TURKISH FOUNDATIONS in RHODES and KOS

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yayınevi

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COMPARATIVE VIEWS OF RELIGIOUS FOUNDATIONS IN GREECE

Assoc. Prof. Dr. İbrahim KELAĞA AHMET[1]

The subject of this study is legal comparative views of religious foundations in Greece from legal perspective and it is useful to draw the boundaries of it and to make some determinations in order not to cause confusion. It is necessary to understand the institutions which were established in the Region of Western Thrace according to the principles of Islamic law in the Ottoman period and which were secured by the international treaties signed by Greece at different dates and regulated by different laws. Regarding religious foundations belonging to Turks in the twelve Islands and especially Rhodes and Istanköy (Kos), which date back to the Ottoman period, Greece excludes them from legal regulations for foundations in Western Thrace based on a decree of the Italian occupation period (Kurban ve Tsitselikis, 2010:15)

The Church of Greece and the Jewish Communities are regarded as public legal entities, while the Mufti's offices in Western Thrace are also considered as state offices, i.e. official institutions, because of the jurisdiction of the Mufti in matters relating to family law. The status of other religious communities in Greece as private legal entities has recently been recognized by Law no. 4301/2014, which will be examined below. The foundations/facilities to be established by all these religious communities are included in the Greek Civil Code 108-126. It is subject to the provisions related to the foundations (idrymata) which are among its articles. The same is the case for new foundations to be established by Muslim Turkish minority individuals; the only difference is that the new foundations to be established by Muslims in Western Thrace are governed by the Law No. 3647/2008 governing minority foundations. Greek law uses the term "vakufi" because of their special status for Turkish minority foundations.

In Greek legislation, for the term foundation ("waqf") in Turkish the term "idryma" is used which also means facility. With this general concept civil foundations etc. established for more scientific purposes are meant. Charities that operate in connection with religious organizations such as churches (such as orphanages, elderly care dormitories, foundation for assistance to the poor) are referred to as "evagi idrymata". There are also foundations (such as the Onasis

1 Trakya University Faculty of Letters, Edirne

Foundation, the Stavros Niarhos Foundation) that operate for the public interest and are referred to in Greek legislation as the "koinofeli idrymata" (public benefit foundation), which are subject to the Law No. 2039/1939 after the establishment process.

The provisions of legislation regulating the foundations of the Muslim Turkish minority in Western Thrace, the Orthodox Church, the Jewish community and other religious communities (evagi idrymata) whose status as a private legal entity has been recognized by law No. 2014 /4301 (Catholic Church, Orthodox Armenians, Copts, Orthodox Ethiopians, Assyrians (Syriacs), Anglicans, Greek evangelists) will be compared. In the meantime, Law No. 2014 /4301 concerning religious communities and communities of different denominations and faiths which are considered as legal entities of private law will be evaluated.

In the dictionary of the Turkish Language Institution, the foundation is defined as "property, money left by a community or by a person, separated by certain conditions and an official way for a service to be performed in the future "(TDK, 1988:1548). This definition is not intended for those related to the transfer of Islamic law, but rather for foundations that were regulated between articles 101-117 of this law after the adoption of the Civil Law in 1926. According to the Turkish Religious Foundation Encyclopedia of Islam, the foundation is defined as charitable institutions that play an important role in social and cultural life in Islamic countries (TDV, 1995:475-479). Writers representing Islamic tradition believe that the foundation has emerged as a corporate identity-winning charity in the context of charity (Akyıldız ve Abay, 2017:147). After the adoption of the Civil Code in the Republic period, the foundation institution was accepted in Turkish Law with a Western understanding. The concept of "facility" was adopted by removing the name of the foundation as the Civil Code would apply to the newly established foundations, and this continued until 1967. After this date, with the change in the law, the term foundation was used again instead of the term facility (Hatemi, 2013:330).

Within the religious foundations in Greece, first Muslim foundations in Western Thrace and the Orthodox Church and other religious communities and communities for charitable purposes (evagi idrymata) will be examined. First of all, the Turkish foundations in Western Thrace, which were established in the Islamic law period before 1923, will be mentioned in the main lines of the treaties and laws that directly concern the Turkish foundations. Then, the current 2008 law No. 3647 "on the management and operation of Western Thrace Muslim minority foundations and their assets" and the evaluation and criticism of this law will be discussed.

