdin and retreating back to Europe for the winter. For the most part, the restored houses of the Syrians now remain shuttered, with their diaspora owners taking turns to come and guard their eerily empty villages against Kurdish looting for a couple of months per year.



## Potential for Return

The number of Syrians interested in a permanent return and resettlement in Tur Abdin is generally thought to be in the thousands,<sup>18</sup> with estimates by those involved in the issue ranging wildly from a couple of thousand to tens of thousands. At present, the number of permanent returns figures in the low hundreds, while seasonal returns for the summer months already number in the thousands. The millions of Euros invested into the restoration of village houses indicate a commitment to a more permanent return on the part of their owners, most of whom are workers or small tradesmen.

Younger Syrians born and raised in the diaspora, though increasingly interested in visits to the region and their roots, generally show little inclination to build a life there. Those most committed to a return belong to the generations that left Tur Abdin as adolescents or young adults in the 1960s to mid-1990s and hold personal memories of the land and the life there; they are now elderly or middle-aged.

The distinction is an important one: While the elderly simply wish to live out their old age in their childhood homes on their European pensions, the middle-aged are working to revive Syriac life in the region by re-establishing businesses, associations, families, and community life there. Consequently, time is now critical for a return of the Syrians. Year by year, as the last generation of Syrians born in Tur Abdin slips into old age, the window of opportunity for a return and for the preservation of the Syriac culture in its homeland is closing fast.



*Diaspora Syrians living in the German towns of Augsburg and Göppingen survey their rebuilt houses in the village of Enhil. Credit: Susanne Güsten*

## Main Actors' Positions

As a matter of policy, a return of the Syrians is endorsed and even espoused by the main political actors in the region, namely the AKP and the national government institutions it commands on the one hand, and the PKK, the HDP, and the local government institutions it rules on the other.

The government's call on Syrians to return to Turkey has been repeated multiple times since the AKP came to power in 2002. The president, prime minister, and deputy prime ministers have met with Syriac leaders both at home and in the diaspora to assure them of the government's good will, to promise them support and reforms, and to encourage their return.<sup>19</sup>

Yet deeds have been slow to follow words. A Syriac nursery school was allowed to open in Istanbul last year following a groundbreaking court decision citing the Lausanne Treaty, and permission to build a church has been promised (though not yet actually granted) to the Syriac community in Istanbul. Beyond this, a "Syriac Opening" has been heralded by the government several times, most recently last November, but has not yet materialized.<sup>20</sup>

In Tur Abdin, provincial governors and district officials are under instructions from Ankara to recognize Syrians' rights and accord them positive discrimination in the allocation of infrastructure resources to rebuild their villages.<sup>21</sup> District authorities in Midyat point to the fact that every inhabited Christian village in the district has a paved access road, which is indeed more than can be said for other villages. Earlier this year, the name of a Syriac village in the Midyat district was officially changed back from its Turkified name of *Alagöz* to its Aramaic name of *Bethkustan* - a first in the region and the most cogent sign yet of official support for a Syriac return.<sup>22</sup>



*Syriac returnee from Germany in the rubble of his Christian hometown of Azakh, with the modern Kurdish town of Idil behind him. Credit: Susanne Güsten*

As part of its bid to reinvent itself as a multi-ethnic democratic force, the Kurdish nationalist movement has also embraced the Syriacs. PKK leader Abdullah Öcalan has repeatedly called on his followers to forge an alliance with the Syriacs and support their return to the region, most recently in a letter from Imralı this year.<sup>23</sup> The HDP (formerly BDP) has fielded Syriac candidates on its election tickets, winning them representation at the municipal and district levels in Tur Abdin and even in national parliament, which a Syriac entered on the BDP ticket in 2011 to become the first deputy from this minority in the history of the Republic; he was reelected on the HDP ticket in 2015. However, the Kurdish party has not been able to translate its outreach policy into neighborly relations on the ground in Tur Abdin, where Kurdish attacks on Christians, land grabs, and intimidation are still prevalent even among the pro-PKK tribes and mutual distrust runs high.<sup>24</sup>

### **The Obstacles**

With Syriacs eager to return, and the major actors at least officially in favor, what is hindering the return?

