



# AMERICAN HELLENIC INSTITUTE, INC.

February 9, 2021

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Antony Blinken  
Secretary of State  
United States Department of State  
2201 C Street, N.W.  
Washington, D.C. 20502

## **Re: Cultural Property Agreement with the Republic of Turkey**

Dear Secretary Blinken:

On behalf of the nationwide membership of the American Hellenic Institute (AHI), an independent non-profit Greek American public policy center and think-tank, I convey the Institute's congratulations on your confirmation as our nation's next Secretary of State.

I am writing to you today concerning a cultural property agreement or Memorandum of Understanding (MOU) with Turkey, signed on January 19, 2021. Once implemented, the MOU will empower Turkey's government to "claw back" ancient and modern Greek cultural property and provide *de facto* recognition to Turkish President Recep Tayyip Erdogan's rights to convert Hagia Sophia and other Greek Orthodox churches into mosques.

On January 20, 2021, President Biden issued a Memorandum sent to all Executive Departments and Agencies to place a freeze on any pending regulations and rules issued by the outgoing Trump Administration. Consistent with this directive, we respectfully request that you place a freeze on any implementing regulations prepared by the outgoing Trump Administration regarding the aforementioned MoU. If regulations are implemented by the time you consider this request, we encourage you to suspend said regulations. That freeze or suspension should stay in effect until action can be taken to address the concerns of Turkey's ethnic and religious minorities.

This MOU was signed pursuant to authority granted under the Cultural Property Implementation Act, 19 U.S.C. § 2601 *et seq.* The concerns of ethnic and religious minorities have come to the forefront because the Trump State Department agreed to a series of MOU's with authoritarian Middle Eastern and North African (MENA) countries that explicitly or implicitly apply to personal, religious, or community property of displaced ethnic and religious minorities. These include Libya (2017), Algeria (2019), Jordan (2020), Yemen (2020), and Turkey (2021). Certain archaeological advocacy groups supportive of MOUs with authoritarian MENA governments have consistently taken the position that the cultural heritage of displaced minorities should be repatriated to MENA countries so there is a complete *in situ* record of these countries' past multicultural history.

The cumulative impact of these import restrictions has been very problematical because most minor artifacts and family keepsakes simply lack the document trail necessary for legal import under the "safe harbor" provisions of CPIA, 19 U.S.C. § 2606<sup>1</sup>. This problem is exacerbated because the State Department and U.S. Customs and Border Protection (CBP) enforce implementing regulations so broadly. The CPIA only authorizes the government to impose import restrictions on artifacts first discovered within and subject to the export control of a particular country. (19 U.S.C. § 2601.) Furthermore, seizure is only appropriate for items on the designated list *exported from the State Party after the effective date of regulations.* (19 U.S.C. § 2606.) Unfortunately, at the behest of State, CBP has promulgated designated lists based on where items are made and sometimes found, not where they are actually found and hence are subject to export control. Additionally, restrictions are not applied prospectively solely to illegal exports made after the effective date of regulations, but rather are enforced against any import into the U.S. made after the effective date of regulations, i.e., an embargo, not targeted, prospective import restrictions.

The MOU with Turkey authorizes CBP to apply import restrictions to all cultural goods with a Turkish origin if such goods originated during the year of or prior to 1923. The prospect of such broad import restrictions raises two distinct concerns. First, as a practical matter, such import restrictions will allow Turkey to "claw back" the personal, religious, and communal property of Turkey's minorities once brought into the United States. Second, and perhaps of equal concern, President Erdogan will treat repatriation ceremonies as evidence of *de facto* U.S. Government recognition of his government's rights to the cultural patrimony of Turkey's ancient Greek civilization, the personal, religious and community property of Turkey's Greek, Armenian, Kurdish, and Jewish population and vast Greek, Armenian and Jewish diaspora. Additionally, President Erdogan will certainly exploit the MOU for his own political purposes and claim that it reflects U.S. Government support for his conversion of Hagia Sophia and other Greek Orthodox churches into mosques.

I would suspect that the Biden Administration has not had an opportunity to consider the ramifications of this MOU. Certainly, the fact that the Trump State Department signed the agreement on the very last day of the Administration should give pause. We strongly hope that

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<sup>1</sup> Although the CPIA allows for declarations to be used to establish a safe harbor, CBP maintains it has authority to require additional documentation to back up such declarations. (See CPIA, 19 U.S.C. § 2606.)

the administration will put the MoU on hold, considering that President Biden has repeatedly expressed his commitment to protecting and safeguarding religious minorities in Turkey throughout his career. In fact, due to his engagement on these issues, the Order of Saint Andrew the Apostle, Archons of the Ecumenical Patriarchate, whose goal and mission is to advocate for the religious freedom of the Ecumenical Patriarchate, bestowed its 2015 Patriarch Athenagoras Humanitarian Award to then-Vice President Joe Biden. During the award ceremony, President Biden stated "I believe so firmly that the Greek Orthodox Church must have the right to control its own destiny, free from interference from any government and I said it in Turkey. The protection of holy sites is imperative."

As such, under the circumstances, we respectfully request that any implementing regulations be frozen or suspended, until such time as the outlined concerns can be addressed.

Sincerely,



Nick Larigakis  
President

cc: Ron Klain, White House Chief of Staff  
Alejandro Mayorkas, Secretary, Department of Homeland Security  
Troy A. Miller, Senior Official Performing the Duties of the Commissioner, U.S. Customs & Border Protection (CBP)  
Matthew Lussenhop, Acting Assistant Secretary, Bureau of Educational & Cultural Affairs, Department of State  
Philip Reeker, Acting Assistant Secretary, Bureau of European & Eurasian Affairs, Department of State  
David Satterfield, Ambassador of the United States to the Republic of Turkey  
Lisa Peterson, Senior Official for the Under Secretary of Civilian Security, Democracy, and Human Rights & the Acting Assistant Secretary, Bureau of Democracy, Human Rights, and Labor, Department of State  
Stefan Passantino, Chair, Cultural Property Advisory Committee, Department of State  
Daniel Nadel, Senior Official, Office of International Religious Freedom, Department of State  
Matthew Palmer, Deputy Assistant Secretary, Bureau of European & Eurasian Affairs, Department of State  
Maria Olson, Director of Southern European Affairs, Department of State  
Clare Orvis, Turkish Desk Officer, Department of State  
Allison Davis, Executive Director, Cultural Heritage Center, Department of State  
Dr. Anthony Limberakis, National Commander of the Order of Saint Andrew the Apostle, Archons of the Ecumenical Patriarchate  
The Congress