In the treaty texts concerning Muslim foundations it is necessary to mention the Athens Treaty of 1913 and Protocol No. 3. This treaty signed between the Ottoman Empire and the Kingdom of Greece is of great importance for Turkish foundations in Western Thrace (Eren, 2012: 34). The Article 11 of the Treaty addresses the authority of the Mufti regarding the administration and supervision of the foundation estate (Doudos, 2005:4; Cin, 2013:75). Article 12 specifies that all kinds of foundations remaining in the lands of Greece are guaranteed to be managed by the Muslim communities, even though their incomes are left to the

institutions of the Ottoman State, until they are sold by the power of Attorney of the general directorate of foundations. The treaty also elaborates the election procedures of the foundation administrations, and the article 13 also recognizes the legal personality of Muslim communities (Jamaat-i Islamiyah). (Eren, 2012:34, Genie, 2013: 76-77).

The Treaty of 1913, according to Oran (1991:101-102), is a subject of debate between Turkey and Greece because Greece claims in its notes to Turkey in 1981 that the treaty is invalid. As a rationale, it is shown that the subject of the treaty has disappeared as a result of the population exchange in 1923. The Greek Foreign Ministry claimed that the order created by the Treaty of 1913 was replaced by the 1923 Lausanne order. This claim lacks the legal basis because it is part of Article 2 of the Treaty of 1913. According to the article, Protocol No. 3 in the annex to the treaty applies not only to "the lands left to Greece" but to "the whole territory of Greece". In accordance with the principles of succession related to the treaties, the provisions of the treaty also apply to the lands owned by a state afterwards. Therefore, although Western Thrace and the Twelve Islands were not included in the territory of Greece at the time of the signing of this treaty, it is a legal obligation that the protocol also applies to Muslims in the territories in question (Oran, 1991: 103-104).

The "Treaty on the protection of minorities in Greece" of 10 August 1920, known as the Greek Sevres, is a minority protection treaty that establishes the general status of minorities in Greece (Oran, 1991:76). This treaty was concluded between the kingdom of Greece and the British Empire, France, Italy and Japan. It will apply to all minorities in the country, and it will apply to the territories that Greece can acquire from now on, according to the statement in the beginning section (Oran, 1991:105). The Article 10 in the Treaty states that necessary measures will be taken to solve the problems of Muslims related to personal situation and family law within the framework of Islamic traditions, and the existence of mosques, cemeteries and Islamic institutions is secured (Eren, 2012:35). However, the notes Greece sent to Turkey in 1981 suggest that it was not bound by the Treaty of Sevres. According to the Greek Foreign Ministry, the provisions of this treaty are the same as articles 37-45 of the Treaty of Lausanne in terms of Muslim minorities. Oran (1991:105-106) also reveals his evidence, explaining in detail that these claims are invalid.

The 37-45 articles of the Lausanne Peace Treaty also establish the legal framework for the protection of non-Muslim and Muslim minorities in Greece, giving positive rights to the minorities concerned in both countries regarding the establishment and management of foundations, among other rights. Within the scope of Lausanne, foundations of communities are unique legal entities and in these aspects they constitute an exception to foundations subject to the Civil Law of Greece and Turkey (Kurban ve Tsitselikis, 2010:9). Treaty 40 article guarantees the right of Muslims to govern and supervise them by establishing all kinds of charitable institutions, schools and similar institutions, provided that they cover their expenses, and gives Muslims the opportunity to speak their own language freely and to perform religious ceremonies (Eren, 2012:35; Doudos, 2005:7).