Security, or rather the lack of it, is the foremost reason cited by Syriacs both in the region and in the diaspora for the faltering return. The first and most obvious security threat is the ongoing war in the region. The resurgence of violence after the relative lull in the early years of the last decade scared off many of those Syriacs who had begun to rebuild and to plan for a return during those years of hope. Even if fighting has once again been suspended since then and hopes for a lasting settlement are high, the experience has left Syriacs wary of the process and reluctant to commit to a return before a durable peace has been achieved.

Although Tur Abdin is no longer the battleground it once was, the oil pipeline that runs through the region on its way from Iraq to the Mediterranean and passes within sight of some Syriac villages is a favored target for PKK attacks in times of heightened tension. The region remains highly militarized and the atmosphere tense.

Several Syriac villages are guarded by army outposts whose armed sentries check incoming vehicles before lifting the barrier, and no one goes out after dark in Tur Abdin.

Directly related to the ongoing, if low-intensity, conflict is the continued lawlessness in the region. While both the PKK and the village guards remain under arms, the writ of the law enforcement agencies does not go far, leaving a small and unarmed minority like the Syriacs at the mercy of surrounding Kurdish tribes. In Kafro, for example, a Syriac returned from Germany was shot by Kurdish shepherds when he ordered their herds off his land. The perpetrators were neither pursued by law enforcement forces nor brought to justice.<sup>25</sup>

Nor do security forces often intervene where land owned by Syriacs is seized by Kurds (an issue to be addressed in more detail below). In Aynwardo, for example, a Syriac returning from Switzerland was recently run out of the village together with two district officials charged with staking his property.<sup>26</sup> And in the town of Idil, where armed PKK patrols control the streets at night, law enforcement officials admit off the record that they are outgunned and unable to protect a Syriac businessman whose house has been firebombed by mobs a dozen times in recent months.<sup>27</sup>

To these security issues now comes the added threat of the Islamic State operating just across the border in Syria and Iraq. From certain Syriac monasteries in Tur Abdin, it is possible on a clear day to see Mount Sinjar rising from Iraq's Nineveh province, whose Christian population has recently been slaughtered and put to flight. Incidents of Islamic State banners raised in Midyat and the resurgence of Kurdish Islamism in the guise of Hüda-Par have stricken terror in the hearts of Syriacs near and far to Tur Abdin.

Next on the list of obstacles to Syriac returns is the continuing lack of rights and freedoms that not only sheds doubt on the government's pledges but also impacts returnees in practical ways. Because Syriacs do not have their own minority schools, the children of those returning from Europe must attend local Turkish schools. In addition to the difficulty of having to learn Turkish as the language

of instruction as well as Kurdish to communicate with their peers, the culture shock for youngsters transferring from German, Swiss, or Swedish education systems has proved to be too much for all but the most resilient kids.

Syriac activists maintain that a Tur Abdin school teaching in German, Aramaic, and Turkish would provide a powerful incentive for a return from the diaspora, providing children with a seamless transition from their German education while easing their integration into Turkish society and safeguarding their mother tongue. Other practical problems in the minority rights context include the question of religious practice as religious instruction for children and training of clergy is presently only tolerated unofficially.

Economic hurdles to a return are also formidable in a region where jobs and opportunities are scarce and locals ride donkeys to the market. While generous incentives are offered by the state to investors in the region, Syriac businessmen complain of endless bureaucratic obstructions and discrimination by local officials. Local authorities maintain that Syriac villages receive preferential treatment in terms of infrastructure, but resettlers complain of a lack of support for the rebuilding of their villages.

### **The Property Issue**

On top of all of the inherent problems of the return process has come yet another obstacle, namely the widespread recent expropriation of Syriac land in Tur Abdin that was brought about by the modernization of Turkish land registry records. Hardly a Syriac village, monastery, or family in Tur Abdin has been left untouched by these expropriations, and Syriacs returning from the diaspora often find that their land has been seized either by the state or by Kurdish tribes during their absence.<sup>28</sup>

The Turkish state's land registry updates, meant to modernize cadasters and bring them in line with

European Union standards, were undertaken in Tur Abdin at a time when most Syriacs were living in exile. In the eastern parts of Tur Abdin, which fall in the province of Şırnak, properties were registered in the 1990s; in the larger part of Tur Abdin that belongs to Mardin province, registration was done in the early 2000s.<sup>29</sup> Because many landowners – not only Syriacs but Yazidis and Kurds as well – were absent from the region at the time, much of their property was registered either to the state or to third parties.