After briefly addressing the international treaties concerning the Turkish minority foundations in Greece, now it is time to take a look at the regulations made in domestic law until the last Law No. 3647/2008. Before the Lausanne, Greece decides to make an arrangement with law 2345/1920 containing provisions for Muslim foundations for the first time. Those who prepared "Law on Islamic Communities, Law on the Administration of the Surat-i Administration of the Mufti Offices and the Infringement of the Grand Mufti" predicted that this would be valid for a short time because it was thought that the Treaty of Sevres, which was to be signed, would ultimately resolve issues concerning citizens of different faiths. However, they were wrong in their predictions, the law's provisions on foundations remained in force until 1980 (Doudos, 2005:5). Although the title of the law refers to the choice of the chief Mufti, the chief Mufti's Office has never been put into operation. The remarkable regulations of this law can be summarized as follows: a) The administration and supervision of the foundations of each Muslim community belongs to the mufti of the region. b) The administration of the assets of the Muslim communities, including the foundations, is carried out by the administrative delegations determined by the election, and Muslims in each Mufti district participate in these elections (Doudos, 2005:6). In his commentary on the law, Doudos (2005) indicates that the state avoided unnecessary frictions with its Muslim subjects. For this reason, the authority of the administration and control of the foundations has been transferred to the Mufti and not to the state organs that are foreign to Islam. This interpretation may be correct for the state's position on the Turkish minority at that time.

During the implementation of the Law No. 2345/1920 in Western Thrace, there were no significant problems between the state and the Muslim community regarding the foundations. However, there have been periods when the provisions regarding the election of the foundation administration committees as stipulated by the law have not been implemented arbitrarily or because of extraordinary circumstances. To give an example, during the authoritarian regime established by the 4 August 1936 coup led by General Ioannis Metaksas, elections did not take place during the years of the Bulgarian occupation of Western Thrace in World War II (1941-44). In the later period, Greece followed the principle of reciprocity in relation to the course of Turkish-Greek relations and did not allow the election of the foundation administration delegations and went to the way of appointing the foundation managers (Doudos, 2005:6; Cin, 2013:82).

According to the findings of the report which was the joint work of TESEV and KEMO[2] and written by Kurban and Tsitselikis, "A Tale of Reciprocity: Minority Foundations in Greece and Turkey", in 1949, as an example of positive reciprocity, both countries allowed minority foundations to elect administrative delegations (boards of directors). However, this did not last long, and in Greece, Muslim foundations have not been allowed to make elections since the 1967 military coup, and foundation managers are determined by appointment procedure. Even after the restoration of democracy in the country in 1974, the

2 KEMO: Kentro Erevnon Meionotikon Omadon (Center for minority groups research) was founded in 1996 and is a non-governmental organization that conducts research on minority groups and minority languages in Greece. It is possible to learn more about the activities of the center at the internet address below. (https://www.kemo.gr/index.php?sec=home, access date: 03.07.2019)

new legal framework (the laws of 1980 and 2008, which will be briefly mentioned below) allowed elections to be held, but the application of the appointment of the foundation administrative committees by the government continued (Kurban ve Tsitselikis, 2010:11). Although the law requires the fact that the administrative councils of the foundations were not allowed to be elected by election weakens the credibility and, of course, the image of the governments in Greece with different political tendencies as the Treaty of Lausanne (Article 40) guarantees the rights of Muslims to establish, manage, and supervise all kinds of charities (Tsitselikis, 2008).

The next comprehensive legal regulation on Muslim foundations was made by Law No. 1091/1980 "on the management and administration of the foundations and their assets of the Muslim minority living in Western Thrace". The Act 1 article states that the issues related to the administration and administration of foundations in Western Thrace are subject to the provisions of the Treaty of Lausanne and the Law No. 1091, provided that the "principle of interstate reciprocity" is reserved.