Transfer of property to the state occurred firstly where registrars determined that land had lain fallow, i.e. not been worked, for 20 years, in which case property is deemed to have been abandoned and falls to the state treasury under Turkish law. Although this is a common, and in itself irrefragable, legal norm, its application here failed to take into account the fact that owners had not abandoned their land voluntarily but rather had been squeezed out of the region and forced to leave their property behind. In the words of a Syriac lawyer fighting many such cases, “the law does not ask why people left their land or why they had to leave.”<sup>30</sup>

Secondly, private property was seized by the state where it was classified as “forested” by registrars, which automatically makes it property of the state forestry. As a covering of oak scrub has sprung up on fields left behind by fleeing farmers, vineyards burned down by the army during the years of the conflict, and abandoned fruit orchards chopped down for firewood, much of this land has passed into possession of the forestry.

While these legal expropriations have affected all population groups who fled the war-torn region, another form of land grab has specifically targeted the non-Muslim minorities, i.e. Yazidis and Syriacs. Their land has often been appropriated by Kurdish neighbors who either registered it to their names or simply seized it.<sup>31</sup> In the former case, Kurdish

tribes exploited the absence of minority neighbors by claiming their land, acting as witnesses for each other when testifying to registrars and obtaining the deeds to the land. In the latter case, Kurds simply occupied minority land during the absence of its owners and now refuse to give it up on their return, even when the title deeds remain in the owners’ possession and the land is registered to them.

Far from being isolated cases, these expropriations are widespread throughout the region.<sup>32</sup> The best-known case is that of the monastery Mor Gabriel, whose lands have been claimed by the state treasury and the forestry, as well as neighboring Muslim villages, in various lawsuits since 2008. Although 12 of 30 parcels of land contested between the treasury and Mor Gabriel were returned to the monastery last year by decision of the government, the 18 other parcels remain disputed while the legal battle with the forestry has reached the European Court of Human Rights and related lawsuits continue.<sup>33</sup> Other monasteries, including Mor Malke and Mor Augin, are engaged in similar struggles.

Less well known is the fact that the expropriations have affected thousands of individual Syriacs (and Yazidis). Many of them are diaspora dwellers who only discovered their loss when attempting to return to the region. Some Syriac villages have been reduced to their core, with the surrounding farmland and vineyards stripped away, while the lands of other villages are held by Kurdish occupiers defending them at gunpoint. The number of diaspora Syriacs affected by the expropriations is thought to be in the tens of thousands, with thousands affected in Germany alone.<sup>34</sup>

The issue is currently the first and foremost obstacle in the way of a Syriac return. This is not only because of the practical problems it presents but also because it contradicts the Turkish government’s assurances of support for a

return. The transfer of property from minorities to Muslims within the Turkish state triggers memories of previous economic Turkification policies such as the confiscation of the “abandoned” property of the Christian population killed or deported in 1915-1920, the occupational bans of the 1920s and 1930s, the wealth tax in the 1940s, the looting and confiscation of Greek property in the 1950s and 1960s, and the seizure of church properties in the 1970s. Set against the backdrop of these historic precedents, the recent expropriations of their land have raised suspicion in the Syriac community that the real intention is to finish it off and end the Syriac presence in Anatolia.

On the other hand, and precisely because of these concerns, the issue now presents an important chance for Ankara to prove its sincerity. If Turkey can resolve the expropriations problem, it will be a powerful signal to the Syriac community that the Turkish state really does want the Syrians to return and that it is willing to treat them right this time.