With the law, each foundation is recognized as a minority private legal entity, as a charitable organization as well. However, in the previous practice, all foundations in a mufti area were considered as single assets, they had no legal entities, and administrative committees were included in Article 107 of the Greek Civil Code. They were seen as individual troops in the sense of their substance (Doudos, 2005:7). While the separation of Turkish foundations in cities into small units in this way has been criticized (Eren, 2012:37), there are also researchers who characterize it as innovation (Doudos, 2005:7). If the foundation is a school, the Administrative Board must allocate the revenues of this foundation to the school Council (Article 19). By this law, the Mufti's control over the foundations is authorized and given to the governor of the province where the foundation is located (Article 16). Unlike the previous legal situation with the law no 1091/1980, the Mufti have no authority to govern and control over the foundations. The governor of the province where the legal entity of the foundation is located has extensive powers on the foundations up to the financial supervision of the administrative delegations. The Turkish minority reacted strongly to the powers granted to the governor and attempted to have the law not implemented and annulled before the official institutions, so the law was not implemented without acceptance. After the law came into force, the election of the foundation administrative committees was suspended by presidential decrees issued during 1982-2000 (Doudos, 2005:9 and 11; Cin, 2013:82.) In his assessment of the law of foundations, Doudos (2005:10) asserts that it is not right for foundations (established according to Islamic law) to be seen as charities of general law. Also Article 1 of the law refers to the Lausanne peace treaty. Articles 40 to 45 of the treaty mention the autonomy of minority institutions, including foundations, but the powers granted to governors by this law create a situation contrary to this understanding. According to Doudos (2005:11) Greece respected the traditions and institutions of the Muslim minority on religious issues until the law no 1091/1980 came into force, and took into account the sensitivity of the minority, but this understanding was abandoned in the law on such foundations.

The minority foundations in Western Thrace are currently regulated by law No. 3647/2008 "On the Management and Administration of Foundations and Real Estates of the Muslim Minority of Western Thrace". This law, which contains detailed provisions, consists of five sections and 24 articles[3]. The last law is also unfortunately far from meeting the expectations of the minorities (Eren, 2012:37). The law geographically limits its application to Western Thrace and does not include Turkish foundations in the islands of Rhodes and Kos Islands (Kurban and Tsitselikis, 2010:15, Genie, 2013:83). The law stipulates that elections are held by the foundation's administrative committees and is positive in that it reflects the government's will to manage the foundations by a minority. Furthermore, the principle of reciprocity, which often has negative consequences for minority institutions, is not included in previous laws. In the new law, foundations are recognized as legal entities in private law. The supervision and control authority over the assets of the foundation is given to the Mufti (Article 3). With regard to the selection of the trustees, the authorization of the Regional Secretary General, which is the local administrative authority under Article 10, to appoint a special trustees for the foundations in Xanthi (İskeçe), Komotini (Gümülcine) and Dimetoka (Dimetoka) has created insecurity in the Turkish minority (Eren, 2012:37). Objections to this article have made the implementation of the new law, which has positive aspects, almost impossible.

Important powers given to the Regional Secretary limit the administrative autonomy of the foundations. Another point of criticism regarding the law is that the objectives to which the revenues of the foundations can be allocated are limited to one by one in article 3, paragraph 4. These include expenditures such as mosques, masjids and other sacred places, student dormitories, bridges, water supply repairs and cemeteries, humanitarian aid to people in need, and payment of debts related to the assets of the foundation. Therefore, it is not possible to use the revenues of the foundation for the purposes of the foundation, for example, civil servant salaries, granting scholarships, building or repairing buildings (Tsitselikis, 2008). The law refers to the Holy Islamic law as a source of law, but there is uncertainty in its applicability. One of the important arrangements is that all Muslim foundations that will be established in the future after the effective date of the law and which contain elements of securities or real estate assets will be subject to the provisions of the Greek Civil Code regarding the foundations / facilities (idrymata) and that they will be subject to this law in respect of foundations (article 6). The law gives the mufti the authority to approve the election results of the foundation managers as well as the task of communicating this to the Regional Secretary as the administrative authority (article 7). However, the continuation of the debate on the election process of the muftis in Western Thrace and the presence of the selected muftis as well as the appointed muftis whose legitimacy is controversial in Komotini and Xanthi cause a difficult problem to be solved (Kurban & Tsitselikis, 2010: 15). The minority objected to the fact that appointed muftis become a focus of power with the authority granted by law in the management of the assets of foundations (Cin, 2013: 86). This problem seems

3 For a comprehensive assessment of the law 2008/3647, see: Turgay Cin, "3647 Sayılı ve 2008 (3647/2008) Tarihli Yunanistan Vakıflar Yasası ve Uygulamaları", *Dokuz Eylül Üniversitesi Hukuk Fakültesi Dergisi* Cilt: 15, Sayı: 2, 2013, s.63-121.

to be remedied if the mufti adopts a method which is accepted by the minority. With a law amendment adopted in the Greek Parliament on 2 August 2018, the mufti registrars were appointed by replacing the 67-year-old age limit for muftis and retired muftis who were appointed to Komotini and Xanthi (Ktistakis, 2008). The new muftis are planned to be elected by a committee of electors consisting of minority religious officials. The Minister of Education is authorized to appoint and extend registrars. The expenses of the mufti offices will be covered by the budget of the Greek Ministry of National Education and Religious Affairs. The effects of this amendment will emerge in the process. The important thing is to what extent the selection of muftis with supervision and oversight authority on the management of foundations will meet the expectations of the minority. It is a matter of criticism that the state makes such detailed arrangements and intervenes in all matters concerning the institutions and religious leaders of the minority which should be autonomous. Ktistaskis (2018) states that, apart from the Muslim minority in (Western) Thrace, the country has no other religious community of Greek citizens, from Greek Catholics to Jehovah's Witnesses, who are directly or indirectly involved in the election of religious leaders.

After addressing the laws that the Muslim Turkish minority foundations are subject to in the historical process and in practice the state's excessive interventionist attitude towards these institutions and the procedures for the election of their administrators, now the Greek Orthodox Church and other religious communities or communities' foundations / facilities (evagi idrymata) will be reviewed as the legal status.

If it started from the Church of Greece[4], which is a legal person of public law, first it must be noted that the existence of real estate is one of the contentious issues that are constantly on the agenda because of the fact that the Church is a legal entity representing the monastic foundations. Since Greece has gained independence, the proceedings related to properties donated to churches or monasteries are not legally controversial since they are carried out in accordance with the legislation in force at the time of the law. However, the subject of the properties of churches and monastery foundations established during the Ottoman period thanks to the privileges granted to non-Muslims, sometimes confronts the state and the church due to conflicts arising from different reasons after independence (1830).

When a property issue arises concerning the foundation lands owned by any of the monasteries in the country, the monastery must refer to the rights of the monastery protected by the treaties concluded before and after the London Protocol of 1830 and the Istanbul Treaty of 1832, which led Greece to independence, and submit the documents on which they are based. The foundation properties acquired by the monasteries on the basis of Ottoman-era concessions were not subject to separate negotiations and special arrangements such as Muslim foundations during the independence process of Greece (Apostolou, 2008).

Ioannis Kapodistrias (1828-1831), the first head of state of Greece, followed by King I, who was enthroned Otto (1832-1862)[5] confiscated his estates by dispersing

4 With the Law No. 590/1977, the Greek Church, Orthodox Metropolitans and local churches are defined as legal person of public law (Panagopoulos, 2015:117).

5 Years of Reign have been given.

those who housed fewer than six monks within him without any distinction between the 430 monasteries that were present. The remaining 153 monasteries were attached to the Greek Orthodox Church, continuing their activities, and in 1834 their estates were placed under the administration of the newly formed Church chest. During the transition from Ottoman rule to independent Greece, two royal decrees were issued in 1833 and 1836 concerning monastic Foundation Estates. According to this, when a monastery within the borders of Greece claimed rights on any land, it was asked to submit documents proving the right of allotment, forgiveness or usufruct granted by the Ottoman state. The Church chest was closed in 1841 and the administration of the monastery Foundation Estates was given to the Ministry of Finance. In order to take over the administration of the properties of the existing 153 monasteries, the Church Wealth Management Authority was established in 1909. Under the agrarian legislation and reform, the state went from time to time to expropriate monastic lands to give them to landless farmers or Muhajirs. Such practices caused constant problems between the Treasury and the monasteries in the following years, and the legal arrangements were not implemented in any way. The church properties consisted of 367,000 acres of forest land, 753,000 acres of pasture, and 190,000 acres of farmland, according to 1987 calculations. Finally, a company was established in 2013 under an agreement reached between the Greek Treasury and the Archdiocese of Athens for the evaluation of these properties. During the implementation of the National Land Register (Ethniko Ktimatologio) property registration, 153 monasteries (and newly established ones) dating back to the Ottoman period and before the establishment have to submit title deeds or official documents documenting their real rights on the foundation properties they own (Apostolou, 2008).