### **Policymaking: What Not To Do**

The present policy is one of no policy, in which authorities content themselves with pointing to the judicial process. The problem with this is not only that lawsuits are costly and can drag on for years but also that they are for the most part futile. Those expropriations benefiting the state are perfectly legal under the letter of the law. While plaintiffs against the treasury can sometimes succeed in contesting the registration of their land as abandoned, the chances of winning a suit against the forestry are considered so low as to make the expense of engaging a lawyer a waste of money.<sup>35</sup> Lawsuits against third party occupiers, on the other hand, may well be won, but they do not necessarily result in the land being handed over. More often than not in these cases the unlawful occupiers defend it with guns, and security forces are reluctant to step in. In the words

of Erol Dora, the first Syriac member of the Turkish Grand National Assembly: “There is no rule of law in the region, only the rule of force.”<sup>36</sup>

The frustration among Syrians with the fruitless judiciary process has given rise to attempts by the Kurdish movement to adjudicate land disputes between Syrians and Kurds. It should alarm the Turkish state that its institutions are deemed so ineffective even by non-Kurds in the Southeast that they would turn to “parallel” Kurdish structures in an attempt to attain redress. However, the HDP’s endeavors to negotiate compromises between Syriac claimants and Kurdish occupiers have not met with much success, as even the intervention of party leaders has proved insufficient to budge Kurds in most land disputes.<sup>37</sup>

Backed by the HDP parliamentary group, Dora has also introduced a motion into the TBMM demanding a parliamentary inquiry into the issue. While the national parliament is certainly the right forum in which to address this issue and the reasoning accompanying the motion is a clear and concise presentation of the problem, the objective of the proposed inquiry remains vague. In its motion, the HDP asks parliament “to comprehensively investigate the title deed and cadaster procedures, to make the necessary evaluations, to rectify the incurred injuries and rights infringements, and also to contribute to legal arrangements with this aim,” without elaborating how this could be done.

The policy demanded by many Syrians, including Dora and diaspora associations, is a reversal of the expropriations and a return to the *status quo ante*.<sup>38</sup> However, this is neither realistic nor indeed possible anymore. For one thing, the ten-year statutory limit for appeals against the land registrations has expired in many cases, making them irreversible. For another, part of the land seized by the treasury has since been sold on to third parties who now also have legitimate claims to it. And thirdly, such a reverse restitution would disregard the situation

of the present occupants of the land, if not their established rights.

Many Kurds settled on formerly Syriac land have by now “inherited” it from their own fathers and tended it for decades without objection from the authorities, thus at least conceivably acting in good faith. In some cases the secondary occupants have themselves been displaced from their original homes by the war. In view of these competing claims, an outright restitution of property rights would only serve to set the various population groups against each other and inflame Kurdish sentiment against returning Syriacs, thus diminishing rather than enhancing the outlook for a Syriac future in Tur Abdin.

*Syriac quarter of the market town of Midyat in Tur Abdin. Credit: Susanne Güsten*



### **Future of the Syriacs in Turkey: What is to be Done**

As a first step, the Turkish government – and ideally parliament – must recognize the wrongs that have been inflicted particularly on minorities in Southeastern Anatolia by the land registration process and acknowledge that the individual legal process cannot redress these wrongs.

Secondly, the government must initiate proactive steps to redress the situation, establish the principles for a sustainable resolution, and draft legislature for a remedial land reform taking into

account the rights and legitimate needs of all population groups in the region.

Where land was seized by the treasury or forestry, redress might be as simple as restitution. In those cases where land has passed to third parties, resolutions could be based on the principles developed by the United Nations on property restitution to refugees and displaced persons, known as the Pinheiro Principles.

Where legitimate claims of former owners and secondary occupants, i.e. Syriacs and Kurds, cannot be reconciled, victims should be compensated by the state with treasury land. It is worth stressing in this context that compensation must be given in the form of land as an incentive to minorities to return and resettle rather than in cash, which would only further hasten the exodus.

Institutions must be established to implement these principles and conduct the process. And finally, the state must back the process with its full authority, begin enforcing property rights, and ensure the rule of law in the region.

This is of course easier said than done. If Turkish security forces at present seem reluctant to enforce even existing property rights against armed Kurdish occupants, it may well be for fear of touching off riots, bloodshed, and uprisings in what is already a volatile region and a sensitive time politically. Like so many other issues in Southeastern Turkey, both law enforcement in Southeastern Anatolia and the Syriac return are inextricably entwined with the Kurdish peace process.