Another religious community that will be addressed is the Jewish communities of Greece (Yakoumis, 2014, Panagopoulos, 2015), which has long been recognized as a legal person of Public Law[6] for historical reasons. The official coordinating body of the Jews of Greece is the Central Jewish Council of Greece[7], which is the second largest Council of Jews in Greece. It was established in 1945 by law following World War II. Its mission is to preserve Jewish cultural heritage and to provide coordination between the activities of Jewish organizations in Greece. The council is also the official representative of Jewish organizations in Greece abroad. Charities of the Jewish community, which numbers around 5,500 people and is organized in the form of 8 Jewish communities, include the Restion Aged Care Center of the Athens Jews humanitarian Association and the Chania synagogue, a place of worship. The number of charities of the Jewish community in Greece is limited, and in legal terms they are not in foundation status but in association status.

All other religious communities and communities in Greece except the Greek Orthodox Church, Jewish communities and the Muslim Turkish minority and Mufti

6 This issue is regulated by Law No. 2456/1920, Law No. 367/1920 and Decree Law No. 301/1967.

7 The information was obtained from the official website of the Central Jewish Council of Greece. Kentriko İsrailitiko Simvoulio Ellados, (https://kis.gr/index.php?option=com_content&view=frontpage&ıtemid=14, access date: 14.08.2019).

in Western Thrace[8], whose status was previously determined, have obtained the right to organize and be recognized as private legal entities by Law No. 4301/2014. The Law No. 4301/2014 elaborates on matters relating to the legal organization of religious communities and associations belonging to them in the country. The law recognizes communities seeking to obtain religious community status as "religious legal persons" (Thriskeftiko Nomiko Prosopo) following a procedure to be followed. According to the law, a more than 70-year-long regulation on religious communities in Greece has been implemented. It is commented that the law has been very positively welcomed all over the world (Yakoumis, 2014). As mentioned above before the effective date of the law, only the Orthodox Church, the Jewish communities and the Mufti in Western Thrace were recognized as public law legal persons of the official institutions of the minorities. All other religious communities were either organized according to the provisions of the associations in the Civil Code, or (as in the case of the Catholic Church) had a governing personality of their foundations/facilities operating before the effective date of the Civil Code. Recognition of the status of the Catholic Church was a topic that has been on the agenda since 1946. By law, a religious legal entity (private legal entity for religious communities exclusively) is created. Full autonomy is recognized in the internal functioning of the religious legal entity, provided that the Constitution and laws are respected, and the legal entity is recognized by court order.

In order for a congregation/community representing any faith to be recognized as a religious legal person, it must be made in the special register held at the Civil Court of First Instance at their place of residence. For the foundation of a religious legal entity, there must be at least 300 people of the same faith and one of them must be the head of the congregation or the leader of the religion. This person is required to be a Greek citizen or a citizen of an EU member state or a foreign national legally resident in the country (Article 2). The ecclesiastical community is required to submit a charter to the Court of First Instance along with the required documents during the application process. The charter requires that the ecclesiastical community be headquartered and named (Article 4). After the establishment takes place, the religious legal person can open branches and places of worship within the borders of the country. They may establish summer camp, private school, radio station, charities (foundations), non-governmental organizations and other non-profit private legal entities in order to carry out their activities, provided that they comply with the existing laws (Article 9). As it can be seen, religious legal persons are also given the opportunity to establish a wide range of activities and even charitable facilities. The provisions of the Greek Civil Code concerning foundations (idrymata) (108-125) are valid for the foundation-like institutions to be established by religious legal persons.

For churches representing some religious communities due to historical reasons, the establishment procedure was not sought and the legal personality law for them was adopted in Parliament. These churches are: a) Catholic Church, B) Anglican Church, c) Ethiopian Orthodox Church, d) Coptic Orthodox Church, e) Orthodox Armenian Church, f) German speakers (Germanophone)

8 The Muslim communities (Jamaat-i Islamiyah) were the 13th members of the Athens Treaty of 1913. He is recognized as a legal person of Public Law in article and Law No. 2345/1920 (Panagopoulos, 2015:117).