But while negotiations in that process drag on, time is running out for a return of the Syriacs to Tur Abdin. If Turkey really does want a Syriac future in Tur Abdin, it cannot afford to postpone a resolution of the property issue until after a Kurdish settlement, while the last of the Syriacs lose heart and hope. To stop the clock, the government must at least acknowledge the injustice of the expropriations, announce its determination to take

remedial action, and initiate collaborative work on a plan for a just settlement.

### How Germany Can Help

Given that most victims of minority expropriations in Tur Abdin are European citizens, the issue is no longer solely a domestic one. As home to the world's largest Syriac population, including thousands affected by the expropriations, Germany should have an interest in the resolution of this problem, with regard to both safeguarding the rights of its citizens abroad and supporting their right to return to their country of origin.

Germany has in fact shown a lively interest in one of the expropriations cases, namely that of the monastery Mor Gabriel. From the beginning of the dispute in 2008, the German embassy followed the court proceedings of the case in Midyat. The German parliament debated the issue in plenary session in early 2012 and adopted a resolution calling on Turkey to safeguard the future of the monastery and the rights of the Syriac minority.<sup>39</sup> German Chancellor Angela Merkel raised the issue at a meeting with Turkey's Prime Minister Recep Tayyip Erdoğan in 2013, where she pressed for a return of the monastery's confiscated land. It is in fact this intervention to which many Syrians, including the Bishop of Tur Abdin, attribute the return of 12 parcels of contested land to the monastery by the Turkish treasury last year.<sup>40</sup>

Beyond the cause célèbre of Mor Gabriel, however, the German government has shown little interest in – or indeed knowledge of – the widespread expropriations of private Syriac landowners, including many of its own citizens. Even parliamentarians involved in the campaign for Mor Gabriel were, until recently, largely unaware of the issue.<sup>41</sup>

In any case, outside pressure will go only so far towards resolving this issue and comes with its

own risks. Any European intervention on behalf of Christian minorities in Turkey quickly stirs up resentful Turkish memories of Western powers intervening into the affairs of the Ottoman Empire on behalf, and under the pretext, of its Christian minorities in the 19<sup>th</sup> century. It is largely in these memories – or constructed memories – that Turkish suspicions of its non-Muslim citizens as potential tools of hostile foreign powers and the resulting marginalization of non-Muslims in Turkish society are rooted in. Outright European pressure on behalf of the Syrians in the property issue risks further kindling these suspicions and deepening the religious divide in the region, as it did in the case of Mor Gabriel.<sup>42</sup>

As a more constructive way of supporting a sustainable resolution to the minority property issue, Germany might offer up its own experiences of attempting redress for displacement and expropriation after periods of social injustice and upheaval. Due to its own history, Germany has developed extensive legislation<sup>43</sup> to adjudicate unjust expropriations and established dedicated agencies<sup>44</sup> at the federal and regional level to administer it. Decades of debate and case law processed up through the European Court of Human Rights have factored into the weighing of competing victims' claims and processes of compensation and restitution. By offering to put its experts and experience at the disposal of Turkish agencies mapping out a just and sustainable solution to the land conflict, Germany could contribute in a meaningful way to the efforts for peace and reconciliation in Southeastern Anatolia.

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13 | Susanne Güsten, “Christen entdecken alte Heimat in Anatolien wieder,” *Schwäbische Zeitung*, June 5, 2003; Susanne Güsten, “Rückkehr ins Ungewisse,” *Focus* 44. 2004.

14 | Catholic priest Andrea Santoro was shot and killed in his church in Trabzon on February 5, 2006; Armenian journalist Hrant Dink was shot and killed outside his editorial office in Istanbul on January 19, 2007; Protestants Necati Aydın, Ugur Yüksel and Tilmann Geske were stabbed to death on April 18, 2007 in Malatya; Catholic bishop Luigi Padovese was stabbed to death in Iskenderun on June 3, 2010.

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17 | Sabro, <http://www.usabro.net/>.

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