Evangelist Church, g) Evangelist Church of Greece, h) Syriac Orthodox Church, I) Evangelist Armenian Church of Greece. These communities, which have gained religious legal personality through the adoption of the law, also want to establish a religious foundation, i.e., a charitable institution (evagi idrimata), and for them the provisions of the Greek Civil Code regarding foundations are valid.

In Greek law, the foundation (idryma) is a collection of goods allocated to serve a specific purpose according to the foundation deed and acquired legal personality. Let's try to answer briefly the question of how the process of establishing a foundation works in Greek legislation. The foundation, established for a specific purpose described in the will to establish the foundation, is subject to the provisions of articles 108-121 of the Greek Civil Code. Foundations established under the supervision of the community benefit (koinofelis skopos), rather than a specific purpose, were established under the law No. 95 of 2039/1939 et al. it is subject to articles and provisions of Law No. 4182/ 2013. This means that any kind of public, religious, humanitarian and generally beneficial purpose, which is meant by the expression of community benefit. Foundations established for the benefit of the community (these may also be for religious or humanitarian purposes) are subject to the supervision and supervision of the Minister of Finance. In any case, the will to establish a foundation is explained by an establishment deed (idrytiki praksi) while alive or by death-related savings (will). When the person is alive, a notary public document that reveals his will must be issued if it is intended to establish a foundation (Greek Civil Code- GCC 109. substance). In the foundation deed, which sets out the will to establish the foundation, the purpose of the foundation must be stated and a regulation (organismos) concerning the administration and administration of the foundation must be established. The purpose of the foundation and the assets allocated are null and void if they are not included in the foundation deed. The foundation acquires a legal entity by Presidential Decree which approves the foundation and is announced in the Official Gazette (GCC 108. substance). The minister authorized for approval (Minister of Finance) presents the decree which will grant legal personality in foundations with the aim of the benefit of society (Article 2 of the law no 2039/1939 5. anecdote). The Minister of Health is authorized if the foundation is for charitable or humanitarian purposes (Presidential Decree No. 1111/72). The consent decree has to specify the assets and purpose allocated. The legislator mandates the consent decree for the foundation to acquire legal personality because the purposes of the foundations are seen as a matter related to the private or general policy of the state. Therefore, the approval process also acts as an audit and is subject to the authority of the state. In the event that the foundation deed is a Will, the rules of inheritance law operate.

As a result, the religious foundation is not the subject of a separate regulation in terms of both the establishment process and the provisions of the law to which it is subject, according to the situation arising as a result of the examination of the legislation related to foundations in Greece. In other words, there is no distinction between religious, social or charitable foundations at the foundation stage. A citizen with a contractual license or any religious community that has acquired legal personality according to the Law No. 4301/2014 must comply with the relevant

provisions of the Greek Civil Code in the process of establishing foundations for whatever purpose, including the Muslim Turkish minority in Western Thrace. Foundations established for the benefit of the community will be subject to Law No. 2039/1939. Foundations established by members of the Turkish minority in Western Thrace are subject to the Law No. 3647/2008 on management and administration after gaining legal personality (Article 5). In that case, any minority member cannot establish a foundation according to the principles of Islamic law and must comply with the procedures set out in the Greek Civil Code. According to the law No. 4301/2014, the foundation to be established by any recognized religious community can operate freely following its establishment by complying with the laws in the country, and even this community can choose its religious leader without state intervention. However, for political reasons, the Turkish minority in Western Thrace cannot elect their religious leaders, i.e. their Mufti, by their own will on the grounds that they do not exercise jurisdiction, nor can they determine the administrators of their foundations. The law on religious communities' No. 4301/2014 complies with European standards on human rights and the rights of religious minorities and creates a sphere of freedom for the Turkish minority in Western Thrace far beyond the rights recognized by the Lausanne Treaty and other treaties but de facto restricted by domestic law regulations. Members of the Turkish minority in Western Thrace and on the islands of Rhodes and Kos, which are excluded from the law on foundations, should seek to extend the boundaries drawn by the existing restrictions by taking maximum advantage of the rights granted by the law to religious communities and communities.

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